

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
February 15, 2011

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 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

(Mayor) Patterson – Present, (Vice Mayor) Schwartzman – Present, (Council Member) Campbell – Present, (Council Member) Hughes – Present, (Council Member) Ioakimedes – Present

B. PLEDGE OF ALLEGIANCE

Mario Giuliani 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.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee: One full term to January 31, 2015

Civil Service Commission: One full term to January 31, 2015

Building Board of Appeals: Three full terms to January 31, 2015

Solano Transportation Authority Pedestrian Advisory Committee: One full term to January 31, 2014

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reviewed the list of nine update items provided by the City Attorney (copy on file).

B. APPOINTMENTS

1. Appointment of Belinda Smith to the Planning Commission for a full term to January 31, 2015.

RESOLUTION 11-12 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF BELINDA SMITH TO THE PLANNING COMMISSION TO A FULL TERM ENDING JANUARY 31, 2015

Public Comment:

Jon Van Landschoot - Mr. Van Landschoot spoke in support of the proposed appointment.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

2. Appointment of George Oakes to the Planning Commission for a full term to January 31, 2015.

RESOLUTION 11-13 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF GEORGE OAKES TO THE PLANNING COMMISSION TO A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

3. Reappointment of Leland Wines to the Finance Audit and Budget Committee for a full term to January 31, 2015.

RESOLUTION 11-14 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF LELAND WINES TO THE FINANCE AUDIT AND BUDGET COMMITTEE FOR A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

4. Appointment of Julianne Mann to the Human Services Board for an unexpired term July 31, 2014.

RESOLUTION 11-15 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF JULIANNE MANN TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2014

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

5. Reappointment of Pierre Bidou to the Civil Service Commission for a full term to January 31, 2015.

RESOLUTION 11-16 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF PIERRE BIDOU TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

6. Appointment of Christian Carvalho to the Finance Audit and Budget Committee for a full term to January 31, 2015.

RESOLUTION 11-17 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF CHRISTIAN CARVALHO TO THE FINANCE AUDIT AND BUDGET COMMITTEE FOR A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. PRESENTATIONS

1. Solano Grand Jury Outreach

Mr. Wayne Goodman, and Mr. Richard Christo, discussed the functions of the Solano County Grand Jury. He encouraged citizens to volunteer to serve on the Solano County Grand Jury.

Mayor Patterson requested Staff post the openings on the City's website.

2. Human Services Board Annual Report

Mike Kaplan, Vice Chair, Human Services Board, reviewed the annual report,

and a PowerPoint presentation (copy on file).

3. Tri Cities and County Cooperative Planning Group - Update on public outreach efforts

Dan Smith, Chairperson, Citizen's Advisory Committee, reviewed a PowerPoint presentation (copy on file).

4. Update on Tourism Marketing Program - Quarterly Report from Wolf Communications

Jack Wolf, Wolf Communications, reviewed the recent radio and television commercials promoting tourism. He reviewed the quarterly report (copy on file).

Council Member Campbell and Mr. Wolf discussed the issue of some of the numbers (sales) not being as high as expected.

Council Member Hughes discussed the success of the campaign. He discussed the need for a more detailed performance matrix.

Council Member Ioakimedes and Mr. Wolf discussed the email blast/campaign that took place, and the need to include special deals for businesses, in an attempt to increase sales.

Vice Mayor Schwartzman discussed the increase in sales tax paid by businesses, and the need to be patient with this program. He discussed various ways to attract new businesses to the City, the need to continue working on marketing, the need for a viable TBID, and the need to get people to shop locally.

Council Member Hughes discussed the need to look at the parking issue.

Mayor Patterson discussed the issue of performance measures. She encouraged the merchants to consider using Groupon. Mayor Patterson read a comment submitted by a member of the public expressing concern regarding advertising techniques (copy on file).

Public Comment:

Christina Strawbridge - Ms. Strawbridge discussed her increased profits in 2011. She spoke in support of the Tourism Marketing Program. She addressed the written comment submitted (that was read by Mayor Patterson).

Jon Van Landschoot - Mr. Van Landschoot discussed various ideas for tourism outreach (bringing senior communities here via bus trip), and the need to offer

incentives to get people to shop in town.

Susan Street - Ms. Street discussed the need to include art and history in the Tourism Marketing Program.

Mike Tomada - Mr. Tomada spoke in support of the Tourism Marketing Program.

End of Public Comment

Council Member Campbell and Mr. Wolf discussed what the plan was for the remaining 20% of the budget that is left.

Council Member Ioakimedes clarified the need to use multiple models for marketing and advertising.

D. PROCLAMATIONS

V. ADOPTION OF AGENDA:

Council Member Campbell requested item IX-C be moved up on the agenda. Staff confirmed action needed to be taken on items IX.B and IX.C. However, there might be people to speak on the Public Hearing items as well.

Mayor Patterson suggested Council try to limit their comments to points of information, and decision points, or questions. She would try and ask the public not to repeat comments already made by other speakers.

