

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
January 15, 2013

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. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

1 Claim: Yosick

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 4850 Park Road, 3300 Park Road & 3190 Bayshore Rd

Negotiating Parties: City Attorney, City Manager & Economic Development Manager

Under Negotiation: Instruction to negotiator on both payment and lease terms

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the Open Session to order at 7:09 p.m.

**A. ROLL CALL**

All Council Members were present. Vice Mayor Campbell arrived at 7:11 p.m.

**B. PLEDGE OF ALLEGIANCE**

Jerry Hayes led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**

**IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:**

**A. ANNOUNCEMENTS**

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

Ms. McLaughlin reported that Council gave direction to Staff on both items.

**2. Openings on Boards and Commissions:**

Building Board of Appeals

1 full term

Open Until Filled

Art and Culture Commission

1 unexpired terms

3 full terms

Open Until Filled

Community Sustainability Commission

1 full term

Open Until Filled

Civil Service Commission

1 full term

Open Until Filled

Finance Committee

2 full terms

Open Until Filled

Human Services Board

1 full term

Open Until Filled

Open Government Commission

1 full term

Open Until Filled

Planning Commission

2 full terms

Open Until Filled

Sky Valley Open Space

1 full term

Open Until Filled

**3. Mayor's Office Hours:**

**B. PROCLAMATIONS**

**1. In Recognition of Lee Syracuse**

**C. APPOINTMENTS**

**1. Consider confirming the Mayor's proposed appointment of Council Member Hughes as the Alternate to the Solano Water Authority/Solano County Water Agency.**

**RESOLUTION 13-1 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO STANDING, AD HOC AND OUTSIDE AGENCY COMMITTEES**

On motion of Mayor Patterson Council adopted Resolution 13-1, on roll call by the following vote:

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

**D. PRESENTATIONS**

**1. Benicia Historical Museum Presentation**

**V. ADOPTION OF AGENDA:**

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

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Mayor Patterson reviewed the three items submitted (copies on file).

**B. PUBLIC COMMENT**

**1. Citizen - The citizen expressed concern regarding Council discussing the billboard item during closed session, as it had not been discussed in open**

session. Ms. McLaughlin clarified the state laws regarding closed session discussion items.

2. Vice Mayor Campbell - Vice Mayor Campbell discussed a recent request for information that staff received. He was concerned about requests that go above and beyond what is legally required for staff to provide, requiring exorbitant amount of staff time.

## **VII. CONSENT CALENDAR:**

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

Vice Mayor Campbell clarified that his wife worked on the Von Pfister General Store item (VII.B). He wanted to publicly state that information, in case it was a conflict of interest. Staff and Mayor Patterson clarified that since the vote for the overall consent calendar was done in a batch, and since he indicated that if it were discussed separately he would have recused himself, and then there was no need to take a separate vote.

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

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

### **A. APPROVAL OF THE MINUTES OF DECEMBER 18, 2012**

Council Member Schwartzman discussed a proposed language change to page VII.A.7. He would like to add 'If that happened, the General Fund would have to be used to cover the shortfall, which means less money for roads, parks, public safety, etc.'

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted the Minutes of December 18, 2012, as amended, on roll call by the following vote:

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

### **B. NOMINATION OF THE VON PFISTER GENERAL STORE FOR THE NATIONAL REGISTER OF HISTORIC PLACES**

**RESOLUTION 13-2 - A RESOLUTION SUPPORTING THE NOMINATION OF THE VON PFISTER GENERAL STORE TO THE NATIONAL REGISTER OF HISTORIC PLACES**

- C. PARTICIPATION IN PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS
- D. A RESOLUTION AMENDING AND RESTATING THE POLICY FOR REIMBURSEMENT OF TRAVEL EXPENSES FOR OFFICERS AND EMPLOYEES

**RESOLUTION 13-3 – A RESOLUTION AMENDING AND RESTATING THE POLICY FOR REIMBURSEMENT OF TRAVEL EXPENSES FOR OFFICERS AND EMPLOYEES**

Council Member Schwartzman discussed page VII.D.6. He was concerned regarding the issue of meals and make the limit \$65 per day for either staff or council.

Staff confirmed there was not a change regarding meal reimbursement; that was the way the previous policy was written. However, it could be changed to \$65/day maximum for staff and council.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 13-3, as amended, on roll call by the following vote:

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

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

**VIII. BUSINESS ITEMS:**

- A. EXTENSION OF THE HOOKAH LOUNGE MORATORIUM ORDINANCE

**ORDINANCE 13-1 - AN URGENCY INTERIM ORDINANCE APPROVING AN INTERIM ZONING MORATORIUM ON THE ESTABLISHMENT OF HOOKAH LOUNGES IN THE CITY OF BENICIA AND ADOPTING FINDINGS INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN**

Heather McLaughlin, City Attorney, reviewed the staff report.

