

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 16, 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 6:00 p.m. All Council Members were present.

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 7:10 p.m.

A. ROLL CALL

All Council Members were present. Vice Mayor Campbell arrived at 7:11 p.m.

B. PLEDGE OF ALLEGIANCE

Anthony Shannon 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 no action was taken during Closed Session.

2. Openings on Boards and Commissions:

Building Board of Appeals

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 the subcommittee will have its first working group meeting on 10/29/12 at 3:00 p.m. in the Commission Room at City Hall. The group will work on a list of Frequently Asked Questions.

B. PROCLAMATIONS

- 1. In Recognition of the observance of Benicia Arbor Day on October 20, 2012**
- 2. In Recognition of Red Ribbon Week - October 23-31, 2012**
- 3. In Recognition of October 2012 as National Domestic Violence Awareness Month**

C. APPOINTMENTS

- 1. Appointment of John Berry to the Historic Preservation Review Commission for a four year term ending July 31, 2016**

RESOLUTION 12-128- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN BERRY TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-128, on roll call by the following vote:

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

- 2. Reappointment of Kimble Goodman to the Economic Development Board to a full term ending July 31, 2016**

RESOLUTION 12- 129 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF KIMBLE GOODMAN TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-129, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

3. Appointment of Sandra Summerfield Kozak to the Board of Library Trustees to a full term ending July 31, 2016

RESOLUTION 12-130 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF SANDRA SUMMERFIELD KOZAK TO THE BOARD OF LIBRARY TRUSTEES FOR A FOUR YEAR TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-130, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

RESOLUTION 12-131 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF SUZANNE FOLEY SPRAGUE TO THE PLANNING COMMISSION TO A FULL TERM ENDING JANUARY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-131, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

5. Appointment of Kathy Walsh to the SolTrans Public Advisory Committee to a full term ending January 31, 2015

RESOLUTION 12-132 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KATHY WALSH TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-132, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

6. Reappointment of Raquel Walsh to the Benicia Housing Authority Board of Commissioners to a full term ending July 31, 2016

RESOLUTION 12-133 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RAQUEL WALSH TO THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-133, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. PRESENTATIONS

1. Benicia Human Services Board - 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, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Four items submitted (copies on file).

B. PUBLIC COMMENT

Chuck Reeger - Mr. Reeger discussed the upcoming Clean Tech Expo.

VII. CONSENT CALENDAR:

Council pulled item VII.A 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, Strawbridge

Noes: (None)

A. APPROVAL OF THE MINUTES OF THE OCTOBER 2, 2012 MEETINGS

Council Member Strawbridge stated she would abstain from voting on the 10/2/12 minutes, as she was not present at the meeting.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes of the October 2, 2012 meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

B. PURCHASE OF NEW PLAYGROUND STRUCTURES AT JACK LONDON PARK

RESOLUTION 12-134 - A RESOLUTION AUTHORIZING THE PURCHASE AND PLACEMENT OF NEW PLAY STRUCTURES FOR JACK LONDON PARK IN THE AMOUNT OF \$70,384.53 ALLOCATED FROM PARK DEDICATION FUND AND PLAYGROUND IMPROVEMENTS

C. ACCEPTANCE OF THE 2012 CITYWIDE SLURRY SEAL PROJECT

RESOLUTION 12-135 - A RESOLUTION ACCEPTING THE 2012 CITYWIDE SLURRY SEAL PROJECT AS COMPLETE INCLUDING CHANGE ORDER NO.1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

D. ACCEPTANCE OF THE PARK ROAD SIDEWALK CONNECTOR PROJECT

RESOLUTION 12-136 - A RESOLUTION ACCEPTING THE PARK ROAD SIDEWALK CONNECTOR PROJECT AS COMPLETE INCLUDING CHANGE ORDER NOS. 1 & 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

E. APPROVE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT CITY RESERVOIR 1 SITE

RESOLUTION 12-137 - A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND NEW CINGULAR WIRELESS PCS, LIMITED LIABILITY COMPANY, FOR THE CONTINUED OPERATION OF A WIRELESS COMMUNICATION FACILITY AT 1471 PARK ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE

AMENDMENT ON BEHALF OF THE CITY

- F. APPROVE THE AMENDMENTS TO THE FIELD UTILITIES AND STREET APPRENTICE (FUSA) JOB SPECIFICATION

RESOLUTION 12-138 - A RESOLUTION APPROVING THE AMENDMENTS TO THE FIELD UTILITIES AND STREET APPRENTICE (FUSA) JOB DESCRIPTION

- G. CONSIDERATION OF FINANCE COMMITTEE ANNUAL WORK PLAN FOR FISCAL YEAR 2012-13

RESOLUTION 12-139 - A RESOLUTION APPROVING THE WORK PLAN OF THE FINANCE COMMITTEE FOR FISCAL YEAR 2012-13

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

VIII. BUSINESS ITEMS:

- A. PUBLIC HEARING ON THE FORMATION OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT

Staff clarified that Council Members Schwartzman and Strawbridge would not be participating in the discussion on this item, due to a conflict of interest. Vice Mayor Campbell would be participating, as he drew the high card at the last Council meeting.

