

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  
REGULAR MEETING - CITY COUNCIL  
OCTOBER 21, 2003**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. Tuesday, October 21, 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 the schedule for Candidate forums to be aired on Benicia's Community Channel 27: Mayor/Council - Replay - October 22, 26 and 30, 2003 @ 7:00 p.m., School District - Live Broadcast - October 23 @ 7:00 p.m. - Replay - October 27, 29, 31 and November 2, 2003 @ 7:00 p.m.

Mayor Messina announced that Arts Benicia has provided artwork for the City Hall from their "Next Generation" Art Exhibit; display will continue for the next two months and can be viewed during regular City Hall hours.

**PRESENTATIONS:**

**PRESENTATION OF FUNDS FOR THE SCOUT/COMMUNITY CENTER BUILDING FUND**

Dave Backery, Valero Refinery, presented a check in the amount of \$100,000 for the Scout/Community Center Building Fund to Gary Reisberg, President, Benicia Lions Club, and Barbara Reininger, Girl Scout Representative.

**GOLF TRAINING CENTER AT LAKE HERMAN**

Cherie McCammon, MC2 Golf Pro, Inc., made the presentation; purpose of presentation is to give a visual idea of how this type of facility would be an attribute to the community; project would be in two phases - Phase I - Golf Learning/Training Center - Phase II - Golf Course; requested input from the Council.

Vice Mayor Campbell suggested that a committee be formed to look into the feasibility of this project.

Jim Erickson, City Manager, requested that staff be allowed to meet with the proponent, review the project and provide recommendations to the Council.

Consensus of the Council was to allow staff to review the feasibility of this project.

**ADOPTION OF THE AGENDA:**

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

Jim Erickson, City Manager, requested that Consent Item E - Notice of Completion - Civic Center tennis courts - be removed so that a report may be given; Vice Mayor Campbell requested Consent Item C - Amending various sections of the Benicia Municipal Code - be heard during Reports from City Manager.

On motion of Council Member Bidou, seconded by Council Member Smith, and unanimously carried,

Agenda was adopted as amended.

**COMMUNICATIONS:**

**WRITTEN:**

**PUBLIC COMMENT:**

1. John Woods, 355 West M Street, stated that since the Audit and Finance Committee had not met or reviewed the Check Registers for September 2003 that statement in the staff report was incorrect.
2. Council Member Smith announced the following: (1) Congratulated winners of the chess tournament held at the Youth Center (2) Congratulated Boys State Scholarship winners (3) Biznet Committee Meeting will be held October 23, 2003 (4) Old Town Theater Group will be presenting a new play, "Bus Stop" starting October 25, 2003 (5) October 26, 2003 - Arts Benicia Reception (6) Comedian Will Durst will appear at the Camel Barn on Sunday, October 26, 2003.
3. Bob Mutch, 695 Knight Drive, supports the proposed golf facility; thanked Ms. McCammon for the presentation.
4. Steve Gizzi, 282 E Street, expressed concerns about the City's budget; if elected Mayor will not take a salary; questioned whether or not there is a back pay issue for police and fire employees and how it will effect the budget.

Jim Erickson, City Manager, stated that a revised budget does exist; new Finance Director has been hired; thanked Carole Wilson, Interim Finance Director; audit is being done on the overtime pay issue for Police and Fire; dollars in question will not be a liability to the budget; reviewed monies to be received from the vehicle license fees and additional funds received from development fees from Centex Homes; budget to be reviewed on a quarterly basis – next review will be on November 18, 2003.

5. Elizabeth Patterson, 1215 West Second Street, stated that access to information on current ballot measures was difficult to obtain; encouraged that copies of the General Plan and Budget be available to the public.
6. Marilyn Bardet, 333 East K Street, receiving strong support for Measure O; expressed concern about diminished support from Mayor Messina and Council Members Bidou and Whitney; project cannot be done in piece meal; commented on the lack of support from Valero Refinery for this measure.

Council Member Bidou stated his objections to remarks made; Council has given support to this project.

Mayor Messina and Council Member Whitney stated their support for the new police facility; facts are incorrect.

7. Bill Tanner, Valero Energy Corporation, corrected the record; Valero takes no position on Measure O; recognizes the need for a new police station; up to the voters of Benicia.
8. Kitty Griffin, 236 Baker Street, clarified remarks made by a previous speaker; referred to quotes from a newspaper article.
9. Mary Frances Kelly Poh, 643 Windsor Drive, questioned funding for future infrastructure needs; list of needs should be done with citizen input.

Mayor Messina reviewed funding mechanisms for previous projects.

**CONSENT CALENDAR:**

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; requests were made to pull Items B, C and E from the Consent Calendar.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, the following items were approved under the Consent Calendar:

Minutes of October 7, 2003.

**ORDINANCE NO. 03-8 - 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**

**RESOLUTION NO. 03-151- A RESOLUTION APPROVING A NEW JOB DESCRIPTION FOR PARKS LANDSCAPE & BUILDING MAINTENANCE JOURNEYMAN AND AN AMENDMENT OF THE CLASSIFICATION PLAN**

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

**(END OF CONSENT CALENDAR)**

**APPROVAL OF CHECK REGISTERS FOR SEPTEMBER 2003**

Council Member Smith requested that this item be pulled from the Consent Calendar; requested that the approval of this item be postponed until the Audit and Finance Committee can review.