Mayor Patterson clarified that Staff was not taking action on an ordinance regarding hookah lounges; they were buying some 'planning time.' It takes a long

time to put together an ordinance and hold public meetings to discuss the elements of that ordinance. This action would add 22 months to the previously adopted 45-day urgency ordinance. Approval would require a 4/5 vote.

Council Member Schwartzman clarified that the word 'dispensaries' should be removed. Staff confirmed it should be removed, and should read 'hookah lounges.'

Public Comment:

1. Nasif Shaikh - Mr. Shaikh spoke in opposition to the proposed urgency ordinance. He asked Council and Staff to keep an open mind regarding hookah lounges.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 13-1, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**B. INTRODUCTION AND FIRST READING OF AN ORDINANCE MAKING COMMERCIAL USE OF PARK FACILITIES WITHOUT PERMIT UNLAWFUL**

**ORDINANCE 13- - AN ORDINANCE AMENDING CHAPTER 12.28 (USE OF CITY PARKS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 12.28.040 (COMMERCIAL USE OF PARK FACILITIES WITHOUT PERMIT UNLAWFUL)**

Heather McLaughlin, City Attorney, reviewed the staff report.

Public Comment:

None

Council Member Hughes expressed concern regarding the possible fee for this item. If the ordinance were to pass, he would like the fee to be reasonable (staff would look into what a reasonable/affordable fee would be).

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

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

**C. INTRODUCTION AND FIRST READING OF AN ORDINANCE  
AMENDING THE BENICIA MUNICIPAL CODE REGARDING THE  
PURCHASING SYSTEM IN CHAPTER 3.08 OF TITLE 3**

**ORDINANCE 13- - AN ORDINANCE AMENDING THE BENICIA MUNICIPAL  
CODE REGARDING THE PURCHASING SYSTEM IN CHAPTER 3.08 OF  
TITLE 3**

Karan Reid, Finance Director, reviewed the staff report.

Public Comment:

None

Council Member Schwartzman discussed concern regarding the proposed language regarding local business preference.

Mr. Kilger discussed the City's legal leeway on the issue of local business preference.

Mario Giuliani, Acting EDB Manager, reviewed the current local business preference policy.

Staff would look into the issue as to why or whether the numbers in the staff report were appropriate.

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

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

**D. APPEAL OF PLANNING COMMISSION USE PERMIT APPROVAL TO  
MODIFY BILLBOARDS AT 3190 BAYSHORE ROAD AND 3300 PARK  
ROAD**

**RESOLUTION 13-4 – A RESOLUTION DENYING THE APPEAL AND  
UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE A  
USE PERMIT TO MODIFY THE EXISTING BILLBOARD AT 3300 PARK ROAD  
AND 3190 BAYSHORE ROAD**

Heather McLaughlin, City Attorney, introduced the item, and explained how the

appeal process worked and how 'substantial additional information' was handled by Council.

Mayor Patterson disclosed exparte communications she had on this item.

Council Member Hughes disclosed exparte communications he had on this item.

Council Member Strawbridge disclosed exparte communications she had on this item.

Council Member Schwartzman disclosed exparte communications he had on this item.

Vice Mayor Campbell noted that he did not have any exparte communications.

Mayor Patterson asked Staff to clarify how the CEQA/Negative Declaration process worked with this item.

Mark Rhodes, Contract Planner, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed concern regarding the sign in question being a hazard to public safety and the drivers on the road. They discussed conventional and digital billboards.

Appellant #1- Craig Andres:

Mr. Andres discussed concerns regarding the Planning Commission's use permit approval for digital billboard signs at 3190 Bayshore Road and 3300 Park Road., as the digital billboard is directly across the street from his business. He cited quotes from the City's General Plan, Chapter 18, regarding flashing signs. He discussed the dangers of distracted drivers on the roads/highways. He suggested the issue be put before the voters to decide. If the City allows the signs to go up because money/income, he would pull his business (Insight Glass) and move to the City of Danville. He expressed concern regarding the contract negotiations regarding the billboards being handled in closed session.

