

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
June 19, 2012

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: *Will Occur After Regular Meeting***

**A. CONFERENCE WITH LABOR NEGOTIATOR**  
(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Senior Managers, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Vice Mayor Campbell arrived at 7:05 p.m.

**B. PLEDGE OF ALLEGIANCE**

Bill Zenoni 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:**

Building Board of Appeals  
2 full terms  
Open Until Filled

SolTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Open Until Filled

Open Government Commission  
1 unexpired term  
Open Until Filled

Benicia Human Services Board  
1 unexpired term 3 full terms  
Open Until Filled

Economic Development Board  
2 full terms  
Open Until Filled

Benicia Housing Authority Board of Commissioners  
1 full term  
Open Until Filled

Historic Preservation Review Commission  
2 full terms  
Open Until Filled

Library Board of Trustees  
1 full term  
1 Poet Laureate  
Open Until Filled

Art and Culture Commission  
2 unexpired terms  
Open Until Filled

**3. Mayor's Office Hours:**

**B. APPOINTMENTS**

**C. PRESENTATIONS**

- 1. Solano Community College Update - Yulian Ligioso, Vice President, Finance & Administration-Solano Community College**

**D. PROCLAMATIONS**

1. **In Recognition of July 2012 as Parks Make Life Better! Month**

**V. ADOPTION OF AGENDA:**

On motion of Council Member Hughes, seconded by Council Member Schwartzman, 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**

Two items received (copies on file).

**B. PUBLIC COMMENT**

1. Mike Caplan, Human Services Board - Mr. Caplan encouraged citizens to attend the upcoming fundraiser at the Winterhawk Winery.
2. Elizabeth d'Huart, Benicia Historical Museum - Ms. d'Huart discussed the museum's upcoming events, and its historical status.
3. Steve Goetz - Mr. Goetz discussed the recent issue at the Conoco Philips Refinery that caused a rotten egg smell. Chief Vucurevich discussed the incident.
4. Susan Street - Ms. Street discussed an upcoming event being sponsored by the League of Women Voters, as well as the recent Sunset Magazine event.
5. Sophie Pasibe - Ms. Pasibe invited Council to attend the Phil-Am of Benicia's Grand Reunion.

**VII. CONSENT CALENDAR:**

Council pulled item VII.A for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**A. APPROVAL OF MINUTES OF THE JUNE 15, 2012 MEETING**

Mayor Patterson discussed her request to include her comment regarding her vote on item VIII.B, prefacing her vote.

Council Member Hughes did not feel it was necessary to include comments

explaining votes, however, he would support her request.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted the Minutes of June 15, 2012, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes, Strawbridge

Noes: Schwartzman

**B. AUTHORIZE PURCHASE OF TWO (2) REPLACEMENT POLICE PATROL VEHICLES**

**RESOLUTION 12-65 - A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) REPLACEMENT POLICE PATROL VEHICLES UTILIZING VEHICLE REPLACEMENT FUNDS**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-65, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**C. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the designation of League of California Cities voting delegates and alternates, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**D. AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR THE CALRECYCLE USED OIL PAYMENT PROGRAM**

**RESOLUTION 12-66 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR CALRECYCLE USED OIL PAYMENT PROGRAM FOR FY 2012/13 WHICH PROVIDES FUNDING FOR ACTIVITIES THAT REDUCE THE AMOUNT OF ILLEGALLY DISPOSED USED OIL, RECYCLE USED OIL/USED OIL FILTERS, AND RECLAIM USED OIL**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-66, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**E. PURCHASE OF ROCK, FITTINGS AND HARDWARE; AND APPROVAL OF AMENDMENTS FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE AND REPAIR, FOR FISCAL YEAR 2012-2013**

**RESOLUTION 12-67 - A RESOLUTION AUTHORIZING THE PURCHASE OF CRUSHED AGGREGATE ROCK FOR FISCAL YEAR 2012-2013 FROM SYAR INDUSTRIES INC. OF VALLEJO, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$40,000**

**RESOLUTION 12-68 - A RESOLUTION AUTHORIZING THE PURCHASE OF WATER DISTRIBUTION PIPELINE FITTINGS AND HARDWARE FOR FISCAL YEAR 2012-2013 FROM ROBERTS & BRUNE CO. OF OAKLEY, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$75,000**

**RESOLUTION 12-69 - A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT TO EXTEND THE TERM FOR A ONE-YEAR PERIOD FOR STREET LIGHTING MAINTENANCE AND REPAIR WITH REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC., OF NOVATO, FOR A NOT-TO-EXCEED AMOUNT OF \$82,457, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY**

**RESOLUTION 12-70 - A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT TO EXTEND THE TERM FOR A ONE-YEAR PERIOD FOR TRAFFIC CONTROL DEVICE MAINTENANCE AND REPAIR WITH REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC., OF NOVATO, IN THE AMOUNT OF \$55,006, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-67, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-68, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-69, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-70, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**F. AWARD OF CONSTRUCTION CONTRACT FOR THE 2012 CITYWIDE SLURRY SEAL PROJECT**

