

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 21, 2013

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 Closed Session to order at 6:00 p.m.

All Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Property: 4850 Park Road, 3300 Park Road & 3190 Bayshore Road
Negotiating Parties: City Attorney, City Manager & Economic Development Manager
Under Negotiation: Instruction to negotiator on both payment and lease terms

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:00 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Christine Mead 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.**

Heather McLaughlin, City Attorney, reported that Council received information from Staff on the price and terms of payment, and gave direction to Staff.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired term

2 full terms

Open Until Filled

Benicia Housing Authority Board of Commissioners

1 full term

Application due date: June 14, 2013

Human Services Board

2 full terms

Application due date: June 14, 2013

Open Government Commission

1 full term

Application due date: June 14, 2013

Historic Preservation Review Commission

2 full terms

1 unexpired term

Application due date: June 14, 2013

Library Board of Trustees

2 full terms

Application due date: June 14, 2013

Parks, Recreation and Cemetery Commission

2 full terms

Application due date: June 14, 2013

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Verbal update from City Attorney

Heather McLaughlin, City Attorney stated there was nothing new to report since the last Council meeting.

B. PROCLAMATIONS

1. In Recognition of National Public Works Week - May 19-25, 2013

C. APPOINTMENTS

D. PRESENTATIONS

1. National Public Works Week
2. Benicia Historical Museum Annual Report

Item cancelled due to illness.

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, Campbell, Hughes, Strawbridge
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item received (copy on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR (7:30 PM):

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

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

A. APPROVAL OF THE MINUTES OF THE MAY 7, 2013 CITY COUNCIL MEETING

B. AWARD OF CONTRACTS FOR THE WATER TREATMENT PLANT SECURITY SURVEILLANCE PROJECT

RESOLUTION 13-29 - A RESOLUTION ACCEPTING THE BIDS FOR THE WATER TREATMENT PLANT SECURITY SURVEILLANCE IMPROVEMENT

PROJECT AND AWARDING THE CONSTRUCTION CONTRACT TO WEST CORPORATION IN THE AMOUNT OF \$238,402; APPROVING A CONSTRUCTION MANAGEMENT CONTRACT WITH CALIFORNIA TECHNICAL CONCEPTS IN THE AMOUNT OF \$27, 590; APPROVING AN ENGINEERING SUPPORT SERVICES CONTRACT WITH STANTEC CONSULTING SERVICES IN THE AMOUNT OF \$11,635; AUTHORIZING THE PURCHASE OF THE CONTROL ROOM CONSOLE FROM WINSTED CONTROL ROOM CONSOLES IN THE AMOUNT OF \$46,726; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

C. 2013 ASPHALT OVERLAY PROJECT -- CONTRACT AWARD

RESOLUTION 13-30 - A RESOLUTION ACCEPTING BIDS FOR THE 2013 ASPHALT OVERLAY PROJECT INCLUDING TRAFFIC STRIPING FOR THE ROSE DRIVE TRAFFIC CALMING PROJECT, APPROVING A GAS TAX FUND BUDGET AMENDMENT TO FULLY FUND THE CONSTRUCTION CONTRACT, AWARDING THE CONSTRUCTION CONTRACT TO ARGONAUT CONSTRUCTORS IN THE AMOUNT OF \$764,341.50, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

D. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORTS FOR THE QUARTERS ENDED DECEMBER 31, 2012 AND MARCH 31, 2013

E. APPROVAL OF CITY OF BENICIA INVESTMENT POLICY

RESOLUTION 13-31 - A RESOLUTION APPROVING THE CITY OF BENICIA INVESTMENT POLICY

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

VIII. BUSINESS ITEMS (8:00 PM):

A. ACCEPTANCE OF DOWNTOWN INTERMODAL FACILITIES PROJECT

RESOLUTION 13-32 - A RESOLUTION ACCEPTING THE DOWNTOWN INTERMODAL FACILITIES PROJECT AS COMPLETE INCLUDING CONTRACT CHANGE ORDER NOS. 1-30, APPROVING CONTRACT CHANGE ORDERS NOS. 19-30 FOR \$63,118, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

Mayor Patterson recused herself from the discussion on this item, as she had a

conflict of interest (she owns property near the project site). Vice Mayor Campbell would chair this portion of the meeting.