Appellant #2 - Ed Russell

Mr. Russell discussed concerns regarding the Planning Commission's use permit approval for digital billboard signs at 3190 Bayshore Road and 3300 Park Road. He did not like the way the issue has been presented up to this point. He discussed how CEQA applied to this issue. He was concerned regarding safety, and its proximity to the freeway. He discussed concerns regarding the hazards of the lights and changing lights (that could mimic flashing). He discussed the issue of the appropriateness with the billboards and the City's General Plan and the

sign ordinance. He expressed concern regarding the way that the billboard projects were pushed through City staff and the Planning Commission. He expressed concern regarding the contract negotiations regarding the billboards being handled in closed session. He discussed how much power and energy are required to run the signs 24/7. He disagreed with the CEQA document regarding certain findings relating to how far away the signs could be seen (neighborhoods could see the glow of the signs). He questioned where the revenues from the digital billboards would end up (possibly the City's General Fund).

Mayor Patterson asked Mr. Russell if he received a copy of the Use Permit. Mr. Russell said he received some information, however it was quite technical and some of it was confusing.

Applicant:

Dana Dean, representing Clear Channel Outdoors, and representatives from Clear Channel, reviewed a video showing various digital billboards. Ms. Dean discussed the valid Use Permit, energy use, clarification that the signs do not flash, clarification on the issue of brightness, State Scenic Highway requirements, how the signs would help the Benicia Industrial Park and the City, and clarification that this issue has been sufficiently brought before the public. Ms. Dean discussed the 'Case of 100 Billboards.' She closed in saying that she thought the billboards would improve the image of the Benicia Industrial Park, and help bring it into the 21st century. The project could bring tremendous advantages forward to the City.

Public Comment:

1. Kimble Goodman - Mr. Goodman spoke in opposition to the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road.
2. Eric Hoglund - Mr. Hoglund spoke in opposition to the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road. The Benicia Chamber of Commerce would like to be included in future discussions regarding billboards to convey what the business community would like to see.
3. John Bunch - Mr. Bunch spoke in support of the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road. He discussed concerns regarding the safety and distracted drivers, as well as the close proximity of the two billboards.
4. Duane Oliveira - Mr. Oliveira spoke in opposition to the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road. He discussed the need for the revenue from the billboards to go to improvements for the Benicia Industrial Park. He suggested the City negotiate adding discounts for local businesses into the contract with Clear Channel.

5. Leah Shellhorn - Ms. Shellhorn spoke in opposition to the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road.
6. Chris Terry - Mr. Terry discussed the issue of double standards. There could be signs on I-680, but not on East Second Street. If the City is going to allow the electronic billboards on the freeway, why not allow them on East Second Street.
7. Bob Nelson - Mr. Nelson discussed concern regarding Council discussing the contract negotiations regarding billboard lease terms in closed session. He spoke in support of the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road.
8. Ellen Kolowich - Ms. Kolowich spoke in opposition to the appeal of the Planning Commission's approval to modify billboards at 3190 Bayshore Road and 3300 Park Road.

### Rebuttal

#### Appellant #1- Craig Andres:

Mr. Andres discussed concerns made by previous speakers. He discussed concern regarding the negative effects the billboards would have on his business and the Industrial Park. He disagreed that the billboard ads would bring business and people to the downtown area.

#### Appellant #2 - Ed Russell:

Mr. Russell discussed the City's General Plan, sign ordinance, and the scenic highway designation. He discussed the various businesses he reached out to regarding this issue. He discussed concern regarding the stated benefits the City could gain from the billboards. He felt there would be a negative effect on City staff/resources.

#### Dana Dean, Clear Channel Outdoors, Applicant:

Ms. Dean discussed her reasons for representing the clients that she does. She discussed the various studies done regarding electronic billboards and the issue of glance time.

Vice Mayor Campbell and Ms. Dean discussed the Swedish Study that has been referenced. Vice Mayor Campbell discussed concern regarding safety and distracted drivers.

Council Member Schwartzman, Ms. Dean, and Clear Channel staff discussed the issue of glare, and what could be done to minimize or mitigate the issue.

Mayor Patterson, Ms. Dean, and Clear Channel staff discussed the issue of the economic and direct benefits of the billboards. They discussed the issue of power use, solar power, public safety and whether Clear Channel was participating in safety and cumulative studies, and studies that have been done regarding accident and safety data.

Ms. Dean and Mayor Patterson discussed the issue of possibly including solar power as a condition of a lease agreement. That is something that would be discussed when the lease was being discussed.

Vice Mayor Campbell and Ms. Dean discussed whether the country of Sweden allowed digital billboards after the study was released (no confirmation).

Mayor Patterson called for a 5-minute break at 10:24 p.m. She cautioned Council not to speak with the public on this issue during the break. The meeting resumed at 10:31 p.m.

