

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
NOVEMBER 20, 2007

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:00 p.m. on Tuesday, November 20, 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, Whitney, and Mayor Messina

Absent: Vice Mayor Schwartzman

PLEDGE OF ALLEGIANCE:

Mayor Messina led the Pledge of Allegiance

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:

PUBLIC COMMENT:

None

STUDY SESSION:

Library Basement Completion Project Design:

Mark Thieme, Architect, reviewed the steps that have occurred with the project thus far. He reviewed the project layout. Mr. Thieme discussed a prior request from citizens to move the entrance. One issue would be a functional issue; the door cannot cut into any other location. The west entry was never intended to be an entry. The grade along that part of the building is too steep. Mr. Thieme discussed issues raised by members of the public at the last Council meeting regarding meeting rooms, retail space, teen space, children's area, location of stairs, etc. He explained why those scenarios would not work. All of the concerns were looked into; however, they found that the current layout would work best.

Diane Smikahl, Library Director, discussed how the project would affect the current Library operations. The current design is a fairly common model that libraries are following. The new design will provide a one-stop customer service desk which will allow people to stop at one location for assistance. The new design will provide a business center for people to use, it will have a stamp machine, fax access, copy machines, more room for the browsing collection, more room to put books on shelves, more space for the quiet area, adding working areas for groups to meet, and reduce some

of the quiet study space (currently underutilized). They are not only looking at the basement area, they are looking at ways to better utilize the upper floor as well. The Friends of the Library will have a better retail space. Ms. Smikahl stated that she felt the current design would help provide a better experience for the Library customers.

Ms. Mary Eichbauer, Library Board of Trustees, stated that she was proud to be a part of the Library, as well as part of the current basement project. The goal throughout planning the project was to enhance customer service. The current project will do just that. Throughout the planning process, they have tried to be fiscally responsible. With the current project, there are no 'frills.' She urged Council to approve the project so that work could begin and the plan could become a reality.

Public Comment:

1. Donnell Rubay – Ms. Rubay thanked Council for having the meeting. She was unaware of all of the prior outreach that had been done. She is not against the project. Her primary concern was regarding the location of the stairway. She suggested putting up a wall so that the meeting rooms could be quieter and possibly utilizing the Joint Use Agreement with BUSD by using some of the multipurpose rooms for meeting space. It would be nice to make the west entrance more vibrant. She was also concerned about the possible noise level and lack of lighting. She would like there to be an open house so the public could get an idea of what will be happening.
2. Ron Arrants, Friends of the Library – Mr. Arrants stated that the Benicia Library is the best in Solano County. It is well run and well staffed. The workspace for employees is very small. The Friends of the Library unanimously approved the current design for the basement project. The Friends of the Library was involved in informing the public about the project plans.
3. Marilyn Bardet – Ms. Bardet discussed the issue of noise. She recommended installing carpeting as well as sound materials in the stairwells.
4. Helane Bowles – Ms. Bowles works at the Benicia Public Library. The Library has made many efforts to provide the project plans for the public. She spoke in support of the current project.
5. Jon Van Landschoot – Mr. Van Landschoot requested Council have more public discussion on the project in early December or early January. He would like to see a coffee shop in the Library. He would like there to be a walk-through tour.
6. Dave Ernst – Mr. Ernst wondered if the original Library architect was still alive and whether or not the City had consulted with that person. Did that person leave any plans for a complete library? Ms. Smikahl confirmed that the architect did not leave any plans for a complete library.
7. Mike Radesky – Mr. Radesky spoke in support of the current project plans. Time is money and the longer the City waits to begin work, the more expensive it will get. Having a coffee shop in the basement area would be unwise. There are more than enough coffee shops in the surrounding area. It would cost too much to put it in and run it.

Council and Staff discussed the current volume of books, expanding the browsing section, the need to control the noise, current lack of workspace for Staff, proposed workspace for Staff, Staff's willingness to accommodate community members who would like a tour of the proposed project, and the need to move forward with the project.

Jim Erickson, City Manager, stated that Staff and the architect were anxious to get going on the project. The architect would probably begin moving forward tomorrow with the next steps, cost estimates, working drawings, etc. Delays cost money and there had already been an unanticipated two-week delay. If any community members would like a tour of the proposed project, they should directly contact Diane Smikahl, Library Director.

Council Member Patterson requested that the idea of an open house be incorporated into the project midway through.

ADJOURNMENT:

Mayor Messina adjourned the special meeting at 7:05 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
NOVEMBER 20, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:10 p.m. on Tuesday, November 20, 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, Whitney, and Mayor Messina
Absent: Vice Mayor Schwartzman

PLEDGE OF ALLEGIANCE:

Mayor Messina led the Pledge of Allegiance.

