

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
APRIL 6, 2010

The special meeting of the City Council of the City of Benicia was called to order by Vice Mayor Schwartzman at 6:15 p.m. on Tuesday, April 6, 2010 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Absent: Mayor Patterson

PLEDGE OF ALLEGIANCE:

Council Member Campbell led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN COMMENT:

None

PUBLIC COMMENT:

None

CLOSED SESSION:

Heather McLaughlin announced the Closed Session was cancelled.

INFORMATIONAL ITEMS:

Update on Strategic Actions and Capital Projects:

Jim Erickson, City Manager, introduced the staff report and a PowerPoint presentation (copy on file).

PD Building:

Project completed.

Fire Station 12 Dormitory and Bathroom:

Project is currently in the design process.

Rose Drive Bike/Pedestrian Overcrossing:

Project in process. Possible completion in September 2010.

High School Traffic Signal:
Project completed.

Benicia Bridge Bike/Ped Path:
Awaiting funding. Construction will take approximately two months.

Benicia Park& Ride:
Project is currently in the design process. Public engagement ongoing.

Street Resurfacing:
Awaiting consistent dry weather. Work will commence weather permitting. Neighborhoods will be given 48-hour notice before work begins.

East 2nd Street Overlay Federal Stimulus Project:
Project completed.

Pool Complex Roof Replacement:
Notice of completion filed. Project completed.

City Hall Energy Efficiency Project:
Staff completed securing three bids for window materials. Budget status may affect project. Council requested staff prepare a report on possible energy savings.

Community Center Construction Phase I:
Staff is putting final touches on completing bid package. The project is scheduled to go out to bid on 5/17/10. If project goes out to bid on time, construction is scheduled to be completed May/June of 2011.

Commanding Officers Quarters Improvements:
Project completed. RFP's for tenancy have been developed. Council discussed the issue of public access to the building. Staff is making the building available for use at the current time.

Library Basement Project:
The project went out to bid. The bids received were over the budgeted funds. Staff has secured a proposal from an architect to see if there are ways to cut costs. The City's budget may impact the project.

Real-time Air Monitoring System:
Project completed.

Emergency Communication Interoperability:
JPA recommendation under review.

Climate Action Plan:

Home energy audit, home improvement, and energy production and efficiency projects for City underway. The Sustainability Commission is working on recommendation to Council for additional near-term programs.

New Solid Waste Franchise:

Recommendation to be reviewed by Council in April 2010. Council and Staff discussed contract options, and the survey that was completed. Staff hoped to have something for Council this summer.

Tourism Development Program:

Consultant has been working on the program. Ads will launch in May/June 2010.

E Street Lot Project:

The City is seeking funds for community engagement planning process. Council discussed the possibility of putting project on hold if grant funding is not obtained.

Arsenal Specific Plan:

HPRC finished its review in March. The Planning Commission will review and present its findings to Council.

Transit Service Consolidation with Vallejo:

The consolidation is under review by two-city study committee. STA-sponsored consultants have drafted business plans for organization structure, financing, personnel, and contracting. Suggested name is Solano County Transit Authority. The City of Benicia will consider extending timeline for final completion by up to 12 months to better reflect expected transition goals. Vallejo staff involvement has been impacted by their bankruptcy studies.

Council and Staff discussed the fact that it is not a forgone conclusion that the consolidation will take place.

Technology Improvement Project:

The project is on time. Staff expects to have the video streaming and agenda management software in place in June 2010.

Industrial Park Multi-Modal Transit Project:

The City is waiting on MTC approval for planning grant.

ADJOURNMENT:

Vice Mayor Schwartzman adjourned the special meeting at 7:01 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
APRIL 6, 2010

The regular meeting of the City Council of the City of Benicia was called to order by Vice Mayor Schwartzman at 7:01 p.m. on Tuesday, April 6, 2010 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Absent: Mayor Patterson

PLEDGE OF ALLEGIANCE:

Vice Mayor Schwartzman led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Announcement of action taken in Closed Session:

Closed Session was cancelled.

Openings on Boards and Commissions:

- Open Government Commission:
One full term to January 31, 2014

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.

APPOINTMENTS:

Vice Mayor Schwartzman read a letter prepared by Mayor Patterson regarding the appointments being made.

