

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
DECEMBER 4, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:01 p.m. on Tuesday, December 4, 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:

Mayor Messina 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:

- Sky Valley Open Space Committee:
Three unexpired terms to September 30, 2010
- Open Government Commission:
One full term to November 30, 2011

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

- Proclamations welcoming Benicia High School Exchange Students

ADOPTION OF AGENDA:

On motion of Council Member Whitney, seconded by Vice Mayor Schwartzman, 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. Joseph Lee – Mr. Lee spoke in opposition to the recent closure of the skate park at Willow Glen Park.
2. Lorraine Bettencourt – Ms. Bettencourt stated that she hoped the skate park at Willow Glen Park would not be turned into a dog park. Council should put the reuse of the skate park at Willow Glen Park up for a vote by the City.
3. Jeanine Seeds – Ms. Seeds discussed the trash problem at the skate park at Willow Glen Park. She suggested having the kids police themselves with regards to the trash issue.
4. Bob Mutch – Mr. Mutch thanked the outgoing Council Members. He was glad the new Council Members were present to hear the citizens talk about the skate park closure at Willow Glen Park.
5. Joseph Roncowitz – Mr. Roncowitz discussed the number of fast food restaurants compared to the number of skate parks in Benicia. He spoke in opposition to the recent closure of the skate park at Willow Glen Park.
6. Joe Kearns – Mr. Kearns discussed the trash and marijuana problems at the skate park at Willow Glen Park. He suggested giving the skaters another chance at the park.
7. Jim Erickson, City Manager – Mr. Erickson discussed Council’s direction to Staff at the last Council meeting. Council directed Staff to find an alternate location for a skate park south of I-780. The City’s insurance administrator informed the City that it was unsafe to keep the park open.
8. Sabina Yates – Ms. Yates gave Council a handout titled ‘How much does a vote cost in Benicia?’

CONSENT CALENDAR:

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

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

ORDINANCE 07-27 - 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 07-28 - 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 07-29 - 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 07-30 - 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 07-31 - 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 07-32 - 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 07-33 - 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 07-34 - 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 07-35 - 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 07-36 - 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 07-37 - 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 07-38 - 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 07-39 - 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 07-40 - 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 07-41 - 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 07-42 - 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 07-43 - 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 07-44 - 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 07-45 - 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 07-46 - 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 07-47 - 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 07-48 - 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 07-49 - 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 07-50 - 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 07-51 - 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 07-52- 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 07-53 - 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 07-54 - 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 07-55 - 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 07-56 - 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 07-57 - 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 07-58 - 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 07-59 - 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 07-60 - 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 07-61 - 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 07-62 - 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 07-63 - AN ORDINANCE AMENDING SECTION 17.90.110 (APPEALS) OF CHAPTER 17.90 (CONDOMINIUM CONVERSIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07-64 - 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 07-65 - 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 07-66 - 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 07-67 - 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 07-68 - 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 07-69 - AN ORDINANCE DELETING AND REPLACING CHAPTER 17.124 (APPEALS AND CALLS FOR REVIEW) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 07-70 - 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 07-71 - 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

RESOLUTION 07-136 - A RESOLUTION AUTHORIZING THE SPENDING PLAN OF THE SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND FOR FISCAL YEAR 2007/08.

RESOLUTION 07-137 - A RESOLUTION ACCEPTING THE WEST K STREET OVERLAY PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 3, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of minutes of November 20, 2007:

Vice Mayor Schwartzman pulled the minutes, as he was absent from the November 20, 2007 Council meeting and needed to abstain from voting.

On motion of Council Member Patterson, seconded by Council Member Whitney, Council approved the Minutes of November 20, 2007, on roll call by the following vote:

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

Noes: None

Abstain: Vice Mayor Schwartzman

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

Public Comment:

1. Sue Johnson – Ms. Johnson discussed the feral cats in the community.
2. Sue Wickham – Ms. Wickham discussed concerns regarding the feral cats in the community and how they are addressed in the proposed ordinance.
3. Gretchen Burgess – Ms. Burgess discussed concerns with feral cats in the community.
4. Tony Shannon – Mr. Shannon stated that he supported the proposed ordinance, including the step to have it reviewed in six months.

Council discussed the performance measurements that were built into the proposed ordinance.

ORDINANCE 07-72 – AN ORDINANCE AMENDING TITLE 6 (ANIMALS) PERTAINING TO ANIMAL REGULATION AND ADOPTING A COMPREHENSIVE ANIMAL CONTROL PROGRAM

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

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

Noes: None

Approval of implementation of the market-based pay adjustments for four employee groups and unrepresented positions and approval of new job descriptions associated with the 2006-07 Classification and Compensation Study:

Council and Staff discussed integrating regular classification studies so that surprises like this would not happen, concerns with the proposed funding for the pay adjustments, looking for other areas for funding, and possibly reducing the City's operational expenditure in each of the next two years – by \$170,000 in the first year and \$140,000 in

the second year to substitute the funding – which would allow the City to maintain a balanced budget.

