

December 1, 2009 Regular Meeting A

BENICIA CITY COUNCIL

REGULAR MEETING AGENDA

City Council Chambers

December 1, 2009

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts & Culture Commission:

The application period for this commission is closed. Appointments will be made on December 15, 2009.

Community Sustainability Commission:

The application period for this commission is closed. Appointments will be made on December 15, 2009.

Senior Coalition of Solano County:

1 full term opening (2 year term)

Sky Valley Open Space Committee:

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

3. Mayor's Office Hours:

The Mayor will NOT have office hours during the month of December. Future meetings may be scheduled through the City Manager's office at 746-4200.

B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

A. [Approval of minutes of November 17, 2009.](#) (City Clerk)

B. [Second Reading of Amendments to Benicia Municipal Code to Subsection 4.08.050b to clarify supplemental information and Subsection 4.08.060a for notice and agenda requirements for regular meetings and special meetings to be consistent.](#) (City Attorney)

On November 17, 2009, the City Council introduced an ordinance to amend these sections. These amendments seek to (1) clarify supplemental agenda material requirements, and (2) to make the wording for noticing requirements consistent with regular meetings and special meetings.

Recommendation: Adopt the following ordinances:

1. An ordinance to amend 4.08.050 (Notice and agenda requirements – Regular meetings) of the Benicia Municipal Code; and

2. An ordinance to amend 4.08.060 (Notice and agenda requirements – Special meetings) of Chapter 4.08 (Public Access to Meetings) of the Benicia Municipal Code and recommend adoption by the City Council.

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

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

A. [Approving the results of the General Municipal Election held November 3, 2009.](#) (City Clerk)

This is a procedural item certifying the election results, number of votes cast by precinct, and the percentage of voter turnout. Certification of these results by the Registrar of Voters was completed on November 17, 2009, and by the Board of Supervisors on November 24, 2009.

Recommendation: Adopt the resolution approving the results of the General Municipal Election held November 3, 2009.

X. INFORMATIONAL ITEMS:

XI. COMMENTS FROM COUNCIL MEMBERS:

XII. ADJOURNMENT:

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Valerie Ruxton, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item

and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

 [VII-A Minutes.pdf](#)

 [VII-B Agenda Ordinance.pdf](#)

 [IX-A Election Results.pdf](#)

December 1, 2009 Regular Meeting B

BENICIA CITY COUNCIL

REGULAR MEETING AGENDA

City Council Chambers

December 1, 2009

Immediately following City Council Meeting beginning at 7:00 P.M.

REVISED

I. CALL TO ORDER:

A. ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

D. REMARKS BY ELECTED OFFICIALS

E. NOMINATION AND ELECTION OF MAYOR PRO TEM

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts & Culture Commission:

The application period for this commission is closed. Appointments will be made on December 15, 2009.

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One full term to January 31, 2013

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3. Mayor's Office Hours:

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B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

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

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

X. INFORMATIONAL ITEMS:

XI. COMMENTS FROM COUNCIL MEMBERS:

XII. ADJOURNMENT:

Public Participation

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and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
NOVEMBER 17, 2009

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:48 p.m. on Tuesday, November 17, 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 Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Absent: None

PLEDGE OF ALLEGIANCE:

Vice Mayor Campbell 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).

ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, 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 COMMENT:

None

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Heather McLaughlin read the announcement of Closed Session.

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL-SIGNIFICANT EXPOSURE TO LITIGATION (Subdivision (b) of Section 54956.9)

Name of potential case: Rudy Jacuzzi/Benicia Mini Storage v. City of Benicia

ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 6:50 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
NOVEMBER 17, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, November 17, 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 Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Absent: None

PLEDGE OF ALLEGIANCE:

Vice Mayor Campbell 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:

Action taken at Closed Session:

Ms. McLaughlin reported that Council received information and gave direction to Staff.

Openings on Boards and Commissions:

- ❑ Arts & Culture Commission:
9 full term openings (4 year term)
- ❑ Community Sustainability Commission
6 full term openings (4 year term)
1 student opening (1 year term)
- ❑ Senior Coalition of Solano County
1 full term opening (2 year term)
- ❑ Sky Valley Open Space Committee:
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. Due to family and work commitments, Mayor Patterson will miss every Monday 11/30/09 through December 2009. A sign-up sheet will be posted so citizens could make appointments to meet with Mayor Patterson.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

□ Lung Cancer Awareness Month - November 2009

ADOPTION OF AGENDA:

Staff recommended item IX-A be continued.

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 item received (copies on file).

PUBLIC COMMENT:

1. Richard Bortolazzo – Mr. Bortolazzo discussed the property he and his partners own in the Arsenal. Mayor Patterson and Staff expressed concern regarding public comment on this item, as it related to an item listed on the agenda. Mr. Bortolazzo discussed a silver maple tree on his property that died.
2. Gretchen Burgess – Ms. Burgess discussed www.ebenicia.com, Shop Benicia First, and upcoming holiday events and festivities in Benicia.

CONSENT CALENDAR:

Council pulled items VII-A, VII-B, VII-C, VII-D, VII-E, and VII-F.

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

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

Noes: None

RESOLUTION 09-111 - A RESOLUTION FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED, "AN URBAN FOREST FOR EVERY CITY," AS PROVIDED THROUGH PROPOSITIONS 40 AND 84

RESOLUTION 09-112 - A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF NINE (9) BUS SHELTERS THROUGH THE AMERICAN REINVESTMENT AND RECOVERY ACT

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

VII-A-3

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of October 20, 2009:

Mayor Patterson requested a sentence be added on page VII-A-7 regarding her objection to the item.