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:

Dan Schiada announced that the City of Benicia received the 2007 Safety Project of the Year Award from the Solano Transportation Authority. The award was presented to the City in recognition of the Safe Routes to School Program.

Mr. Schiada announced that the California Water Environment Association held its annual awards dinner on November 16, 2007. The City of Benicia won two awards at the event: Mr. Alan Hodges, Maintenance Mechanic, Wastewater Treatment Plant, won the Mechanical Technician of the Year Award, and Debbie Gee, Senior Administrative Clerk, Wastewater Treatment Plant was awarded the Section President for the upcoming year

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
Three unexpired terms 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 07-129 – A RESOLUTION CONFIRMING THE MAYOR’S
APPOINTMENT OF SOPHIA JENKINS AS THE YOUTH COMMISSION

REPRESENTATIVE TO THE PARKS, RECREATION AND CEMETERY COMMISSION

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

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

Noes: None

Absent: Vice Mayor Schwartzman

PRESENTATIONS:

Ms. Maria Bitagon Reyes, President, Benicia-Tula Sister City Association, provided an update on the recent activities. It had a successful fundraising effort raising funds for the Tula Marching Band to march in the City's 4th of July Parade. She thanked everyone involved in the fundraising efforts. Ms. Bitagon Reyes presented a slideshow with pictures from the event.

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

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

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

Noes: None

Absent: Vice Mayor Schwartzman

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

1. Ann Hansen – Ms. Hansen stated that she appreciated working with the current City Council. She thanked them for their support.
2. Karen Burns – Ms. Burns discussed the road that used to be a road that led up to the dog park. She is handicapped and it is very difficult for her to walk from the parking lot all the way to the dog park. She requested the City replace the road and provide access to the road.

Mike Alvarez, Director, Parks and Community Services stated that the City initially agreed to have the contractor grade the road. There was not sufficient funding to pave a road. For disabled access, when the gate is opened, the chain is dropped that provides access to the graded road on the backside. The school usually opens the gate up at 3:00 p.m.

3. Gretchen Burgess – Ms. Burgess stated that the Canine Coalition had discussions with the City regarding installing a paved road because at the time, there was going to be a community center built next to the dog park. There was also going to be parking in the area. They discussed installing a graded graveled road and a graded parking area. That was supposed to be completed in late July.

CONSENT CALENDAR:

Council pulled item VII-F.

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

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

Noes: None

Absent: Vice Mayor Schwartzman

The Minutes of November 6, 2007 were approved.

RESOLUTION 07-130 – A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT SERVICE TRUCK FOR THE PUBLIC WORKS WASTEWATER TREATMENT DIVISION, THE CAB AND CHASSIS FROM WILSON-CORNELIUS FORD OF VALLEJO IN AN AMOUNT NOT-TO-EXCEED \$24,892.00 AND THE UTILITY BED WITH CRANE FROM NORTH BAY TRUCK BODY IN AN AMOUNT NOT-TO-EXCEED \$23,517.27, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

RESOLUTION 07-131 – A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT DUMP TRUCK FOR THE PUBLIC WORKS MAINTENANCE DIVISION FROM TEC OAKLAND IN AN AMOUNT NOT-TO-EXCEED \$55,400.00 AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

RESOLUTION 07-132 – A RESOLUTION ACCEPTING THE BID FOR THE LAKE HERMAN PUMP STATION MOTOR CONTROL CENTER PROJECT, AWARDED THE CONTRACT IN THE AMOUNT OF \$32,700 TO WULFF ELECTRIC OF VACAVILLE, CALIFORNIA, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 07-133 – A RESOLUTION ACCEPTING THE PROPOSAL FOR TRANSPORTATION AND DISPOSAL OF SLUDGE FROM THE WASTEWATER TREATMENT PLANT, AWARDED THE CONTRACT TO NORCAL WASTE SYSTEMS, INC. OF VACAVILLE, CALIFORNIA, IN AN AMOUNT OF \$43.44 PER TON, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 07-134 – A RESOLUTION APPROVING AN AGREEMENT WITH COASTLAND CIVIL ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR BUILDING INSPECTION AND PLAN REVIEW, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

ORDINANCE 07-25 – 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

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Acceptance of the X-Park Project at Benicia Community Park

Council Member Patterson discussed the \$44,154 that was left over, as it was part of the contingency fund. Staff is recommending putting the funds towards the Mills Community Center project. She suggested in an email to use the funds towards putting the gravel on the graded road for access to the dog park.

Mr. Erickson stated that at the last meeting, the funds were committed to the architectural services agreement for the Mills project. It would cost roughly \$75,000 for 6-8 inches of gravel depth for the road.