RESOLUTION 10-34 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ELLEN KOLOWICH TO THE SOLANO TRANSPORTATION AUTHORITY SENIOR AND DISABLED TRANSPORTATION WORKING GROUP

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-35 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MIKE ROETZER TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-36 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DOUG FUNK TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-37 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID JOHN FEWINS TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-38 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ATIBA MURPHY TO THE BENICIA HOUSING AUTHORITY FOR A FULL TERM ENDING JANUARY 31, 2012

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-39 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RICHARD SPRANKLE TO THE BENICIA HOUSING AUTHORITY FOR A FULL TERM ENDING JANUARY 31, 2012

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

RESOLUTION 10-40 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DONNA C. WORTHINGTON TO THE HUMAN SERVICES AND ARTS BOARD FOR A FULL TERM ENDING JANUARY 31, 2013

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

RESOLUTION 10-41 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CHARLES EDWARD HENDRICKS TO THE HUMAN SERVICES AND ARTS BOARD FOR A FULL TERM ENDING JUNE 30, 2010

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

RESOLUTION 10-42 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JENNIFER A. DEAL TO THE SKY VALLEY OPEN SPACE COMMITTEE FOR A FULL TERM ENDING JANUARY 31, 2013

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

RESOLUTION 10-43 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANNIE LLOYD TO THE OPEN GOVERNMENT COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

RESOLUTION 10-44 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KIM FUNK TO THE PARKS, RECREATION AND CEMETERY COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

Appointment of John Van Landschoot to the HPRC for a full term ending January 31, 2014:

Council discussed the appointment process when there are two applicants for one opening. Council Member Hughes wanted to discuss the situation with Mayor Patterson. There was an incumbent and a new applicant who applied for the opening. Council discussed continuing the appointment until the Mayor is present. Council majority supported continuing the appointment.

Public Comment:

1. Donna Worthington – Ms. Worthington thanked Council for appointing her to the Human Services Board. She looked forward to serving the community.

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of Autism Awareness Month
- Recognition of National Public Safety Telecommunicators' Week
- Recognition of National Library Week
- Recognition of Sexual Assault Awareness Month

ADOPTION OF AGENDA:

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

One letter was received regarding duplicate utility bills. Staff discussed the error made by the printing company that resulted in duplicate bills being sent out.

PUBLIC COMMENT:

1. Ann Hansen – Ms. Hansen discussed upcoming events and activities at the Benicia Historical Museum. She invited everyone to her birthday party at the Museum on 4/8/10. She urged everyone to attend the 25th anniversary of the museum in May.

CONSENT CALENDAR:

Council pulled items VII-C, VII-D, VII-E, and VII-G.

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

The Minutes of March 16, 2010 were approved.

RESOLUTION 10-45 - A RESOLUTION AMENDING THE “HUMAN SERVICES AND ARTS BOARD” IN THE CITY OF BENICIA TO THE “HUMAN SERVICES BOARD” AND TO REMOVE ACTIVITIES RELATED TO THE CULTURAL ARTS FROM THE BOARD’S DUTIES

RESOLUTION 10-46 - A RESOLUTION DECLARING SUPPORT FOR *GET CONNECTED!* AND A CALL TO ACTION

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Adoption of a resolution authorizing the destruction of various City Records:

Council requested adding an explanation regarding clarification of retaining routine electronic mail, and the length of time to retain audio/video tapes (four years and two years, depending on the type of board/commission).

RESOLUTION 10-47 - A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS

On motion of Council Member Hughes, seconded by Council Member Campbell, the above Resolution was adopted as amended, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

Purchase of replacement utility service truck for Field Maintenance Division:

Council and Staff discussed established criteria for vehicle replacement, and whether the replacement could be deferred for an additional year (not recommended – vehicle is in poor condition).

RESOLUTION 10-48 - A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT SERVICE TRUCK FOR THE PUBLIC WORKS & COMMUNITY DEVELOPMENT DEPARTMENT, THE CAB AND CHASSIS FROM RON DUPRATT FORD OF DIXON IN THE AMOUNT OF \$25,451.99 AND THE FLATBED BODY WITH ACCESSORIES FROM NORTH BAY TRUCK BODY OF CORDELIA IN THE AMOUNT OF \$17,929.56, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, the above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman
Noes: None
Absent: Mayor Patterson

Approval of an amendment to the consultant agreement with Bureau Veritas for plan review and inspection services at the Valero Refinery:

Council and Staff discussed how the consultant costs would be listed as a pass through cost on the budget.