Council Member Hughes discussed concern regarding the brightness of certain digital billboards. Safety was a big issue for him. Council was relying on the safety experts on this issue. He was comfortable that the City and Council had reached out to the public regarding the issue. The issue of revenue is valid. The City has to look at how to create revenue and advertise its businesses. Council was trying to make a decision that was in the best interest of the overall community.

Vice Mayor Campbell discussed how the billboards could financially benefit the City, however, he was very concerned about the issue of safety and distracted drivers.

Council Member Strawbridge discussed the importance of defining revenue sources for the City. The City has the opportunity to modernize the current billboards in the Industrial Park. The City needs to invest in the Industrial Park (broadband, roads, etc.).

Council Member Schwartzman discussed the intent of the General Plan with regards to the scenic corridor. He wondered what other businesses within 300 ft. were contacted. Digital billboards are state of the art, and that is where the technology is going. The reader boards would update the perception that the Industrial Park was up to date. He discussed the positive effects the billboards could have on City events and the City's budget. He would support the denial of the appeal, however, if the City was going to get the reader boards, he would like to 1) negotiate that the other (older) signs would come down (so the City would ultimately end up with less billboards in that corridor), 2) see if the City could put together a discounted advertising program for local businesses, and 3) while the money (from the billboards) would go to the General Fund, come up with a resolution that would dedicate a certain percentage or amount of that income

back to the Benicia Industrial Park.

Mayor Patterson discussed how the billboards would affect the economics. She expressed the need to maintain the City's uniqueness. She discussed how the billboards would distract the drivers from the Industrial Park. She did not agree that the reader boards would encourage people to visit the City or City events. She discussed the City's General Plan (3-2) and the views/gateways, and the issue of trying to have I-680 being recognized as a scenic corridor. She discussed concerns regarding safety. If passed, she would like to see the resources be dedicated to the Industrial Park and commercial interests. She supported upholding the appeal.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 13-4, on roll call by the following vote:

Ayes: Schwartzman, Hughes, Strawbridge

Noes: Patterson, Campbell

**E. APPEAL OF PLANNING COMMISSION USE PERMIT APPROVAL TO MODIFY BILLBOARD AT 4850 PARK ROAD**

Heather McLaughlin, City Attorney, reviewed how the appeal process worked.

Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson, disclosed exparte communications.

Mark Rhodes, Contract Planner, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the City's sign ordinance. Council Member Hughes and Staff discussed the angle of the proposed sign, and whether the glare of the sign would be angled away from the view of the businesses close by.

Mayor Patterson and Staff discussed the development agreement, the sign review permit, CEQA, the Caltrans scenic standards, and the failure to having a vigorous public outreach process being the fatal flaw in the project.

Appellant #1 - Craig Andres:

Mr. Andres discussed the angle of the proposed sign. He would see the backside of two billboards from the front door of his business. The proposed sign would be 50 ft. from his front door. He discussed concern regarding the notification process, the lack of a study on the project, the negative effect the billboard would have on his property values, the use permit for the current

Nationwide sign, his past efforts to get the abandoned non-working Nationwide sign removed, and the size of the proposed billboard. He hoped the City would not alienate a business that has contributed over \$5 million in property taxes over the past 27 years. He would like the City to ban all electronic billboards.

Appellant #2 - Susan Cohen Grossman:

Ms. Cohen Grossman reviewed her concerns regarding the proposed electronic billboard (review the written comments she submitted - copy on file). Council Member Schwartzman and Staff discussed the issue of the application and whether it was subject to review by HPRC.

Vice Mayor Campbell and Ms. Cohen Grossman discussed why she appealed the project when she voted in favor of it on the Planning Commission.

Applicant - Colin Smith, CBS Outdoor:

Mr. Smith reviewed a slide show showing various options for the proposed sign. He discussed a sign they recently installed in the City of Martinez. He would like to cultivate a prosperous and successful relationship with the City of Benicia.

Council Member Hughes and Mr. Smith discussed possible options for the proposed sign that would make it less distracting or problematic for Mr. Andres' business (Insight Glass).

Vice Mayor Campbell discussed and Mr. Smith discussed the issue of blocked views, and whether CBS had done perspectives on what the other businesses in the area would be looking at.

Mr. Kilger clarified that Council was trying to see what could be done to reduce the industrial appearance of the proposed sign, and what type of message the sign would represent for the City. If Council provided some general directions on that, staff could sit down with the applicant and work on those issues.

