

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 21, 2014

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, Assistant City Manager and Senior Analyst
Employee organizations: Police Management and Benicia Public Service Employees Association (BPSEA) Part-time**
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)
Name of Cases: Sipple v. City of Alameda**
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Number of potential cases: One (1)**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:09 p.m.

A. ROLL CALL

All Council Members were present.

Vice Mayor Campbell arrived at 7:10 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Brad Kilger, City Manager, introduced Joseph Kreins, the City's Interim Police Chief.

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

Heather McLaughlin, City Attorney, reported the following actions taken in Closed Session:

II.A - Council gave direction to Staff.

II.B - Council gave direction to Staff.

II.C - Council directed Staff to agendaize for discussion whether to waive the attorney client privilege on a legal opinion on the potential bias that the Mayor may have.

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, reported there was nothing new to report at this time. Staff continues to work with the property owners to come up with information requested by Department of Toxic Substance Control (DTSC).

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

1. ANNUAL POTHOLE 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

Six items were received (copies on file).

B. PUBLIC COMMENT

1. Michael Escibosa - Mr. Escibosa spoke against Measure C, and against the City paying for an analysis for Marin Clean Energy (MCE) and in support of PG&E.
2. Constance Beutel - Ms. Beutel discussed the 'Gardening in Times of Drought' workshop that will be held at the Benicia Public Library this weekend.

VII. CONSENT CALENDAR:

A. APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2014 CITY COUNCIL MEETING

Mayor Patterson discussed her request to add her comments regarding Council Member Hughes' recusal on the Marin Clean Energy (MCE) item.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council approved the Minutes of the October 7, 2014 City Council Meeting, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. APPROVAL OF CONSULTANT CONTRACTS WITH CARBON LIGHTHOUSE, TEAA, GREENTRAKS AND TOUCHSTONE TO SUPPORT THE IMPLEMENTATION OF THE BUSINESS RESOURCE INCENTIVE PROGRAM PHASE 2

RESOLUTION 14-121 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING PROFESSIONAL SERVICE CONTRACTS WITH CARBON LIGHTHOUSE, TEAA, GREENTRAKS AND TOUCHSTONE TO SUPPORT THE IMPLEMENTATION OF BRIP 2 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

C. REVIEW OF SEPTEMBER WATER REPORT

Mayor Patterson asked Staff to briefly discuss the water report.

Graham Wadsworth, Public Works Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council accepted the review of the September Water Report, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

VIII. BUSINESS ITEMS:

A. APPROVAL OF THE DEDICATION OF 1,700 FEET OF THE BAY AREA RIDGE TRAIL IN BENICIA

RESOLUTION 14-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE DEDICATION OF 1,700 FEET OF BAY AREA RIDGE TRAIL IN BENICIA ON NOVEMBER 3, 2014

Mike Roberts, Principal Civil Engineer, reviewed the staff report.

Public Comment:

1. Bob Berman - Mr. Berman discussed the Bay Area Ridge Trail. He spoke

in support of tonight's proposed action.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 14-122, on roll call by the following vote:

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

B. ACCEPT THE RECOMMENDATION BY THE ARTS AND CULTURE COMMISSION TO PLACE TWO PIECES OF ART BY JULIUS HATOFSKY IN THE LIBRARY AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT ACCEPTING THE ARTWORK

RESOLUTION 14-123 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING ACCEPTANCE OF TWO PIECES OF ARTWORK PAINTED BY JULIUS HATOFSKY TITLED "WAVE" AND "UNTITLED #139" AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR THE LONG-TERM LOAN OF THESE PIECES

Diane Smikahl, Library Director, and Patty Gavin, Arts & Culture Commission, reviewed the staff report.

Linda Hatofsky discussed Julius Hatofsky, the artist.

Public Comment:

1. Jan Radesky - Ms. Radesky spoke in support of the Arts & Culture Commission's recommendation.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 14-123, on roll call by the following vote:

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

C. THE URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN AND ASSOCIATED ENVIRONMENTAL ANALYSIS

RESOLUTION 14-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CERTIFYING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING THE MASTER PLAN DEVELOPED FOR THE

URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN PROJECT

Council Member Strawbridge recused herself from the discussion on this item due to a conflict of interest.

Mike Dotson, Parks and Community Services Director, and Dave Early, Placeworks, reviewed the staff report and a PowerPoint presentation. They noted their suggested changes, as indicated in the staff report.

Mayor Patterson and Staff clarified the steps for adopting the Resolution.

Council Member Hughes and Staff discussed the need to see a side-by-side comparison of what it is today and what it would look like, as it would help Council and citizens visualize what is being proposed. They also discussed the 17-year overall completion schedule.