RESOLUTION 10-49 - A RESOLUTION APPROVING AN AMENDMENT TO THE CONSULTANT AGREEMENT WITH BUREAU VERITAS TO PROVIDE PLAN REVIEW AND INSPECTION SERVICES AT VALERO REFINERY AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Ioakimedes, seconded by Council Member Hughes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

Purchase of replacement animal control vehicle for the police department:

Council and Staff discussed the cost of the vehicle, and whether there was funding through Solano County.

RESOLUTION 10-50 - A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT ANIMAL CONTROL VEHICLE FOR THE POLICE DEPARTMENT, THE CHASSIS AND ANIMAL CONTROL BODY FROM DOWNTOWN FORD OF SACRAMENTO IN THE AMOUNT OF \$33,152.44, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

On motion of Council Member Ioakimedes, seconded by Council Member Campbell, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: None

Absent: Mayor Patterson

PUBLIC HEARINGS:

None

ACTION ITEMS:

2008 Valero “VIP” Agreement Amendment:

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed concerns regarding the cost and benefit of the Condensate Recovery Project, the need to have all three parties agree on agreement amendments, and possible additional savings.

Public Comment:

1. Mary Frances Kelly Poh – Ms. Kelly Poh asked for clarification on the process for public participation on this item. Vice Mayor Schwartzman clarified that he wanted Council to finish its discussion, and then he would open public comment.

Council and Staff discussed the City's position in the negotiations, whether or not the City functions as a full entity in the negotiations to settle the agreement, the City facilitating the negotiations, but is not actively participating in setting the terms of the agreement, and the ongoing negotiations being between the Good Neighbor Steering Committee (GNSC) and Valero.

Council Member Ioakimedes disclosed exparté communications. He requested the letter Council received from Ms. Dean be made available to the public.

Council Member Campbell and Staff discussed the City's limited voice in the negotiations.

Council Member Hughes and Staff discussed how good the agreement would be for the City of Benicia, and the need for the City to offer support and facilitate the negotiations if needed. He encouraged both parties to continue with negotiations.

Council Member Campbell and Staff discussed the need to resolve the issue so the Community Center is not delayed even longer (as costs will rise), the need for the City to be able to see what it would like to see in the agreement, and the issue of accountability (how Valero will fulfill its responsibility).

Council Member Hughes disclosed exparté communications.

Council Member Ioakimedes discussed the importance of not putting the two parties on the spot and making them negotiate in public.

Mr. Erickson discussed the parties making progress on their own, and the importance of allowing them to negotiate in private. The Council could form a subcommittee that could meet with the two parties if they would like.

Public Comment:

1. Marilyn Bardet, Good Neighbor Steering Committee – Ms. Bardet discussed concern regarding lack of notification about being on the agenda. She requested she be allowed to read the letter in full into the record.

Council took a break at 8:23 p.m. to review the letter submitted by Ms. Dean this evening (copy on file).

The meeting resumed at 8:37 p.m.

Vice Mayor Schwartzman asked Mr. Howe if he had an opportunity to read the letter. Mr. Howe expressed concern regarding reading the letter into the record, as it had a lot of

detailed information in it. He discussed the overall progress the GNSC and Valero had made. He acknowledged the good faith negotiations that had taken place up to this point.

Ms. Bardet discussed the difficulty in communications being the reason the letter was written by Ms. Dean. The GNSC wanted to be clear on its point. She read a portion of the last page of the letter (Mr. Howe agreed that section could be read).

Council and Staff discussed the money that was given to BUSD and where it was allocated from.

Council Member Campbell and Staff discussed the \$1.5 million (if the agreement falls apart, would it have to be repaid), and that the City would have to rely on the oral contract with Valero.

Public Comment:

1. Kathy Kerridge – Ms. Kerridge discussed the Sustainability Commission’s request for an accounting for the funds that have been expended by the City. She discussed the need for an annual or quarterly accounting from the City on how it spends money from Valero. Council Member Ioakimedes suggested agendizing the issue at a Sustainability Commission meeting.

