

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
January 17, 2012

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 meeting to order at 7:12 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Vice Mayor Campbell arrived at 7:53 p.m.

B. PLEDGE OF ALLEGIANCE

Bonnie Silveria led the 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.

Ms. McLaughlin reported the following actions:

Item IV.A - Council gave direction to Staff.

Items IV.B and IV.C - No reportable action taken.

Item IV.D - Council gave direction on negotiating price terms of payment.

2. Openings on Boards and Commissions:

Building Board of Appeals 3 full terms Open Until Filled

Solano Transportation Authority Pedestrian Advisory Committee 1 full term Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reviewed the report.

B. APPOINTMENTS

- 1. Appointment of Council Member Christina Strawbridge to the City Council Appointment Sub Committee for a one-year term ending January 31, 2013.**

RESOLUTION 12-1 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER CHRISTINA STRAWBRIDGE TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING FEBRUARY 15, 2013

Council Member Hughes discussed the timing of the appointment. He would like Vice Mayor Campbell to remain on the subcommittee until the current round of interviews are finished.

Council confirmed the appointment would begin on 2/15/12.

On motion of Mayor Patterson Council adopted the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, Strawbridge

Noes: (None)

C. PRESENTATIONS

D. PROCLAMATIONS

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, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items submitted (copies on file).

B. PUBLIC COMMENT

1. Constance Buetel - Dr. Buetel invited Council and citizens to attend a series of for symposiums on energy in February, March, April, and May 2012.

VII. CONSENT CALENDAR:

A. Approval of Minutes of the Regular meeting of December 20, 2011 and the Special and Regular meetings of January 3, 2012

Council Member Schwartzman requested the exchange between Council Member Hughes and Mayor Patterson regarding item VII.D (possible violation of Council's Code of Conduct), be inserted into the 12/20/11 regular meeting minutes. The minutes will be continued to the next Council meeting.

The special and regular minutes of 1/3/12 were approved.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the special and regular minutes of January 3, 2012, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, Strawbridge

Noes: (None)

B. SUPPORT FOR ABAG FOCUS PROGRAM PRIORITY DEVELOPMENT AREA APPLICATION

RESOLUTION 12-2 - A RESOLUTION AUTHORIZING THE DESIGNATION OF THE NORTHERN GATEWAY PRIORITY DEVELOPMENT AREA UNDER THE FOCUS PROGRAM

Council Member Hughes and Staff discussed additional possible limitations this could place on the use of the land.

Council Member Schwartzman discussed the issue of the train station.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed concern regarding the placement of the high dollar grant on the consent calendar. He discussed the need for a discussion with the citizens on the issue prior to proceeding.
2. Peter Baker - Mr. Baker discussed concern regarding what money the City would have to put forward in order to apply for the proposed grant. He requested Council delay the vote on this item until the public could be involved in the discussion.

Staff discussed issues raised by the previous two speakers.

Council Member Hughes and Staff discussed timing of this item, and concern regarding unintended consequences that might arise.

Council Member Schwartzman discussed a meeting he went to at the County that dealt with this issue. He discussed the issue of jobs/housing. He and Staff discussed who maintained land use control (City Council), the fact that there was no guarantee the City would receive money to implement anything in this PDA, and that there were no down sides to simply submitting the application.

3. Cheri Moore - Ms. Moore inquired about the areas of coverage for the development area.
4. Julian Fraser - Mr. Fraser concurred with Mr. Lowry's comments. He discussed concern regarding the City giving away property rights.

Mr. Kilger explained that this was an opportunity that the City did not have before to bring more money into the Industrial Park to improve their ability to create jobs.

Council Member Hughes clarified that he was trying to gather the information to make an informed decision.

