

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
January 21, 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 meeting to order at 7:01 p.m.

**II. CLOSED SESSION:**

Mayor Patterson called the Closed Session to order at 9:05 p.m.

Mayor Patterson adjourned the Closed Session meeting at approximately 10:15 p.m.

- 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:**

**A. ROLL CALL**

Vice Mayor Campbell was not present at roll call. He arrived at 7:29 p.m.

All other Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Patty Gavin 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.
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**

**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**

**RESOLUTION 14-04 - A RESOLUTION RECOMMENDING THE**

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

On motion of Mayor Patterson, Council adopted Resolution 14-03, on roll call by the following vote:

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

**D. PRESENTATIONS**

**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**

Nine items received (copies on file).

**B. PUBLIC COMMENT**

1. Jasmine Powell - Ms. Powell discussed concerns regarding housing in the Planned Development Area being proposed in the Benicia Industrial Park.
2. Constance Beutel - Ms. Beutel discussed upcoming events being sponsored by the Community Sustainability Commission.
3. Helaine Bowles - Ms. Bowles discussed upcoming events at the Benicia public Library.
4. Elizabeth d'Huart - Ms. d'Huart discussed upcoming events at the Benicia Historical Museum.
5. Council Member Strawbridge - Council Member Strawbridge discussed several events she recently attended. She discussed filling in for Mayor Patterson at the annual American Legion Awards.
6. Mayor Patterson – Mayor Patterson explained that she missed the American Legion Awards because she was inducted as an honorary

commander to Colonel Patrick Williams of the Air Force Reserves at Travis Air Force Base.

**VII. CONSENT CALENDAR:**

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

Ayes: Patterson, Schwartzman, Hughes, Strawbridge

Noes: (None)

- A. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2014 CITY COUNCIL MEETING**
- B. DENIAL OF 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**

**RESOLUTION 14-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR FINANCIAL SERVICES**

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

**RESOLUTION 14-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING PARTICIPATION OF THE CITY OF BENICIA IN THE COOPERATIVE COUNTY AGREEMENT FOR COUNTYWIDE AERIAL IMAGERY SERVICES**

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

**VIII. BUSINESS ITEMS:**

- A. APPROVE CONCEPTUAL DESIGN AND PLACEMENT OF PUBLIC ART AT COMMUNITY CENTER**

**RESOLUTION 14-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE DESIGN AND PLACEMENT OF PUBLIC ART FOR THE COMMUNITY CENTER AND AUTHORIZING THE EXECUTION OF**

**AN AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF THE PUBLIC ART**

Diane Smikahl, Library Director, reviewed the staff report.

Patty Gavin, Arts & Culture Commission Member, reviewed a PowerPoint presentation (copy on file).

Council Member Hughes and Staff discussed concerns regarding possible noise that might bother staff who are trying to work.

Council Member Strawbridge and Staff discussed how to get the word out so that people will come and see the artwork. She would like to see some sort of tourism/marketing outreach.

**Public Comment:**

1. Constance Beutel - Ms. Beutel spoke in support of the proposed item.
2. Tom Gavin - Mr. Gavin spoke in support of the proposed item.

- 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**

**RESOLUTION 14-08 - A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE CONCEPTUAL PLAN FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF DETERMINATION WITH THE SOLANO CLERK OF THE BOARD**

**RESOLUTION 14-09 - A RESOLUTION CONFIRMING PROJECT COMPLIANCE AS THE REGIONAL MEASURE 2 (RM2) IMPLEMENTING AGENCY AND REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE \$175,000 IN RM2 FUNDING FOR THE FINAL DESIGN PHASE OF THE BENICIA INDUSTRIAL PARK TRANSIT HUB PROJECT**

**RESOLUTION 14-10 - A RESOLUTION APPROVING A CONSULTANT CONTRACT WITH MARK THOMAS & COMPANY IN THE AMOUNT OF \$163,926 FOR THE FINAL DESIGN OF THE BENICIA INDUSTRIAL PARK**

**BUS HUB PROJECT CONTINGENT UPON THE AWARD OF A \$175,000 REGIONAL MEASURE 2 GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**RESOLUTION 14-11 - A RESOLUTION APPROVING AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF FO 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**

Heather McLaughlin, City Attorney, reviewed the action that Council was being asked to take tonight.

Mike Roberts, Senior Civil Engineer, reviewed the staff report and a PowerPoint presentation (copy on file).

Brad Kilger, City Manager, reviewed the handouts with the suggested revisions.

Council Member Schwartzman suggested adding a semi colon after 'Valero Crude by Rail Project' on the resolution amendment (handout).

Mayor Patterson suggested separating the comments/discussion so the process would be less confusing.

Public Hearing Opened (for the mitigated negative declaration and project compliance)

**Public Comment:**

1. Bill Simpkins - Mr. Simpkins spoke in opposition to the proposed project. He discussed concerns regarding surveys, maintenance, funding, and purpose.

Staff and representatives from the STA discussed Mr. Simpkin's concerns.

2. Hector Barragan - Mr. Barragan discussed their requested changes to the agreement. They look forward to working with the City to ensure a positive outcome for all.
3. John Gardner, Counsel for the Barragan Family - Mr. Gardner discussed the lack of viable alternative properties for the Barragans to relocate their food truck business. They look forward to working with Staff and the STA in a way that will benefit everyone. He discussed concerns regarding long term access for their food trucks, parking, restroom facilities, and hours of operation.
4. Jose Barragan - Mr. Barragan hoped everyone could work together to make this a win win situation for everyone involved. Their family has

worked in that area for over 20 years.

#### Public Hearing Closed

Council Member Hughes discussed the issue of property rights. He was pleased at how far the City, STA, and the Barragan Family have come in the past few weeks. He hoped Staff would continue to work to resolve the outstanding issues. He and the Mayor would stay involved in the process.

Council Member Schwartzman asked for clarification on the process and how the Barragan's concerns would be addressed if the resolutions are passed tonight.

Mayor Patterson discussed how proud she was of all parties involved in the process.

Ms. McLaughlin discussed the suggested revision to the third resolution regarding the consultant contract with Mark Thomas & Company (copy on file).

#### Public Comment:

None

Brad Kilger, City Manager, reviewed the suggested amendments to the resolution approving an agreement for the STA to acquire the right-of-way (copy on file).

Vice Mayor Campbell and Staff discussed the proposed strikeouts regarding the draft mobile food truck ordinance. Mayor Patterson suggested Council direct staff to prepare the mobile food truck ordinance, and to begin the public hearing process with the Planning Commission.

Council Member Hughes discussed the City and Council's commitment to work towards a fair process for the Barragans.

Vice Mayor Campbell discussed support for proceeding with the mobile food truck ordinance.

#### Public Comment:

None

Council Member Hughes asked Staff to confirm they would continue to work with the Barragans (they would).

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 14-08, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-09, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-10, as amended, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-11, as amended, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council directed City Staff to initiate a public hearing process for consideration of a draft mobile food ordinance , on roll call by the following vote:

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

**C. MAYOR PATTERSON REQUEST TO AGENDIZE AN ITEM TO CONSIDER MODERNIZING CITY COUNCIL AGENDA TEMPLATE**

Mayor Patterson reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved placing an item to consider modernizing the City Council agenda template on a future agenda, on roll call by the following vote:

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

**D. Council Member Committee Reports:**

- 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**

**ABAG-CAL FED Task Force-Bay Area Water Forum.**

14. <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:**

Mayor Patterson adjourned the meeting to Closed Session at 8:58 p.m.

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Lisa Wolfe, City Clerk