Council Member Schwartzman requested the public comment name on page VII-A-9 be changed from Pam Lindsay to Ann Lindsay.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, the Minutes of October 20, 2009 were approved as amended, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None

Mills Act Contracts for 182 East I Street and 1101 West Second Street:

Council Member Ioakimedes and Staff discussed the estimated tax savings for the Mills Act properties, how much of the money is being reinvested into the properties, and the request for an annual staff report/spread sheet that would give Council an idea of what the projects are doing so they know what sort of progress is being made.

Council Member Schwartzman and Staff discussed the annual cost to the City for the Mills Act contracts, and possibly holding off on anything new until the economy improves.

Mayor Patterson and Staff discussed Council having the HPRC's annual report and include that discussion and perhaps reinforcing the policy.

Mr. Erickson suggested reviewing the issue during the mid-cycle budget review, which would be in time to possibly affect the next round of Mills Act requests.

Ms. McLaughlin clarified that Mayor Patterson had a conflict on the 1101 West Second Street item, and Vice Mayor Campbell had a conflict on the 182 East I Street item.

RESOLUTION 09-113 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 1101 WEST SECOND STREET IN THE CITY OF BENICIA

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

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

Noes: None

Abstain: Mayor Patterson

RESOLUTION 09-114 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 182 EAST I STREET IN THE CITY OF BENICIA

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

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

Noes: None

Abstain: Vice Mayor Campbell

Amendment to the Solano Transportation Authority's Joint Powers Agreement:

Vice Mayor Campbell and Staff discussed concerns regarding granting STA eminent domain.

Ms. Janet Adams, STA, discussed the amendments that had been made before this was brought to the cities, previous requests that had been made by the Solano County Board of Supervisors regarding when STA could exercise eminent domain, all cities in Solano County (with the exception of Fairfield) had approved the amendment, schedule issues (STA working with Napa County Transportation Planning Agency, as well as Caltrans to deliver the Jameson Canyon Project), Caltrans' request of the STA to consider doing the resolution necessities locally vs. going to the CTC (so, if they have to go back to all the cities for amendments, that would delay the Jameson Canyon Project), and concerns regarding delays with the JPA amendment.

Mayor Patterson discussed the issue that if this was Caltrans' project, they would have all the eminent domain authority, which would be far broader than this authority, funding could be lost, and improvements would not be seen for a long time.

Council Member Hughes and Staff discussed the issue of veto power and concern regarding STA's lack of involvement with the city attorneys so far.

Mayor Patterson discussed the issue of imminent domain.

Council Member Schwartzman read the language in the agreement and stated although it could be clearer, he thought the City was covered.

Council Members Ioakimedes and Campbell discussed concerns regarding STA's last minute requests.

Mayor Patterson, Staff, and Ms. Adams discussed the City having the opinion of STA's legal counsel saying what they intended to do when this was written, intent, if Council decides to approve the document, it could suggest that STA involve City Staff earlier in the future, the fact that it had been approved at the County and other cities it had been presented to so far, having this be an action with a clean up language to be done within three months.

Council Member Hughes discussed his concern regarding STA involving the City Attorney so late in the process, the fact that Council had a fair opportunity and adequate advance notice, conversations, etc. (with the exception the City Attorney).

Vice Mayor Campbell discussed conversations he had with STA and concerns regarding last minute requests.

Public Comment

None

Council Member Hughes offered a motion to approve the resolution, with a caveat that in the future the City is invited to participate in the process much earlier, and add that the City would like to have the ambiguity cleared up within three months.

RESOLUTION 09-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, A MEMBER AGENCY OF THE SOLANO TRANSPORTATION AUTHORITY (STA), APPROVING THE AMENDMENT OF THE STA JOINT POWERS AGREEMENT

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

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

Noes: None

Approval of classification specifications for Principal Civil Engineer; establishment of a salary range for Principal Civil Engineer; establishment of a supplemental classification of City Engineer; approval of specialty pay for the City Engineer assignment; and modification to the allocation of positions in the Benicia Public Works and Community Development Department: Council Member Schwartzman and Staff discussed how many positions there were in the department, justification for modifying the positions, the authority the position would have, and the City's current hiring freeze.

Mayor Patterson discussed concerns regarding the quality of delivery of services for the City, maintaining the City's high quality of staff, use of consultants, longevity and knowledge in the City, lack of information regarding the consultant who prepared the information, continuing education, and the position, titles, and responsibilities.

Council Member Hughes discussed having some of the same issues as had been mentioned so far, not micromanaging, the impact to the budget, the impact to the level of service, and needing two engineers to improve the level of services.

Mayor Patterson summarized by stating that there needed to be two assurances: that the City actually gets a second engineer (that the job opening did not go into the pool of frozen job openings), and having some specific language in the training so that it is Mr. Knox's responsibility to make sure that people are taking the training courses throughout the year.

Mayor Patterson and Staff clarified the position she was referring to that should not go into the pool of frozen job openings was for the department that was down three positions, concerns regarding making that position exempt from the evaluation of the other positions, and the issue of continuing education.

RESOLUTION 09-116 - A RESOLUTION APPROVING THE CLASSIFICATION SPECIFICATION FOR PRINCIPAL CIVIL ENGINEER, ESTABLISHING THE SALARY RANGE FOR PRINCIPAL CIVIL ENGINEER; AND MODIFYING THE ALLOCATION OF

POSITIONS IN THE BENICIA PUBLIC WORKS AND COMMUNITY DEVELOPMENT DEPARTMENT

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, 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 09-117 - A RESOLUTION APPROVING THE SUPPLEMENTAL CLASSIFICATION SPECIFICATION FOR THE SPECIALTY ASSIGNMENT OF CITY ENGINEER, AND ESTABLISHING A SPECIALTY PAY STIPEND FOR THE CITY ENGINEER ASSIGNMENT

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, 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 Amendments to Benicia Municipal Code to Subsection 4.08.050B to clarify supplemental information and Subsection 4.08.060A for notice and agenda requirements for regular meetings and special meetings to be consistent:

Vice Mayor Campbell and Staff clarified that all three criteria have to be met.

