

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
DECEMBER 18, 2007

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:30 p.m. on Tuesday, December 18, 2007, 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:

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).

OPPORTUNITY FOR PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Mayor Patterson read the announcement of Closed Session

CLOSED SESSION:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)
City owned property (East 4th and East L Streets): APN 88-124-130
Negotiating parties: City Manager and Economic Development Manager**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:33 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
DECEMBER 18, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:02 p.m. on Tuesday, December 18, 2007, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: Council Member Campbell (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:

Mayor Patterson announced that Council discussed the issue of City-owned property and gave direction to Staff.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
Three unexpired terms to September 30, 2010
- Open Government Commission:
One full term to November 30, 2011

Mayor Patterson announced that she would 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 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

RESOLUTION 07-143 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CRAIG SNYDER TO THE SKY VALLEY OPEN SPACE COMMITTEE TO AN UNEXPIRED TERM ENDING SEPTEMBER 30, 2010

The above Resolution was adopted, on roll call by the following votes:

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

Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of Virginia Souza as Treasurer Emeritus

ADOPTION OF AGENDA:

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:

PUBLIC COMMENT:

1. Rick Ernst – Mr. Ernst wanted to discuss an item that was on the agenda. Mayor Patterson informed Mr. Ernst that he would need to wait until the item was up for discussion to make his comments.
2. Bill Royal – Mr. Royal discussed a project of his that began in 2005 and the complications he experienced with the City with regards to that project. He would like to have the issue of the City removing the \$18,000 lien on his property on the next agenda.

Ms. McLaughlin confirmed that in order for an item to be placed on an agenda, it would require a Council Member to request the item be placed on an agenda. Mr. Erickson requested Mr. Royal submit his request in writing so Staff could evaluate the request. Mr. Royal confirmed he would submit his written request to Mr. Erickson.

3. Fred Snyder – Mr. Snyder expressed his appreciation for his recent appointment to the Sky Valley Open Space Committee.
4. Jon Van Landschoot – Mr. Van Landschoot discussed his desire for the City to get rid of the single-family home exemption from design review in the Historic District.

Mayor Patterson asked Mr. Erickson to discuss the process for dealing with the recommendation from the HPRC regarding the single-family home exemption.

Mr. Erickson discussed the meeting that Council would be having on January 29th to discuss policies and priorities. That would be a prime opportunity to deal with issues regarding changes in policy.

CONSENT CALENDAR:

Council pulled items VII-C, VII-D, VII-E, and VII-H.

Council approved the Minutes of December 4, 2007.

Council approved the 2008 City Council regular meeting schedule.

RESOLUTION 07-144 - A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS AND OFFERS OF DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS FOR THE SOUTHAMPTON UNIT D-6 SUBDIVISION

RESOLUTION 07-145 - A RESOLUTION APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR HUMAN RESOURCES ASSISTANT

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

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of a consultant contract for the BHS Traffic Signal and Entrance Circulation Improvement Project:

Council and Staff discussed expediting the process, public safety, using the wholeness approach, installing interim measures until the traffic signal is completed, outreach steps, using it as a potential gateway to the community, working on the City's gateways, having more frequent Traffic, Pedestrian and Bicycle Safety Committee meetings, looking for grant money for the project, having BUSD on board with the project, and using the phased approach.

RESOLUTION 07-146 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT IN THE AMOUNT OF \$86,000 WITH FEHR AND PEERS FOR PROFESSIONAL ENGINEERING SERVICES FOR BENICIA HIGH SCHOOL TRAFFIC SIGNAL AND ENTRANCE CIRCULATION IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY

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

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

Noes: None

Acceptance of completed work, release of contract and award of new contract for the West 2nd Street Sewer Improvement Project.

Council and Staff discussed the damage to homes in the area, assurances that the proposed contractor will not experience performance issues, steps being taken to deal with the former contractor for the project, and the possibility of developing guidelines for addressing the reputation of the contractors.

Public Comment:

1. Rick Ernst – Mr. Ernst discussed the current bid process.

RESOLUTION 07-147 - A RESOLUTION ACCEPTING THE WORK COMPLETED BY BAY PACIFIC PIPELINES FOR A PORTION OF THE WEST 2ND STREET SEWER IMPROVEMENT PROJECT FOR A FINAL COST OF \$31,284.29, RELEASING BAY PACIFIC PIPELINES FROM THE REMAINING OBLIGATIONS OF THE CONTRACT, AUTHORIZING THE CITY MANAGER TO SIGN THE SETTLEMENT AGREEMENT AND NOTICE OF PARTIAL COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

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

RESOLUTION 07-148 - A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$342,200 TO HESS CONCRETE CONSTRUCTION FOR THE REMAINING WORK ON THE WEST 2ND STREET SEWER IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION 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

Approval of Task Order #2 of the 2007-2008 Sanitary Sewer Flow Monitoring Project:

Council and Staff discussed the timing of the project.

RESOLUTION 07-149 - A RESOLUTION APPROVING TASK ORDER #2 FOR SFE GLOBAL, IN A NOT-TO-EXCEED AMOUNT OF \$89,000 FOR THE 2007-2008 SANITARY SEWER FLOW MONITORING PROJECT

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, 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 California Air Resources Board Transit Fleet Rule Settlement Agreement and release of payment:

Council and Staff discussed the City's past non-compliance with the reporting aspects of the plan, delay in finding out that the City's assumptions were incorrect, current compliance with the plan, lack of notification from the State of California on the City's non-compliance, and the grant that was secured to pay for the retrofit to the fleet.