**RESOLUTION 12-71 - A RESOLUTION ACCEPTING ALL BIDS FOR THE 2012 CITYWIDE SLURRY SEAL PROJECT, AWARDED THE CONSTRUCTION CONTRACT TO GRAHAM CONTRACTORS, INC. IN THE AMOUNT OF \$152,607.50, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-71, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**G. PURCHASE OF REPLACEMENT CRACK SEAL MACHINE FOR STREET MAINTENANCE**

**RESOLUTION 12-72 - A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT CRACK SEAL MACHINE FOR THE PUBLIC WORKS STREETS MAINTENANCE DIVISION FROM TRI-AMERICAN, INC. IN THE AMOUNT OF \$37,581.25, 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 Strawbridge, Council adopted Resolution 12-72, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**H. AWARD OF CHEMICAL CONTRACTS FOR WATER AND WASTEWATER TREATMENT - FISCAL YEAR 2012-2013**

**RESOLUTION 12-73 - A RESOLUTION ACCEPTING BIDS AND AWARDDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER AND WASTEWATER TREATMENT FOR FISCAL YEAR 2012-2013 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-73, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**I. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2012-13**

**RESOLUTION 12-74 - A RESOLUTION ESTABLISHING AN APPROPRIATION LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2012-13**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-74, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**J. ADOPT AMENDMENTS TO THE CITY OF BENICIA CAFETERIA PLAN (FLEXIBLE BENEFITS PLAN)**

**RESOLUTION 12-75 - A RESOLUTION ADOPTING THE AMENDED CITY OF BENICIA CAFETERIA PLAN**

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-75, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

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

VIII. **BUSINESS ITEMS:**

- A. PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2012-13

**RESOLUTION 12-76 - A RESOLUTION ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2012-13**

Bill Zenoni, Interim Finance Director, reviewed the staff report.

Council Member Hughes and Staff discussed what had been done to reach out to the citizens in the districts to educate them on what value they were getting for the fees. Council Member Hughes stressed the importance of educating the citizens soon, and not wait until right before the fees are raised the next time.

Vice Mayor Campbell requested an analysis on how much the fees would be raised in the future.

Public Hearing Opened

Public Comment:

1. Steve Goetz, Benicia Tree Foundation - Mr. Goetz discussed having a Landscaping and Lighting contract that included a maintenance component for city-owned trees.

Public Hearing Closed

Mayor Patterson discussed her support for educating the citizens in the districts. She suggested an annual statement be included in their water bills stating what the fees covered. She would like Staff to scope out enhancements on what services could be provided.

Vice Mayor Campbell discussed having the Parks and Recreation Commission or the Finance Committee to look at this. Staff clarified that the studies had to be completed before that could be done. The studies should be done by the first of the year.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-76, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**B. APPROVE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET FOR THE HISTORIC SOUTHERN PACIFIC DEPOT**

**RESOLUTION 12-77 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH BENICIA FIRST CORPORATION DBA BENICIA MAIN STREET FOR THE HISTORIC SOUTHERN PACIFIC DEPOT AT 90 FIRST STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE**

Mario Giuliani, Acting Economic Development Manager, reviewed the Staff report.

Council Member Schwartzman and Staff discussed concerns regarding language for meeting room being accessible and improved, and the need for a fee structure for the rental of the freight room (meeting room).

Council Member Hughes and Staff discussed the issue of non-commercial activities use stipulation in the grant requirements, and the issue of the freight room being accessible from the main building.

Council Member Strawbridge and Staff discussed the need to look into what the parameters were for the grant (regarding the building). She would like to see a quarterly update on the status of the building. She would like to see the \$10,000 that is being taken out of marketing budget and use it to look for additional grants.

Public Comment:

1. Susan Street - Ms. Street discussed the issue of the Waterfront Park. They will be hiring a consultant to help them look at uses for the park (in a public process). It would be a good venue to talk about what to do with the Depot building.
2. Brad Maclain - Mr. Maclain suggested looking at a month-to-month extension of the contract with Benicia Main Street.

Mayor Patterson discussed possibly having a bike-sharing program. She thought a one-year extension would be sufficient time to look into the suggestions that were made.

Council Member Schwartzman made a motion to adopt the Resolution, with the amendment including the fee structure that he discussed.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-77, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

### **C. UPDATE ON EFFORTS TO DEVELOP A MAINTENANCE AGREEMENT FOR THE BENICIA STATE RECREATION AREA**

Mario Giuliani, Acting Economic Development Director, reviewed the staff report.

Mayor Patterson and Staff discussed the legislation regarding being discussed regarding funds for State Park roads, concern regarding liability issues, and suggestions regarding indemnification language.

Vice Mayor Campbell and Staff discussed the ADA rules, the issue of liability, the possibility of the State reimbursing the City for picking up trash, the water supply for the Forest Deaner Native Garden, and the suggestion that there be two chemical toilets.