Public Comment:

1. Eric Hogle, Benicia Chamber of Commerce - Mr. Hogle spoke in opposition to the appeal of Planning Commission use permit approval to modify billboard at 4850 Park Road.
2. John Bunch - Mr. Bunch inquired about the Use Agreement and Development Agreement for the current Nationwide sign. He discussed concern regarding the size of the proposed sign. He spoke in support of the appeal of Planning Commission use permit approval to modify billboard at 4850 Park Road.
3. Ed Russell - Mr. Russell discussed concern regarding the size of the proposed sign. He spoke in support of the appeal of Planning

Commission use permit approval to modify billboard at 4850 Park Road.

Mr. Rhodes discussed the City's sign ordinance. He discussed why an Initial Study and Mitigated Negative Declaration was done on the signs for the previous agenda item (for the potential for biological and archaeological resource impacts - because of one of the signs location to the wetland area).

Mayor Patterson and Staff discussed the use of the term 'iconic structure' with respect to this item. Some people were anticipating a more comprehensive review thorough CEQA.

Council Member Schwartzman and Staff discussed the issue of 'abandonment' with regards to the development agreement for the Nationwide sign.

Mayor Patterson discussed the design issue fitting in with the aesthetics, the view shed, and the corridor. The categorical exemption is a failure because it doesn't acquaint the public with what the General Plan says is a valuable corridor.

Council Member Schwartzman and Staff discussed the development agreement and the sign ordinance, and which would take precedent over the other.

Vice Mayor Campbell discussed concern regarding the safety and distracted drivers. He would be voting to uphold the appeal.

Mayor Patterson discussed the City's General Plan, and how the lack of good analysis on how the sign fits in the corridor and in the Industrial Park. A proper CEQA process would have been helpful. She was not convinced it would help the overall wellbeing of the Industrial Park. The sign ordinance is not capable of taking into account new technology.

Vice Mayor Campbell made a motion to uphold the appeal of the Planning Commission's decision, which was seconded by Mayor Patterson.

Staff clarified that there were two appeals of the Planning Commission decision.

Vice Mayor Campbell amended his motion to uphold the appeals (both appeals). Mayor Patterson seconded the amendment to the motion.

Mayor Patterson discussed the sign ordinance, and the fact that the ordinance is currently under review.

Vice Mayor Campbell clarified that he wanted to separate the two appeals. He supported Mr. Andres' appeal; however he did not support Ms. Cohen Grossman's appeal. He wanted his motion to reflect that he was supporting Mr. Andres' appeal.

Mayor Patterson and Staff discussed the design review process, the Planning Commission, and the HPRC.

Staff clarified that if Council voted to uphold only one of the appeals, the project would not go forward.

Mayor Patterson clarified that the motion was to uphold the appeal by Mr. Andres.

Mayor Patterson seconded the motion.

Council Member Strawbridge asked if there was a way to send the issue to the HPRC.

Staff clarified what the HPRC was responsible for.

Mayor Patterson and Staff discussed the possibility of continuing the item and what affect that would have on the appeal.

Council Member Hughes suggested the possibility of upholding the Planning Commission's decision, and direct staff to bring it to the HPRC.

Ms. McLaughlin discussed the issue of 'denial without prejudice.'

Mayor Patterson clarified her reasons for voting to uphold the appeal. There are fundamental flaws with the process, there are design issues that haven't been addressed, and it is premature because of the ongoing sign ordinance revisions.

Mayor Patterson, Vice Mayor Campbell, and Ms. McLaughlin clarified that the motion was to uphold the appeal (which is denying the project), without prejudice to the denial of the project without prejudice (which enables them to come back and resubmit the project).

The motion did not pass.

Council Member Hughes made a motion deny M. Cohen Grossman's appeal, which was seconded by Council Member Schwartzman. The motion was passed.

On motion of Vice Mayor Campbell, seconded by Mayor Patterson, Council did not approve upholding the appeal of Mr. Andres, on roll call by the following vote:

Ayes: Patterson, Campbell

Noes: Schwartzman, Hughes, Strawbridge

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved denying the appeal by Susan Cohen Grossman, on roll call by the following vote:

Ayes: Council Members Campbell, Schwartzman, Hughes, Strawbridge  
Noes: Patterson

**F. Council Member Committee Reports:**

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: February 20, 2013**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: January 25, 2013**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: March 7, 2013**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: February 6, 2013**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: January 24, 2013**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: February 13, 2013**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson) Next Meeting Date: January 10, 2013**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 17, 2013**
- 11. Tri-City and County Cooperative Planning Group. (Council**

**Member Hughes) Next Meeting Date: March 11, 2013**

- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: January 23, 2013**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.  
<http://www.baywaterforum.org/> (Mayor Patterson)Next Meeting Date: TBD**
- 15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: January 17, 2013**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 12:39 a.m. on 1/16/13.

---

Lisa Wolfe, City Clerk