

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
January 07, 2014

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:00 p.m.

All Council Members were present.

II. CLOSED SESSION:

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)
Title: City Manager**

**B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of
subdivision (d) of Section 54956.9: (1 case regarding the Bus Hub
Project and related CEQA analysis based on the 12/17/13 letter from
John Gardner)**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:04 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Heather McLaughlin, City Attorney, reported the following actions taken during

Closed Session:

Item IV.A - No action was taken.

Item IV.B - Council received information from Staff.

2. Openings on Boards and Commissions:

Arts and Culture Commission

2 full terms

Application Due Date: January 24, 2014

Benicia Housing Authority Board of Commissioners

2 full terms (tenants)

Application Due Date: January 24, 2014

Civil Service Commission

4 full terms

Application Due Date: January 24, 2014

Community Sustainability Commission

2 full terms

Application Due Date: January 24, 2014

Economic Development Board

1 full term

Application Due Date: January 24, 2014

Historic Preservation Review Commission

1 unexpired term

1 full term

Application Due Date: January 24, 2014

Open Government

3 full terms

Application Due Date: January 24, 2014

Parks, Recreation and Cemetery Commission

1 full term

Application Due Date: January 24, 2014

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, stated there were no changes to the agenda; however there was a request from the public to pull item VII.C for discussion.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two item received (copies on file).

B. PUBLIC COMMENT

1. Jon Van Landschoot - Mr. Van Landschoot thanked Council and the City for the \$10,000 donation towards the State Parks in Benicia.

VII. CONSENT CALENDAR:

Council pulled items VII.C and VII.D for discussion.

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2013 CITY COUNCIL MEETING. (City Clerk)

B. AWARD OF CONSTRUCTION CONTRACT FOR THE CITY CEMETERY

DRAINAGE PROJECT

RESOLUTION 14-1 - A RESOLUTION AUTHORIZING THE PURCHASE AND PLACEMENT OF A NEW DRAINAGE SYSTEM AT THE BENICIA CITY CEMETERY IN THE AMOUNT OF \$54,216 ALLOCATED FROM THE CEMETERY RESTORATION FUND AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

C. SAN FRANCISCO BAY AREA WATER TRAIL RESOLUTION OF SUPPORT

RESOLUTION 14-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IN SUPPORT OF THE SAN FRANCISCO BAY AREA WATER TRAIL

Public Comment:

Dana Dean, Attorney for Amports - Ms. Dean discussed concerns regarding the Bay Area Water Trail resolution. She requested this item be continued until she and her client could look into the issue further.

Council and Staff discussed Ms. Dean's requests.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 14-02, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

D. APPROVE AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

Public Comment:

None

Council Member Strawbridge discussed exparte communications.

Council Member Schwartzman and Mayor Patterson received opinions, but did not speak to anyone.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council approved, by motion, the amendment to the City Manager Employment Agreement, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

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

VIII. **BUSINESS ITEMS:**

- A. **BENICIA INDUSTRIAL PARK PRIORITY DEVELOPMENT AREA
PLANNING GRANT**

RESOLUTION 14-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT WITH THE SOLANO TRANSPORTATION AUTHORITY (STA) TO DEVELOP A TRANSPORTATION PLAN FOR THE BENICIA INDUSTRIAL PARK EMPLOYMENT CENTER PRIORITY DEVELOPMENT AREA INCLUDING A \$250,000 PLANNING GRANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO MINOR REVISIONS BY THE CITY ATTORNEY

Mike Roberts, Senior Civil Engineer, reviewed the staff report.

Council Member Hughes and Staff discussed the need for assurances that the City was not giving up control on future development within or outside the Benicia Industrial Park. They discussed the proposed development of an intermodal station on the Seeno property.

Council Member Schwartzman discussed the issue of creating and bringing jobs to the City of Benicia. He asked Staff for assurances that the proposed plan would not take the City's control away.

Vice Mayor Campbell and Staff discussed the Intermodal Station and Seeno property. He discussed concern regarding putting residential around the proposed hubs.

Mayor Patterson clarified that if the City didn't discuss housing in the plan, the City would be vulnerable. When working on a CEQA document, you have to indicate that you discussed it and state the reasons it is or is not a viable option.

Council Member Strawbridge and Staff discussed whether the plan would look at all potential areas for the larger intermodal station (it would). They discussed whether the City had the staffing needed to move forward (it does).

Mayor Patterson discussed Staff's presentation to ABAG regarding Benicia having a designated PDA area. Mayor Patterson also discussed support for the proposed PDA.

Public Comment:

1. Dana Dean - Ms. Dean discussed concern regarding language in the proposed agreement, specifically regarding 1) what happens if the City does not adopt a plan by the required date, and 2) clarity regarding the charrette. She discussed concerns regarding displacement of low income families in the PDA.
2. Ed Russell - Mr. Russell requested Council continue this item so it could be further reviewed. He discussed various concerns regarding the plan.

Mayor Patterson clarified that this item was a plan, not a project. She asked Staff to address the issue of the size and why some areas were not included, and the issue of displacement of low income families.

Staff clarified the contact they had with the stakeholders regarding this issue. They discussed the size of the PDA (and why some areas were not included).

Council Member Hughes and Staff discussed any restrictions this plan could put on current property owners.

Mayor Patterson asked for a motion to approve the proposed resolution, subject to minor revisions by the City Attorney, and including comments made regarding the displacement of low income family/housing.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 14-03, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

**B. UPDATE ON BUSINESS RESOURCE INCENTIVE PROGRAM (BRIP)
AND APPROVAL TO MODIFY FUNDING PARAMETERS**

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Public Comment:

Council Member Strawbridge and Staff discussed how businesses were chosen for the program, and the City's plan on awarding the loans to interested parties.

Mayor Patterson and Staff discussed what the Economic Development Department was planning past this year to sustain a program that has enormous benefits to local businesses. They discussed how the loan payments were being made and how that money could be used. Mayor Patterson suggested Staff consider partnering with PG&E and go to the Public Utilities Commission and

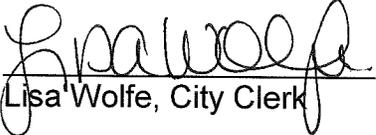
suggest funding this out of some of the cap and trade stuff they have available.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved, by motion, the update on the Business Resource Incentive Program (BRIP), and approval to modify funding parameters, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:56 p.m.


Lisa Wolfe, City Clerk

