

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
MAY 4, 2010

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 5:45 p.m. on Tuesday, May 4, 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 Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Council Member Campbell (arrived at 5:47 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Patterson 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

ANNOUNCEMENT OF CLOSED SESSION:

Heather McLaughlin read the announcement of Closed Session.

CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Section  
54956.9**

**Number of potential cases: 1  
Club Pacifica**

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957)**

**Titles: City Manager  
City Attorney**

ADJOURNMENT:

Mayor Patterson the meeting to Closed Session at 5:46 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
MAY 4, 2010

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:08 p.m. on Tuesday, May 4, 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, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Mike Alvarez 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 actions taken during Closed Session:

Ms. McLaughlin announced that on 4/27/10, Council met with the labor associations and received information from them, and then provided direction to the negotiators on how to proceed.

In tonight's Closed Session, Council met regarding a claim involving Club Pacifica. Council gave Staff authority to settle the claim.

Openings on Boards and Commissions:

- ❑ Open Government Commission:  
One full term to January 31, 2014
- ❑ Finance, Audit and Budget Committee:  
One unexpired term to January 31, 2013

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:

None

PRESENTATIONS:

Commendation for Officer Cruz:

Mayor Patterson presented a commendation to Officer Cruz for saving a woman's life. The person whose life he saved and her daughter thanked Officer Cruz for his life saving efforts.

PROCLAMATIONS:

- ❑ Peace Officers' Memorial Days and National Police Week
- ❑ National Preservation Month
- ❑ Benicia Museum Month
- ❑ Water Awareness Month

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items received (copies on file).

PUBLIC COMMENT:

1. Laurie Key - Ms. Key and several Downtown Merchants discussed a new program "Viva Benicia" (showcasing students artwork), which will take place every Saturday afternoon throughout the summer months. Not only is it great for Benicia, but it will increase business in the Downtown area. She requested the City allow them to place a banner in the City Park area advertising Viva Benicia. She acknowledged the City's current restrictions regarding banners, and requested those restrictions be revisited.

Mayor Patterson and Staff discussed setting up a meeting with the Downtown merchants to discuss the issue of the policy regarding banners.

2. Tom Hamilton - Mr. Hamilton discussed the need for a process to submit banners to the City for approval of content and placement.
3. Ann Hansen - Ms. Hansen discussed recent events and happenings at the Benicia Historical Museum.
4. Jim Stevenson - Mr. Stevenson discussed books he has published about Benicia. He discussed a book written about the Commanding Officer's Quarters.
5. Dr. Lessenger - Dr. Lessenger discussed the book he wrote 'The Commanding Officer's Quarters.'
6. J.B. Davis - Mr. Davis discussed Mr. Austin Gibbon, who was his predecessor on the Bicycle Committee. He requested the City name the new bike/walking bridge after Mr. Gibbon.

CONSENT CALENDAR:  
Council pulled items VII-A.

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

RESOLUTION 10-56 - A RESOLUTION AUTHORIZING THE PURCHASE OF ELEVEN MOBILE DATA TERMINALS, ALL ANCILLARY EQUIPMENT, AND INSTALLATION NECESSARY TO FULLY IMPLEMENT THE SYSTEM FROM CDCE INCORPORATED IN THE TOTAL AMOUNT OF \$73,959.05, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDERS ON BEHALF OF THE CITY

RESOLUTION 10-57 - A RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2010-2011

RESOLUTION 10-58 - A RESOLUTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2010-2011

RESOLUTION 10-59 - A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JUNE 1, 2010 FISCAL YEAR 2010-2011 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of April 20, 2010:

Mayor Patterson discussed her requested changes regarding the Master Fee Schedule item. Ms. Wolfe discussed the language in the motion. No changes would be made. Mayor Patterson discussed her request for additional language to be added regarding the appointment of Jon Van Landschoot to the HPRC.

Vice Mayor Schwartzman requested that if the above changes would be made, he would like the detailed list of skills he discussed be added to the minutes as well.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, the Minutes of April 20, 2010 were approved as amended, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

2008 Valero/Good Neighbor Steering Committee Agreement Amendment for the VIP  
Project:

Heather McLaughlin, City Attorney, and Jim Erickson, City Manager, reviewed the staff report.

Council thanked Valero and the Good Neighbor Steering Committee (GNSC) for their hard work.

Council Member Hughes and Mr. Howe discussed what would happen if Valero moved forward with the Condensate Recovery Project, and the money ran out by 2014.

Council and Staff discussed concerns regarding what would happen if there was a lack of funding down the road, Phase I and Phase II, concern regarding funding for the Community Center, how the Sustainability Commission would be involved, and clarification on water conservation and energy savings.

Dana Dean, Good Neighbor Steering Committee, introduced the members of the GNSC. She discussed the recommendations they made and why they made them.

Mayor Patterson discussed how pleased she was that everyone was able to reach an agreement.

Vice Mayor Schwartzman and Ms. Dean discussed funding for City and non-City projects (as they relate to the agreement – recommended by the Sustainability Commission).

Chris Howe, Valero, discussed how pleased he was that they were able to reach an agreement. He hoped Council would approve the amended agreement.

Council Member Hughes and Mr. Howe clarified that the agreement was with Valero Refining Company, California, which was a subsidiary of Valero Refining Corporation.

Council Member Campbell, Mr. Howe, and Ms. Dean, discussed the buffering areas around the refinery.

Public Comment:

None

Council Member Ioakimedes thanked everyone involved for their efforts.

Mayor Patterson clarified that the motion was to approve the City's execution of the agreement.

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the amendments to the July 10, 2008 Valero/Good Neighbor Steering Committee Agreement, on roll call by the following vote:

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

Noes: None

Approval of Legislative Support/Opposition Process:

Anne Cardwell reviewed staff report.

Council and Staff discussed concern regarding clarification regarding the notice that shall be given to the Council Members, and the time they had to respond. They discussed concern regarding the issue of 'reply all', the Brown Act, and notifying the public regarding Council's position.

Council Member Hughes discussed the procedures regarding heads up phone calls being reflected in the procedures.

Council Member Campbell discussed the frequency in which this issue came up.

Public Comment:

1. Mark Fox, League of California Cities – Mr. Fox discussed the fact that the League of California Cities procedures were reviewed on an annual basis.

Mayor Patterson asked that Mr. Fox relay to his colleagues that the revised Water Policy was a lot of hard work and was well done.

Mayor Patterson summarized that Council discussed amending the language for having a specific amount of time available for comment, followed up by a heads up phone call, and that would be incorporated into Council's procedures, as well as Staff's administrative procedures. Ms. McLaughlin clarified that in emails, Council would not 'reply all', and that Staff would report back on an agenda (under City Manager Reports) on such items.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the legislative support/opposition process as amended, on roll call by the following vote:

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

Noes: Council Member Campbell

INFORMATIONAL ITEMS:

Reports from City Manager:

None

COUNCIL MEMBER REPORTS:

Request to agendaize adopting a resolution urging the State of California to adopt strong rules for reducing smog and other criteria air pollutants and greenhouse gases, and to promote the rapid deployment of zero emission vehicle technology:

Mayor Patterson reviewed the Council report.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council agreed to agendaize the above item on a future agenda, on roll call by the following vote:

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

Noes: None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:14 p.m.

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Lisa Wolfe, City Clerk