Council Member and Staff discussed the definition of substantial.

Public Comment:

None

ORDINANCE 09- - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 4.08.050 (NOTICE AND AGENDA REQUIREMENTS – REGULAR MEETINGS) OF CHAPTER 4.08 (PUBLIC ACCESS TO MEETINGS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None

ORDINANCE 09- - AN ORDINANCE AMENDING SUBSECTION A(2) OF SECTION 4.08.060 (NOTICE AND AGENDA REQUIREMENTS – SPECIAL MEETINGS) OF CHAPTER 4.08 (PUBLIC ACCESS TO MEETINGS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

Denial of the claim against the city by Chris Garcia and referral to insurance carrier:
Council Member Schwartzman and Staff discussed the background of the claim.

Council Member Ioakimedes and Staff discussed what discretion the police officer would have in this sort of situation, registration violation, presence of alcohol, lack of smog certification, considerations made by the officer (waiving towing fees at the tow hearing), and the rules for tow hearings.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim against the City by Chris Garcia and referral to insurance carrier, on roll call by the following vote:

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

Noes: None

Mayor Patterson stressed the importance for listing more detail as to why claims are being denied. Staff discussed the issue of discretion regarding personal information in a staff report.

PUBLIC HEARINGS:

None

ACTION ITEMS:

Approve the Joint Powers Agreement creating the Solano Emergency Communication Authority:
Jim Erickson, City Manager, introduced the item.

Chief Spagnoli reviewed the staff report. She discussed recent events where it would have been helpful to have emergency communications between various emergency personnel in Solano County. Staff recommended this item be continued. Various questions have come up from the various authorities involved.

Public Comment:

None

The item was continued to a future meeting.

Mayor Patterson called for a 5-minute break at 8:35 p.m.

The meeting resumed at 8:43 p.m.

INFORMATIONAL ITEMS:

Reports from City Manager:

Update on Tourism Marketing Contract Issues:

Mayor Patterson clarified that the discussion was limited to the information provided in the staff report. Ms. McLaughlin clarified the process for re-hearing an item.

Amalia Lorentz, Economic Development Manager, reviewed the staff report.

Council Member Hughes discussed the issue of deliverables.

Mayor Patterson discussed how the amendment to the section on deliverables would be handled.

Council Member Ioakimedes discussed the need for quarterly reports to Council.

Vice Mayor Campbell and Staff discussed the cost of the contract with the Placemaker Group (\$48,000), tourism budget, and the need for a tracking mechanism for the money that will be spent.

Mayor Patterson clarified the need for more details on more of the things that are being done.

Council Member Ioakimedes clarified his request; he would like an initial report for what is being done for the holiday season, then a report after Valentine's Day or spring, etc. (mirroring the standard retail calendar).

Council Member Schwartzman discussed the need for quarterly reports, and the need for the initial report encompassing baselines; what's happening, and where it's happening.

Vice Mayor Campbell and Staff discussed concerns regarding phone support, lack of detailed information in the agreement, how much the phone lines would be used, the need for some sort of tracking of what was spent with the last consultant hired (Placemaker Group) to see if the City got its money worth.

Mayor Patterson summarized the need for billable actions, progress/results reports, and a two month trial with the phone lines.

Public Comment:

1. Donnell Rubay – Ms. Rubay discussed concerns regarding the proposed contract with Wolf Communications (as listed in her written communication (copy on file)).
2. Duane Oliveira – Mr. Oliveira discussed the issue of quarterly reports. It is listed in the contract that the consultant will do quarterly reports.

Request to legislators for Lower Arsenal Hazards Analysis:

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Marilyn Bardet reviewed her written comments to Council (copies on file) regarding her proposal for the Arsenal cleanup, as documented in the staff report.

Vice Mayor Campbell and Staff discussed the restoration advisory board that was once in effect. Council Member Hughes and Staff clarified that if the City requests assistance from DTSC and the Army Corps of Engineers, it could still move forward with the approval of the plan. He and Staff discussed the issue of land use approval, development, responsibility of property owners, the need to be clear on what the rules are, and zoning in the Arsenal.

Mayor Patterson and Staff discussed the differences between Tourtelot and the Arsenal.

Council Member Schwartzman and Staff discussed developers not being able to get occupancy certifications until DTSC signs off, developers needing to prove that the property is inhabitable.

Ms. Bardet thanked Council for considering the item on the agenda. She read a letter submitted to Council summing up her concerns (copy on file).

Mayor Patterson, Staff, and Ms. Bardet discussed the difference between Haz-1 and Haz-2 protocol, and a soil study that was done for the 1025 Grant Street property, and Ms. Bardet's materials being sufficient for the range of what the City would ask the DTSC to do the order on.

Council Member Hughes and Staff discussed how long it would take once the request was made to the DTSC, the responsibility of developers regarding neighboring properties, and grading materials from Tourtelot being used in the area.

Ms. McLaughlin discussed it being a good time for Council to take action on this, as the environment had changed between the Army Corp of Engineers and DTSC, so the City was more likely to make progress now than in the future. Staff believed if Council could get a resolution in place, they could possibly get funding in July to do some work.

Public Comment:

1. Mark Hajjar – Mr. Hajjar discussed concerns he raised in written comments (copy on file) to Council regarding Ms. Bardet's proposal.
2. Jon Van Landschoot – Mr. Van Landschoot spoke in support of Ms. Bardet's request.
3. Kathleen Olson – Ms. Olson discussed not wanting to prevent the process that the Arsenal Specific Plan was undergoing. She wanted to remind Council what a resource the City has in the Arsenal. She would like to see consistency with all the efforts in the vicinity.

Ms. Bardet discussed the records research report that was done in 1997.

Council Member Ioakimedes and Staff discussed information that was reported by the DTSC in 2007. He disclosed expartè communications.