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

Ayes: Patterson, Schwartzman, Hughes

Noes: Campbell, Ioakimedes

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

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

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

Council pulled item VII.D for discussion.

- A. Approval of Minutes of January 18, 2011 and the Regular and Special Meetings of February 1, 2011**
- B. DENIAL OF CLAIM AGAINST THE CITY BY TOBY WILSON AND REFERRAL TO INSURANCE CARRIER**
- C. DENIAL OF THE CLAIM AGAINST THE CITY BY PATRICIA SMALLEY AND REFERRAL TO INSURANCE CARRIER**
- D. SECOND READING AND ADOPTION OF AN ORDINANCE ADDING A NEW CHAPTER 9.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), A NEW CHAPTER 17.102 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 17 (ZONING), AND AMENDING SECTIONS 17.24.020, 17.26.020, 17.28.020, 17.32.020, 17.36.030, 17.40.030 AND 17.46.010 OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE**

ORDINANCE 11-2 - AN ORDINANCE ADDING A NEW CHAPTER 9.6 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), A NEW CHAPTER 17.102 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 17 (ZONING), AND AMENDING SECTIONS 17.24.020, 17.26.020, 17.28.020, 17.32.020, 17.36.030, 17.40.030, AND 17.46.010 OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

Public Comment:

Mike Tomada - Mr. Tomada spoke in opposition to the proposed ordinance. He recommended an attorney who could assist the City in developing an ordinance regarding allowing medical marijuana dispensaries in the City.

Larry Fullington - Mr. Fullington spoke in support of the proposed ordinance.

End of Public Comment

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

VIII. PUBLIC HEARINGS:

A. MODIFY REGULATIONS REGARDING LARGE FAMILY DAYCARE IN THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND REPLACE EXISTING DAY CARE USE CLASSIFICATIONS WITH DEFINITIONS CONSISTENT WITH THE CALIFORNIA HEALTH AND SAFETY CODE

ORDINANCE 11- - AN ORDINANCE OF AMENDING SECTION 17.16.030 (RESIDENTIAL USE CLASSIFICATIONS) AND SECTION 17.16.040 (PUBLIC AND SEMIPUBLIC USE CLASSIFICATIONS) OF CHAPTER 17.16 (USE CLASSIFICATIONS), SECTION 17.24.020 (RS, RM, AND RH DISTRICTS - LAND USE REGULATIONS) AND SECTION 17.24.030 (RS, RM, AND RH DISTRICTS - PROPERTY DEVELOPMENT REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS), SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 (C COMMERCIAL DISTRICTS), SECTION 17.32.020 (IL, IG, IW, AND IP DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.32 (INDUSTRIAL DISTRICTS), SECTION 17.40.030 (LAND USE REGULATIONS) OF CHAPTER 17.40 (PS PUBLIC AND SEMIPUBLIC DISTRICT), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), AND SECTION 17.74.030 (OFF-STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Mayor Patterson and Staff discussed the issues of workplace childcare being allowed in industrial areas or commercial areas.

Council Member Hughes and Staff discussed notification procedures for daycare/childcare centers.

Council Member loakimedes and Staff discussed the formula for the number of employees working in a residential area.

Public Hearing Opened

Public Comment:

Gerry Raycraft - Mr. Raycraft spoke in support of the proposed ordinance.

Council Member Hughes and Mr. Raycraft discussed the noticing procedures for daycare businesses.

End of Public Comment

Public Hearing Closed

Mayor Patterson commended Staff on the report. She requested that future staff reports include minutes from the Planning Commission meetings.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION 17.70.320 (INCLUSIONARY HOUSING) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) TO CLARIFY DEFINITIONS AND DETERMINATION OF AFFORDABLE RENTS

ORDINANCE 11- - AN ORDINANCE AMENDING SECTION 17.70.320 (INCLUSIONARY HOUSING) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) TO CLARIFY DEFINITIONS AND DETERMINATION OF AFFORDABLE RENTS

Heather McLaughlin, City Attorney, reviewed the staff report. She clarified the date listed on page IX.B.3 (when the current housing element was adopted) should be May 2003.

Mayor Patterson requested that future staff reports include the minutes from the Planning Commission meetings.

Public Comment:

None

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

IX. ACTION ITEMS:

A. ACCEPTANCE OF BENICIA HISTORIC CONTEXT STATEMENT

RESOLUTION 11-18 - A RESOLUTION ACCEPTING THE CITY OF BENICIA HISTORIC CONTEXT STATEMENT

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Vice Mayor Schwartzman suggested BUSD include this information in some sort of teaching/class.

Public Comment:

Toni Haughey - Ms. Haughey discussed the possibility of making the document available for distribution to the public. She discussed the work done by Staff and volunteers on this project.

End of Public Comment

Mr. Knox discussed the various ways the public could obtain copies of the Historic Context Statement.

Mayor Patterson discussed the book 'Gateway to the Inland Coast.' She discussed the possibility of getting the Historic Context Statement published.