RESOLUTION 07-150 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT AND RELEASE WITH THE CALIFORNIA AIR RESOURCES BOARD

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

PUBLIC HEARINGS:

None

ACTION ITEMS:

Update Mills Act Program and Approve Mills Act contracts for properties at 224 West I Street, 1025 West Second Street, 120 West D Street, 171 West H Street, 270 West H Street, 441 West J Street, 242 West I Street, 392-396 East H Street, 141 West H Street, and 140 East G Street:

Charlie Knox, Community Development Director, reviewed the staff report.

Council and Staff discussed the State statute that relates to the Mills Act, the current \$30,000/year (for two years) revenue loss from property tax, factoring in costs for Staff time, possibly setting a limit on the cost, fairness factor, tax savings, scheduling a study session on the Mills Act, revisiting the current criteria, maintenance only Mills Act contracts, upcoming HPRC meeting on January 24, 2008, and contributors and landmarks.

Public Comment:

1. Steven Stark – Mr. Stark discussed the cost of materials to do the work on historic homes, tax savings, encouraging reconstruction, and revitalization in the City.

Mayor Patterson requested that the City post a notice that Council would be attending the January 24, 2008 HPRC meeting.

RESOLUTION 07-151 - RESOLUTION APPROVING AMENDMENTS TO THE MILLS ACT PROGRAM

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

RESOLUTION 07-152 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 224 WEST I STREET IN THE CITY OF BENICIA

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

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

Noes: None

RESOLUTION 07-153 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 1025 WEST SECOND STREET IN THE CITY OF BENICIA

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

RESOLUTION 07- 154- A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 120 WEST D STREET IN THE CITY OF BENICIA

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, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Council Member Ioakimedes

RESOLUTION 07-155 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 171 WEST H STREET IN THE CITY OF BENICIA

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 Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None
Abstain: Vice Mayor Campbell

RESOLUTION 07-156 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 270 WEST H STREET IN THE CITY OF BENICIA

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

RESOLUTION 07-157 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 441 WEST J STREET IN THE CITY OF BENICIA

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

RESOLUTION 07-158 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 242 WEST I STREET IN THE CITY OF BENICIA

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

RESOLUTION 07-159 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 392-396 EAST H STREET IN THE CITY OF BENICIA

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, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Council Member Ioakimedes

RESOLUTION 07-160 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 141 WEST H STREET IN THE CITY OF BENICIA

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

Ayes: Council Members Hughes, Ioakimedes, and Mayor Patterson

Noes: None

Abstain: Council Members Schwartzman and Campbell

RESOLUTION 07-161 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 140 EAST G STREET IN THE CITY OF BENICIA

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

Ayes: Council Members Hughes, Ioakimedes, and Mayor Patterson

Noes: None

Abstain: Council Members Schwartzman and Campbell

INFORMATIONAL ITEMS:

Reports from City Manager:

Mr. Erickson announced the 1/29 Council Priority Workshop.

Council Member Committee Reports:

1. Mayors' Committee Meeting (Mayor Patterson) - Next Meeting Date: December 19, 2007.
2. Association of Bay Area Governments (ABAG) (Mayor Patterson and Vice Mayor Campbell) - Next Meeting Date: April 24, 2008 – Spring General Assembly.
3. Audit & Finance Committee (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: February 8, 2008
4. League of California Cities (Mayor Patterson and Council Member Schwartzman) - Next Meeting Date: January 16-18, 2008 - New Mayors & Council Members Academy
5. School District Liaison (Council Members Ioakimedes and Hughes) - Next Meeting Date: March 13, 2008
6. Sky Valley Area Open Space (Vice Mayor Campbell and Council Member Ioakimedes) - Next Meeting Date: January 2, 2008
7. Solano EDC Board of Directors (Mayor Patterson and Council Member Ioakimedes) - Next Meeting Date: January 17, 2008
8. Solano Transportation Authority (STA) (Mayor Patterson and Council Member Schwartzman) - Next Meeting Date: January 9, 2008
9. Solano Water Authority/Solano County Water Agency (Mayor Patterson and Vice Mayor Campbell) - Next Meeting Date: January 10, 2008

10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell and Council Member Hughes) - Next Meeting Date: January 17, 2008
11. Tri-City and County Regional Parks and Open Space (Vice Mayor Campbell and Council Member Hughes) - Next Meeting Date: February 20, 2008 – Citizen’s Advisory Committee
12. Valero Community Advisory Panel (CAP) (Council Member Hughes) - Next Meeting Date: January 24, 2008
13. Youth Action Task Force (Council Members Ioakimedes and Schwartzman) - Next Meeting Date: January 22, 2008
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson) - Next Meeting Date: January 14, 2008

COMMENTS FROM COUNCIL MEMBERS:

Request to pay off the Valero Property Tax Settlement at an accelerated rate:

Vice Mayor Campbell discussed the City’s Reserve Fund, its portfolio, and paying the Valero property tax settlement at an accelerated rate.

Council and Staff discussed sending this issue to the Audit and Finance Committee and having it provide feedback to Council.

Public Comment:

1. Rick Ernst – Mr. Ernst spoke in support of the current tax settlement payment and sending the issue to the Audit and Finance Committee for discussion.

Council recommended this item be referred to the Audit and Finance Committee for discussion.

Vice Mayor Schwartzman inquired about the current balance in the City’s budget reserve. Staff confirmed that the City expected the year to end with \$6.3 million in the budget reserve.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:58 p.m.

Lisa Wolfe, City Clerk