Mike Roberts, Engineer, reviewed the staff report.

Council Member Hughes and Staff discussed some previously stated concerns by the public regarding safety issues (such as tight turns on 1st and Military). The curbs were painted yellow, flashing buttons were placed on curb, and the lanes were marked more clearly.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 13-32, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. COUNCIL MEMBER STRAWBRIDGE REQUEST TO AGENDIZE AN ITEM REGARDING THE TERMINATED BENICIA BUSINESS PARK PROJECT

Council Member Strawbridge reviewed her request to agendize this item. There had been recent interest expressed by the developer, and the economic situation is better than it was when the project was put on hold.

Vice Mayor Campbell discussed his lack of support for residential development on the Seeno property, as it would adversely affect the Benicia Industrial Park.

Council Member Hughes clarified that Council Member Strawbridge was not advocating any certain development, but wanted to revisit and receive an update on the project/situation. Council Member Hughes was in support of revisiting this item on a future agenda.

Council Member Schwartzman discussed support for agendizing this item.

Public Comment:

1. Lisa Reynolds - Ms. Reynolds discussed the years of work that previously went into this item. The public's expectations were well set and Council agreed to those. She hoped those expectations would be honored.

Mayor Patterson discussed the need for a structured and informed discussion on

the issue. Council does not currently have the information necessary for an informed discussion. She and Staff discussed how the discussion would be set up. Staff would like this issue to move slowly, with the first meeting setting up the stage and having Council make Staff aware of Council's expectations. Staff felt it should fall under the two-step process.

Council Member Schwartzman and Staff discussed the need for updates on subdivision laws, what steps would be required if Council were to entertain an application, etc. It could be a one or two-step process.

Mayor Patterson clarified that the previously adopted resolution needed to be the basis for the discussion. There are new requirements by the State. Council needs to find out if there is still support for the resolution. If there is not, the public needs to know that.

Council Member Strawbridge discussed the City's adopted Business Action Plan. She would like Council to consider where the City is at with the business climate.

Mr. Kilger clarified that he would bring back information on the issue and present a structure format to Council. He recommended this item follow the two-step process.

Mayor Patterson recommended starting with the previously adopted resolution, to see how much support there was from the Council.

Council Member Schwartzman agreed the resolution should be reviewed. Council needs to be reminded about the past, what the current situation is, hear the updates on laws, and if there are to be changes, hear what the process would be like.

Council Member Hughes preferred Staff bring everyone up to speed from where the project was left off three years ago, and provide direction to Council on what the developer would need to do to formally introduce a project to the City. If Council is not interested in residential in the proposed area, the developer should know firsthand, before they and City staff waste time and money.

Mr. Kilger discussed his preference to have the first meeting reviewing previous history to update Council.

Vice Mayor Campbell discussed the letter recently submitted by Seeno stating their desire to build a residential development on the property.

Mayor Patterson discussed that General Plan, which stipulates land use. She could not support the request to re-agendize this item, as it would be sending the wrong signal to the developer.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved placing this item on a future agenda for discussion, on roll call by the following vote:

Ayes: Schwartzman, Hughes, Strawbridge
Noes: Campbell, Patterson

- C. Council Member Committee Reports:**
(Council Members 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: June 19, 2013**
 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: May 24, 2013**
 4. **League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 31, 2013**
 5. **School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: June 13, 2013**
 6. **Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: August 7, 2013**
 7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: July 11, 2013**
 8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: June 12, 2013**
 9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson) Next Meeting Date: June 13, 2013**
 10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date:**

July 18, 2013

- 11. Tri-City and County Cooperative Planning Group. (Council Member Hughes) Next Meeting Date: June 10, 2013**
- 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: May 22, 2013**
- 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: June 27, 2013**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:48 p.m.