

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
OCTOBER 20, 2009

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:00 p.m. on Tuesday, October 20, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Council Member Ioakimedes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ADOPTION OF THE AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, the agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

None

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session

CLOSED SESSION:

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

Name of case: Keenan v. City of Benicia

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:03 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
OCTOBER 20, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, October 20, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson

Absent: Council Member Schwartzman (arrived immediately after roll call)

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken at Closed Session:

Ms. McLaughlin reported that Council received information and gave direction to Staff.

Openings on Boards and Commissions:

- ❑ Arts & Culture Commission:
9 full term openings (4 year term)
- ❑ Community Sustainability Commission
6 full term openings (4 year term)
1 student opening (1 year term)
- ❑ Senior Coalition of Solano County
1 full term opening (2 year term)
- ❑ Sky Valley Open Space Committee:
One full term to January 31, 2013
- ❑ Human Services and Arts Board:
One unexpired term to June 30, 2010
One full term to July 31, 2013

Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

APPOINTMENTS:

None

PRESENTATIONS:

Solano County Water Agency – Delta Water Issues:

Mr. David Okita, Solano County Water Agency, reviewed a PowerPoint presentation on the Delta Water Issues (copy on file).

PROCLAMATIONS:

- International Day of Climate Action - October 24, 2009
- Red Ribbon Week - October 17-25, 2009

ADOPTION OF AGENDA:

Mr. Erickson noted there was additional information provided regarding item VII-E.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items received (copy on file).

PUBLIC COMMENT:

1. Viola Robertson, Community Action Council – Ms. Robertson discussed the organizations loss of state funding and requested Council reconsider their application for grant funding through the Human Services and Arts Board.

Mayor Patterson asked Ms. Robertson to prepare documentation stating the amount they were requesting (\$15,000-\$20,000 per year).

2. Nancy Martinez, Benicia Main Street – Ms. Martinez discussed the construction of the ADA ramp at the Depot building, and the Haunted Depot and Pumpkin Patch events at Benicia Main Street.

Vice Mayor Campbell and Staff discussed concerns regarding not being able to use the back room in the Depot building for events, gussying up the ramp to make it look better so they could use the back room, obtaining lower numbers than have been previously quoted for work on the ramp, and the City's budget. Mayor Patterson asked for a status report on the ramp, which would be also the cost and design, comparing it to what was done, and one of the volunteer offers that was made last year.

3. Kimbal Goodman, Benicia Old Towne Theatre Group – Mr. Goodman discussed the upcoming play that they will be presenting.

4. Marilyn Bardet – Ms. Bardet thanked Staff and Council for considering the proposal she made at the last Council meeting regarding the cleanup in the Lower Arsenal at a meeting on 11/17/09.

CONSENT CALENDAR:

Council pulled items VII-E, VII-F, and VII-L.

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Council approved the minutes of October 6, 2009.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim against the City by Janet Martini and referral to insurance carrier, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Council Member Ioakimedes

RESOLUTION 09-98 - A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF GRANT AGREEMENT #09-009 BETWEEN THE CITY OF BENICIA AND THE COASTAL CONSERVANCY IN THE AMOUNT OF \$241,500 FOR THE ROSE DRIVE OVERCROSSING PROJECT AND AUTHORIZING THE PUBLIC WORKS & COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE AND IMPLEMENT THE AGREEMENT ON BEHALF OF THE CITY

RESOLUTION 09-99 - A RESOLUTION APPROVING TASK ORDER NO. 5 IN THE AMOUNT OF \$46,000 WITH PAKPOUR CONSULTING GROUP TO COMPLETE THE FINAL DESIGN ON THE ROSE DRIVE BICYCLE/PEDESTRIAN OVERCROSSING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE TASK ORDER ON BEHALF OF THE CITY

