

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 02, 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 6:00 p.m.

All Council Members were present.

**II. CLOSED SESSION (6:00 PM):**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Subdivision (b) of Government Code Section 54957)  
Title: City Attorney**

**B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: Hayes v City of Benicia**

**III. CONVENE OPEN SESSION:**

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

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Sharon Maher led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

**IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:**

**A. ANNOUNCEMENTS**

Mayor Patterson asked for a moment of silence in honor of the firefighters who recently lost their lives in the Arizona wildfires. Tonight's meeting would be adjourned in their honor.

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

Heather McLaughlin, City Attorney, reported the following actions:

Item II.A - Council evaluated the City Attorney. The evaluation would be continued to the next Closed Session if there is sufficient time.

Item II.B - Council gave direction to Staff.

**2. Openings on Boards and Commissions:**

Arts and Culture Commission

1 unexpired term

2 full terms

Open until filled

Human Services Board

2 full terms

Open until filled

Open Government Commission

1 full term

Open until filled

Historic Preservation Review Commission

2 full terms

1 unexpired term

Open until filled

Community Sustainability Commission (Student Commissioner)

1 full term

Open until filled

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update**

Verbal update from City Attorney

There was no news to report. The State is working diligently with the Army Corp.

**B. PROCLAMATIONS**

**1. JULY 2013 AS PARKS MAKE LIFE BETTER! MONTH**

**C. APPOINTMENTS**

## **D. PRESENTATIONS**

### **1. REVIEW OF BENICIA INDUSTRIAL PARK BROADBAND ASSESSMENT REPORT AND DISCUSSION OF IMPENDING RELEASE OF RFP/RFI FOR DEVELOPMENT OF A BROADBAND PROJECT**

Mario Giuliani, Economic Development Manager, introduced the agenda item.

Steve Blum, Tellus Venture Associates, reviewed a PowerPoint presentation (copy on file).

Council Member Hughes and Mr. Blum discussed Request for Information (RFI) vs. Request for Proposal (RFP).

Vice Mayor Campbell and Mr. Blum discussed the fast changing technology, and what will become available in the near future.

Council Member Strawbridge and Mr. Blum discussed the issue of grant funding available for this type project, State and Federal grant funding availability, and commercial broadband demand.

Mayor Patterson, Mr. Blum, and Staff discussed various companies in the Benicia Industrial Park that are high-tech and require better broadband technology.

Council Member Schwartzman and Mr. Blum discussed the issue of fiber trunk availability. They discussed what other assets the City has (aside from money) that could be used, and the issue of the cost differential between an RFP and RFQ.

Mayor Patterson and Mr. Blum discussed the dire need for broadband/fiber optics in the Benicia Industrial Park (BIP). Benicia needs to be competitive to attract new business. They discussed the issue of fiber optics, and the issue of assessment districts.

#### Public Comment:

1. Ben Parsons - Mr. Parsons spoke in support of the installation of broadband in the BIP. Companies need the technology and will leave if it does not become available. Mayor Patterson and Mr. Parsons discussed what performance measures would be appropriate to ask for in the RFP. Council Member Hughes asked that when the RFQ or RFP is developed, the City involve BIPA.
2. Sharon Maher - Ms. Maher spoke in support of the installation of

broadband in the BIP. If this does not proceed, the City will be missing out on who might come to live and work in the City, as well as who might leave. The EDB should be involved in the process.

3. Jasmine Powell - Ms. Powell spoke in support of the installation of broadband in the BIP. It would open up a lot of opportunities for the BIP. She suggested using the LED billboard revenue towards this project.
4. Anthony Regina - Mr. Regina's business used to be located in the BIP, but had to move due to poor internet connectivity. It is difficult to find a provider who would install internet connectivity in the BIP.

Mayor Patterson asked Ms. McLaughlin if direction needed to be by minute order or direction to staff. Ms. McLaughlin indicated that it could be direction if that is what Council desired. Mayor Patterson stated it would be helpful to have direction to staff, since there was a discussion on the Council that there was a preference indicated by some for RFP and others for RFQ. Included in the direction would be questions regarding financing (which would include a whole menu on what financing options are available), possibilities for fixed wireless, make sure that there is a variety of performance measures and standards, there should be a schedule, and prior to the RFQ there is an internal City schedule (and indicate that to the responders).

Mayor Patterson stated her preference was for a RFQ.

Council Member Hughes was fine with an RFP, as long as the City manages the expectations of the companies it is sent to, letting them know there are some issues around financing and the challenges the City will have.

Mayor Patterson clarified that the responders should include how they would work with the EDB and necessary property owners and tenants.

Mr. Kilger clarified that all of the above items were addressed except for the last item listed. He would prefer to come back to Council after staff receives the responses and discuss how Council would like to proceed (whether or not to go to the EDB, etc.).

Council Member Schwartzman stated he would prefer to go with a RFP.

Council Member Strawbridge stated she would go with whatever was the fastest. There are a lot of people who are very anxious about getting this done.