Council Member Strawbridge discussed the importance of finding grants for the City to develop. The City is at the point where the Industrial Park is at a make-or-break point right now. The City needs to pay attention to the Industrial Park. This is a potential way of funding some of the things we need to do in the City.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: Hughes

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

VIII. BUSINESS ITEMS:

- A. CITY OF BENICIA HUMAN SERVICES FUND POLICY ON DISTRIBUTION OF FUNDS - OPERATING AND ENDOWMENT FUNDS**

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member

Schwartzman, Council approved the City of Benicia Human Services Fund Policy on Distribution of Funds - Operating and Endowment, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. SOLANO COUNTY MOBILE FIELD FORCE

Andrew Bidou, Police Chief, reviewed the staff report.

Mayor Patterson and Staff discussed the difference between mutual aid and the Solano County Mobile Field Force. They discussed various mutual aid scenarios, and the issue of the City's liability and exposure.

Council Member Schwartzman and Staff discussed the issue of the City's liability. They discussed how Staff would prioritize and approve requests that come in.

Public Comment:

None

C. Council Member Request to Agendize

This is a request to discuss amending Chapter 1.40 of the Benicia Municipal Code to prohibit contacting a contributor by someone other than the candidate or campaign treasurer.

Council Member Schwartzman reviewed his request.

Vice Mayor Campbell discussed concern regarding harassment of contributors, and whether or not the proposed change would violate free speech.

Staff confirmed that since this was only step one of a two-step process, they hadn't done much research yet.

Public Comment:

1. Roger Straw - Mr. Straw read the letter he submitted (copy on file) to Council, opposing placing this item on a future agenda.
2. Kathy Kerridge - Ms. Kerridge spoke in opposition to placing this item on a future agenda.
3. Julian Frazer - Mr. Frazer asked for clarification on the specific issue of harassment that took place.
4. Bonnie Silveria - Ms. Silveria discussed whether or not Mr. Gregory should be considered a reporter. She spoke in support of placing this item on a future

agenda.

5. Brian Harkins - Mr. Harkins discussed the need to have a discussion in the community regarding what is and is not acceptable behavior in campaigns. He spoke in support of placing this item on a future agenda.
6. Steven David - Mr. David stated he was one of the individual's contacted by Mr. Gregory. He clarified that the contact with both him and later his fiancé was inappropriate and of a harassing manner. He contacted his fiancé's employer and asked inappropriate questions.
7. Susan Street - Ms. Street suggested this be discussed under the fair political practice issue, not the City's fair campaign ordinance, as it deals with an individual's behavior, not a candidate's behavior.

Council Member Hughes expressed support for hearing this item on a future agenda.

Vice Mayor Campbell expressed support for hearing this item on a future agenda.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved placing this item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. Council Member Request to Agendize

This is a request to consider an amendment that would add a provision to the voluntary Code of Fair Campaign Practices allowing soliciting at the Farmer's Market no closer than 50 feet from any of the entrances to the market.

Council Member Schwartzman reviewed the request.

Vice Mayor Campbell asked Staff if candidates could campaign inside the Farmer's Market. If directed, Staff would look into it.

Public Comment:

1. Kathy Kerridge - Ms. Kerridge discussed the need for the City to encourage voters to participate in elections. She spoke in opposition to limiting campaigning at the Farmer's Market.
2. Susan Street - Ms. Street spoke in support of placing this item on a future agenda.
3. Bonnie Silveria - Ms. Silveria clarified that the current regulations regarding campaigning inside the Farmer's Market are imposed by Benicia Main Street. She spoke in support of placing the item on a future agenda.
4. Brian Harkins - Mr. Harkins spoke in support of placing the item on a future

- agenda. The community needs to be able to be involved in the discussion.
5. Constance Buetel - Dr. Buetel suggested including limiting the size of campaign signs on the agenda as well.

Council Member Strawbridge expressed support for placing this item on a future agenda. She discussed why the Farmer's Market's current rules were put into place. She suggested limiting the political booths be placed outside the market.

Council Member Hughes clarified that since Staff had a lot on their plates at this time, and since there was not an election coming up, it should be prioritized appropriately.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council approved placing this item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

E. Council Member Request to Agendize

This request is for the review and discussion of each body's mission, compliance with their respective mission, make up, possible changes, potential consolidations, adherence to codes, policies and Council expectations to include consideration of the current budget constraints and staff resources.