RESOLUTION 09-100 - A RESOLUTION ACCEPTING THE BIDS FOR THE ROSE DRIVE BICYCLE/PEDESTRIAN OVERCROSSING PROJECT AND AWARDED THE CONSTRUCTION CONTRACT TO VIKING CONSTRUCTION OF RANCHO CORDOVA IN THE AMOUNT OF \$1,812,135 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 09-101 - A RESOLUTION APPROVING TASK ORDER NO. 2 IN THE AMOUNT OF \$333,150 WITH VALI COOPER & ASSOCIATES FOR CONSTRUCTION MANAGEMENT/INSPECTION SERVICES ON THE ROSE DRIVE BICYCLE/PEDESTRIAN OVERCROSSING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE TASK ORDER ON BEHALF OF THE CITY

RESOLUTION 09-102 - A RESOLUTION APPROVING TASK ORDER NO. 6 IN THE AMOUNT OF \$49,600 WITH THE PAKPOUR CONSULTING GROUP FOR CONSTRUCTION PHASE ENGINEERING SUPPORT ON THE ROSE DRIVE BICYCLE/PEDESTRIAN OVERCROSSING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE TASK ORDER ON BEHALF OF THE CITY
RESOLUTION 09-103 - A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A FISCAL YEAR 2009 BUFFER ZONE PROTECTION PLAN GRANT PROGRAM AWARD FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$194,000; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE AUTHORIZED AGENT ON BEHALF OF THE CITY

RESOLUTION 09-104 – A RESOLUTION AUTHORIZING THE BENICIA POLICE DEPARTMENT TO RENEW ELIGIBILITY WITH THE DEPARTMENT OF GENERAL SERVICES TO ACQUIRE SURPLUS PROPERTY THROUGH THE AUSPICES OF THE CALIFORNIA STATE AGENCY OF SURPLUS PROPERTY

RESOLUTION 09-105 - A RESOLUTION ACCEPTING THE BID FOR CONSTRUCTION CONTRACT SERVICES FOR THE JAMES LEMOS POOL ROOF STRUCTURAL REPAIRS PROJECT, AWARDED TO CAILIN CONSTRUCTION INC. OF NOVATO, CALIFORNIA IN THE AMOUNT OF \$226,391, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSULTANT CONTRACT ON BEHALF OF THE CITY

Council accepted the Investment Report for the Quarter Ended June 2009.

RESOLUTION 09-106 - A RESOLUTION APPROVING THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY WITH RECOMMENDED CHANGES

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Award of Consultant Contract for professional and technical services for Residential Energy Audit Pilot Program and related community outreach efforts:

Council and Staff discussed the role of the SAGE students, the budget for the program, the average price of an audit, the source of the funds (VIP settlement funds), and the additional information being consistent with the Open Government Ordinance.

RESOLUTION 09-107 - A RESOLUTION ACCEPTING THE PROPOSAL FOR RESIDENTIAL ENERGY AUDITS AND RELATED COMMUNITY OUTREACH EFFORTS, AWARDED TO HOMEZ, INC., A DELAWARE CORPORATION, DOING BUSINESS AS (dba) ENNOVATIONZ, INC. OF MOUNTAIN VIEW, CA IN THE AMOUNT NOT TO EXCEED \$100,000 AND

AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Council Member Ioakimedes stated he had intended to abstain from voting on item VII-B.

Mayor Patterson asked Staff for a script that could be used for such instances.

Ms. McLaughlin noted that this abstention was not a FPPC conflict of interest that Council Member Ioakimedes was abstaining for. She will prepare a script for either/or.

Award of consultant contract for professional services for energy efficiency and renewable energy project management:

Council confirmed the funding source was the same as the previous item (VIP settlement funds).

Public Comment:

None

Vice Mayor Campbell and Staff discussed a previous energy audit that was done by the Parks & Community Services Department and possible future costs.