Vice Mayor Schwartzman made a motion to adopt the resolution, with the change of reducing the City’s operational expenditure in each of the next two years – by \$170,000 in the first year and \$140,000 in the second year to substitute the funding.

RESOLUTION 07-138 - A RESOLUTION APPROVING THE IMPLEMENTATION OF THE MARKET-BASED ADJUSTMENTS FOR FOUR EMPLOYEE GROUPS AND UNREPRESENTED POSITIONS, APPROVING NEW JOB DESCRIPTIONS ASSOCIATED WITH THE 2006-07 CLASSIFICATION AND COMPENSATION STUDY AND IMPLEMENT THE RECOMMENDED BUDGET ADJUSTMENTS

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

Request to CalPERS to allow John Bailey to work in excess of 960 hours this year:

Council and Staff discussed the current status of selecting a replacement for the position. Staff has not started the interview process. Staff hopes to begin the interview process early next year.

RESOLUTION 07-139 - A RESOLUTION REQUESTING PERS AUTHORIZE JOHN BAILEY TO EXCEED 960 HOURS AS A RETIREE TO ALLOW HIM TO WORK FOR THE CITY OF BENICIA AND TO FILL AN URGENT NEED

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

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

Approval of property tax refund agreement with Valero Refining Company – California:
Public Comment:

1. J. B. Davis – Mr. Davis spoke in opposition to the proposed agreement.
2. Joe Kearns – Mr. Kearns spoke in opposition to the proposed agreement.

Council and Staff discussed the events leading up to the proposed agreement, the suggestions made by the public, alternate uses for the money, and the need to proceed with the proposed Resolution.

RESOLUTION 07-140 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH VALERO REFINING COMPANY - CALIFORNIA

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

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Approving the results of the Consolidated Districts Election held November 6, 2007:

Lisa Wolfe, City Clerk, reviewed the staff report.

RESOLUTION 07-141 - A RESOLUTION APPROVING THE RESULTS OF THE CONSOLIDATED DISTRICTS ELECTION HELD NOVEMBER 6, 2007

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

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

Noes: None

Presentation to outgoing officials:

Mayor Messina thanked Council Member Whitney and Virginia Souza for their public service and presented them with gifts from the City.

Vice Mayor Schwartzman thanked Mayor Messina for his public service and presented him with a gift from the City.

Comments by outgoing Council Members and Mayor:

Mayor Messina read a statement reviewing the Council's accomplishments during his tenure and thanking the citizens for their support.

Council Member Whitney congratulated the newly elected City officials. He thanked past and present Council Members, City Staff, the citizens of Benicia, friends, and supporters, and most importantly his family for their support.

INFORMATIONAL ITEMS:

None

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:08 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
DECEMBER 4, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Vice Mayor Schwartzman at 8:11 p.m. on Tuesday, December 4, 2007, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

After calling the meeting to order, Vice Mayor Schwartzman turned the meeting over to Mayor Elect Patterson.

Mayor Patterson introduced the Solano Youth Theatre Teen Touring Company, who then performed a song.

ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS:

Vice Mayor Schwartzman administered the Oath of Office to City Clerk Lisa Wolfe.

Lisa Wolfe, City Clerk, administered the Oath of Office to Mayor Patterson, Council Member Campbell, Council Member Ioakimedes, and City Treasurer Teddie Bidou.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson 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).

REMARKS BY ELECTED OFFICIALS

Council Member Campbell thanked his friends, family, and the citizens of Benicia for their support.

Council Member Ioakimedes thanked his friends, family, and the citizens of Benicia for their support.

Mayor Patterson thanked her friends, family, and the citizens of Benicia for their support.

NOMINATION AND ELECTION OF MAYOR PRO TEM:

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council elected Council Member Campbell as Mayor Pro Tem, on roll call by the following vote:

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

Noes: None

Abstain: Vice Mayor Campbell

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
Three unexpired terms to September 30, 2010
- Open Government Commission:
One full term to November 30, 2011

Mayor's Office Hours:

Mayor Patterson announced she would 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 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

Resolution Approving Mayor's Appointments to Council Committees:

RESOLUTION 07-142 - A RESOLUTION CONFIRMING MAYOR'S

APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO COMMITTEES

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

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

Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

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:

PUBLIC COMMENT:

1. J.B. Davis – Mr. Davis requested that with the 20% reserve, there were 865,208 reasons Council could declare an emergency and pay a bill.
2. Jeanine Seeds – Ms. Seeds discussed the issue of clean, open government and fair voting practices.
3. Jon Van Landschoot – Mr. Van Landschoot asked Council to consult its heart, head, and tummy when considering issues on behalf of the City of Benicia. He presented Council with gifts of chocolate.
4. Ryan Young - Mr. Young spoke in opposition to the recent closure of the skate park at Willow Glen Park.

