

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 18, 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 open session to order at 7:03 p.m.

II. CLOSED SESSION:

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

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Firefighters Association (BFA)

III. CONVENE OPEN SESSION:

Mayor Patterson called the open session to order at 7:03 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Jasmine Powell 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.

Ms. McLaughlin reported that Council received information from Staff. Council did not provide direction to Staff.

2. Openings on Boards and Commissions:

Anne Cardwell, Administrative Services Director, provided a brief update on the appointment process, scheduled interviews, etc.

Building Board of Appeals 1 full term Open Until Filled

SolTrans Public Advisory Committee 1 full term Open Until Filled

Historic Preservation Review Commission 1 full term Open Until Filled

Art and Culture Commission 2 unexpired terms Open Until Filled

3. Mayor’s Office Hours:

4. Benicia Arsenal Update:

Ms. McLaughlin reported that there was not much to report since the last meeting. There will be an update at the October meeting regarding the first working group that is being formed to answer frequently asked questions and provide assistance to the property owners. The subcommittee will be meeting on September 19, 2012.

B. APPOINTMENTS

1. Appointment of Ariana Chaney as the Youth Commissioner to the Parks, Recreation and Cemetery Commission.

RESOLUTION 12-108 - A RESOLUTION CONFIRMING THE MAYOR’S APPOINTMENT OF ARIANA CHANEY AS THE YOUTH COMMISSIONER TO THE PARKS, RECREATION AND CEMETERY COMMISSION

On motion of Mayor Patterson, Council adopted Resolution 12-108, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. PRESENTATIONS

D. PROCLAMATIONS

V. ADOPTION OF AGENDA:

Mr. Kilger stated there were no changes to the agenda. However, Staff would be asking Council for a continuance on item VIII.A (Fiscal Year 2011-12 Annual Accounting of Valero/Good Neighbor Steering Committee Settlement Agreement

Fund Expenditures). The item would be opened and a summary would be given.

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

1. Constance Beutel - Ms. Beutel encouraged citizens to attend the upcoming Clean Tech Expo, which is being sponsored by the Community Sustainability Commission.
2. Elizabeth d'Huart - Ms. d'Huart discussed the upcoming exhibit reception at the Benicia Historical Museum. She discussed the proclamation regarding the 150th Anniversary of Lincoln's Emancipation Proclamation.
3. Vice Mayor Campbell - Vice Mayor Campbell discussed concern regarding the cancellation of the 11/6/12 City Council meeting. Traditionally meetings that fall on election night are cancelled, however, there are no local issues on the ballot. He requested this item be reviewed on a future agenda.
4. Council Member Strawbridge - Council Member Strawbridge stated she would miss the next two City Council meetings, as she would be out of the country.
5. Mayor Patterson - Mayor Patterson discussed the recent League of California Cities Annual Conference she attended. She discussed the handout provided at tonight's meeting, which included information on the newly elected officers, summary of conference, and the North Bay Division new officer's announcement.

VII. CONSENT CALENDAR:

On motion of Council Member Hughes, seconded by Council Member Strawbridge, 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 MINUTES OF THE AUGUST 21, 2012, THE AUGUST 28, 2012 AND THE SEPTEMBER 4, 2012 MEETINGS

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the minutes of the August 21, 2012, August 28, 2012, and September 4, 2012 meetings, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

B. APPROVAL OF A CONTRACT AMENDMENT FOR BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES

RESOLUTION 12-109 - A RESOLUTION APPROVING A CONTRACT AMENDMENT IN THE AMOUNT NOT-TO-EXCEED \$75,000 PER FISCAL YEAR WITH BUREAU VERITAS FOR BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-109, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

C. ACCEPTANCE OF THE CLEARWELL COATING IMPROVEMENT PROJECT

RESOLUTION 12-110 - A RESOLUTION ACCEPTING THE CLEARWELL COATING IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 8, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-110, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

D. SECOND READING OF A ZONING ORDINANCE AMENDMENT TO REMOVE REMNANT REFERENCES TO THE FORMER DOWNTOWN COMMERCIAL ZONING DISTRICT

ORDINANCE 12-06 - AN ORDINANCE AMENDING SECTION 17.70.350 (FORMULA BUSINESSES) OF CHAPTER 17.70 (SITE REGULATIONS), OF

TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS REFLECTING THE ELIMINATION OF THE CD DOWNTOWN COMMERCIAL ZONING DISTRICT WITH ADOPTION OF THE DOWNTOWN MIXED USE MASTER PLAN

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 12-06, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

E. ACCEPTANCE OF THE BENICIA COMMUNITY CENTER PROJECT, INCLUDING CHANGE ORDERS

RESOLUTION 12-111 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICES TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH BRCO CONSTRUCTORS, INC. FOR THE BENICIA COMMUNITY CENTER PROJECT, THE APPROPRIATION OF \$91,637 FROM THE CONTINGENCY AND ACCEPTING THE BENICIA COMMUNITY CENTER PROJECT AT 370 EAST L STREET, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-111, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

F. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2012

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council reviewed and accepted the investment report for the quarter ended June 30, 2012, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

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

VIII. BUSINESS ITEMS:

A. FISCAL YEAR 2011-12 ANNUAL ACCOUNTING OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUND EXPENDITURES

Brad Kilger, City Manager introduced the item.

Heather McLaughlin, City Attorney, discussed the need to continue this item. Because of the timing of the agendas and the information that needs to be included, the appropriate information was not able to be included in the agenda packet. She suggested continuing this item until a meeting in November 2012.