Council Member Patterson requested the discussion of the dog park road be put on a future agenda so Council and Staff could come up with a way to fund the gravel road. Mr. Erickson suggested adding this issue to the list at the mid-year budget review in January 2008.

RESOLUTION 07-135 – A RESOLUTION ACCEPTING THE X-PARK PROJECT AT BENICIA COMMUNITY PARK AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

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

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

Noes: None

Absent: Vice Mayor Schwartzman

PUBLIC HEARINGS:

Traffic Impact Fee Program Update:

Dan Schiada, Director, Public Works, reviewed the staff report.

Council Member Patterson stated that Council received a letter from West Coast Home Builders. She asked Staff if it was considered substantial information. Ms. McLaughlin stated that she felt it was something that Council could respond to tonight.

Mr. Schiada reviewed Staff's response (copy on file) to the letter.

Staff and Council discussed the proposed rates, the fact that the 19% proposed increase seemed too low, traffic calming elements in the City, potential widening of Military

West, the possibility of using the program as a tool to help the City regulate land use, having the City Attorney look into the issues raised in the letter, and the possibility of changing the working on the resolution calling it an 'interim fee' and revisit it in a few months. Staff suggested that if 'interim' was to be inserted, it should be stated that the item would be brought back for Council's consideration in four months.

RESOLUTION 07- - A RESOLUTION APPROVING THE INTERIM UPDATE TO THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND AUTHORIZING ASSOCIATED FEE ADJUSTMENTS

On motion of Council Member Patterson, seconded by Council Member Hughes, the above Resolution was not adopted as amended, on roll call by the following vote:
Ayes: Council Members Hughes and Patterson
Noes: Council Members Whitney and Messina
Absent: Vice Mayor Schwartzman

ACTION ITEMS:

Replacement of Skate Park at Willow Glen with Turf, Park Furniture, and Related Landscaping:

Mike Alvarez, Director, Parks and Community Services, reviewed the staff report.

Public Comment:

1. William Dixon – Mr. Dixon spoke in opposition of the replacement of the skate park at Willow Glen.
2. Karen Burns – Ms. Burns spoke in opposition of the replacement of the skate park at Willow Glen.
3. Gene Unser – Mr. Unser spoke in favor of the replacement of the skate park at Willow Glen.
4. Paul Winders – Mr. Winders spoke in opposition of the replacement of the skate park at Willow Glen.
5. David White – Mr. White spoke in opposition of the replacement of the skate park at Willow Glen.
6. James Lessinger – Mr. Lessinger spoke in favor of the replacement of the skate park at Willow Glen.
7. Gretchen Burgess – Ms. Burgess spoke in opposition of the replacement of the skate park at Willow Glen.
8. Bonnie Silveria – Ms. Silveria discussed how and when the skate park was added to Willow Glen Park. She spoke in favor of the replacement of the skate park at Willow Glen.
9. Marilyn Bardet – Ms. Bardet discussed the issue of neighbor cooperation and the need for the kids in 'old' town to have somewhere to go to skate. The City should give this issue more thought and consideration.
10. Les Varoter – Mr. Varoter spoke in favor of the replacement of the skate park at Willow Glen.
11. Michael Nieto – Mr. Nieto spoke in favor of the replacement of the skate park at Willow Glen.

12. Rick Ernst – Mr. Ernst spoke in opposition of the replacement of the skate park at Willow Glen.
13. Norm Koerner – Mr. Koerner spoke in favor of the replacement of the skate park at Willow Glen.
14. Bob Mutch – Mr. Mutch spoke in opposition of the replacement of the skate park at Willow Glen.
15. Scott Deane – Mr. Deane spoke in favor of the replacement of the skate park at Willow Glen.
16. Greg Andrade – Mr. Andrade requested the City slow down on its decision to close down the skate park at Willow Glen. There seems to be more parents and younger kids there these days.
17. Citizen – The citizen requested that the City slow down on its decision to close down the skate park so it could evaluate the use.

Council and Staff discussed the current rules for the skate park at Willow Glen and the X-Park, slow skate, age restriction, decline in police calls to the skate park at Willow Glen since X-Park opened, getting a cost estimate on how much it would be to build a new skate park such as the one at Willow Glen in a different location, relocating the park to an alternate location, the need to address the Taco Bell trash problem, the safety and liability issues with the skate park at Willow Glen, temporarily closing the skate board portion of the Willow Glen Park until funds could be identified to convert it to a passive park, the need for details on how the cost of resurfacing the skate park at Willow Glen was determined, what measures had been taken to reduce the vandalism, the lack of planning and facts for the determination to close the skate park at Willow Glen, the need to know how immediate the insurance (ABAG) concern is, what would happen if the park is closed and people continue to ‘hang out,’ and what the risk for the City would be if the skate park at Willow Glen were kept open while the necessary studies are done (which could include looking at alternative sites and planning the relocation and the building of a new skate park that is suitable for younger children), the need to fulfill its promises, and the need for enforcement at the skate parks.