RESOLUTION 09-108 - A RESOLUTION ACCEPTING THE PROPOSAL FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECT MANAGEMENT, AWARDING THE CONSULTANT CONTRACT TO CHEVRON ENERGY SOLUTIONS COMPANY, A DIVISION OF CHEVRON U.S.A., INC., A PENNSYLVANIA CORPORATION, OF SAN FRANCISCO, CA IN THE AMOUNT NOT TO EXCEED \$65,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Approval of a resolution to join the Proposition 1A Securitization Program:

Mayor Patterson discussed the Proposition 1A Securitization Program. She expressed concern regarding the State's recommended 2% interest for the program (as opposed to the 3-6%). Essentially, the City would be allowing the private sector to use a credit card

of the State of California to pay the City its property tax, which it already paid, and is supposed to come back to the City of Benicia

Public Comment:

1. Ken Paulk – Mr. Paulk spoke in support for the proposed resolution.
2. Jubal Biggs – Mr. Biggs spoke in support for the proposed resolution.

Mayor Patterson and Mr. Erickson discussed the upcoming government reform symposium on 10/29/09 to discuss the broken State government and to talk about the alternatives for a better system.

Council Member Schwartzman discussed the need to protect the City's reserves.

Council Member Ioakimedes discussed an email from the League of California regarding filing an intuitive process to prevent future shenanigans.

RESOLUTION 09-109 - A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Schwartzman

Noes: Mayor Patterson

Mayor Patterson called for a short break at 8:18 p.m.

The meeting resumed at 8:27 p.m.

Council Member Schwartzman announced that the Governor signed SB 67 today.

PUBLIC HEARINGS:

None

ACTION ITEMS:

Approve agreement between the City of Benicia and Wolf Communications for tourism marketing services:

Amalia Lorentz, Economic Development Manager, reviewed the staff report.

Council Member Hughes and Staff discussed clarification on the \$280,000 amount in the staff report, and clarification on the action items in the staff report.

Council Member Schwartzman and Staff discussed who would be maintaining the phone line, concerns regarding funding for marketing, and the need for clarity in the funding for marketing.

Vice Mayor Campbell discussed the Wolf Communications proposal, the need for objective markers, concerns about the areas being used (facebook, myspace, etc.), and the need for objective criteria.

Mr. Wolf discussed the issue of maintaining the phone line, performance measurements, and different avenues for communication (facebook, twitter, etc.),

Mayor Patterson discussed the possibility of Mr. Wolf working with the ad hoc tourism group.

Mr. Erickson discussed the possibility of Staff working with Wolf Consulting on the issue of measurables, the Transient Occupancy Tax issue, and the possibility of Staff working with the ad hoc group as well.

Ms. Lorentz discussed the issue of tracking the number of visitors at the four visitor centers.

Council Member Hughes suggested Staff contact other cities to see if the performance metrics are working for them.

Council Member Schwartzman discussed the need to track the customer count.

Public Comment:

1. Duane Oliveira – Mr. Oliveira discussed EDB’s involvement in the tourism marketing services proposals, support for approval of the contract with Wolf Communications, and the need for measurables.
2. Nancy Martinez – Ms. Martinez asked for clarifications on the cost of compensation, and the cost of the phone line.

Mr. Wolf discussed the cost of the phone line.

Vice Mayor Campbell discussed having Benicia Main Street man the phone lines and taking the cost out of the contract. Mayor Patterson suggested the motion consider using Benicia Main Street, as suggested by Vice Mayor Campbell.

Council Member Schwartzman discussed concern regarding the billing procedures for maintaining the phones.

3. Ann Lindsay – Ms. Lindsay discussed concern regarding the target market. She discussed support for using facebook and twitter for marketing tools.
4. Sam Houston – Mr. Houston discussed the limitations for performing at the Majestic Theater, and asked for ideas on how to get more people to use it.
5. Jim Everhart – Mr. Everhart discussed concerns regarding the City spending money on tourism.
6. Claire McFadden – Ms. McFadden discussed support for the City promoting tourism.
7. Ken Paulk – Mr. Paulk discussed support for reopening the Majestic Theater, the need for businesses Downtown, and support for the tourism plan.

