

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 02, 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 Closed Session to order at 6:30 p.m. All Council Members were present.

II. CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

Name of case: Riverwatch v. City of Benicia

III. CONVENE OPEN SESSION:

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

A. ROLL CALL

Council Member Strawbridge was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Eric Hoglund led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that Council gave direction to Staff.

2. Openings on Boards and Commissions:

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 there was a working group meeting scheduled for 10/29 at 3:00 p.m. in the Commission Room at City Hall. The next subcommittee meeting is scheduled for 10/4/12.

B. APPOINTMENTS

Ms. McLaughlin clarified that the Planning Commission appointment was put on the agenda by mistake. The subcommittee

1. Appointment of J. Bruce Barrow to the Benicia Community Sustainability Commission to a full term ending July 31, 2016.

**RESOLUTION 12-115 - A RESOLUTION
CONFIRMING THE MAYOR'S APPOINTMENT OF J. BRUCE BARROW TO
THE BENICIA COMMUNITY SUSTAINABILITY COMMISSION TO A FULL
TERM ENDING JULY 31, 2016**

On motion of Mayor Patterson Council adopted Resolution 12-115, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

2. Appointment of Kari Birdseye to the Human Services Board to an unexpired term ending July 31, 2014.

**RESOLUTION 12-116 - A RESOLUTION
CONFIRMING THE MAYOR'S APPOINTMENT OF KARI BIRDSEYE TO THE
HUMAN SERVICES BOARD TO AN UNEXPIRED TERM ENDING JULY 31,
2014**

On motion of Mayor Patterson Council adopted Resolution 12-116, on roll call by the following vote:

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

- 3. Appointment of David DeLong to the Uniform Code Board of Appeals to a full term ending July 31, 2016.**

RESOLUTION 12-117 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID DE LONG TO THE UNIFORM CODE BOARD OF APPEALS TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-117, on roll call by the following vote:

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

- 4. Appointment of Frances Harkins to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-118 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF FRANCES HARKINS TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-118, on roll call by the following vote:

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

- 5. Appointment of Susan Lynn to the Open Government Commission to an unexpired term ending January 31, 2014.**

RESOLUTION 12-119 - CONFIRMING THE MAYOR'S APPOINTMENT OF SUSAN LYNN TO THE OPEN GOVERNMENT COMMISSION TO AN UNEXPIRED TERM ENDING JANUARY 31, 2014

On motion of Mayor Patterson Council adopted Resolution 12-119, on roll call by the following vote:

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

- 6. Appointment of Ron Myska to the Economic Development Board to a full term ending July 31, 2016.**

RESOLUTION 12-120 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RON MYSKA TO THE ECONOMIC DEVELOPMENT

BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-120, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

- 7. Appointment of Jerry Pollard to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-121 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JERRY POLLARD TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-121, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

- 8. Appointment of Roy Salazar to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-122 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ROY SALAZAR TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-122, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

- 9. Appointment of Suzanne Foley Sprague to the Planning Commission to a full term ending January 31, 2016.**

Item continued to the 10/16/12 meeting.

- 10. Appointment of Gilbert von Studnitz to the Historic Preservation Review Commission to a full term ending July 31, 2016.**

RESOLUTION 12-123 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF GILBERT VON STUDNITZ TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-123, on roll call by the following vote:

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

C. PRESENTATIONS

D. PROCLAMATIONS

1. **In Recognition of Solano-Napa Habitat for Humanity World Habitat Day on October 1, 2012**

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
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item (copy on file).

B. PUBLIC COMMENT

1. Kimble Goodman, Benicia Old Town Theatre Group - Mr. Goodman announced upcoming performances.

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, Schwartzman, Campbell, Hughes
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2012 MEETING

B. ACCEPTANCE OF A CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD FOR 2012/13 AND APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY PROGRAM

RESOLUTION 12-124 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2010/2011 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY ACCOUNT

C. DENIAL OF THE CLAIM AGAINST THE CITY BY SORAYA MOORE, MICHAELA JACKSON, AND GREENWELL COLLECTIVE, INC.

D. AMENDMENT TO THE CONSTRUCTION CONTRACT FOR GRANT-FUNDED IMPROVEMENTS TO THE DOWNTOWN INTERMODAL PROJECT

RESOLUTION 12-125 - A RESOLUTION APPROVING CHANGE ORDER NOS. 1 – 3 FOR \$131,960 IN LIGHTING, TRAFFIC SIGNAL, AND BUS SHELTER IMPROVEMENTS TO THE DOWNTOWN INTERMODAL PROJECT FULLY FUNDED BY A REGIONAL MEASURE 2 (RM2) GRANT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDERS ON BEHALF OF THE CITY

Mayor Patterson clarified that she had a conflict of interest with this item, as she owns property within 500 feet of the proposed project.

