

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 06, 2010

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 7:30 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Lisa Wolfe led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

Mayor Patterson expressed Council's concern and well wishes for Lacey Wilson, who was hit by a car last week. A fund was being set up for Lacey to assist with her medical costs. She thanked Staff and the public for their efforts and concerns.

Mayor Patterson stated that Council had been meeting in closed session to discuss the retirement of Mr. Erickson. They have been discussing how the interim position would be staffed. Mr. Erickson has agreed to stay on as an interim city manager until 9/15/10 to complete the four tasks identified by Council. Council would keep the public informed on the evolving process for hiring a new city manager.

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

Ms. McLaughlin reported that Council gave direction to Staff on both items.

2. 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

Benicia Housing Authority Board of Commissioners: Two full terms to July 31, 2014

Human Services Board: Three full terms to July 31, 2014

Parks, Recreation and Cemetery Commission: One full term to July 31, 2014

Economic Development Board: Three full terms to July 31, 2014

Library Board of Trustees: Two full terms to July 31, 2013

3. Mayor's Office Hours:

B. APPOINTMENTS

1. Appointment of Mike Ioakimedes to a City Council Appointment Subcommittee for a two-year term.

Council Member Ioakimedes discussed his busy schedule, and wondered if another Council Member would be able to fill the appointment to the subcommittee. Mayor Patterson asked if the subcommittee could discuss it and make a recommendation on appointments.

Mayor Patterson requested the subcommittee make a recommendation on the appointment.

Council Member Hughes stated Vice Mayor Schwartzman had not served on the subcommittee yet. He was the only one who had not yet served. He discussed the rotation schedule.

Vice Mayor Schwartzman and Mayor Patterson discussed the appointment, and his desire to serve on the subcommittee. They discussed the rotation schedule.

The appointment was continued to the 7/20/10 Council meeting.

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of Drowning Prevention Month

V. ADOPTION OF AGENDA:

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the agenda as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Mr. Erickson suggested IX-C be moved up to follow item IX-A. Item IX-A and IX-C are similar items and Darryl Halls, STA, was present and available for both items. He suggested continuing IX-C to a future meeting.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

Elaine Estrada, President, Benicia Tree Foundation - Ms. Estrada discussed the Benicia Tree Foundation. The foundation had become a 501(c)(3). She introduced Mr. Wolfram Alderson, the new Executive Director of the Benicia Tree Foundation.

Mr. Alderson discussed the goals and action plan of the foundation.

Council Member Campbell and Staff discussed how the funds for the foundation would be administered.

Scott Silverman - Mr. Silverman discussed the problem with litter and garbage along First Street after special events. He would like to have a protocol that would address cleanup in place prior to the issuance of permits for special events. Two days after the parade on 7/3/09, there was still trash along First Street.

Mr. Erickson discussed the current protocol. Benicia Main Street was responsible for the cleanup. Their crews were working to clean up the trash after the parade.

Jon Van Landschoot - Mr. Van Landschoot discussed 'The Spirit of Jack London' event being hosted by the Benicia Historical Society.

VII. CONSENT CALENDAR:

Council pulled items VII-B and VII-E for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. Approval of Minutes for June 15, 2010

B. 2010-11 STREET RESURFACING PROJECTS

RESOLUTION 10-82 - A RESOLUTION CONFIRMING NON-GENERAL FUND BUDGETING (GAS TAX AND TRAFFIC MITIGATION FUNDS) FOR FY 2010-11 PRIORITY STREET RESURFACING PROJECTS AND DIRECTING STAFF TO DECLINE THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND ALLOCATION

Vice Mayor Schwartzman and Staff discussed the funding, and Staff's recommendation to decline the bond RZEDB bond allocation.

Council Member Hughes and Staff discussed how the projects were prioritized.

Public Comment:

None

Vice Mayor Schwartzman made a motion to approve the resolution, with the amendment to defer the request to decline the RZEDB bond allocation to a future Council meeting, when the budget was clearer.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Resolution as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2010-11

RESOLUTION 10-78 - A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2010-11

D. AUTHORIZATION TO APPLY FOR FEDERAL FUNDING FOR STREET RESURFACING

RESOLUTION 10-79 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

E. INTRODUCTION OF AN ORDINANCE ADDING NEW SECTIONS 1.24.020 (CITY SEAL) AND 1.24.030 (OFFICIAL FLAG) TO CHAPTER 1.24 (MISCELLANEOUS PROVISIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 10- - AN ORDINANCE ADDING SECTIONS 1.24.020 (OFFICIAL SEAL) AND 1.24.030 (OFFICIAL FLAG) OF CHAPTER 1.24 (MISCELLANEOUS PROVISIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

Council Member loakimedes and Staff discussed what the City does to protect the tourism logo and other City logos. Staff would bring other items forward for discussion in the future.

