

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
NOVEMBER 6, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:00 p.m. on Tuesday, November 6, 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:

Various Benicia Boy Scouts and Girl Scouts 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:

- Benicia Housing Authority Board of Commissioners:  
Two full terms to December 31, 2009 (Tenant Openings)
- Sky Valley Open Space Committee:  
One unexpired term to September 30, 2010
- Library Board of Trustees:  
One full term to November 30, 2009 (Poet Laureate)
- Open Government Commission:  
One full term to November 30, 2011

APPOINTMENTS:

RESOLUTION 07-119 - A RESOLUTION CONFIRMING THE MAYOR'S  
APPOINTMENT OF ATIBA MURPHY TO THE BENICIA HOUSING AUTHORITY  
TO AN UNEXPIRED TERM ENDING DECEMBER 31, 2009

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

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

Noes: None

RESOLUTION 07-120 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RICHARD SPRANKLE TO THE BENICIA HOUSING AUTHORITY TO AN UNEXPIRED TERM ENDING DECEMBER 31, 2009

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

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

Noes: None

PRESENTATIONS:

Library Basement Project Review:

Diane Smikahl, Library Director, reviewed the Staff report.

Mr. Mark Thieme, Architect, reviewed the architectural plans for the project.

Public Comment:

1. John Van Landschoot – Mr. Van Landschoot expressed concern regarding insufficient public input on the project, the current lack of book shelves, proposed office space, he would like to see a coffee shop such as Rrags in the building, the proposed basement will be ‘cave like, and he wished the project could be rearranged.
2. Donnell Rubay – Ms. Rubay expressed concerns regarding the lack of public input on the project, the door on the west side being closed forever, and the possibility of the door on the west side being used for a store front for the Friends of the Library book sales (which could stimulate activity on First Street).

Council and Staff discussed the process the project would go through prior to approval. The City has gone through the public process that was outlined by the Library Director. Staff had not planned to have any more public input sessions. Staff would do its best to listen to the public’s concerns within the established parameters. Staff wants to proceed with the project. The Friends of the Library Program, its current location, and proposed location were discussed. Council Member Patterson suggested it would be a good idea to have an open house for the public so Staff could describe the proposed project.

Mayor Messina directed Staff to bring this item back for further discussion on a future agenda. Mr. Erickson suggested bringing the item back at the next regular Council meeting. There had been a lot of opportunity for public input in the process. The project was noticed sufficiently.

PROCLAMATIONS:

- California Law Enforcement Records and Support Personnel Day
- Lung Cancer Awareness Month – November 2007

ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Patterson, 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. Marilyn Bardet – Ms. Bardet thanked the City for holding off on discussions regarding the proposed Seeno Project until 2008. She applauded the City for bringing the issue of climate control up for discussion.
2. Mary Roberts – Ms. Roberts thanked the Traffic, Pedestrian, and Bicycle Safety Committee for going to Hastings Drive to address the issue of traffic calming. There has been a lot of positive feedback on the visit and comments.
3. Larry Fullington – Mr. Fullington discussed his appreciation for the current Council's efforts.

CONSENT CALENDAR:

Council pulled item VII-E.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, the Consent Calendar was adopted as amended, on roll call by the following vote:

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

Noes: None

The Minutes of October 16, 2007 were approved.

Council approved the denial of the claim against the City by Nancy Johnson and referral to insurance carrier.

Council approved the denial of the claim against the City by E. Lundburg and referral to insurance carrier.

Council approved the denial of the claim(s) against the City by the family and estate of Colene Maiden and referral to insurance carrier. Council denied the claims against the City by Jim Maiden, John Maiden, Theresa Maricich, and Melissa Kizer.