Public Comment:

1. Dana Dean, Valero/Good Neighbor Steering Committee - Ms. Dean agreed with Staff on the suggestion to continue this item. The committee remains committed to resolving the outstanding issues.
2. Mary Frances Kelly Poh - Ms. Kelly Poh supported the continuance of this item so that a proper accounting could be done.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved continuing this item to a future City Council meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. ALLOCATION OF \$9,000 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR A FALL 2012 OR SPRING 2013 WORKSHOP SERIES TO BE FACILITATED BY DOMINICAN UNIVERSITY

RESOLUTION 12-112 - A RESOLUTION APPROVING A GRANT FUNDING REQUEST FROM COMMUNITY SUSTAINABILITY COMMISSION WORK GROUP 1 FOR A FALL 2012 OR SPRING 2013 WORKSHOP SERIES TO BE FACILITATED BY DOMINICAN UNIVERSITY IN THE AMOUNT OF \$9,000

Charlie Knox, Community Development Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed how 'appropriated' funds were handled if they are appropriated but not spent.

Council Member Schwartzman discussed possibly waiting on approving the funds until the issues are resolved with the Valero Good Neighbor Steering

Committee.

Mr. Kilger discussed the need for Staff to be able to develop an accounting process for the Valero Good Neighbor Steering Committee funds.

Public Comment:

1. Constance Beutel - Ms. Beutel spoke in favor of the proposed resolution.
2. Mary Frances Kelly Poh - Ms. Kelly Poh asked Council to wait on this item until the accounting is figured out.
3. Dana Dean - Ms. Dean discussed the difference of allocating funds and committing to the expenditures. Council does not have authority to spend the funds because they don't actually have them yet.

Council Member Schwartzman clarified that he was not against the project. He was concerned with the timing of it.

Mayor Patterson suggested approving the resolution, subject to resolving the issues identified, and affirming the funds are available (as done at the last meeting).

Council discussed amending the resolution language to reflect that 'it would be approved subject to a complete accounting of the Valero/Good Neighbor Steering Committee funds' or 'subject to resolving the issues that have been identified, and affirming the funds are available.'

Vice Mayor Campbell and Ms. Beutel discussed the timing of the proposed event/expenditure. Vice Mayor Campbell thought the expenditure could wait until 2013.

Mayor Patterson clarified that the motion was to approve the Resolution, with the amended language ' subject to confirmation the funds are available, and a complete audit/assessment report.'

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-112, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes, Strawbridge

Noes: Schwartzman

C. FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER

RESOLUTION 12-113 - A RESOLUTION DECLARING THE POSITION OF CITY TREASURER VACANT, DIRECTING THE CITY CLERK TO POST A NOTICE OF INTENTION TO FILL THE POSITION AND TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY

Heather McLaughlin, City Attorney, reviewed the staff report.

Public Comment:

1. H.R. Autz - Mr. Autz discussed the importance of the City having a member of the public (not City staff) serve as City Treasurer. He was willing to serve as the City Treasurer.

Mayor Patterson discussed support for the appointment process, because of the cost of a special election. However, she would like a better interview process followed, and would like those interviews to be conducted publicly.

Council Member Hughes and Staff discussed whether the City was required to solicit applications for the position, or whether they could simply appoint someone. He discussed Mr. Autz' campaign effort in the last election. He supported appointing Mr. Autz to the position.

Council Member Schwartzman discussed support for soliciting applications and opening up the application process for other citizens.

Vice Mayor Campbell discussed support for appointing Mr. Autz. He could support interviewing other citizens, but was leaning towards appointing Mr. Autz.

Council Member Strawbridge discussed concern regarding appointing Ms. Davena to the position, as she was a vital part of the Economic Development team for the City, and would prefer she concentrate on the City's economic development efforts.

Mayor Patterson discussed support for soliciting applications. She thought it was important to allow the public to participate and weigh in on the issue.

Ms. McLaughlin clarified that applications would be due by 5:00 p.m. on 9/25/12. Council could address the appointment process at the first meeting in October.

Council Member Hughes made a motion to appoint Mr. Autz as City Treasurer, which did not pass.

Council Member Schwartzman discussed opening up the interview process. He made a motion to open up the interview process, allowing two weeks for

applications to be submitted. The applicant would be interviewed/appointed at the following Council meeting.

Ms. McLaughlin clarified that the motion would be to amend the resolution in the packet to state that the applications would be required to be filed by October 2, 2012, and the interview process would take place at the October 16, 2012 City Council meeting.

Council Member Schwartzman and Staff discussed options for the interview process. Council Member Schwartzman would like to use the same process as last time (each candidate would interview separately in front of Council, and the others would remain outside Council Chambers).

Ms. McLaughlin clarified that someone had to be appointed by October 25, 2012.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council did not approve appointing Mr. Autz as City Treasurer, on roll call by the following vote:

Ayes: Hughes

Noes: Patterson, Schwartzman, Campbell, Strawbridge

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted Resolution 12-113, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Schwartzman, Strawbridge

Noes: Hughes

D. Council Member Committee Reports:

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: October 17, 2012**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: October 18, 2012**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: September 28, 2012**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: September 13, 2012**

6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: November 7, 2012
7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: September 19, 2012
8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date:TBD
9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: October 11, 2012
10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: October 18, 2012
11. Tri-City and County Cooperative Planning Group. (Vice Mayor Campbell and Council Member Hughes) Next Meeting Date: December 10, 2012
12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: October 10, 2012
13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: September 26, 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 (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: September 20, 2012

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:16 p.m.

Lisa Wolfe, City Clerk