Council Member Schwartzman discussed support for Haz-2 protocol, support for moving both processes forward, support for a shorter resolution to get the characterization/cleanup done, and moving forward with the specific plan,

Mayor Patterson and Staff clarified the process the DTSC and Army Corp of Engineers would go through. She read the risks listed in the letter from the DTSC in 2007. There was support from Congressman Garamendi and Congressman Miller to carry this forward.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council gave direction to Staff to draft a resolution to forward to our congressional delegation and DTSC, and any legislative representative (state, federal, national, etc.), a request for characterization of the entire Lower Arsenal Area, with potential cleanup and funding, as long as it doesn't impede the processing and completion of the Arsenal Specific Plan, to the extent feasible, on roll call by the following vote:

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

Noes: None

Request from Benicia Community Action Council for additional funding:

Jim Erickson, City Manager, reviewed the staff report.

Council Member Ioakimedes discussed support for sending this back to the HSAB, keeping in mind that time is of the essence.

Council Member Schwartzman discussed support for sending this back to the HSAB. He requested the community help the CAC out in any way possible.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council approved referring this issue to the Human Services and Arts Board for further review, on roll call by the following vote:

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

Noes: None

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: November 18, 2009
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: Spring General Assembly – April 22, 2010
3. Finance, Audit & Budget Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: December 18, 2009.
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: 2009 Legislative Briefings – November 17, 2009
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: March 11, 2010
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: To be determined
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: December 10, 2009

8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: December 9, 2009
9. Solano Water Authority/Solano County Water Agency and Delta Committee - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: December 10, 2009
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: January 21, 2010
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Dates: December 14, 2009
12. Valero Community Advisory Panel (CAP) - (Council Member Hughes) - Next Meeting Date: To be determined
13. Youth Action Coalition - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: December 2, 2009
14. ABAG/CAL FED Task Force/Bay Area Water Forum – (Mayor Patterson) - Next Meeting Date: December 7, 2009

COUNCIL MEMBER REPORTS:

Request to amend an Anti Smoking in Public Places Ordinance modeled on City of Martinez and City of Richmond Ordinances:

Mayor Patterson reviewed the report.

Council Members Hughes and Ioakimedes clarified that by approving this item, Council was simply agreeing to discuss the item in the future.

Council Member Ioakimedes discussed whether or not the City had any existing businesses within the physical distances to schools, etc. as mentioned in Senator Padilla's literature; that might need to be discussed more.

Public comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council approved placing the above 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 form a Bicycle Tourism Event ad hoc committee:

Mayor Patterson reviewed the report.

Council Member Schwartzman discussed the need for a report on the race and the aftermath of the race.

Council Member Hughes discussed support for future discussion on the item.

Mr. Erickson discussed the need for discussions on the bicycle race; however he was not sure about forming a committee.

Public Comment:

1. Dana Dean – Ms. Dean expressed support for bringing both items back for future discussions. She discussed the possibility of expanding the conversation to the issue of bicycle tourism. She offered to participate in the discussions.
2. Marilyn Bardet – Ms. Bardet expressed support for bringing this back for discussion and making it part of the City's tourism plan.
3. Kimble Goodman – Mr. Goodman expressed support for bringing this back for discussion. He discussed positive feedback received regarding the last bicycle race.

Council Member Ioakimedes discussed support for placing this on a future agenda, but did not want to focus too much on this particular event.

Vice Mayor Campbell stated he was not very keen on taking this away from the EDB.

Mayor Patterson suggested the motion give an indication that discussion is for bicycle tourism or options for events. She wanted to broaden it. There may be a suggestion in the staff report that there doesn't need to be a committee, and there will be an option for a committee.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council approved placing the above 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 10:52 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 1, 2009
CONSENT CALENDAR**

DATE : November 18, 2009

TO : City Council

FROM : City Attorney 

SUBJECT : **SECOND READING OF AMENDMENTS TO BENICIA MUNICIPAL CODE TO SUBSECTION 4.08.050B TO CLARIFY SUPPLEMENTAL INFORMATION AND SUBSECTION 4.08.060A FOR NOTICE AND AGENDA REQUIREMENTS FOR REGULAR MEETINGS AND SPECIAL MEETINGS TO BE CONSISTENT**

RECOMMENDATION:

Adopt the following ordinances:

1. An ordinance to amend 4.08.050 (Notice and agenda requirements – Regular meetings) of the Benicia Municipal Code; and
2. An ordinance to amend 4.08.060 (Notice and agenda requirements – Special meetings) of Chapter 4.08 (Public Access to Meetings) of the Benicia Municipal Code and recommend adoption by the City Council.

EXECUTIVE SUMMARY:

On November 17, 2009, the City Council introduced an ordinance to amend these sections. These amendments seek to (1) clarify supplemental agenda material requirements, and (2) to make the wording for noticing requirements consistent with regular meetings and special meetings.

BUDGET INFORMATION:

There is no fiscal impact from these changes.

STRATEGIC PLAN:

N/A – there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:

The first ordinance clarifies the substantial supplemental information section for regular meetings.

Although the intent of the open government ordinance is to be consistent in the documents required to be filed for regular and special meetings, the wording is not consistent. The second ordinance changes the wording to be consistent.

