

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 19, 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 7:16 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Kelly Hughes 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 listed the Closed Session items. Council did not get to item V.B (Public Employee Performance Evaluation). Council received information from Staff on items V.A and V.C.

2. Openings on Boards and Commissions:

Finance, Audit and Budget Committee: One unexpired term to January 31, 2013

Open Government Commission: One unexpired term to January 31, 2013

Sky Valley Open Space Committee: One unexpired term to January 31, 2011

3. Mayor's Office Hours

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of Red Ribbon Week

V. ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the agenda, as presented, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

Marilyn Bardet, Community Sustainability Commission - Ms. Bardet discussed the commission's concern regarding staff support time from the City. The commission needs the staff support in order to carry out its goals.

Mayor Patterson asked Staff to prepare the annual report from the Community Sustainability Commission a few months early. She would like to have it for the second Council meeting in November or first meeting in December. Staff should provide the support to the commissioners and help them prepare the report.

Dan Clark, BOTTG - Mr. Clark discussed the BOTTG's recent production of 'Fences.'

Kimble Goodman - Mr. Goodman discussed the work done by playwright August Wilson. He encouraged people to go to the play.

VII. CONSENT CALENDAR:

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

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

Council pulled items VII-B, VII-F, VII-H, and VII-K for discussion.

A. Approval of Minutes for Special Meetings of September 9, 2010, September 20, 2010, September 22, 2010, October 5, 2010 and Regular Meeting of October 5, 2010

B. FIVE-YEAR UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN

RESOLUTION 10-138 - A RESOLUTION APPROVING A CONTRACT WITH CAMP DRESSER & MCKEE, INC. FOR A NOT-TO-EXCEED COST OF \$88,010 TO ASSIST IN PREPARATION OF THE FIVE-YEAR UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Council Member loakimedes and Staff discussed why the City had to go through this process, when other communities do not even have water meters.

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council approved the five-year update to the City's Urban Water Management Plan, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. APPLICATION FOR FUNDING FROM THE BAY AREA REGIONAL FOCUS PROGRAM FOR DOWNTOWN BENICIA PRIORITY DEVELOPMENT AREA

RESOLUTION 10-133 - A RESOLUTION SUPPORTING AN APPLICATION FOR FUNDING FROM THE BAY AREA REGIONAL FOCUS PROGRAM TO ADVANCE IMPLEMENTATION OF TRANSIT ORIENTED IMPROVEMENTS IN BENICIA'S DOWNTOWN PRIORITY DEVELOPMENT AREA

D. APPROVAL OF 2010-2011 BUDGET BALANCING ADJUSTMENTS PREVIOUSLY AUTHORIZED BY THE CITY COUNCIL

RESOLUTION 10-134 - A RESOLUTION APPROVING THE ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2010-2011

E. DENIAL OF THE CLAIM AGAINST THE CITY BY MARY LOVELACE AND REFERRAL TO INSURANCE CARRIER

F. CANCELLATION OF THE NOVEMBER 2, 2010 CITY COUNCIL MEETING

Council discussed having a short meeting on 11//2/10. They discussed possibly canceling the 12/21/10 meeting instead.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council did not cancel the 11/2/10 City Council meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

G. ADOPT CHANGES TO THE MASTER FEE SCHEDULE THAT WERE PREVIOUSLY AUTHORIZED BY THE CITY COUNCIL

RESOLUTION 10-135 - A RESOLUTION ADOPTING A MASTER FEE SCHEDULE THAT INCLUDES CHANGES IN DEPARTMENTAL FEES AND CHARGES

H. APPROVAL OF A CONTRACT AMENDMENT FOR ANN GOODRICH

RESOLUTION 10-139 - A RESOLUTION APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$40,000 WITH ANN GOODRICH FOR HUMAN RESOURCES SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Mayor Patterson asked Staff to review this item, as there were concerns raised by the public regarding the use of a contractor for the interim position.

Jim Erickson, City Manager, reviewed various reasons for using Ms. Goodrich, a contractor, in the capacity as Interim Human Resources Manager.

Public Comment:

Dennis Lowry - Mr. Lowry discussed concerns regarding the contractor costs. He believed the costs were more than they would be to hire someone for the position. He was not sure if the City was getting a return on the investment.

Council and Staff discussed the importance of having a highly quality individual in the position.

I. RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

RESOLUTION 10-136 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

J. APPOINTMENT OF THE INTERIM CITY MANAGER

RESOLUTION 10-137 - A RESOLUTION HIRING JIM ERICKSON AS THE INTERIM CITY MANAGER

K. APPROVE THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT WITH THE BENICIA MIDDLE MANAGEMENT GROUP

RESOLUTION 10-140 - A RESOLUTION APPROVING THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT WITH THE BENICIA MIDDLE MANAGEMENT GROUP

Mayor Patterson pulled this item because this item was very important to the community members. She wanted to bring to the public's attention the approach Council was taking. She asked Staff to highlight the reasons why this agreement was acceptable.

Jim Erickson, City Manager, briefly reviewed the agreement.

Public Comment:

Dennis Lowry - Mr. Lowry urged Council to reconsider the issue. He did not think the proposal went far enough. He recommended the City look at what the private sector was doing regarding salary reduction, vacation, PTO, administrative leave, etc. He stressed the importance of waiting to see what the represented groups agree to before making decisions on non-represented group. He did not think 3% was enough of a reduction in pay.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

VIII. PUBLIC HEARINGS:

A. YUBA HEIGHTS TENTATIVE SUBDIVISION MAP REQUEST FOR EXTENSION

RESOLUTION 10-141 - A RESOLUTION APPROVING A TWO-YEAR EXTENSION TO SEPTEMBER 4, 2012 TO AN APPROVED SUBDIVISION PURSUANT TO CITY COUNCIL RESOLUTION NO. 07-103 FOR THE YUBA HEIGHTS PROPERTY LOCATED ON EAST H AND EAST I STREETS EAST OF EAST SIXTH STREET

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

Public Hearing Opened

Public Comment:

Dan Rafanti - Mr. Rafanti discussed support for the extension.

Public Hearing Closed

IX. ACTION ITEMS:

A. UPDATE ON STRATEGIC ACTIONS AND CAPITAL PROJECTS

Jim Erickson, City Manager, reviewed the staff report. He and various staff members reviewed a PowerPoint presentation (copy on file).

Council and Staff discussed the following items:

Health and Safety:

CAN System Public Education:

Council and Staff discussed the issue of sirens, and tabletop exercises.

Emergency Communication Interoperability:

Council and Staff discussed the current agreement between Benicia and Vallejo fire dispatch.

Environment:

Climate Action Plan Implementation:

Council and Staff discussed the letter the City sent to Valero regarding the leasing of the 1.2-acre property. Staff sent the letter late last week, but had not received a response yet.

New Solid Waste Franchise:

Council discussed the timing of the proposed agreement.

Economic and Financial:

Tourism Marketing Program:

Council and Staff discussed how the City would maintain continuity during Ms. Lorentz's maternity leave.

E Street Lot Project:

Mayor Patterson and Staff discussed an email Mayor Patterson sent to Staff. They also discussed how this could affect the future waterfront park.

BIP Technology Needs Assessment:

Council and Staff discussed the need to pull the telecommunication providers together to begin to look at some competition out there. Council discussed the issue of a potential assessment district, as well as some sort of surcharge fee or IT fee.

Arsenal Specific Plan:

Council and Staff discussed the need to make sure the plan does not get gobbled up by DTSC. The City is better served as a community to be as aggressive in the area as possible.

Council discussed the Lower Arsenal Specific Plan, and the issues currently going on with the DTSC. Updates on the Arsenal need to connect the two issues, as they are interrelated.

Staff gave an update on the letter the City is sending to the DTSC.

Infrastructure:

2010-11 Street Resurfacing:

Council and Staff discussed concern regarding the lower Rose Drive area, and the number of patches in the streets.

Industrial Way Widening:

Council and Staff discussed the issue of the rising sea level, seepage, etc. There are engineering issues that will make the project difficult.

Transit Service Consolidation:

Council and Staff discussed the issue of Vallejo's bankruptcy, and the money Vallejo Transit has in reserves.

Public Comment:

None

B. APPROVAL OF SITE PLAN FOR WESTERN GATEWAY INTERMODAL PROJECT

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

Council Member Campbell and Staff discussed the funding from STA.

Council Member Hughes and Staff discussed the layout of the site plan, and what various markings were. They discussed a previously approved subdivision in the area, and what affects this plan would have on those homes. They also discussed the public outreach that was done in the area regarding the project.

Vice Mayor Schwartzman and Staff discussed the issue of parking spaces in the area. They discussed how the parking spaces might be affected if houses were built in the area. Mayor Patterson suggested staff monitor the issue.