Brad Kilger, City Manager, reviewed the staff report.

Vice Mayor Campbell and Staff discussed whether businesses were allowed to opt out (no - although the boundary could be modified), and what the penalties were if a business did not pay its bill.

Public Hearing Opened

Public Comment:

1. Debbie Souza - Ms. Souza spoke in opposition to the proposed BBID.
2. James Perrie - Mr. Perrie spoke in opposition to the proposed BBID. He requested Staff revisit the boundary map. Staff confirmed Council could make minor changes to decrease the boundary, but not drastic changes.

Public Hearing Closed

B. AWARD OF CONTRACT FOR BENICIA URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN

RESOLUTION 12-140 - A RESOLUTION AWARDING THE CONTRACT FOR DEVELOPMENT OF THE BENICIA URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN TO THE PLANNING CENTER/DC&E IN THE AMOUNT OF \$152,669, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT, AND DIRECTING STAFF TO PROCEED WITH DEVELOPMENT OF THE PLAN

Vice Mayor Campbell asked if Council Member Strawbridge had a conflict of interest on this item. Council Member Strawbridge confirmed she did have a conflict of interest, and would not be participating in the discussion on this item.

Mike Dotson, Parks & Community Services Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed the bidding process.

Council Member Hughes and Staff discussed how the scope had changed from the initial scope when this was discussed years ago.

Council Member Hughes expressed concern regarding the scope being increased to the surrounding area, rather than the First Street Green and marsh area.

Council Member Hughes discussed concern regarding proceeding with spending dollars and staff time on a project when the total cost is not known yet. He discussed his desire for ensuring the same events would be able to be hosted in the area (i.e.: car show, etc.), and questions regarding the bidding process.

Council Member Schwartzman discussed the bidding process, how the reimbursement process worked with the grant funds, questions regarding CEQA, Negative Declaration, and EIR, and what could be done to the park to address the sea level rise.

Mayor Patterson and Staff discussed the vote that was required for the amendments to the Waterfront Park Initiative (only needed majority vote).

Mayor Patterson discussed the issue of sea level rise, and the issue of CEQA, Negative Declaration, and EIR.

Mayor Patterson discussed the issue of implementing a stakeholder's group (community advisory committee).

Public Comment:

1. Susan Street - Ms. Street spoke in support of the proposed contract.

2. Bonnie Silveria - Ms. Silveria discussed the Parks, Trails, and Open Space Master Plan. She discussed the makeup of the committee that would be working on this.
3. Bob Nelson - Mr. Nelson spoke in support of having amenities available for kayaks, wind surfing, etc. at the Waterfront Park.
4. Jon Van Landschoot - Mr. Van Landschoot spoke in support of the proposed contract. He discussed the public outreach meetings, and who should be on the community advisory committee.

Vice Mayor Campbell discussed concern regarding expanding the scope of the project from the original plan.

Vice Mayor Campbell and Mayor Patterson discussed 'structures' that were referenced in prior comments.

Vice Mayor Campbell expressed concern regarding the consultants spending funds on plans that might not be usable, due to the limitations of the 'park.' He wanted to ensure the consultants' scope of work stayed within the 22 acres.

Council Member Hughes discussed concern regarding the 'modified scope of work.'

Council Member Schwartzman suggested adding to the resolution, in the fourth whereas, language regarding this being a 'staff driven' effort. He discussed Mayor Patterson's suggested change (via email - copy on file), with one change to the makeup of the community advisory committee, having only one member from each committee serve, as there were too many proposed.

Mayor Patterson discussed support for the 17-member community advisory committee, and that this was a 'community driven' effort.

Council Member Schwartzman's change to the whereas, as it should not be staff driven, but community driven, and it would be guided and directed by staff.

Mayor Patterson and Staff discussed amending the scope of work to include that the consultant will review the current special events.

Mayor Patterson wanted to make sure that the Downtown Mixed Use Master Plan was incorporated as the reference document for the adjacent land use.