Attachments:

- Proposed Ordinance 4.08.050
- Proposed Ordinance 4.08.060

ORDINANCE 4.08.050

CITY OF BENICIA

ORDINANCE NO. 09-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SUBSECTION B OF SECTION 4.08.050 (NOTICE AND AGENDA REQUIREMENTS REGULAR MEETINGS) OF CHAPTER 4.08 (PUBLIC ACCESS TO MEETINGS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Subsection B of Section 4.08.050 (Notice and agenda requirements – Regular meetings) of Chapter 4.08 (Public Access to Meetings) of Title 4 (Open Government) is amended to read as follows:

B. Supplemental Agenda and Related Material Requirements for Regular Meetings of Bodies.

1. Notwithstanding the notice provisions of subsection (A) of this section, a posted agenda or agenda-related materials may be amended or supplemented no later than 72 hours before a regular meeting and only for the following reasons or under the following conditions. The amended or supplemented posted agenda or agenda-related materials shall state for the record what supplemental or amended material is under consideration and/or how the agenda is proposed to be amended. Agendas or agenda-related materials, may only be amended or supplemented:

a. To add an item due to an emergency or urgency, provided the body makes the same findings as required by subsection (D) of this section before taking action;

b. To deleted or withdraw any item from a posted agenda;

c. To provide additional information to supplement the agenda-related material previously filed with the office of the city clerk; provided, that the additional information was not known to staff;

d. To correct technical, nonsubstantive errors or omissions, or to change a stated financial amount that decreases the body's obligation under a proposed agreement, or to clarify the agenda title in a manner that does not substantively change the nature of the action to be taken on the agenda item;

e. To consider the recommendations, referrals, minutes or actions taken on any item heard by a standing committee of the city council; provided, that the item has not been materially changed by the committee or materially changed after the committee considered the item; or

f. To continue an agendized item to the next regular meeting of the body so long as members of the public are given an opportunity to address the body on the item at the meeting from which the item is continued.

2. If substantial supplemental information is received from the applicant or a member of the public less than 72 hours prior to a regular meeting, the body shall either (1) automatically continue the item to the next regular meeting or a special meeting, or (2) decide that there was adequate notice to allow consideration of the additional information. Substantial supplemental information is written information that (1) could not be said or read within the oral public comment period, (2) is, according to a majority vote of the body, too technical or detailed to be readily understood, and (3) is new information not discussed in prior staff report or documents previously provided to the body.

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The city council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 17th day of November, 2009 and adopted at a regular meeting of the Council held on the 1st day of December, 2009, by the following vote:

Ayes:

Noes:

Absent:

Tom Campbell, Vice Mayor

Attest:

Lisa Wolfe, City Clerk

ORDINANCE 4.08.060

CITY OF BENICIA

ORDINANCE NO. 09 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SUBSECTION A(2) OF SECTION 4.08.060 (NOTICE AND AGENDA REQUIREMENTS – SPECIAL MEETINGS) OF CHAPTER 4.08 (PUBLIC ACCESS TO MEETINGS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Subsection A(2) of Section 4.08.060 (Notice and agenda requirements – Special meetings) of Chapter 4.08 (Public Access to Meetings) of Title 4 (Open Government) is amended to read as follows:

2. Filing a copy of the agenda and a complete agenda packet with the office of the city clerk and the Benicia Public Library at least 48 hours (excluding Saturdays, Sundays and holidays) before the time of the meeting set forth in the agenda.

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The city council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 17th day of November, 2009, and adopted at a regular meeting of the Council held on the 1st day of December, 2009, by the following vote:

Ayes:

Noes:

Absent:

Tom Campbell, Vice Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 1, 2009
ACTION ITEMS**

DATE: November 23, 2009
TO: City Council
FROM: City Clerk
SUBJECT: **APPROVING THE RESULTS OF THE GENERAL
MUNICIPAL ELECTION HELD NOVEMBER 3, 2009**

RECOMMENDATION:

Adopt the resolution approving the results of the General Municipal Election held November 3, 2009.

EXECUTIVE SUMMARY:

This is a procedural item certifying the election results, number of votes cast by precinct, and the percentage of voter turnout. Certification of these results by the Registrar of Voters was completed on November 17, 2009, and by the Board of Supervisors on November 24, 2009.

BUDGET INFORMATION:

No immediate budget impact.

Attachments:

- Proposed Resolution
- Election Certification
- Official Results – Summary
- Precinct Summary Results

PROPOSED RESOLUTION

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION
HELD NOVEMBER 3, 2009**

WHEREAS, on November 3, 2009, a General Municipal Election was held to elect two Council Members, and

WHEREAS, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in the time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BENICIA that the results of the GENERAL MUNICIPAL ELECTION held in the City of Benicia on November 3, 2009 to elect two Council Members were as follows:

TOTAL BALLOTS CAST AT PRECINCTS	2,026
ABSENTEE BALLOTS	4,227
TOTAL BALLOTS CAST	6,253
TOTAL REGISTERED VOTERS	17,178
PERCENT TURNOUT	36.40%

Candidate's Name	Mark Hughes	Jubal Biggs	Alan Schwartzman	Dan Smith
Office sought	City Council	City Council	City Council	City Council
Votes per precinct #:				
21005	417	139	455	420
21010	245	90	256	250
21020	306	85	297	205
21035	496	146	504	389
21050	322	97	311	229
21070	296	136	283	216
21075	388	111	382	275
21095	349	95	334	246
21100	356	109	385	234
21105	349	120	322	234
Total Number of Votes:	3,524	1,128	3,529	2,698

BE IT FURTHER RESOLVED that Mark Hughes and Alan Schwartzman are declared elected as Council Members, and that the results of the General Municipal Election are declared final.

