

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 04, 2013

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Cancelled.

II. CLOSED SESSION:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Property: 4850 Park Road, 3300 Park Road and 3190 Bayshore Road
Negotiating Parties: City Attorney, City Manager and Economic Development Manager
Under Negotiation: Instruction to negotiator on both payment and lease terms
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Subdivision (b) of Government Code Section 54957)
Title: City Attorney

III. CONVENE OPEN SESSION:

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

A. ROLL CALL

All Council Members were present. Vice Mayor Campbell arrived at 7:03 p.m.

B. PLEDGE OF ALLEGIANCE

Harry Wassmann led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

The Closed Session meeting was cancelled.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired term

2 full terms

Application due date: 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

Economic Development Board

1 unexpired term

Application due date: June 14, 2013

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Verbal update from City Attorney

Ms. McLaughlin reported that there had not been any activity since the last meeting.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

1. BENICIA HISTORICAL MUSEUM ANNUAL REPORT

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item (copy on file).

B. PUBLIC COMMENT

1. Council Member Schwartzman - Council Member Schwartzman discussed his recent experience graduating from the Benicia Police Department's Citizen's Academy.
2. Mayor Patterson - Mayor Patterson discussed the Benicia Herald's positive reporting on the recent Citizen's Academy.
3. Larry Fullington - Mr. Fullington asked for clarification on the volunteer hours at the Benicia Historical Museum.
4. Daniel Tikus - Mr. Tikus discussed the amount of broken glass at the end of First Street. He discussed concerns regarding minors drinking beer out of glass bottles in the waterfront area.

VII. CONSENT CALENDAR:

Council pulled Item VII.D for discussion.

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

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

- A. **APPROVAL OF THE MINUTES OF THE MAY 21, 2013 CITY COUNCIL MEETING**
- B. **SECOND READING AND ADOPTION OF AN ORDINANCE TO INCORPORATE REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS**

ORDINANCE 13-06 - AN ORDINANCE AMENDING SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12 (DEFINITIONS), SECTION 17.24.020 (RS, RM, AND RH DISTRICTS - LAND USE REGULATIONS), OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS), AND SECTION 17.70.070 (HOME OCCUPATIONS IN R DISTRICTS) OF CHAPTER 17.70 (SITE REGULATIONS), AND ADDING SECTION 17.70.370 (COTTAGE FOOD OPERATIONS) OF CHAPTER 17.70 (SITE REGULATIONS), OF ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS PER SECTION 113758 OF THE CALIFORNIA HEALTH AND SAFETY CODE

- C. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR SOUTHAMPTON UNIT D-7**

RESOLUTION 13-33 - A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE SOUTHAMPTON UNIT D-7 SUBDIVISION

- D. **ENERGY COMMISSION GRANT: ELECTRIC VEHICLE FAST CHARGER AND BATTERY BACKUP**

RESOLUTION 13-34 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR AN ELECTRIC VEHICLE FAST-CHARGING STATION AND BATTERY BACKUP AT CITY HALL

Mayor Patterson asked Staff to review the staff report for the public's information. Staff described the program, discussed the criteria for the location of the chargers, and explained to what extent the criteria was developed with an advisory commission.

Council Member Strawbridge and Staff discussed the availability of the fast charging station.

Vice Mayor Campbell and Staff discussed the availability of the battery from CODA energy.

Council Member Schwartzman and Staff discussed how people would be

charged/pay for the use of the station.

Public Comment:

1. Citizen - The Citizen discussed the availability of fast charge stations in the Bay Area. The location of the charging stations could benefit the City (shopping, food, etc.).

Mayor Patterson discussed the need for adequate signage and an explanation of how to use the charging station.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 13-34, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. APPROVAL OF LEASE AGREEMENT WITH CBS OUTDOOR FOR MODIFICATION AND OPERATION OF DIGITAL BILLBOARD AT 4850 PARK ROAD**

RESOLUTION 13-35 - A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND CBS OUTDOOR, A DELAWARE CORPORATION, TO MODIFY THE EXISTING BILLBOARD AT 4850 PARK ROAD, BY REPLACING AND OPERATING A NEW LED DIGITAL BILLBOARD STRUCTURE

Mayor Patterson asked Staff to explain why the revenues generated from the sign was not part of tonight's discussion. The issue of potential revenue would be discussed at a future meeting.

Mario Giuliani, Economic Development Manager, reviewed the staff report and a PowerPoint presentation.

Public Comment:

1. Ellen Kolowich, Economic Development Board - Ms. Kolowich spoke in support of the proposed agreement.

2. Ed Russell - Mr. Russell spoke in opposition to the proposed agreement. He was disappointed with Staff and Council and how this issue was handled. He was pleased that the other two billboards were being removed. The agreement does not allow for the public to have input on the design of the billboard.
3. Citizen - The Citizen spoke in opposition to the proposed agreement. The sign would not reflect favorably on the community.

Council Member Schwartzman and Staff clarified that if Council chose a sign tonight, that would be the sign that would be installed. They discussed the possible V-shape design and size.

Vice Mayor Campbell and Staff clarified that the item being voted on tonight was the CBS Outdoor agreement, not the Clear Channel agreement.

Council Member Hughes discussed support for the proposed agreement.

Mayor Patterson and Staff discussed the size (eye level) of the sign, the view from the conference room at Insight Glass, and whether Staff had met with Mr. Andres since the last meeting (they had not). She discussed the usual ratio of removing 4-8 existing billboards when one of the vinyl billboards is installed. She was disappointed that Benicia falls below the average for billboard removal. She and Staff discussed what would happen if CBS Outdoor goes bankrupt. She discussed the adoption of the Strategic Plan and the Business Development Action Plan with regards to billboards. They were voted on as part of a bundle. She was hoping for a more public process, as there would have been an opportunity to notify the community in a comprehensive way, so there would have been a greater level of public interest in the direction the City is going.

Ms. McLaughlin stated that regarding the issue of ownership of the billboard after the lease, it was somewhat inconsistent in the current agreement. That would be clarified in the final version, as well as what would happen to the existing billboard.

Mayor Patterson stated she was looking for a motion to clarify and make sure the agreement was consistent. The clarification is that in event of bankruptcy: a) whatever Staff's advice is on that (the billboard accrues to the City and at the time period stated in the contract that the lessor is the owner), and b) the removal of the existing sign is that the lessee is responsible for said removal.

Council Member Hughes motion to adopt the resolution, using alternative #2 design, and providing direction to Staff to clarify the ownership issues, and the disposal of the existing sign.

Vice Mayor Campbell clarified that Staff did a great job, but he could not support

the item, as he did not believe digital billboards were safe.

Council Member Schwartzman discussed his support for the billboard.

Mayor Patterson discussed the issue of the billboards not being safe. Other cities and states have banned the LED billboards.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 13-35, with additional direction to Staff, on roll call by the following vote:

Ayes: Strawbridge, Schwartzman, Hughes

Noes: Campbell, Patterson

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:26 p.m.

Lisa Wolfe, City Clerk