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council approved the Introduction and First Reading of an ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

F. SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT

RESOLUTION 10-80 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2010/2011 AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS

G. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES

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

RESOLUTION 10- 81- A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR CALRECYCLE FUND CYCLE 16 OIL PAYMENT PROGRAM FOR FY 2010/11 WHICH PROVIDES FUNDING FOR

ACTIVITIES THAT REDUCE THE AMOUNT OF ILLEGALLY DISPOSED USED OIL, RECYCLE USED OIL/USED OIL FILTERS, AND RECLAIM USED OIL

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

VIII. PUBLIC HEARINGS:

- A. **PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2010-11**

RESOLUTION 10- 83- 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 2010-11

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Campbell and Staff discussed the Fleetside District funds.

Council Member Hughes and Staff discussed the need to increase the assessments in the next year or so. It is important the City educate the community about the status.

Public Comment:

None

Mayor Patterson discussed her wish this had started in 2004. The City needs to reach out the to the community sooner than later. She would like to see meetings in the Southampton schools so the citizens in the area could attend.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

IX. ACTION ITEMS:

- A. **Discussion of Countywide Ballot Measure to collect up to \$10 in Vehicle Registration fees to sponsor projects benefiting or mitigating the effects of the automobile.**

Rob Sousa, Finance Director, introduced the agenda item.

Mr. Darryl Halls and Mr. Bill Gray, Solano Transportation Authority (STA), reviewed a PowerPoint presentation (copy on file).

Mayor Patterson and Mr. Gray discussed the issue of a gas tax.

Council Member Campbell and Mr. Gray discussed the ballot measure (which has yet to be written).

Council Member Hughes and Mr. Halls discussed who might be opposing the measure, and how the proposed measure would be communicated to the public. They discussed the fees and what they could be used for.

Council Member Campbell and Mr. Halls discussed whether the State could use the money for other transportation (most likely not - it would be very difficult).

Public Comment:

None

Mayor Patterson summarized the recommendation from Council: there would be a \$75,000 minimum distribution to the jurisdictions, there would be dedicated funds to the three categories (with more flexibility among those categories), that there be a poison pill provision, and that there be some continuous polling throughout the process to see if the potential conflict with the State Park initiative.

B. Status of Benicia Business Park Application

Mr. Erickson discussed the letter Staff received from the applicant stating they wanted to withdrawal their application (copy on file). He suggested Council take some time (approximately 60 days) to see what the City's options were for the property.

Public Comment:

Carl Stoops - Mr. Stoops expressed his support for Mayor Patterson. He did not feel the City could trust the applicant.

Marilyn Bardet - Ms. Bardet thanked Council for its deliberations on this issue. She was shocked by the accusations of the developer.

Council Member Campbell discussed the developer's continued past behavior.

Council Member Hughes discussed the loss of the project. The comments in the

letter by the developer were uncalled for. He looked forward to developing a project at the site in the future.

Vice Mayor Schwartzman discussed the letter written by the developer. The likelihood of having a development there in the near future was probably gone. He discussed the need for economic development in the City.

Mayor Patterson was excited about the vision that was created by the community planning. When thinking about the next steps, it is important that everyone think about the future. She has not given up on this. She believed the vision would come about.

The item was continued for approximately 60 days.

C. BENICIA INTERMODAL FACILITIES (PARK-AND-RIDE) PROJECT

Mayor Patterson recused herself due to a conflict of interest. Vice Mayor Schwartzman would chair the discussion on this item.

Mayor Patterson called for a 5-minute break at 9:04 p.m.

The meeting resumed at 9:10 p.m.

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Council Member Campbell and Staff discussed concerns regarding the money that would be spent on the West Military roundabout, using the E street lot (and the additional times for routes).

Council Member Hughes and Staff discussed whether there was a demand for the proposed intermodal facilities, and concerns regarding parking.