On motion of Council Member, seconded by, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 1st day of December, 2009 and adopted by the following vote:

Ayes:
Noes:
Absent:

Tom Campbell, Vice Mayor

Attest:

Lisa Wolfe, City Clerk

SUMMARY REPT-GROUP DETAIL

UDEL ELECTION
SOLANO COUNTY
NOVEMBER 3, 2009

OFFICIAL RESULTS

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	TOTAL VOYES	%	ELECTION DAY	VOLE BY MAIL	MANDATORY VBM	PROVISIONALS
PRECINCTS COUNTED (OF 181)	181	100.00				
REGISTERED VOTERS - TOTAL	188,603					
BALLOTS CAST - TOTAL	54,730		14,605	37,871	1,495	759
BALLOTS CAST - BLANK	36	.07	8	23	1	4
VOTER TURNOUT - TOTAL		29.02				
VOTER TURNOUT - BLANK		.02				

UNITED STATES REPRESENTATIVE
TENTH CONGRESSIONAL DISTRICT

Vote for no more than 1

(WITH 66 OF 66 PRECINCTS COUNTED)

DAVID HARMER (REP)	9,260	43.16	2,959	5,913	259	129
JEREMY CLOWARD (GRN)	377	1.76	96	266	9	6
JEROME "JERRY" DENHAM (AIZ)	475	2.21	121	322	21	11
JOHN GARAMENDI (DEM)	10,822	50.44	3,056	7,474	145	147
MARY C. MCILROY (PFZ)	488	2.27	121	346	12	9
WRITE-IN	33	.15	12	19	2	0
Over Votes	9		2	4	1	2
Under Votes	371		102	247	6	16

Solano County Board of Education
BOARD OF ED, SIXTH DISTRICT

Vote for no more than 1

(WITH 26 OF 26 PRECINCTS COUNTED)

DOUGLAS J. FORD	4,064	60.39	919	3,003	105	37
SHANA LEVINE	2,644	39.29	487	2,072	60	25
WRITE-IN	22	.33	2	19	1	0
Over Votes	0		0	0	0	0
Under Votes	445		99	317	17	12

Benicia Unified School District

Vote for no more than 3

(WITH 13 OF 13 PRECINCTS COUNTED)

DAVID ARCHER	2,672	18.91	864	1,764	5	39
DANA DEAN	4,044	28.62	1,259	2,730	6	49
ROSIE SWITZER	4,138	29.20	1,258	2,822	4	54
STEVE MESSINA	3,224	22.81	884	2,297	7	36
WRITE-IN	54	.38	19	34	0	1
Over Votes	3		3	0	0	0
Under Votes	4,654		1,530	3,034	8	62

Dixon Unified School District

Vote for no more than 3

(WITH 20 OF 20 PRECINCTS COUNTED)

HERB CROSS	1,445	20.46	358	880	188	19
IRINA OKHREMTCHOUK	1,492	21.13	399	912	165	16
GILDARDO PINON	1,145	16.22	309	681	147	8
AMY D. PROCTOR	748	10.59	138	481	122	7
JOE DI PAOLA	927	13.13	244	565	112	6
BRIAN YOUNG	807	11.43	234	457	102	14
CHRIS MCGUIRE	488	6.91	103	293	86	6
WRITE-IN	9	.13	0	3	6	0
Over Votes	3		0	0	0	3
Under Votes	2,356		513	1,419	383	41

SUMMARY REPT-GROUP DETAIL

UDEL ELECTION
SOLANO COUNTY
NOVEMBER 3, 2009

OFFICIAL RESULTS

RUN DATE:11/16/09 03:22 PM

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL	MANDATORY VBM	PROVISIONALS
Fairfield-Suisun Unified School District						
FAIRFIELD SUISUN UNIFIED SCHOOL DISTRICT						
Vote for no more than 3						
(WITH 54 OF 54 PRECINCTS COUNTED)						
BRIAN P. CENTENO	5,215	11.37	1,314	3,740	103	58
DAVID GAUT	7,871	17.16	2,391	5,164	220	96
ANNE M. GRIFFIN	6,781	14.78	1,710	4,835	171	65
CHARLES B. WOOD	8,606	18.76	2,525	5,750	234	97
CHARLES F. KINGETER	2,105	4.59	691	1,323	63	28
DELORES J. DA VENPORT	4,668	10.18	1,276	3,256	78	58
GARY LASKI	6,934	15.12	2,269	4,394	177	94
IRA L. MANNING, SR.	3,617	7.89	1,266	2,228	68	55
WRITE-IN.	71	.15	20	47	1	3
Over Votes	54		30	18	3	3
Under Votes	10,775		3,479	6,883	151	262

Travis Unified School District						
Vote for no more than 2						
(WITH 14 OF 14 PRECINCTS COUNTED)						
GARY R. CRAIG	1,031	42.94	225	762	36	8
WANONA IRELAND.	575	23.95	107	436	26	6
DONNA BISHOP	787	32.78	183	577	22	5
WRITE-IN.	8	.33	1	7	0	0
Over Votes	2		0	2	0	0
Under Votes	675		116	510	24	25

Vacaville Unified School District						
Vote for no more than 3						
(WITH 40 OF 40 PRECINCTS COUNTED)						
WILLIAM HAUSLER	2,889	12.69	435	2,287	140	27
KAREN E. ZWICK.	2,578	11.32	604	1,778	172	24
HORACE "WHIT" WHITMAN	5,738	25.20	1,005	4,384	302	47
CHRIS FLASK.	3,685	16.18	717	2,769	172	27
THERESA "TERI" NUTT	3,747	16.45	479	3,044	199	25
DAVID P. MCCALLUM.	4,084	17.93	768	3,108	171	37
WRITE-IN.	53	.23	10	34	9	0
Over Votes	30		9	21	0	0
Under Votes	4,433		722	3,341	326	44

Vallejo City Unified School District						
Vote for no more than 3						
(WITH 38 OF 38 PRECINCTS COUNTED)						
RUSCAL J. CAYANGYANG.	4,906	13.96	1,227	3,594	10	75
HAZEL A. WILSON	8,431	23.99	2,282	6,014	14	121
ADRIENNE WATERMAN.	6,527	18.58	1,855	4,566	8	98
CRIS OGGEE VILLANUEVA	6,474	18.43	1,771	4,594	5	103
LOU BORDISSO	5,278	15.02	1,338	3,863	9	68
JUDITH BAUMGARDNER	3,428	9.76	1,055	2,308	6	59
WRITE-IN.	93	.26	32	60	0	1
Over Votes	39		6	33	0	0
Under Votes	12,098		3,466	8,364	13	255