Council Member loakimedes commended staff and the Historic Preservation Review Commission for their efforts. He would like the HPRC to proceed with addressing the Von Pfister Adobe.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

B. APPROVE AMENDMENTS TO 2009-11 CONTRACT SERVICES AGREEMENT AND LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET

Mario Giuliani, Management Analyst, reviewed the staff report.

Public Comment:

None

Council Member Campbell suggested leaving the \$2,000 subsidy for First Fridays/Viva Benicia in, so Benicia Main Street could figure out what to do to liven up First Street, and make it seem more vibrant. Ms. Martinez confirmed Benicia Main Street would be more than happy to accept the \$2,000.

Mayor Patterson requested that before the funds are spent, there be a demonstrated 'brainstorming' on what worked with Viva Benicia and First

Friday's on First.

Council and Staff discussed where the additional funds would come from. It could most likely be located somewhere. Staff suggested approving the contract as is tonight, and direct Staff to come back with ways to address the \$2,000.

Council Member Ioakimedes and Ms. Martinez discussed the change from calendar to fiscal year contract, and when Viva Benicia would take place.

Mr. Giuliani suggested using part of the lease payment to address the \$2,000.

Mr. Kilger discussed the budget process being underway. Staff would be looking at all the economic development expenditures, and how they are being allocated.

Council Member Campbell and Ms. Martinez discussed the sidewalk cleaning funds. The funds have not been spent yet. Benicia Main Street hit a few roadblocks, which they are working on. Council Member Campbell would like to see the sidewalks kept cleaner in the summer, address the issue of hanging plants (it would add flavor to the area), and the need to do something to liven up First Street. Those three things could help give people a reason to go Downtown. Ms. Martinez confirmed the sidewalks were being addressed, she hoped to arrange a partnership with the City for the hanging flower baskets, and they will put their heads together to work on the issue of weekend entertainment.

On motion of Council Member Ioakimedes, seconded by Vice Mayor Schwartzman, Council approved the amendments to 2009-11 contract services agreement and lease agreement between the City of Benicia and Benicia Main Street, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. APPROVAL OF CHANGE ORDER, FUND TRANSFER TO THE BENICIA COMMUNITY CENTER PROJECT AND REVIEW REVISED OPERATIONAL BUDGET

RESOLUTION 11-19 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICES TO EXECUTE CONTRACT CHANGE ORDERS WITH BRCO CONSTRUCTORS INC. FOR THE BENICIA COMMUNITY CENTER PROJECT AFFIRMING STAFF-AUTHORIZED CHANGE ORDERS, APPROPRIATING \$186,298 FROM THE CONTINGENCY OF THIS PROJECT, AND TRANSFER \$50,000 FROM THE PROJECT FURNITURE BUDGET TO THE PROJECT CONTINGENCY

Mike Alvarez, Parks & Community Services Director, reviewed the staff report.

Council Member Ioakimedes and Staff discussed how soon Council and Staff

would know when there would not be anymore big surprises with this project.

Vice Mayor Schwartzman and Staff clarified that the internal tear-out was done.

Council Member Hughes and Staff discussed the date the Community Center would actually open its doors and be able to pay for the operating costs (should be June). They discussed the operating costs for the Community Center.

Council Member Campbell and Staff discussed the operational budget for the Community Center. They discussed the possibility of Solano Community College holding classes at the Community Center.

Mayor Patterson discussed the possibility of having Dominican College hold classes (that are not of the normal curriculum) at the Community Center.

Council Member loakimedes and Staff clarified that had the Community Center Project never been started, the City would be on the hook for \$125,000 per year for a vacant building.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

X. INFORMATIONAL ITEMS:

A. City Manager Reports

B. Council Member Committee Reports

- 1. Mayor's Committee Meeting. (Mayor Patterson)
Next Meeting Date: February 16, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes)
Next Meeting Date: 2011 Spring General Assembly - April 14, 2011.**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: February 25, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman)**

Next Meeting Date: February 24, 2011

- 5. School Liaison Committee. (Council Members Ioakimedes and Hughes)
Next Meeting Date: March 10, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes)
Next Meeting Date: May 4, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell)
Next Meeting Date: March 24, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: March 9, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: March 10, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and Ioakimedes)
Next Meeting Date: April 21, 2011**
- 11. Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes)
Next Meeting Date: March 15, 2011**
- 12. Valero Community Advisory Panel (CAP). (Council Member Hughes)
Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Ioakimedes)
Next Meeting Date: February 23, 2011**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson)
Next Meeting Date: TBD**
- 15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Ioakimedes)
Next Meeting Date: February 17, 2011**

C. Council Member Comments

Mayor Patterson discussed agendizing a resolution on the 3/1/11 agenda supporting the BUSD resolution approving the extension of taxes.

Council and Staff discussed the Council Rules of Procedure.

After discussion, all Council Members concurred to place the item on an upcoming agenda.

XI. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:49 p.m.

Lisa Wolfe, City Clerk