Council Member Hughes and Staff discussed concern regarding the discrepancy in cost for the lights. Staff discussed procedures put in place to ensure all costs are accounted for in future contracts.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-125, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes

Noes: (None)

Abstain: Patterson

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

VIII. BUSINESS ITEMS:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DECLARING ITS INTENTION TO ESTABLISH THE BENICIA BUSINESS IMPROVEMENT DISTRICT (BBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF**

RESOLUTION 12-126 - A RESOLUTION OF THE CITY OF BENICIA DECLARING ITS INTENTION TO ESTABLISH THE BENICIA BUSINESS IMPROVEMENT DISTRICT (BBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

Mayor Patterson noted that Council Members Campbell and Schwartzman had a conflict of interest on this item. Since Council Member Strawbridge was absent, Council Members Campbell and Schwartzman would have to draw cards to see who could participate. Vice Mayor Campbell drew the high card, and would be allowed to participate in the discussion on this item.

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council Member Hughes and Staff discussed who would be responsible for the maintenance of the lights after the 5-year period, the cost for the street level lights that are located off of First Street.

Public Comment:

1. Ellen Kolowich - Ms. Kolowich spoke in support of the proposed resolution.
2. Kimble Goodman - Mr. Goodman spoke in support of the proposed resolution.
3. Steve Young - Mr. Young spoke in support of the proposed resolution.
4. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed resolution. She discussed the process the local businesses went through to get to this point.
5. Duane Oliveira - Mr. Oliveira spoke in support of the proposed resolution.
6. James Paurie - Mr. Paurie asked for clarification on what businesses owners are affected by the BID. He and Staff discussed the noticing procedures for affected businesses. (His property was included in the BID.)
7. Laurie Key - Ms. Key spoke in support of the proposed resolution. She discussed the petition process.

Council Member Hughes discussed support for the resolution. He clarified that this action did not remove the City's responsibility from economic development.

Mayor Patterson and Staff discussed how the City would be involved in the

process developing aspects of the BBID.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council adopted Resolution 12-126, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

Abstain: Schwartzman

B. AWARD OF CONTRACT TO ALG LIGHTING INC. FOR INSTALLATION AND MAINTENANCE OF DECORATIVE TREE LIGHTS ON FIRST STREET TREES

RESOLUTION 12-127 - A RESOLUTION ACCEPTING THE BIDS FOR THE DOWNTOWN BENICIA TREE LIGHTS PROJECT, AWARDING THE LIGHT INSTALLATION CONTRACT, INCLUDING THIRTEEN MONTHS OF MAINTENANCE TO ALG LIGHTING INC. OF WALNUT CREEK CALIFORNIA, IN THE AMOUNT OF \$80,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

Mario Giuliani, Economic Development Manager, reviewed the staff report. He noted the minor amendment (via handout - copy on file).

Vice Mayor Campbell and Staff discussed concerns regarding the cost.

Council Member Hughes and Staff discussed the type of lights that would be installed. Council Member Hughes expressed support for using the same type of lights as the City of Walnut Creek, CA.

Public Comment:

1. Eric Hoglund - Mr. Hoglund spoke in support of the resolution.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council adopted Resolution 12-127, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

Abstain: Schwartzman

C. REQUEST TO REVISIT DECISION TO CANCEL THE NOVEMBER 6, 2012 CITY COUNCIL MEETING

Vice Mayor Campbell discussed concerns regarding the cancellation of the 11/6/12 City Council meeting.

Public Comment:

1. Kimble Goodman - Mr. Goodman reviewed the items that are on the upcoming ballot.

Council discussed the cancellation of the meeting, the lack of local items on the ballot, concern regarding having a meeting on the night of a presidential election, the need to allow the public to participate in election night events, and whether Council was neglecting its duties by cancelling the 11/6/12 meeting.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council did not approve revisiting the decision to cancel the November 6, 2012 City Council meeting, on roll call by the following vote:
Ayes: Schwartzman, Campbell
Noes: Patterson, Hughes

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:24 p.m.

Lisa Wolfe, City Clerk