SUMMARY REPT-GROUP DETAIL

UDEL ELECTION
SOLANO COUNTY
NOVEMBER 3, 2009

OFFICIAL RESULTS

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	TOTAL VOTES	%	ELECTION DAY	VOYE BY MAIL MANDATORY	VBM	PROVISIONALS
Member, City Council CITY OF BENICIA						
Vote for no more than 2						
(WITH 10 OF 10 PRECINCTS COUNTED)						
MARK HUGHES	3,524	32.31	991	2,487	0	46
JUBAL BIGGS	1,128	10.34	364	751	0	13
ALAN M. SCHWARTZMAN	3,529	32.36	1,018	2,462	0	49
DAN SMITH	2,698	24.74	963	1,697	0	38
WRITE-IN	27	.25	8	19	0	0
Over Votes	58		10	48	0	0
Under Votes	1,542		524	990	0	28

Mayor CITY OF FAIRFIELD						
Vote for no more than 1						
(WITH 33 OF 33 PRECINCTS COUNTED)						
JAMES ABRAM HOLLIDAY	1,106	7.55	330	748	6	22
HARRY T. PRICE	8,735	59.66	2,712	5,878	37	108
GEORGE RIVERA	1,301	8.89	426	828	9	38
RAY REYFF	1,582	10.80	494	1,053	7	28
STEPHEN BARNETT	916	6.26	283	616	5	12
JOHN W. MCAULIFFE	965	6.59	292	655	2	16
WRITE-IN	37	.25	15	22	0	0
Over Votes	17		3	12	1	1
Under Votes	778		228	525	3	22

Member, City Council CITY OF FAIRFIELD						
Vote for no more than 2						
(WITH 33 OF 33 PRECINCTS COUNTED)						
BRIAN TRAVIS	2,655	9.66	813	1,800	7	35
TERESA COURTEMACHE	4,687	17.05	1,492	3,084	15	96
GERMAN LOPEZ	738	2.68	279	434	3	22
JAMIE JOHNSON	3,892	14.16	1,234	2,606	15	37
GINO VANGUNDY	650	2.36	165	477	0	8
PAM BERTANI	4,767	17.34	1,693	2,972	26	76
CATHERINE "CAT" MOY	4,896	17.81	1,350	3,461	28	57
JOHN MRAZ	5,178	18.84	1,447	3,645	19	67
WRITE-IN	26	.09	8	16	1	1
Over Votes	272		106	158	2	6
Under Votes	3,113		979	2,021	24	89

Member, City Council CITY OF VALLEJO						
Vote for no more than 3						
(WITH 36 OF 36 PRECINCTS COUNTED)						
STEPHANIE GOMES	7,356	19.52	1,976	5,274	4	102
SAM KURSHAN	2,292	6.08	585	1,678	4	25
JOHNATHAN LOGAN, JR.	5,166	13.71	1,620	3,458	1	87
MARIE "PUNKIE" NELSON	4,556	12.09	1,185	3,284	4	83
TOM BARTEE	5,122	13.59	1,398	3,655	2	67
MARTI BROWN	7,188	19.08	1,972	5,099	7	110
HERMIE R. SUNGA	5,901	15.66	1,591	4,208	5	97
WRITE-IN	97	.26	29	66	0	2
Over Votes	69		18	51	0	0
Under Votes	8,792		2,508	6,080	6	198

SUMMARY REPT-GROUP DETAIL

UDEL ELECTION
SOLANO COUNTY
NOVEMBER 3, 2009

OFFICIAL RESULTS

RUN DATE:11/16/09 03:22 PM

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TOTAL VOTES % ELECTION DAY VOTE BY MAIL MANDATORY VBM PROVISIONALS

Solano Irrigation District
SOLANO IRRIGATION DISTRICT DIV 1

Vote for no more than 1
(WITH 12 OF 12 PRECINCTS COUNTED)

ROBERT S. CURREY	456	30.67	106	235	113	2
JOHN D. KLUGE	1,029	69.20	257	582	174	16
WRITE-IN.	2	.13	1	0	1	0
Over Votes	1		0	1	0	0
Under Votes	155		27	103	20	5

Measure U CITY OF VALLEJO

Vote for no more than 1
(WITH 36 OF 36 PRECINCTS COUNTED)

YES	10,065	69.24	2,289	7,630	7	139
NO.	4,472	30.76	1,767	2,610	3	92
Over Votes	1		0	1	0	0
Under Votes	975		238	710	1	26

0023 BENICIA 21005

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1970	
BALLOTS CAST - TOTAL.	842	
BALLOTS CAST - BLANK.	1	.12
VOTER TURNOUT - TOTAL		42.74
VOTER TURNOUT - BLANK05

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	336	18.04
DANA DEAN	543	29.15
ROSIE SWITZER	561	30.11
STEVE MESSINA	414	22.22
WRITE-IN.	9	.48
Total	1863	
Over Votes	0	
Under Votes	663	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	417	29.06
JUBAL BIGGS.	139	9.69
ALAN M. SCHWARTZMAN	455	31.71
DAN SMITH	420	29.27
WRITE-IN.	4	.28
Total	1435	
Over Votes	6	
Under Votes	243	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0024 BENICIA 21010

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1438	
BALLOTS CAST - TOTAL.	502	

IX-A-10

BALLOTS CAST - BLANK	1	.20
VOTER TURNOUT - TOTAL		34.91
VOTER TURNOUT - BLANK07

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	181	16.76
DANA DEAN	315	29.17
ROSIE SWITZER	337	31.20
STEVE MESSINA	240	22.22
WRITE-IN	7	.65
Total	1080	
Over Votes	3	
Under Votes	423	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES	245	28.99
JUBAL BIGGS	90	10.65
ALAN M. SCHWARTZMAN	256	30.30
DAN SMITH	250	29.59
WRITE-IN	4	.47
Total	845	
Over Votes	4	
Under Votes	155	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0025 BENICIA 21020