Mayor Patterson discussed Supervisor Seifert's formation of a subcommittee to deal with concerns regarding the State Recreation Area being a regional park, and the need for there to be regional partners in the efforts regarding the park.

Council Member Hughes and Staff discussed Mr. Berman's email (copy on file), concern regarding the issue of liability, the existing security at the park, the utilization of the park,

Council Member Strawbridge discussed the very positive steps that have been taken with the State Capital Building. She would like to see the lack of access delayed until the end of July. She and Staff discussed the issue of pedestrian/vehicle access.

Council Member Schwartzman and Staff discussed concern regarding liability. He encouraged citizens to put pressure on county and regional representatives regarding the State Recreation Area.

#### Public Comment:

1. Dan Jensen - Mr. Jensen discussed the importance of maintaining the Forest Deaner Native Plant Botanic Garden.
2. James Lee - Mr. Lee discussed concerns regarding the use of fireworks in the park, trash, restrooms, law enforcement, and grants for volunteer efforts.
3. Carol Berman - Ms. Berman discussed recent community meetings held by the Benicia State Parks Association (handout on file).
4. Bob Berman - Mr. Berman discussed concern regarding not having a commitment of some kind in writing from the State regarding the level of access. He discussed the email he sent to Council (copy on file).
5. Steve Goetz, California Native Plant Society - Mr. Goetz discussed the need to maintain the Forest Deaner Native Plant Botanic Garden.
6. Norma Deaner - Ms. Deaner discussed the large amount of support the Forest Deaner Native Plant Botanic Garden has received.
7. Brad Maclain - Mr. Maclain urged Staff and Council to do whatever they can to keep the park open. He discussed concern regarding access to the park

- and security. He discussed the issue of funding.
8. Laurie Baker - Ms. Baker discussed the importance of keeping the park open.
  9. Ramon Castelblanch - Mr. Castelblanch discussed problems that arise when state parks are closed.
  10. Kimble Goodman - Mr. Goodman expressed concern regarding possible closure of the parks, drainage, security, and the condition of the path.
  11. Belinda Smith - Ms. Smith discussed legislation regarding state parks.
  12. Vice Mayor Campbell inquired whether the Solano County Sheriff's could take over patrol of the area.
  13. John Furtado - Mr. Furtado discussed the issue of liability, maintenance, operation costs, grants, partnerships, fishing season, and park usage.
  14. Jon Van Landschoot - Mr. Van Landschoot discussed rise in crime that would occur if the park closed. He discussed fees for people fishing.

Mayor Patterson noted the late hour and reminded everyone that Council still needed to go into a Closed Session meeting. There were a lot of good suggestions made by Staff, Council, and the public. She asked Staff and Council to share notes on ideas and items discussed. Direction to Staff to continue negotiations, address the issue of the chemical toilets, the issue of the water supply, to get a determination regarding the minimal access (the city needs to have that before July), and get clarification on the funds (\$77,000). Those items are essential for the City to be able to move forward. There is an overarching issue of liability and the need to get further clarification to see what can be done.

Council Member Schwartzman and Staff discussed the issue of emergency vehicle access, and concerns regarding trash (possibly getting volunteer patrols to address the trash).

Vice Mayor Campbell and Staff discussed the suggestion regarding using the County Sheriff helping out, and the need to come up with simple solutions to deal with the issues of trash, water supply, and security until a formal solution is found.

Mayor Patterson suggested Council Member Schwartzman's suggestion be memorialized, as it was a creative solution that might work. She emphasized the need for all Council and Staff to submit notes so that a comprehensive list of ideas can be made.

Council Member Hughes suggested including Mr. Berman's suggestions. He discussed concern regarding the upcoming salmon fishing season, and the need to get a policy or procedure in place sooner than later.

#### **D. Council Member Committee Reports:**

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: June 20, 2012**
2. **Association of Bay Area Governments (ABAG)**

<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: Fall Assembly - October 18, 2012

3. Finance Committee. (Vice Mayor Schwartzman and Council Member Strawbridge) Next Meeting Date: June 22, 2012
4. League of California Cities. <http://www.cacities.org/index.jsp> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 19, 2012
5. School Liaison Committee. (Council Member Hughes and Council Member Strawbridge) Next Meeting Date: September 13, 2012
6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: August 1, 2012
7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: July 18, 2012
8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: July 11, 2012
9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 12, 2012
10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: July 19, 2012
11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: September 10, 2012
12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next meeting Date: July 11, 2012
13. Youth Action Coalition. (Council Member Strawbridge and Council Member Hughes) Next Meeting Date: June 27, 2012
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. <http://www.sta.ca.gov/Content/10038/SolTrans.html> (Mayor

**Patterson and Council Member Hughes and Council Member Schwartzman) Next Meeting Date: June 21, 2012**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the Open Session into Closed Session at 10:17 p.m.