Consensus of the Council was to postpone this item until reviewed by the Audit and Finance Committee.

**INTRODUCTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BENICIA MUNICIPAL CODE REGARDING PENALTIES**

Vice Mayor Campbell requested that this item be moved to Reports from City Manager.

**RESOLUTION ACCEPTING THE CIVIC CENTER TENNIS COURT PROJECT IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION**

Mike Alvarez, Director of Parks and Community Services, stated that a problem with the surface on the west side of the courts had been discovered; plants were invading the asphalt; herbicides had been applied; determined that it was not the fault of the contractor; recommended approval of the Resolution.

Council took the following action:

**RESOLUTION NO. 03-152 - A RESOLUTION ACCEPTING THE CIVIC CENTER TENNIS COURT IMPROVEMENTS, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

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

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

Noes: None

**REPORTS FROM CITY MANAGER:**

**INTRODUCTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BENICIA MUNICIPAL CODE REGARDING PENALTIES**

Jim Erickson, City Manager, reviewed the circumstances and action taken to date surrounding a recent attack by a vicious dog.

Vice Mayor Campbell stated his support for increasing penalties; would like penalties increased to \$1000 for the first incident and \$2000 plus quarantine fees (paid for by dog owner) for the second incident.

Heather McLaughlin, City Attorney, clarified requirements of the current Animal Control Ordinance; possible increases in penalties to maximum allowed by state law; suggested revising the proposed Penalties Ordinance and bringing back at the next meeting.

Consensus of the Council was to take no action on this item until revised by the City Attorney.

#### **UPDATE ON TRAFFIC ISSUES**

Dan Schiada, Interim Public Works Director, reviewed the actions taken by the Traffic Safety Committee: new stop signs have been added, monitoring of traffic at the middle and high schools, implementation of new bus routes and updating the Suggested Routes to School Maps.

Mayor Messina expressed concern about excess speed on many of the City's streets.

Council Member Smith requested that hard copies of the Safe Route to Schools Map be provided to the schools for distribution.

#### **REPORTS FROM CITY COUNCIL COMMITTEES: BI-MONTHLY COMMITTEE REPORTS:**

##### **MAYOR'S COMMITTEE MEETING**

Mayor Messina stated that there was still concern about mega dairies in the upper portion of the county.

##### **ARSENAL RESTORATION ADVISORY BOARD**

Vice Mayor Campbell stated that the next meeting would be held on October 22, 2003.

##### **AUDIT AND FINANCE**

Vice Mayor Campbell stated that meetings had not been held for the last few months; next meeting would be in November.

##### **BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)**

Mayor Messina stated the meeting had been cancelled.

##### **LEAGUE OF CALIFORNIA CITIES**

No report given.

##### **NORTHERN AREA OPEN SPACE**

No report given.

##### **SCHOOL DISTRICT LIAISON**

Council Member Smith stated the meeting was cancelled and would have to be rescheduled.

##### **SEDCORP BOARD OF DIRECTORS**

No report given.

##### **SOLANO TRANSPORTATION AUTHORITY (STA)**

Council Member Smith stated at the last meeting consideration was given to a Regional Transportation Plan; was able to add Ferry Service to Benicia's list.

##### **SOLANO WATER AUTHORITY**

No report given.

##### **TRI-CITY AND COUNTY OPEN SPACE**

Council Member Whitney acknowledged and thanked the Council for setting the tone for the possibility of a future regional park in Solano County.

##### **VALERO CITIZENS ADVISORY PANEL (CAP)**

No report given.

**YOUTH ACTION TASK FORCE**

Council Member Smith reported that a meeting was held on October 8, 2003; approval of the Tobacco Resolution was passed at that meeting; Council will be asked to approve this Resolution tonight.

**NEW BUSINESS:**

**RESOLUTION COMMENDING THE SOLANO COUNTY TOBACCO PREVENTION AND EDUCATION PROGRAM TO REDUCE RETAIL TOBACCO ADVERTISING AND THE BENICIA POLICE DEPARTMENT TOBACCO EDUCATION PROGRAM**

Cecile Kazemi, Director Youth Action Task Force, reviewed the data presented and the effects of this type of advertising on youth; Task Force has reviewed the proposed Resolution and unanimously recommends approval.

Council Member Smith stated that Tobacco Companies target youth; responsibility to restrict marketing to a reasonable level; commended the Police Department; this Resolution addresses goals set forth in the General Plan.

Council took the following action:

**RESOLUTION NO. 03-153 - A RESOLUTION COMMENDING THE SOLANO COUNTY TOBACCO PREVENTION AND EDUCATION PROGRAM TO REDUCE RETAIL TOBACCO ADVERTISING AND THE BENICIA POLICE DEPARTMENT TOBACCO EDUCATION PROGRAM**

On motion of Council Member Smith, 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

**ADJOURNMENT:**

Mayor Messina adjourned the meeting at 9:55 p.m.

Linda S. Purdy, City Clerk