Council Member Schwartzman reviewed his request.

Public Comment:

1. Claudia Frazer - Ms. Frazer read an anonymous letter she and her husband received regarding concerns with the HPRC.
2. Brian Harkins - Mr. Harkins discussed past interactions with the Design Review/HPRC regarding his property, where he did not agree with decisions they made. He discussed the need to have a dialogue about the commissions.
3. Constance Buetel - Dr. Buetel suggested asking the Board, Commissions, and Committees to review their charge and report to Council prior to Council discussing it.
4. Julian Frazer - Mr. Frazer discussed letters he had received regarding citizen's concerns regarding the HPRC, pulling permits, etc. He discussed concern regarding Brown Act violations with respect to receiving anonymous letters.

Council Member Hughes stated it was good practice for City's to periodically review its boards, commissions, and committees. He would defer to Staff

regarding what model to use to review them.

Staff suggested finding the time to discuss this as part of Council's Policy Calendar. It was important to know what Council wants from its boards, commissions, and committees.

Council Member Hughes offered a motion to place this item on a future agenda. He wanted the City Manager to make the recommendation as to when it should be placed on the calendar. Council Member Strawbridge seconded the motion.

Mayor Patterson clarified that the City Manager stated a report would be brought back to Council regarding Staff's recommendation on how it would be approached. She asked that the motion reflect that the report from the City Manager and Staff will be on the approach of reviewing the boards, commissions, and committees.

Council Member Hughes clarified that the motion was to place this on a future agenda. He would like the City Manager to come back to Council to discuss format, etc.

Vice Mayor Campbell would like to combine all discussion on this issue into one meeting, rather than add an extra step and extra work for Staff.

Mr. Kilger discussed the need to get back to a study session approach. He would prefer to do both steps with this item.

Mayor Patterson suggested Staff identify potential eliminations, come up with a tiered approach, and recommendations for an approach. Council could then have a study session on those items.

Mr. Kilger attempted to clarify what the motion was.

Council Member Schwartzman suggested Staff come back with recommendations of 'low hanging fruit' and other adjustments that might make the organization more efficient.

Vice Mayor Campbell clarified that he wanted to review a few boards and commissions, and a few hot spots that need to be looked at.

Mr. Kilger clarified that the initial direction was that Council wanted to maximize community input through defined processes in the most efficient manner.

Council Member Hughes simplified his motion to read that the City Manager would schedule a study session in the future for Council to discuss the roles and responsibilities, policies, procedures, necessity of boards and commissions, including the current state (what the City has today), options or

recommendations for Council to consider, that would then engage Council and the public in a discussion about the boards and commissions, which could be one meeting. If another meeting is needed, it could be added.

Council Member Strawbridge stated she thought this paralleled Council's strategic planning.

Council Member Hughes repeated his motion to read: direct the City Manager to schedule a study session some time in the future, for Council to discuss boards and commissions, including roles, responsibilities, policies, procedures, necessities, etc. At that meeting, the City Manager would share with Council what the current state is, and also to share with Council any options or recommendations Staff would feel would be appropriate for Council to consider, and to engage Council and the community in a discussion about the issue.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved placing this item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

F. Council Member Committee Reports:

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: February 15, 2012**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: April 16, 2012**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: January 27, 2012**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: January 31, 2012**
- 5. School Liaison Committee. (Council Member Hughes and Council Member Strawbridge) Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: February 1, 2012**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: January 18, 2012**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and**

Council Member Schwartzman) Next Meeting Date: March 14, 2012

- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: February 9, 2012**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
- 11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: March 12, 2012**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Council Member Strawbridge and Council Member Hughes) Next Meeting Date: January 25, 2012**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: March 2012**
- 15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: January 19, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:34 p.m. in memory of Patricia Joyce Payne.

Lisa Wolfe, City Clerk