Council Member Hughes and Mayor Patterson discussed the 'Land Use Guidance' on page VIII.B.19. They suggested deleting first sentence and inserting 'and the Downtown Mixed Use Master Plan.'

Council Member Hughes discussed the need for a diverse group on the community advisory committee. He was okay with one person from each

board/commission rather than two.

Vice Mayor Campbell and Council Member Schwartzman discussed support for reducing the size of the community advisory committee, as it would be more manageable.

Mayor Patterson and Staff discussed the function of a community advisory committee. Mayor Patterson suggested adding language to the resolution stating 'the advisory committee is adding value to the development of the plan.'

Mayor Patterson asked for a motion to adopt the resolution with the following changes: 1) include in the scope of work the special events review, 2) strike the language on VIII.B.19 regarding land use guidelines as the first sentence, 3) include the paragraph that sets up the community advisory committee, which would include the language regarding the community advisory committee adding value to the planning and consulting work.

Council Member Schwartzman stated he would make a motion to that effect, but wanted to clarify that he wanted to ensure that the focus is on the original park definition and the original acreage in the plan.

Council Member Schwartzman clarified that his motion included the following amendments: 1) make reference in the resolution to add Mayor Patterson's requested 'be it further resolved' (per handout), with the additional language regarding 'advisory', 2) change the makeup of the committee from 2 members per board/commission down to 1, 3) strike the beginning of the paragraph on VIII.B.19, 4) with direction to staff and consultant to focus on the original waterfront park definition and that we are staying within the original boundaries of the plan, and 5) include the special events review in the scope of work.

Vice Mayor Campbell seconded the motion. He expressed concern regarding wanting to see all the changes in writing before adopting it. Since it was an issue of timing, Mayor Patterson suggested adopting the resolution, and bringing it back on the consent calendar at the next Council meeting for affirmation that the language was correct.

Staff clarified that Staff needed to know whether they would be able to begin work on the project the following day, and that Council was indeed approving the award of contract.

Mayor Patterson clarified that the only reason the approved resolution would be brought back was to confirm the requested language changes.

Mayor Patterson and Staff discussed the zoning and planning process. They discussed the plan area and the study area, and the issue of interconnectivity. Mayor Patterson suggested noting that that the plan area would be limited to the

original 22 acres, and the study area would be consistent with the scope of work.

Council Member Hughes could not support the change regarding the study area and plan area. He would only support the original scope of work.

Council Member Schwartzman suggested changing the bullet point from 'land use guidance' to 'land use connectivity.'

Vice Mayor Campbell clarified that as the seconder of the motion, he supported the change.

Council Member Hughes stated that he wanted Council to give direction to staff to not do an analysis on the surrounding area. They can make suggestions, but not analysis.

Council Member Schwartzman clarified the modified motion to adopt the resolution included the following changes: 1) add the language to the 'be it further resolved' with the additional advisory committee language (adding value), 2) change the committee representation to 1 member per board/commission, 3) change the paragraph to 'connectivity' and take out the one sentence, and 4) insert the issue regarding review of special events.

Vice Mayor Campbell verified that he agreed with the changes listed above (as the seconder of the motion).

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted Resolution 12-140, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

C. FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER

Heather McLaughlin, City Attorney, reviewed the staff report.

The two candidates drew cards to see who would be interviewed first. Mr. Autz drew the high card, and would go first.

Mr. Autz read an opening statement. Mayor Patterson asked him the four pre-determined questions.

Mr. Paulk read an opening statement. Mayor Patterson asked him the same four pre-determined questions.

Public Comment:

None

Council Member Hughes discussed the candidate's qualifications. He expressed support for appointing Mr. Autz to the City Treasurer position.

Council Member Strawbridge discussed the candidate's qualifications. She expressed support for appointing Mr. Autz to the City Treasurer position.

Council Member Schwartzman discussed the candidate's qualifications. He expressed support for appointing Mr. Autz to the City Treasurer position.

Vice Mayor Campbell discussed the candidate's qualifications. He expressed support for appointing Mr. Autz to the City Treasurer position.

Mayor Patterson discussed the candidate's qualifications. She expressed support for appointing Mr. Autz to the City Treasurer position.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council appointed Hugh 'H.R.' Autz to the City Treasurer position, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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: Fall Assembly - October 18, 2012**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: October 26, 2012**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: November 14, 2012**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: December 6, 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: November 14, 2012**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: December 12, 2012**
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: TBD**
13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: October 24, 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: October 18, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:20 p.m.

Lisa Wolfe, City Clerk