8. Jubal Biggs – Mr. Biggs inquired about the City of Santa Rosa’s sales tax increase after the program had been implemented.
9. Lea Shellhorn – Ms. Shellhorn discussed support for the proposed contract.
10. Kimbal Goodman – Mr. Goodman discussed support for the proposed contract.

Vice Mayor Campbell discussed the need for EDB to look into incentives for getting businesses on First Street, concerns regarding the proposed media outreach, and the volunteer program.

Council Member Hughes discussed the fiscal responsibility of tourism.

Council Member Ioakimedes discussed Mr. Wolf’s end game, the need for a reporting mechanism, concerns regarding the target market, sales tax, the Majestic Theater, and what Wolf Communication’s role was.

Ms. Lorentz discussed the end game (to get more customers in the businesses).

Council Member Schwartzman discussed the issue of incentives, fiscal responsibility, the need to get people to come Downtown, the Downtown Mixed Use Plan, the Majestic Theater, getting Phil Mattier to come back to Benicia and do a proper story, and staff working in what Council discussed tonight.

Mayor Patterson clarified the motion would include the optional approaches on the phones.

Vice Mayor Campbell and Mr. Wolf discussed who would be doing the work (Mr. Wolf or his staff), and the need to come up with a criteria to evaluate the program.

Mayor Patterson clarified they would be looking at optional phones, more objective criteria, reporting back to Council in a timely manner, and working with EDB on what they could do on the vacant places and so forth and integrate it with the tourism and enhance the tourism effort.

**RESOLUTION 09-110 – A RESOLUTION AWARDING THE TOURISM
MARKETING CONSULTANT CONTRACT TO WOLF COMMUNICATIONS OF
SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$280,000 AND
AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF
OF THE CITY**

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

INFORMATIONAL ITEMS:

City Manager Reports:

Presentation by Noll and Tam Architects regarding the Benicia Community Center Project:

Mike Dotson, Assistant Director, Parks & Community Services, reviewed the staff report. Ms. Elizabeth McLeod, Architect, Noll and Tam Architects, reviewed a PowerPoint presentation (copy on file) on the Benicia Community Center Project.

Council Member Schwartzman inquired about the cost difference between the green/sustainable materials and regular materials (Staff estimated it was approximately \$300,000 in additional costs for the green/sustainable materials.).

Mayor Patterson discussed the benefits and cost of using green/sustainable materials. Vice Mayor Campbell discussed the parking lot materials.

Mayor Patterson discussed the possibility of using local muralists for the hallway wall.

Vice Mayor Campbell and Staff discussed the cost of landscaping and furniture for phase 1 and phase 1a.

Council Member Ioakimedes discussed the possibility of setting a special Council meeting to discuss the project.

Public Comment:

1. Marilyn Bardet – Ms. Bardet discussed her excitement for the project. She would prefer not to phase the project.

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: October 21, 2009 - Cancelled
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: 2009 Fall General Assembly – October 22, 2009
3. Finance, Audit & Budget Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: October 30, 2009
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: Legislative Briefing – November 17, 2009
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: November 12, 2009
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: November 4, 2009
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: December 10, 2009
8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: December 9, 2009

9. Solano Water Authority/Solano County Water Agency and Delta Committee - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: November 12, 2009
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: January 21, 2010
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Dates: December 14, 2009
12. Valero Community Advisory Panel (CAP) – (Council Member Hughes) - Next Meeting Date: October 29, 2009
13. Youth Action Task Force - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: October 28, 2009
14. ABAG/CAL FED Task Force/Bay Area Water Forum. (Mayor Patterson) - Next Meeting Date: October 26, 2009

COMMENTS FROM COUNCIL MEMBERS:

Request to agendize the Healthy Communities Resolution:

Council Member Ioakimedes reviewed the Council report.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:37 p.m.

Lisa Wolfe, City Clerk