Council Member Patterson stated that it was important to recognize Council Member Whitney’s request for a commitment from the City to find a new site for a small scale skate park in the Downtown Area.

On motion of Council Member Hughes, seconded by Mayor Messina, Council approved the temporary closure of the skate park at Willow Glen until such time funds are identified to convert the area into a turf and landscaped area, as recommended by the Parks, Recreation and Cemetery Commission, and directed Staff to come up with some ways to complete the gravel road at the Community Park, on roll call by the following vote:

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

Noes: None

Absent: Vice Mayor Schwartzman

Introduction and first reading of an ordinance amending Title 6 pertaining to animal regulation and adopting a comprehensive animal control program:

Council Member Whitney discussed the far-reaching consequences of the proposed ordinance. He stated that Vice Mayor Schwartzman had concerns with the proposed ordinance, but was unable to attend tonight's meeting. He requested this item be continued until the new Council could debate and discuss it.

Council Members Patterson and Hughes stated that they were comfortable making a decision on the proposed ordinance tonight.

Heather McLaughlin, City Attorney, reviewed the staff report. She reviewed the list of concerns submitted by Vice Mayor Schwartzman (via email – hard copy on file).

Council and Staff discussed the following issues: revisiting the cat issue in 6-12 months, definition of 'other similar animals,' controlling the feral cat population in industrial, commercial, and endangered species habitat areas, adding in 'such as Humane Society, SPCA, Friends of Animals, veterinarians, nongovernmental certified individual, etc.' to the language regarding revocation of an animal keepers permit, having one place for the public to go to look for or take animals, and looking into whether there could be coordination between agencies (such as SPCA, Solano County Friends of Animals, etc.).

Public Comment:

1. Karen Burns – Ms. Burns discussed the following issues: the hearing officer, concerns with the language regarding the Humane Society, the work that the Solano County Friends of Animals does in the City, what constitutes a colony, where would lost/found dogs be taken, and the current process that is followed when an animal is lost/found.
2. Marilyn Bardet – Ms. Bardet discussed feral cats in her neighborhood and how the City might go about finding feral cat colonies.
3. Citizen – The citizen discussed the proposed language on animal keeper permits, animal control officers and their level of expertise, and the possibility of having a committee who could conduct the permit application process reviews.
4. Gretchen Burgess – Ms. Burgess discussed working on the animal control ordinances for six years, her wish to resolve and update the ordinances, cat fencing, feral cats, and the need for Council to give the ordinances its full attention

ORDINANCE 07- - AN ORDINANCE AMENDING TITLE 6 (ANIMALS)
PERTAINING TO ANIMAL REGULATION AND ADOPTING A COMPREHENSIVE
ANIMAL CONTROL PROGRAM

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

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

Noes: None

Absent: Vice Mayor Schwartzman

INFORMATIONAL ITEMS:

Reports from the City Manager:

None

Council Member Committee Reports:

1. Mayors' Committee Meeting (Mayor Messina) - Next Meeting Date: November 21, 2007
2. Association of Bay Area Governments (ABAG) (Mayor Messina) - Next Meeting Date: To be determined.
3. Audit and Finance Committee (Vice Mayor Schwartzman and Council Member Hughes) - Next Meeting Date: December 7, 2007
4. League of California Cities (Mayor Messina) - Next Meeting Date: November 29, 2007 – Legislative Briefings
5. School District Liaison (Council Members Whitney and Hughes) - Next Meeting Date: December 6, 2007
6. Sky Valley Area Open Space (Council Members Patterson and Whitney) - Next Meeting Date: December 5, 2007
7. Solano EDC Board of Directors (Mayor Messina) - Next Meeting Date: January 17, 2008
8. Solano Transportation Authority (STA) (Mayor Messina) - Next Meeting Date: December 12, 2007
9. Solano Water Authority/Solano County Water Agency (Mayor Messina) - Next Meeting Date: December 13, 2007
10. Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes) Next Meeting Date: January 17, 2008
11. Tri-City and County Regional Parks and Open Space (Council Member Whitney) - Next Meeting Date: November 28, 2007
12. Valero Community Advisory Panel (CAP) (Council Member Hughes) - Next Meeting Date: January 24, 2008
13. Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney) - Next Meeting Date: November 28, 2007
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson) - Next Meeting Date: November 26, 2007

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

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

Lisa Wolfe, City Clerk