ORDINANCE 07-22 - AN ORDINANCE AMENDING SECTION 4.04.050 (DEFINITIONS) OF CHAPTER 4.04 (IN GENERAL) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE TO CLARIFY THE FUNDAMENTAL RIGHTS

ORDINANCE 07- 23- AN ORDINANCE AMENDING SECTION 4.16.030 (DECLARATION OF OPEN GOVERNMENT AWARENESS) OF CHAPTER 4.16 (ETHICS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE LANGUAGE TO REFLECT CITY EMPLOYEE TRAINING PRACTICES

ORDINANCE 07-24 - AN ORDINANCE AMENDING SECTION 4.16.110 (GIFTS) OF CHAPTER 4.16 (ETHICS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE TO MAINTAIN CONSISTENCY WITH STATE REQUIREMENTS

RESOLUTION 07-121 - A RESOLUTION ACCEPTING THE DOOR RENOVATION PROJECT AT THE WATER AND WASTEWATER TREATMENT PLANTS AS COMPLETE, INCLUDING TWO CHANGE ORDERS, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 07- 122- A RESOLUTION ADOPTING THE BENICIA SAFE ROUTES TO SCHOOL PLAN, FORWARDING THE PLAN'S PROJECTS AND PROGRAMS TO THE SOLANO TRANSPORTATION AUTHORITY AND ESTABLISHING A PROCESS FOR FUTURE UPDATES TO THE PLAN

RESOLUTION 07-123 - A RESOLUTION ACCEPTING THE PARK ROAD BIKE LANE PROJECT AS COMPLETE, 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 07-124 - A RESOLUTION ACCEPTING THE ROBERT SEMPLE SAFE ROUTES TO SCHOOL PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 AND 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 07-125 - A RESOLUTION AUTHORIZING SUBMITTAL OF A BAY AREA AIR QUALITY MANAGEMENT DISTRICT CLIMATE PROTECTION GRANT APPLICATION

RESOLUTION 07-126 - A RESOLUTION APPROVING MEMBERSHIP IN ICLEI – LOCAL GOVERNMENTS FOR SUSTAINABILITY AND CITIES FOR CLIMATE PROTECTION CAMPAIGN PARTICIPATION

RESOLUTION 07-127 - A RESOLUTION TERMINATING THE DECLARATION OF EMERGENCY, ACCEPTING THE COMPLETION OF THE EMERGENCY WORK TO REPAIR THE WATER MAIN AND STREET PAVEMENT SECTION ON VIEWMONT STREET SOUTH OF CASA GRANDE STREET, AND AUTHORIZING AN APPROPRIATION OF \$109,000 FROM THE WATER ENTERPRISE FUND RESERVES

Council approved the cancellation of the January 1, 2008 City Council Meeting.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Introduction and First Reading of Ordinances to amend the Municipal Code provisions regarding appeals:

Vice Mayor Schwartzman inquired about page VII-E-53 - he suggested a specified time frame of 10 days inserted in section 1564 section 1a - 1.44 - On page VII-E-70 – Vice Mayor Schwartzman requested that it be changed to the HPRC in section 1754.030 section 1 #2.

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 1.44.040 (PROCEDURE FOR APPEAL) OF CHAPTER 1.44 (APPEALS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE BY ADDING NEW SUBSECTIONS

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 3.24.120 (APPEAL) OF CHAPTER 3.24 (TRANSIENT OCCUPANCY TAX) OF TITLE 3 (REVENUE AND FINANCE) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 5.04.290 (REVOCATION OR SUSPENSION - PROCEDURE) OF CHAPTER 5.04 (BUSINESS LICENSES) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 5.08.080 (SUSPENSION AND REVOCATION OF LICENSE), SUBSECTION E OF SECTION 5.08.140 (ISSUANCE OF WORK PERMITS FOR EMPLOYEES), SECTION 5.08.170 (PERMITTED GAMES DESIGNATED), AND SUBSECTION C OF SECTION 5.08.230 (EXCLUSION OR EJECTION OF INDIVIDUALS FROM CARD ROOMS) OF CHAPTER 5.08 (CARD ROOMS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 5.24.070 (APPEAL) OF CHAPTER 5.24 (JEWELRY AUCTIONS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 5.28.100 (PERMIT – DENIAL – APPEAL) AND SECTION 5.28.120 (PERMIT – REVOCATION - APPEAL) OF CHAPTER 5.28 (PEDDLERS, SOLICITORS AND CANVASSERS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 5.36.050 (EXEMPTIONS – FILING OF CLAIM) AND SECTION 5.36.100 (APPEALS) OF

