



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

City Council Chambers

January 21, 2014

7:00 PM

Times set forth for the agenda items are estimates.

Items may be heard before or after the times designated.

Please note: Regardless of whether there is a Closed Session scheduled, the open session will begin at 7:00 PM

Closed Session for tonight is scheduled to begin following the regular Council Meeting at approximately 9:00 PM

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION (9:00 PM):

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (1 case)

III. CONVENE OPEN SESSION (7:00 PM):

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

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

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 Commission

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:

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.

B. PROCLAMATIONS.

C. APPOINTMENTS.

- 1. RECOMMENDATION OF REAPPOINTMENT OF NANCY LUND TO THE SOLANO TRANSPORTATION AUTHORITY (STA) BICYCLE ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING DECEMBER 2016**

D. PRESENTATIONS.

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:15 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2014 CITY COUNCIL MEETING. (City Clerk).

B. DENIAL OF CLAIM AGAINST THE CITY BY THOMAS AND BARBARA COLMER. (City Attorney)

Claimants seek reimbursement for repairs to their house foundation which they allege were caused by the sewer line that traverses the corner of the house.

Recommendation: Deny the claim against the City by Thomas and Barbara Colmer.

- C. **APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND RENNE SLOAN HOLTZMAN SAKAI FOR FINANCIAL SERVICES. (Assistant City Manager)**

Staff is proposing to amend the contract with Renne Sloan Holtzman Sakai for continued financial services.

Recommendation: Adopt the resolution approving the amendment to the agreement with Renne Sloan Holtzman Sakai for financial services.

- D. **ADOPT THE RESOLUTION APPROVING THE CITY OF BENICIA PARTICIPATING IN THE COOPERATIVE COUNTY AGREEMENT FOR COUNTYWIDE AERIAL IMAGERY SERVICES. (Assistant City Manager)**

The County of Solano is entering into an agreement with a number of County cities and entities for the purpose of sharing the cost of a contract with Pictometry, Inc. to provide aerial imagery of the entire County. The County Board of Supervisors approved the agreement on December 10, 2013, and the Solano County cities/entities noted in the contract have either already approved the agreement or are currently in the process of doing so.

Recommendation: Adopt the resolution approving the City of Benicia participating in the Cooperative County Agreement to provide funding for countywide aerial imagery services.

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

VIII. **BUSINESS ITEMS (7:30 PM):**

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

A. APPROVE CONCEPTUAL DESIGN AND PLACEMENT OF PUBLIC ART AT COMMUNITY CENTER. (Library Director)

The Benicia Arts and Culture Commission (BACC) has been working with local artists on a proposed new piece of public art to be placed in the Community Center. The BACC has evaluated the artwork and the site using criteria established in the Public Art Program (Program) and, following the procedures established in the Program, the BACC has obtained a recommendation from the Parks, Recreation and Cemetery Commission (PRCC) for the placement of the work in the Community Center. The work will be a collaborative work of six local artists and will be prepared using recycled metal and glass. In accordance with the Program, the BACC is bringing the conceptual design and the recommended site to the Council for approval.

Recommendation: Adopt the resolution approving (1) the design and placement of a piece of public art to be installed in the Community Center as recommended by the Benicia Arts and Culture Commission and the Parks, Recreation and Cemetery Commission, and (2) the execution of the agreement for the design and construction of the public art.

B. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE CONCEPTUAL PLAN, CONFIRMATION OF COMPLIANCE WITH REGIONAL MEASURE 2, APPROVAL OF AN AGREEMENT FOR FINAL PROJECT DESIGN, APPROVAL OF AN AGREEMENT WITH SOLANO TRANSPORTATION AUTHORITY TO ACQUIRE THE PROPERTY AND USE \$500,000 IN STATE TRANSIT ASSISTANCE FUNDING FOR THE PROJECT, AND DIRECTION TO STAFF TO INITIATE THE PUBLIC HEARING PROCESS FOR CONSIDERATION OF A MOBILE FOOD VENDING ORDINANCE FOR THE INDUSTRIAL ZONING DISTRICT. (Interim Public Works Director)

The Benicia Industrial Park Bus Hub Project is a proposed project that would develop a privately-owned one acre lot at the southeast corner of the intersection of Park Road and Industrial Way into a public bus hub. The proposed bus hub would improve access to transit buses by creating a parking lot for approximately 50 cars, a passenger drop off area, bike storage, a shelter for people waiting for buses, and location for up to two mobile food vending trucks. The project contemplates the future

development of carport-style structure, which would support solar panels. The project will also improve Park Road with bus pullouts, sidewalks and a realignment of the street.

Actions required for this project include adoption of the environmental documents and approvals of funding agreements, design agreements and agreements for assistance in acquiring the property. These actions are discussed in more detail in the staff report.

Recommendation: A. Adopt the following resolutions:

- 1. Adopting the December 2013 Mitigated Negative Declaration, approving the conceptual plan for the Benicia Industrial Park Bus Hub Project and authorizing the City Clerk to file the Notice of Determination;**
- 2. Confirming project compliance as the Regional Measure 2 (RM2) implementing agency and requesting the Metropolitan Transportation Commission (MTC) allocate \$175,000 in RM2 funding for the final design phase of the Benicia Industrial Park Transit Hub Project;**
- 3. Approving a consultant contract with Mark Thomas & Company in the amount of \$163,926 for the final design phase of the Benicia Industrial Park Bus Hub Project contingent upon award of the \$175,000 RM2 grant request from MTC, and authorizing the City Manager to execute the agreement on behalf of the City;**
- 4. Approving an agreement for the Solano Transportation Authority to acquire the right-of-way on behalf of the City and contribute \$500,000 in State Transit Assistance Funding (STAF) to the Benicia Industrial Park Transit Hub Project, and authorizing the City Manager to execute the agreement on behalf of the City.**

B. Direct City staff to initiate a public hearing process for consideration of a draft mobile food vendor ordinance.

C. MAYOR PATTERSON REQUEST TO AGENDIZE AN ITEM TO CONSIDER MODERNIZING CITY COUNCIL AGENDA TEMPLATE. (City Manager)

Mayor Patterson would like the City Council to consider proposed additions to the City Council agenda template.

Proposed additions to the City Council agenda template would include adding email or phone contact information in the agenda template for council members as posted on the website. This would make it easier for citizens to contact city officials, and to copy what some other jurisdictions already do. The attached request form also includes other suggested additions to the agenda template.

Recommendation: Consider Mayor Patterson's request to agendize this topic for future City Council Meeting.

**D. Council Member Committee Reports:
(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)**

1. Mayor's Committee Meeting.

(Mayor Patterson)

Next Meeting Date: January 29, 2014

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 24, 2014

4. League of California Cities.

(Mayor Patterson and Vice Mayor Campbell)

Next Meeting Date: April 30, 2014

5. School Liaison Committee.

(Council Members Strawbridge and Council Member Hughes)

Next Meeting Date: March 6, 2014

6. Sky Valley Open Space Committee.
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: TBD

7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: February 13, 2014

8. Solano Transportation Authority (STA).
<http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman)
Next Meeting Date: February 5, 2014

9. Solano Water Authority-Solano County Water Agency and Delta Committee.
<http://www.scwa2.com/>
(Mayor Patterson and Council Member Hughes)
Next Meeting Date: February 13, 2014

10. Traffic, Pedestrian and Bicycle Safety Committee.
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: April 17, 2014

11. Tri-City and County Cooperative Planning Group.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: March 10, 2014

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 22, 2014

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: February 20, 2014

IX. ADJOURNMENT (9:00 PM):

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 five 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 or special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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 the 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.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.