Council and Staff discussed at what point the City would be able to do something with the building permit, the need to allow the parties to negotiate, and the City not receiving a copy of the current agreement.

Council and Staff discussed funds for the Library, and the need for more specific controls within the agreement. Staff offered to set up a meeting with three parties to discuss the issues.

Council and Staff discussed the City not being a formal party to the agreement, forming a subcommittee to work with the two formal parties, allowing the two parties to come to an agreement to present to Council, the need for everyone to have copies of the current documents, the lack of communication, concern regarding meeting times, the need to get all corrections to all three parties, setting up a meeting for all three parties at a convenient time for everyone, concern regarding language in Ms. Dean’s letter regarding contracting with GNSC, and the need for time to review all documents that will be discussed prior to a meeting.

Vice Mayor Schwartzman encouraged the parties to work together to come up with a solution.

Discussion of status of Benicia Business Park application and possible action:
Jim Erickson, City Manager, and Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Mr. Erickson stressed the importance of discussing this item when the applicant was able to attend the meeting.

Staff and Council discussed the recent letters the City received from the developer, conditions of approval the developer had agreed to, concerns regarding the developers legal issues, what a project could do for the City, concern regarding awarding the developer with outdated fees, concern regarding the risks of terminating, concerns regarding doing nothing, concerns regarding the developer not attending tonight's meeting, the City doing a six-month review of the situation,

Public Comment:

1. Roger Straw – Mr. Straw discussed not wanting to lose the concessions made up to this point, the need to do a specific plan for the City, and being in favor of terminating the current application.
2. Susan Street – Ms. Street discussed reasons why Council should consider terminating the application.
3. Jon Van Landschoot – Mr. Van Landschoot discussed the need for certainty. He suggested sending a letter to the developer asking them to come and state their intentions.
4. Gene Doherty – Mr. Doherty discussed pursuing a specific plan for the City.
5. Marilyn Bardet – Ms. Bardet discussed how to handle the conditions of approval previously agreed to by the applicant.

Council and Staff discussed having a specific plan, having a subsequent EIR, and concerns regarding the developer's influence on future elections.

Ioakimedes suggested having the City Attorney review the documents the City currently has, crafting a document to solidify the City's position, fee structure, the need for a signed agreement by the developer regarding funding requests (signatures needed for grant requests), concerns regarding future environmental legislation, doing a six month review, Staff crafting a document to solidify the City's position, and concern regarding the fee structure.

Vice Schwartzman discussed sending a letter to the developer clarifying the things they have agreed to, agreement by the developer to be part of a grant for specific plan, and incentives to get the developer to come back to the table.

Council Member Campbell made a motion to terminate the application. The motion died for a lack of a second.

Council Member Hughes made a motion to maintain the application, have the City Attorney send a letter to the developer discussing past agreements, requesting signature of what has been agreed to in past, to get the developer's agreement for participation in the grant process (with a date certain requested – one month - to meet the grant deadline), to address the issue of the fee structure, and to require a six month update on the project.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council directed the City Attorney to draft a letter to the developer addressing the concerns listed above, on roll call by the following vote:

Ayes: Council Members Hughes, Ioakimedes, and Vice Mayor Schwartzman

Noes: Council Member Campbell
Absent: Mayor Patterson

INFORMATIONAL ITEMS:

Reports from City Manager:

Benicia Bike Race Update:

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

Council and Staff discussed concerns raised by Downtown merchants, safe crossing issues, support by the Police Department, the race being signed off by the PC&S director, how the businesses on lower First Street will be affected, proper notification of detours, how the City will measure the success of the event (have the Economic Development Manager work on it), signage, and incentives to get people to the end of First Street.

Public comment:

1. Susan Street – Ms. Street discussed people’s willingness to walk down First Street to get to the water and shops. She discussed the importance of the event to show off the town.
2. Gene Doherty – Mr. Doherty discussed the importance of the kids being involved and the importance of healthy living.
3. Marilyn Bardet – Ms. Bardet suggested having bicycle racks in town.

COUNCIL MEMBER REPORTS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:54 p.m.

Lisa Wolfe, City Clerk