CHAPTER 5.36 (CONSTRUCTION OF STRUCTURES) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION B (HEARING) OF SECTION 5.38.090 (FEE ADJUSTMENTS) OF CHAPTER 5.38 (TRAFFIC IMPACT MITIGATION) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 5.48.090 (APPEALS) OF CHAPTER 5.48 (MOTION PICTURES PRODUCTION, TELEVISION PRODUCTION AND COMMERCIAL STILL PHOTOGRAPHY) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 8.08.050 (APPEAL FROM NOTICE) OF CHAPTER 8.08 (WEEDS AND RUBBISH) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 8.20.070 (SOUND-AMPLIFYING EQUIPMENT – APPEAL FROM DISAPPROVAL) OF CHAPTER 8.20 (NOISE REGULATIONS) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 8.28.080 (APPEALS) OF CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 8.38.100 (ABATEMENT AT OWNER’S EXPENSE - HEARING) OF CHAPTER 8.38 (GRAFFITI CONTROL) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 9.20.040 (APPEAL – DENIAL OF RENEWAL, SUSPENSION OR REVOCATION OF PERMIT) OF CHAPTER 9.20 (FORTUNE TELLING) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION C OF SECTION 9.44.070 (SUSPENSION OF POLICE RESPONSE) OF CHAPTER 9.44 (ALARM SYSTEMS) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION A OF SECTION 10.44.130 (APPEALS) OF CHAPTER 10.44 (ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION D OF SECTION 12.12.060 (PERMITS AND FEES) OF CHAPTER 12.12 (ENCROACHMENTS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION D OF SECTION 12.24.150 (APPEALS) OF CHAPTER 12.24 (STREET TREES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 13.28.090 (ENFORCEMENT – CIVIL REMEDIES) OF CHAPTER 13.28 (CONTROL OF BACKFLOW AND CROSS-CONNECTION TO CITY WATER SYSTEM) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 13.52.045 (DECISION BY PUBLIC WORKS DIRECTOR - APPEAL) OF CHAPTER 13.52 (RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 15.28.170 (APPEAL PROCEDURES) OF CHAPTER 15.28 (GRADING AND EROSION CONTROL) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION A OF SECTION 15.36.190 (APPEAL - PROCEDURE) OF CHAPTER 15.36 (MOVING BUILDINGS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION K OF SECTION 15.52.010 (VARIANCE - GENERAL) OF CHAPTER 15.52 (VARIANCES) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 15.56.010 (APPEALS TO THE BUILDING DEPARTMENT BOARD OF APPEALS) AND SECTION 15.56.020 (APPEALS TO THE CITY COUNCIL) OF CHAPTER 15.56 (APPEALS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION A OF SECTION 15.64.220 (REMEDIES NOT EXCLUSIVE) OF CHAPTER 15.64 (STORM WATER MANAGEMENT AND DISCHARGE CONTROL) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION K (4) OF SECTION 16.20.060 (PRELIMINARY SUBMITTAL FOR CITY APPROVAL) OF CHAPTER 16.20 (FINAL SUBDIVISION MAPS – FIVE OR MORE PARCELS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION A OF SECTION 16.24.060 (APPEALS OF COMMUNITY DEVELOPMENT DIRECTOR ACTION) AND SECTION 16.24.070 (EXPIRATION AND EXTENSIONS) OF CHAPTER 16.24 (SUBDIVISIONS OF FOUR OR FEWER PARCELS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION C (3) OF SECTION 16.28.060 (RIGHTS OF VESTING TENTATIVE MAPS) OF CHAPTER 16.28 (VESTING TENTATIVE MAPS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION E (2) OF SECTION 16.36.060 (IMPROVEMENT PLANS) OF CHAPTER 16.36 (IMPROVEMENTS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 16.44.050 (APPEALS), SUBSECTION B OF SECTION 16.44.060 (MERGERS UNDER PRIOR LAW) AND SUBSECTION C OF SECTION 16.44.100 (REQUEST FOR DETERMINATION BY OWNER) OF CHAPTER 16.44 (PARCEL MERGERS AND UNMERGERS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 16.52.050 (APPEALS OF COMMUNITY DEVELOPMENT DIRECTOR ACTION) OF CHAPTER 16.52 (ENFORCEMENT) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION C OF SECTION 17.08.040 (RULES FOR INTERPRETATION) OF CHAPTER 17.08 (ORGANIZATION, APPLICABILITY, AND INTERPRETATION) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION B (2) OF SECTION 17.54.030 (LAND USE AND DEVELOPMENT REGULATIONS) AND SUBSECTION E OF SECTION 17.54.100 (DEMOLITION AND DESIGN REVIEW PROCEDURES) OF CHAPTER 17.54 (H HISTORIC OVERLAY DISTRICT) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION E OF SECTION 17.70.060 (ACCESSORY DWELLING UNITS) AND SUBSECTION S OF SECTION