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1602	
BALLOTS CAST - TOTAL	507	
BALLOTS CAST - BLANK	0	
VOTER TURNOUT - TOTAL		31.65
VOTER TURNOUT - BLANK		

IX-A-11

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	224	19.34
DANA DEAN	325	28.07
ROSIE SWITZER	368	31.78
STEVE MESSINA	241	20.81
WRITE-IN.	0	
Total	1158	
Over Votes	0	
Under Votes	363	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	306	34.23
JUBAL BIGGS.	85	9.51
ALAN M. SCHWARTZMAN	297	33.22
DAN SMITH	205	22.93
WRITE-IN.	1	.11
Total	894	
Over Votes	2	
Under Votes	118	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0026 BENICIA 21035

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	2389	
BALLOTS CAST - TOTAL.	888	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		37.17
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

IX-A-12

DAVID ARCHER	351	17.77
DANA DEAN	588	29.77
ROSIE SWITZER	585	29.62
STEVE MESSINA	446	22.58
WRITE-IN.	5	.25
Total	1975	
Over Votes	0	
Under Votes	689	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	496	32.31
JUBAL BIGGS.	146	9.51
ALAN M. SCHWARTZMAN	504	32.83
DAN SMITH	389	25.34
WRITE-IN.	0	
Total	1535	
Over Votes	14	
Under Votes	227	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0027 BENICIA 21050

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1409	
BALLOTS CAST - TOTAL.	556	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		39.46
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	250	20.23
DANA DEAN	357	28.88
ROSIE SWITZER	331	26.78
STEVE MESSINA	287	23.22

IX-A-13

WRITE-IN.	11	.89
Total	1236	
Over Votes	0	
Under Votes	432	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	322	33.51
JUBAL BIGGS.	97	10.09
ALAN M. SCHWARTZMAN	311	32.36
DAN SMITH	229	23.83
WRITE-IN.	2	.21
Total	961	
Over Votes	2	
Under Votes	149	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0028 BENICIA 21070

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1663	
BALLOTS CAST - TOTAL.	542	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		32.59
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	241	19.64
DANA DEAN	334	27.22
ROSIE SWITZER	367	29.91
STEVE MESSINA	279	22.74
WRITE-IN.	6	.49
Total	1227	
Over Votes	0	
Under Votes	399	

IX-A-14

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	296	31.59
JUBAL BIGGS.	136	14.51
ALAN M. SCHWARTZMAN	283	30.20
DAN SMITH	216	23.05
WRITE-IN.	6	.64
Total	937	
Over Votes	4	
Under Votes	143	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0029 BENICIA 21075

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1784	
BALLOTS CAST - TOTAL.	652	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		36.55
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	288	19.45
DANA DEAN	428	28.90
ROSIE SWITZER	433	29.24
STEVE MESSINA	325	21.94
WRITE-IN.	7	.47
Total	1481	
Over Votes	0	
Under Votes	475	

Member, City Council CITY OF BENICIA

IX-A-15

Vote for no more than 2

MARK HUGHES.	388	33.45
JUBAL BIGGS.	111	9.57
ALAN M. SCHWARTZMAN	382	32.93
DAN SMITH	275	23.71
WRITE-IN.	4	.34
Total	1160	
Over Votes	4	
Under Votes	140	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0030 BENICIA 21095

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1602	
BALLOTS CAST - TOTAL.	584	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		36.45
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	278	20.56
DANA DEAN	385	28.48
ROSIE SWITZER	371	27.44
STEVE MESSINA	313	23.15
WRITE-IN.	5	.37
Total	1352	
Over Votes	0	
Under Votes	400	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	349	33.95
JUBAL BIGGS.	95	9.24
ALAN M. SCHWARTZMAN	334	32.49

IX-A-16

DAN SMITH	246	23.93
WRITE-IN.	4	.39
Total	1028	
Over Votes	6	
Under Votes	134	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0031 BENICIA 21100

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1593	
BALLOTS CAST - TOTAL.	610	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		38.29
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	261	18.38
DANA DEAN	405	28.52
ROSIE SWITZER	415	29.23
STEVE MESSINA	338	23.80
WRITE-IN.	1	.07
Total	1420	
Over Votes	0	
Under Votes	410	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	356	32.78
JUBAL BIGGS.	109	10.04
ALAN M. SCHWARTZMAN	385	35.45
DAN SMITH	234	21.55
WRITE-IN.	2	.18
Total	1086	
Over Votes	12	

IX-A-17

Under Votes 122

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO
NOVEMBER

RUN DATE:11/16/09 03:23 PM

0032 BENICIA 21105

	TOTAL VOTES	%
REGISTERED VOTERS - TOTAL	1728	
BALLOTS CAST - TOTAL.	570	
BALLOTS CAST - BLANK.	0	
VOTER TURNOUT - TOTAL		32.99
VOTER TURNOUT - BLANK		

Benicia Unified School District

Vote for no more than 3

DAVID ARCHER	257	19.50
DANA DEAN	358	27.16
ROSIE SWITZER	366	27.77
STEVE MESSINA	334	25.34
WRITE-IN.	3	.23
Total	1318	
Over Votes	0	
Under Votes	392	

Member, City Council CITY OF BENICIA

Vote for no more than 2

MARK HUGHES.	349	34.05
JUBAL BIGGS.	120	11.71
ALAN M. SCHWARTZMAN	322	31.41
DAN SMITH	234	22.83
WRITE-IN.	0	
Total	1025	
Over Votes	4	
Under Votes	111	

PREC REPORT-GROUP DETAIL

UDEL ELEC
SOLANO CO

IX-A-18