

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
December 17, 2013

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 6:15 p.m.

II. CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1 Commandant's Lane

Negotiating Parties: City Attorney, City Manager & Economic Development Manager

Under Negotiation: Instruction to negotiator on both payment and lease terms

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:03 p.m.

A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

John Gardner led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Mayor Patterson stated there were instructions given the negotiator on both payment and lease terms.

2. Openings on Boards and Commissions:

Arts and Culture Commission

2 full terms

Application Due Date: January 24, 2014

Benicia Housing Authority Board of Commissioners

2 full terms (tenants)

Application Due Date: January 24, 2014

Civil Service Commission

4 full terms

Application Due Date: January 24, 2014

Community Sustainability Commission

2 full terms

Application Due Date: January 24, 2014

Economic Development Board

1 full term

Application Due Date: January 24, 2014

Historic Preservation Review Commission

1 unexpired term

1 full term

Application Due Date: January 24, 2014

Open Government

3 full terms

Application Due Date: January 24, 2014

Parks, Recreation, and Cemetery Commission

1 full term

Application Due Date: January 24, 2014

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

C. APPOINTMENTS

1. **Summary of Appointment Process**
2. **Appointment of Jim Leland to the Arts and Culture Commission for a four year term ending July 31, 2017.**

RESOLUTION 13-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JIM LELAND TO THE ARTS AND CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-108, on roll call by the following vote:

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

3. **Appointment of Anavi Subramanyam Community Sustainability Commission (Student Commissioner) for a one year term ending July 31, 2014.**

RESOLUTION 13-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANAVI SUBRAMANYAM TO THE COMMUNITY SUSTAINABILITY COMMISSION (STUDENT COMMISSIONER) FOR A ONE YEAR TERM ENDING JULY 31, 2014

On motion of Mayor Patterson Council adopted Resolution 13-109, on roll call by the following vote:

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

4. **Appointment of Crystal Luna-Yarnell to the Human Services Board for a four year term ending July 31, 2017.**

RESOLUTION 13-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF CRYSTAL LUNA-YARNELL TO THE HUMAN SERVICES BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-110, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

5. Reappointment of James Wallace to the Open Government Commission for a four year term ending July 31, 2017.

RESOLUTION 13-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JAMES WALLACE TO THE OPEN GOVERNMENT COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-111, on roll call by the following vote:

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

6. Board and Commission Applications

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, stated there were no changes to the agenda; however Staff would be asking Council to continue Item VIII.A (Bus Hub Project) to 1/21/14.

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Three item submitted (copies on file).

B. PUBLIC COMMENT

1. Constance Beutel - Ms. Beutel thanked Council and Staff for helping to make Benicia a wonderful place to live.

VII. CONSENT CALENDAR:

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

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

- A. APPROVAL OF THE MINUTES OF THE DECEMBER 3, 2013 CITY COUNCIL MEETING**
- B. APPROVAL OF LEASE EXTENSION WITH BAY AREA SHIP SERVICES FOR FIFTH STREET PIER**
- C. ACCEPTANCE OF THE RENEWABLE ENERGY AND CONSERVATION PROJECT (SOLAR PROJECT)**

RESOLUTION 13-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH CHEVRON ENERGY SOLUTIONS FOR THE RENEWABLE ENERGY AND CONSERVATION PROJECT, AN APPROPRIATION UP TO \$88,010 FROM THE ENERGY FUND AND ACCEPTING THE RENEWABLE ENERGY AND CONSERVATION PROJECT AT \$12,504,290, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

- D. APPROVAL OF AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION**

RESOLUTION 13-113 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION

- E. UPDATE OF RESOLUTION LISTING UNREPRESENTED CITY POSITIONS**

RESOLUTION 13-114 - A RESOLUTION UPDATING THE CITY OF BENICIA'S LIST OF UNREPRESENTED POSITIONS

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

VIII. BUSINESS ITEMS:

- A. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: \$175K REGIONAL MEASURE 2 GRANT REQUEST, AWARD OF CONSULTANT CONTRACT TO MARK THOMAS AND COMPANY FOR FINAL DESIGN CONTINGENT UPON AWARD OF SAID FUNDING, AND APPROVAL OF AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500K IN STATE TRANSIT ASSISTANCE FUNDING TO THE PROJECT. (Public Works Director) - Continued from December 3, 2013 meeting.**

Heather McLaughlin, City Attorney, discussed the letter received from John Gardner, counsel for the Barragan family. In light of the requests made by Mr. Gardner, staff recommended continuing this item to the January 21, 2014 City Council meeting.

Brad Kilger, City Manager, discussed the request to continue the item. He had spoken with STA, who in turn spoke with MTC. If the City does not approve the project by January 21st, the MTC will have to put the project back on their agenda and reallocate the funds to another project. He acknowledged the City's error in properly noticing the property owners of the environmental determination. He apologized to the Barragan family for any confusion or concern this may have caused them. He believed the continuance would give all parties involved sufficient time to review the project and for all issues to be examined.

Mayor Patterson discussed continuing the item. She explained the process of continuing a public hearing item, and advised the public about their public comment rights. She and Staff discussed the process for recirculating CEQA documents.

Vice Mayor Campbell discussed the issue of presenting substantial information prior to a council meeting and the City's Open Government Ordinance.

Council Member Hughes was not pleased that the property owners were not properly notified, but was pleased that Council had five more weeks to work something out with the property owners.

Council Member Strawbridge discussed the issue of forming a subcommittee to work on the issues. She suggested Council Member Hughes represent Council on that subcommittee. Staff confirmed Council could proceed with the recommendation of forming a subcommittee while continuing the item, as it would be essential in moving forward. The suggested members were Council Member Hughes and Mayor Patterson, as they were the current STA committee members.

Mayor Patterson discussed the benefits of continuing the item. She was pleased

the City and property owners had more time to work something out.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the motion to continue this item to the January 21, 2014 meeting, form a council subcommittee, and direct staff to begin work on a food truck ordinance, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

B. CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224

RESOLUTION 13-115 - A RESOLUTION APPROVING CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY WAIT PERIOD UNDER GOVERNMENT CODE SECTIONS 7522.56 & 21224

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Public Comment:

None

C. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 18, 2013**
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: January 24, 2013**
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: TBD**

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: January 16, 2014**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: January 8, 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: January 9, 2014**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 16, 2014**
11. **Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD**
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: January 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: December 19, 2013**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:39 p.m.