17.70.320 (INCLUSIONARY HOUSING) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.82.120 (EFFECTIVE DATE OF COMMITTEE DECISION – RIGHT OF APPEAL) OF CHAPTER 17.82 (TREES AND VIEWS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.86.110 (APPEALS) OF CHAPTER 17.86 (WIND ENERGY CONVERSION SYSTEMS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.90.110 (APPEALS) OF CHAPTER 17.90 (CONDOMINIUM CONVERSIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.94.060 (APPEALS) OF CHAPTER 17.94 (MOBILE HOME PARK CONVERSIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION F OF SECTION 17.100.020 (APPLICATION FOR ZONING PERMIT), SECTION 17.100.040 (EFFECTIVE DATE – LAPSE OF PERMIT – APPEAL), SUBSECTION A (3) OF SECTION 17.100.060 (ENVIRONMENTAL REVIEW) AND 17.100.080 (ZONING ADMINISTRATOR) OF CHAPTER 17.100 (ZONING PERMITS – ENVIRONMENTAL REVIEW – FEES AND DEPOSITS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.104.080 (EFFECTIVE DATE - APPEALS) AND SUBSECTION E OF SECTION 17.104.110 (TEMPORARY USE PERMITS) OF CHAPTER 17.104 (USE PERMITS AND VARIANCES) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 17.108.060 (REVIEW RESPONSIBILITIES), SUBSECTION A OF SECTION 17.108.090 (EFFECTIVE DATE – LAPSE AND RENEWAL – ALTERATIONS) AND SECTION 17.108.110 (APPEALS) OF CHAPTER 17.108 (DESIGN REVIEW) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SECTION 17.112.070 (APPEALS) OF CHAPTER 17.112 (DEVELOPMENT PLAN REVIEW) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE DELETING AND REPLACING CHAPTER 17.124 (APPEALS AND CALLS FOR REVIEW) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION F OF SECTION 17.128.060 (REVOCATION OF DISCRETIONARY PERMITS) OF CHAPTER 17.128 (ENFORCEMENT) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07- - AN ORDINANCE AMENDING SUBSECTION A OF SECTION 18.08.070 (APPEALS) OF CHAPTER 18.08 (PERMITS) OF TITLE 18 (SIGNS) OF THE BENICIA MUNICIPAL CODE

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

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina  
Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Approve Sublease Agreements Between the City of Benicia and the Girl Scouts of Northern California and Benicia Lions Club (Sponsoring Agent for Benicia Boy Scouts): Jim Erickson, City Manager, and Mike Alvarez, Parks and Community Services Director, reviewed the staff report.

Mr. Jim Wallace, Benicia Lions Club, discussed concerns raised in a letter submitted to the City earlier today (hard copy on file).

Mr. Fred Henning, Benicia Lions Club, discussed the four concerns with the lease: 1) if the Benicia Lions Club should disband during the term of the lease, there wasn't a provision made for a successor organization to take the Boy Scout lease over, 2) in section 3.3, it would like to see a provision in the lease for the City to find a suitable alternate location, should the Mills site go back to BUSD. It is not looking for a promise; just that the City will show its best effort, 3) in section 11.3 there was a sentence that called for the Benicia Lions Club to be responsible for future construction due to upgrades. Since the Benicia Lions Club will be donating all of the funds raised by Valero, Valero employees, and various fundraisers, it did not feel it should be responsible for future major construction to the facility of an unspecified nature, and 4) in section 23.2.5, there was a provision that the Benicia Lions Club would be responsible for any hazardous materials that were found on the premises prior to their occupancy. It should not be responsible for anything that was there before it took occupancy. It would certainly be responsible for anything that happens during the term of the lease.

Mayor Messina asked Mr. Henning to clarify if on point #3, the changes were required by the Benicia Lions Club or the Scouts, would it pay for them or would they expect the City to pay for them. Mr. Henning stated that if there were changes that it was specifically requesting or needing, the Benicia Lions Club would pay for them.