Public Comment:

None

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the site plan for a Western Gateway Intermodal Project, and directed Staff to proceed with design, environmental clearance, and construction of improvements at the location, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

C. APPROVAL OF SITE PLAN FOR DOWNTOWN INTERMODAL PROJECT

Mayor Patterson recused herself due to a conflict of interest.

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

Council Member Campbell and Staff discussed the issue of bike lanes.

Council Member Hughes and Staff discussed any demand analysis that was done for the project, the indirect impact that could happen if this program became hugely popular.

Public Comment:

Donna Sheehan - Ms. Sheehan spoke in opposition to the proposed tree planting, as it would make visibility difficult for drivers and pedestrians.

Council Member Hughes and Staff discussed the issue of the proposed tree

planting. He asked Staff to ensure the public speakers receive an invitation to any workshop or meeting on this issue.

Jim Wallace - Mr. Wallace discussed concerns regarding the intersection at Military and First Street. He did not like the idea of a plaza. He had concerns regarding altering a historic park.

Council Member Hughes discussed concerns regarding the plaza design. He was inclined to support the recommendations of the workshop.

Council Member loakimedes discussed how he liked the visual design of the plaza, but was concerned about creating a corridor that bypasses the Downtown area.

Council Member Campbell and Staff discussed the possibility of changing the stoplight sequencing to address traffic concerns. He was concerned about the right hand turn lane.

Mr. Knox suggested Council could give Staff the go ahead with the site plan that came out of the workshop, and also give Staff direction to explore the plaza alternative and to bring back the analysis of the plaza alternative to Traffic, Pedestrian and Bicycle Safety Committee so they could make a recommendation to Council.

Mayor Schwartzman discussed his preference for going forward with the workshop plan, but to have the engineers bring back some other information.

Council Member Hughes made a motion to approve a site plan for the intermodal transportation improvements along Military between West 2nd Street and First Street and extending south along First Street to K Street, and direct Staff to proceed with design, environmental clearance, and construction of improvements at this location, and to do additional work on the option of the right-hand turn, and to bring back to Council additional details or creative options as well.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the site plan for the Downtown Intermodal Project, with additional direction to Staff, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Abstain: Patterson

X. INFORMATIONAL ITEMS:

A. City Manager Reports

B. Council Member Committee Reports

- 1. Mayor's Committee Meeting.**
Next Meeting Date: October 20, 2010

Mayor Patterson discussed the upcoming Mayor's Conference that would be hosted by the City of Benicia.

- 2. Association of Bay Area Governments (ABAG).**
Next Meeting Date: October 21, 2010)
- 3. Finance, Audit and Budget Committee.**
Next Meeting Date: October 20, 2010

Council Member Campbell reported on the committee's discussion of the direction from Council to change the meeting time, and additional work of studying the budget.

Mayor Patterson clarified the previous direction to the FAB. She will make a list of what Council would like the FAB to do.

Council and Staff discussed the previous direction to the FAB. Council could also use Staff to do exploration of various issues. They discussed the issue of a Citizen Budget Task Force. The FAB could sponsor a certain area of concern and hold an informational meeting for the community on that topic.

- 4. League of California Cities.**
Next Meeting Date: November 16, 2010)
- 5. School Liaison Committee.**
Next Meeting Date: December 9, 2010
- 6. Sky Valley Open Space Committee.**
Next Meeting Date: November 3, 2010
- 7. Solano EDC Board of Directors.**
Next Meeting Date: November 18, 2010
- 8. Solano Transportation Authority (STA).**
Next Meeting Date: October 13, 2010
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee.**
Next Meeting Date: October 14, 2010
- 10. Traffic, Pedestrian and Bicycle Safety Committee.**
Next Meeting Date: October 21, 2010
- 11. Tri-City and County Regional Parks and Open Space.**

Next Meeting Date: December 13, 2010

**12. Valero Community Advisory Panel (CAP).
Next Meeting Date: TBD**

**13. Youth Action Coalition.
Next Meeting Date: October 27, 2010**

**14. ABAG-CAL FED Task Force-Bay Area Water Forum.
Next Meeting Date: December 6, 2010**

XI. COUNCIL MEMBER REPORTS:

A. Request to agendaize the Two Step Process

Vice Mayor Schwartzman discussed the need to revisit the two-step process.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved placing this issue on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

XII. ADJOURNMENT:

The meeting was adjourned at 10:33 p.m.

Lisa Wolfe, City Clerk