Council Member Campbell and Staff discussed the issue of parking, and other possible locations for the Park & Ride lot.

Vice Mayor Schwartzman and Staff discussed the planned development areas that were being looked at and how it could be integrated into this, transit oriented developments, and citizen's concerns regarding having a Park & Ride lot at City Park.

Council Member Hughes and Staff discussed the sense of urgency. He clarified that Staff was asking Council to move forward with a facilitated workshop.

Council Member Campbell and Mr. Halls discussed RM2 funding.

Public Comment:

Vice Mayor Schwartzman read a comment submitted by Ms. Leslie Keating, who was opposed to a Park & Ride lot at City Park.

Karen Burns - Ms. Burns spoke in opposition to having a Park & Ride lot at City Park. She does not want anything to affect the City Park.

Carl Lunsted - Mr. Lunsted discussed concern regarding roundabouts. He spoke in opposition to having a Park & Ride lot at City Park. He suggested the City use its property on East Second Street (across from the corp yard).

Belinda Smith - Ms. Smith clarified that she was in favor of a public workshop, but was not in favor of using the City Park as a Park & Ride. She suggested finding a location that is 5 minutes or so away from the spot for parking. She wondered if this was an all or nothing proposition.

Tony Haughey - Ms. Haughey read a letter from Ms. Pricilla Whitehead regarding concerns about using the City Park as a Park & Ride lot.

Marilyn Bardet - Ms. Bardet discussed concerns regarding using the City Park as a Park & Ride lot. She was in favor of intermodal concepts. She suggested parking alternatives on Military West.

Jackie Klare - Ms. Klare spoke in support of the concept, but against using the City Park as a Park & Ride lot.

Jon Van Landschoot - Mr. Van Landschoot spoke in opposition to using the City Park as Park & Ride lot.

Chip Rowland - Mr. Rowland spoke in opposition to using the City Park as a Park & Ride lot. He wondered if there could be one lot as opposed to two lots. He discussed concerns regarding the noise generated by busses decelerating.

Marlene Dean - Ms. Dean spoke in opposition to using the City Park as a Park & Ride lot.

Tony Haughey - Ms. Haughey spoke in opposition to using the City Park as a Park & Ride lot. She has ideas on where an alternate site could be. She would like to discuss them at a future workshop.

John Aberley - Mr. Aberley questioned whether there was a big enough demand for the proposed lot.

Vice Mayor Schwartzman and Staff discussed whether the funds could be split in half and be used for one lot as opposed to two. Staff would look into the issue.

Mr. Erickson discussed Staff's desire to create alternatives for single occupant vehicles. He would like to move forward with a workshop.

Council Member Campbell suggested using East E Street and changing the bus schedules to accommodate the stop.

Council Member Hughes suggested Staff schedule a workshop and contact MTC to see what the City's options were.

Council Member Ioakimedes discussed concerns regarding walking away from \$3 million in funding. He would like to have a public workshop.

Vice Mayor Schwartzman discussed the need for a public workshop. Staff should contact MTC to see what the City's alternatives were.

Council Member Campbell suggested pulling the City Park off the list of possible sites for a parking lot.

Vice Mayor Schwartzman directed Staff to move forward with scheduling a workshop, and to contact MTC to see what the City's options were.

D. Reduction in compensation package for City Manager, City Attorney and City Council

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes
Noes: (None)

RESOLUTION 10-84 - A RESOLUTION APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR CITY MANAGER, CITY ATTORNEY, AND CITY COUNCIL

Jim Erickson, City Manager, reviewed the staff report.

Ms. McLaughlin clarified that the resolution and staff report should reflect an effective date of 7/1/10 (one lists a date and the other lists the term 'immediately').

Council Member Campbell thanked Staff for their efforts.

Mayor Patterson questioned whether Council Members could drop medical coverage all together if they were covered under another policy. Staff would look

into the issue for future negotiations.

Public Comment:

None

X. INFORMATIONAL ITEMS:

A. City Manager Reports

1. Informational report on Valero incidents occurring on June 17, 2010

Mayor Patterson noted the item was very important, and there was no public present. Because of the late hour, Council should continue this item to the 7/20/10 Council meeting (earlier on the agenda).

XI. COUNCIL MEMBERS REPORTS:

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:03 p.m.

Lisa Wolfe, City Clerk