Ms. McLaughlin stated that on item 1.4, it was the City's goal that the Boy Scouts use the space. She did not think the language needed to be changed, however Staff could insert language stating that it was the City's goal. On item 3.3, the difference in the timing is that the City wanted to have some wiggle room to be able to negotiate with BUSD in case it decided it (BUSD) wanted to terminate the lease. She had a problem on binding future councils. Staff could insert some very weak wiggle room language if Council wanted to. Mayor Messina suggested inserting language stating that the City would notify the Benicia Lions Club after receiving a termination notice from BUSD.

Council Member Patterson discussed that it was the City's intent to assist in relocating the Scouts. The intent is that the City provides in the future, all the tools the City has available if it could afford it and if circumstances permit that. She would like language inserted that it was the City's 'intent.'

Council and Staff discussed the issue of construction costs. Staff confirmed it would add language stating that the City would pay for upgrades that were required by law. The Benicia Lions Club would pay for items that were specifically required or wanted by them.

Ms. McLaughlin discussed the issue of Hazardous Materials liability. Staff confirmed it could make the change as requested by the Benicia Lions Club.

Ms. Tracee Devencenzi and Ms. Betsy Radke stated the Girl Scouts were okay with the proposed changes to the lease. The Girl Scouts have been waiting for this for a long time. They were very excited about the lease.

RESOLUTION 07-128 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY THE SUBLEASE AGREEMENTS BETWEEN THE GIRL SCOUTS OF NORTHERN CALIFORNIA AND THE LIONS CLUB OF BENICIA FOR A PORTION OF THE PROPERTY AT MILLS COMMUNITY CENTER

On motion of Vice Mayor Schwartzman, seconded by Council Member Patterson, the above Resolution was adopted as amended, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina  
Noes: None

Introduction of an Ordinance Amending Various Sections in Title 18 (Signs) and Adding a New Section 18.24.015 (Billboards/Nonaccessory Signs) to Prohibit Future Billboards and Nonaccessory Signs Citywide and Deleting Chapter 18.32 (Freeway Advertising Displays) of the Benicia Municipal Code and Determination of the Effect of the Changes on a Pending Application:

Heather McLaughlin, City Attorney, reviewed the staff report.

Mayor Messina, Vice Mayor Schwartzman, Council Member Patterson, Council Member Whitney, and Council Member Hughes disclosed ex parte communications.

Public Comment:

1. Reed Lewis – Mr. Lewis discussed the importance of signs. He discussed the proposed billboard and proposed changes to the ordinance. He requested his application be subject to the current ordinance.
2. Mike McCoy – Mr. McCoy requested his application be judged on the ordinance that was in place when the application was submitted. He discussed the process he went through to submit his application. They spoke to members of the community and asked approximately 40 people if they would prefer governments to make decisions based on fairness and consistency or strategic direction.
3. Eldon Peterson – Mr. Peterson spoke in opposition to any more billboards going up along Benicia’s freeways. He asked Council to deny the permit.
4. Marilyn Bardet – Ms. Bardet spoke in opposition to the proposed billboard. She would rather see an American flag.
5. Larry Fullington – Mr. Fullington spoke in opposition to the proposed billboard. He asked Council to deny the application.

Council and Staff discussed the possibility of the City applying for designation as a State highway, scenic highways, landscaping of the highways, the need for a complete application, the General Plan, and the need for ordinances to comply with the General Plan.

Council Member Hughes discussed the original incomplete application, support of the recommended ordinance, support of sending the application back to the Planning Commission, and the need to be fair.

ORDINANCE 07- - AN ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 18 (SIGNS) TO UPDATE SECTIONS AND ADDING SECTION 18.24.015 (BILLBOARDS/NONACCESSORY SIGNS) TO PROHIBIT FUTURE BILLBOARDS OR NONACCESSORY SIGNS AND DELETING CHAPTER 18.32 (FREEWAY ADVERTISING DISPLAYS) OF THE BENICIA MUNICIPAL CODE

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

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina  
Noes: None

On motion of Council Member Patterson, seconded by Vice Mayor Schwartzman, Council agreed to accept Staff’s recommendation for denying the application, on roll call by the following vote:

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

INFORMATIONAL ITEMS:

None

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:46 p.m.