Mayor Patterson asked Ms. McLaughlin to discuss how Mr. Young could appeal the closure of the skate park at Willow Glen Park. Ms. McLaughlin stated that one of the Council Members would have to request the item be brought back for discussion. The Council would then vote whether or not to bring the item back for discussion.

5. Sarah Roncowitz – Ms. Roncowitz spoke in opposition to the recent closure of the skate park at Willow Glen Park. There needs to be more activities for the youth in Benicia.
6. Joseph Lee – Mr. Lee spoke in opposition to the recent closure of the skate park at Willow Glen Park. He suggested that the City provide grant money that could be matched by private donations for the repairs required to fix the skate park.
7. Taylor Kennedy – Mr. Kennedy spoke in opposition to the recent closure of the skate park at Willow Glen Park.
8. Clara Lowell – Ms. Lowell stated that she had a petition signed by many people to keep the skate park at Willow Glen Park open.
9. Jennifer Davis – Ms. Davis suggested the City put up a gated fence to block the skate park at Willow Glen Park off from the street, as that is the only safety concern she has noticed at the park.
10. Susan Street – Ms. Street discussed engaging the youth in solving the problem of the closure of the skate park at Willow Glen Park.
11. Tony Shannon – Mr. Shannon discussed the closure of the skate park at Willow Glen Park and the rumor it would be turned into a dog park.
12. Bob Mutch – Mr. Mutch discussed the recent closure of the skate park at Willow Glen Park. He would like Council to reconsider its decision to close the skate park. He discussed Bus Route 21, which stops right in front of Matthew Turner. He would like the City to promote the route to get the word out that it is an option.
13. Joe Kearns – Mr. Kearns discussed the liability issues related to the skate park at Willow Glen Park. He discussed his concerns with the skaters.
14. Citizen – The citizen requested the City look into lighting at the X-Park. He discussed people's perception of skaters. He would like Council to reconsider closing the skate park.

15. Bonnie Silveria – Ms. Silveria discussed the recent closure of the skate park at Willow Glen Park. She discussed the impact the skate park has had on the surrounding neighbors.

Council Member Hughes discussed his concerns. He could not support bringing the item back for discussion.

Vice Mayor Campbell suggested forming a committee of the skaters, neighbors, etc. to try and work this issue out.

Mayor Patterson stated that at the next Council meeting, Council would agendaize clarification of the direction given to Staff with regards to the skate park at Willow Glen Park at the last Council meeting.

CONSENT CALENDAR:

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

None

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Mayor's Cultural Committee:

Mayor Patterson stated that the committee was intended to be an ad-hoc temporary committee that would report to Council about the nature and character of a cultural commission. The purpose of the ad-hoc committee would be to revisit the 1984 recommendation by Council on the need for a cultural commission. She would like this item to be on the next agenda.

Public Comment:

1. Paul Zill, member, Benicia Old Town Theatre Group – Mr. Zill discussed the possibility of developing a cultural arts center in Benicia.
2. Mary Eichbauer – Ms. Eichbauer expressed support for Mayor Patterson's proposal to have a cultural commission.
3. Marilyn Bardet – Ms. Bardet expressed support for Mayor Patterson's proposal to have a cultural commission.
4. Rick Ernst- Mr. Ernst expressed support for Mayor Patterson's proposal to have a cultural commission.
5. Bonnie Widell – Ms. Widell expressed support for Mayor Patterson's proposal to have a cultural commission.

Council and Staff discussed the two-step process for Council Members requesting items to be placed on an agenda.

On motion of Vice Mayor Campbell, seconded by Council Member Ioakimedes, Council approved putting this issue on a future agenda, on roll call by the following vote:

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

Noes: None

COMMENTS FROM COUNCIL MEMBERS:

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:33 p.m.

Lisa Wolfe, City Clerk

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
DECEMBER 4, 2007

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 9:33 p.m. on Tuesday, December 4, 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 Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson 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).

OPPORTUNITY FOR PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of Closed Session

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)
Name of case: Mendozo, et al. v. Whitehouse, et al.**

- B. CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)
Name of case: City of Benicia v. Nationwide**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:35 p.m.

Lisa Wolfe, City Clerk