Mayor Patterson and Staff discussed the issue of financing, the seat/surge wall, and what a great effort this was by Staff. The Resolution would be amended to include the recommended changes to the Initial Study/Mitigated Negative Declaration regarding the Stormwater Pollution Prevention Plan and BCDC jurisdiction, and adoption of the environmental documentation would be placed before adoption of the Master Plan in the resolution.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-124, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

D. ACCEPT RECOMMENDATION OF THE BENICIA ARTS AND CULTURE COMMISSION TO APPROVE ARTS BENICIA AND MARK BREST VAN KEMPEN'S TEMPORARY ART INSTALLATION AT THE FIRST STREET GREEN

Diane Smikahl, Library Director, reviewed the staff report.

Mark Brest Van Kempen, Artist, reviewed a PowerPoint presentation showing the pieces of proposed art.

Mayor Patterson and Mr. Brest Van Kempen discussed how the information about the art would be presented (display, signage, etc.)

Council Member Hughes requested that the signage and information be in

laymen's terms. Council Member Hughes, Mr. Brest Van Kempen, and Staff, discussed the schedule for the pieces of art, and ensuring they do not interfere with special events that take place on the First Street Green.

Mayor Patterson and Larnie Fox, Arts Benicia, discussed how they would be publicizing the art so that citizens would know about it.

Staff discussed how the City would be using the publicity for the art as a tool for economic development and tourism.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council accepted, by motion, the recommendation of the Benicia Arts & Culture Commission to approve Arts Benicia and Mark Brest Van Kempen's temporary art installation at the First Street Green, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

E. APPROVAL OF LEASE AGREEMENT WITH CARTER'S BIZ CAFÉ FOR THE COMMANDING OFFICER'S QUARTERS, 1 COMMANDANT'S LANE

RESOLUTION 14-125 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH CARTER RANKIN OF CARTER'S BIZ CAFÉ COMMANDING OFFICER'S QUARTERS AT 1 COMMANDANT'S LANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE

Mario Giuliani, Economic Development Manager, reviewed the staff report and a PowerPoint presentation.

Carter Rankin, Carter's Biz Cafe, talked about his business, how it started, and what types of services they provide.

Council Member Schwartzman and Mr. Rankin discussed to what extent the kitchen would be used.

Mayor Patterson discussed support for the proposed Biz Cafe.

Council Member Hughes discussed previous marketing attempts for the Commanding Officers Quarters (COQ) building. He and Mr. Rankin discussed his (Mr. Rankin's) experience, and what role he would play in the business.

Council Member Strawbridge and Mr. Rankin discussed Wi-Fi accessibility at the

COQ, and how he could work and collaborate with various groups in town.

Vice Mayor Campbell, Mr. Rankin, and Staff discussed the issue of improvements, and concern about the rent/credit program.

Public Comment:

None

Mayor Patterson asked if Council needed to give direction to Staff to identify a policy for some of the maintenance needs being addressed by rent (painting, roof inspection, etc.) Staff confirmed that it was noted in the staff report and resolution that there is recognition that the City is expending approximately \$16,000 annually for minimal custodial maintenance. The Parks and Community Services Department has estimated that the City would need to invest approximately \$35,000 annually to have sufficient funds to cover maintenance. In closed session, Council directed Staff that some of the proceeds from the rent be dedicated for such an account.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 14-125, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

F. MAYOR PATTERSON'S REQUEST REGARDING TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY COMMITTEE (TPBS)

Mayor Patterson reviewed her request.

Council Member Hughes and Staff discussed the fact that Staff was currently working on reviewing the boards and commissions. He would rather discuss a comprehensive review than do one board/commission at a time.

Vice Mayor Campbell is a member of the TPBS and talked to the TPBS Committee last week. The five members present did not think there was a problem. He didn't think anything needed to be changed.

Council Member Schwartzman stated he would rather review all boards and commissions at once.

Mayor Patterson stated she has had several people voice concerns to her regarding the issue.

Staff discussed how Benicia and other communities handle the makeup and functions of their TPBS committees.

Mayor Patterson discussed serving on the Solano Transportation Authority. She

discussed the various modes (Bicycle Advisory Committee, the Pedestrian Advisory Committee, and Sol Trans) of the committees. She does not see the ease of their actually having an interface with the existing committee. Now is the time to get information from our advisors and provide guidance to them as they serve on these committees. She discussed asking the questions at a study session.

Vice Mayor Campbell stated that until he saw some public comment/requests regarding this issue, he would not want to change anything. There didn't seem to be a problem.

Council Member Hughes discussed how successful the committee had been in the past. The committee is able to listen to issues and discussion and fix the problems. He suggested bringing the issue up at a future TPBS Committee meeting and see what the feedback is.

Public Comment:

None

Mayor Patterson stated that the next time someone approaches her and asks why there aren't any public members on the committee; she would ask them to speak to Vice Mayor Campbell.

G. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 17, 2014**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: October 31, 2014**
- 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: December 4, 2014**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: November 13, 2014**

8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: December 10, 2014
9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: November 13, 2014
10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD
11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: December 8, 2014
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 22, 2014
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: November 20, 2014

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:49 p.m.