## **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, Strawbridge, Schwartzman, Campbell, Hughes  
Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Two handouts (copies on file).

**B. PUBLIC COMMENT**

1. Bert Johnson - Mr. Johnson praised City staff for their efforts in maintaining the City parks.

**VII. CONSENT CALENDAR:**

Council pulled item VII.A for discussion.

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

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

**A. APPROVAL OF THE MINUTES OF THE MAY 28, 2013 AND JUNE 18, 2013 CITY COUNCIL MEETINGS**

Mayor Patterson discussed her requested change regarding the study session item. She asked that her six point plan be included for clarity.

Vice Mayor Campbell stated he was fine with points 1 and 2, but was not sure about 3. He knew points 4 and 5 were discussed, but he was not sure if Council agreed on doing them.

Ms. Wolfe stated that the six point plan was stated in the meeting; however there was no discussion afterward.

Mayor Patterson stated that it was direction to staff without objection. There was a follow up question regarding Council Member Strawbridge's statement about training. Then there was a discussion regarding if there needed to be a discussion regarding combining commissions, it would come back in a year. The six point plan was given as direction to staff. She suggested continuing the item until Council could review the video.

Council Member Hughes stated that it was complicated, and he had asked for something simple, not taking much of Staff's time, something such as a one page document. He remembered it was discussed that it was a good time to review the boards and commissions to make sure they were running efficiently and effectively, and whether any of them needed to be eliminated, combined, etc. If there was a reason to combine, Council should take a look at it. What Council is looking for is information from Staff so that when it comes back to Council, they could make an informed decision. The discussion was confusing. As he looked at them now, it is requiring more work than he expected when he asked to keep it simple.

Council Member Schwartzman was not sure if it was necessary to include the amendment.

Mayor Patterson clarified the purpose for including the details was because it was a long and complicated discussion. The points were succinctly read. The words could be reduced, but it was her intent to have the exact direction that was given to staff in one place.

Council Member Strawbridge didn't want to complicate the issue. She thought the items were covered in the minutes as presented.

Vice Mayor Campbell asked to continue this so the video could be reviewed.

Council Member Hughes asked Ms. Wolfe if the changes being proposed were said in the meeting. Ms. Wolfe stated that the points were said, but there was no discussion on whether Council agreed to them afterward. Council Member Hughes stated that although it was said without objection, he was not sure if he would agree to all of the points.

Vice Mayor Campbell stated that if Council were to vote yes on the proposed changes, they would be agreeing to all of the items. He would like to review the video to see what was said. What they voted on might not be quite as clear as it sounds.

Mr. Kilger discussed his responsibility in ensuring the direction to staff is clear. He will ask for Council's consensus in the future, if there is a question regarding clarity of Council's direction to staff.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the May 28, 2013 and June 18, 2013 City Council meetings, as presented, on roll call by the following vote:

Ayes: Strawbridge, Schwartzman, Campbell, Hughes  
Noes: Patterson

- B. DENIAL OF THE CLAIM AGAINST THE CITY BY PAMELA POWERS AND REFERRAL TO INSURANCE CARRIER
- C. DENIAL OF CLAIM AGAINST THE CITY BY FARMERS INSURANCE FOR THEIR INSURED ROBERT HASSARD AND REFERRAL TO INSURANCE CARRIER
- D. DENIAL OF CLAIM AGAINST THE CITY BY JUDY HOUGH AND REFERRAL TO INSURANCE CARRIER
- E. APPROVAL OF SERVICE AGREEMENT BETWEEN THE CITY OF BENICIA AND THE DOWNTOWN BENICIA ALLIANCE

**RESOLUTION 13-49 - A RESOLUTION APPROVING A CONTRACT FOR SERVICES WITH THE DOWNTOWN BENICIA ALLIANCE, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

- F. RESOLUTION SETTING THE FISCAL YEAR 2013-14 SECURED TAX RATE FOR BONDED INDEBTEDNESS FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012

**RESOLUTION 13-50 - A RESOLUTION SETTING THE FISCAL YEAR 2013-14 SECURED TAX RATES FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012**

- G. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND RENNE SLOAN HOLTZMAN SAKAI FOR FINANCIAL SERVICES

**RESOLUTION 13-51 - A RESOLUTION AMENDING THE CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR FINANCIAL SERVICES**

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

**VIII. BUSINESS ITEMS:**

- A. PRESENTATION AND DECISION WHETHER OR NOT TO ENDORSE THE UNITED WAY OF THE BAY AREA ANTI-POVERTY CAMPAIGN AND PARTNER PLEDGE BY MINUTE ACTION

Christina Arrostuto, Executive Director of First 5 Solano Children and Families Commission, and Stefan Betts, First 5 Solano, reviewed the report and a PowerPoint presentation (copy on file).

Council Member Hughes and Staff discussed concern regarding not currently having a staff person available. It could be indicated that the City would do its best with the resources available.

Public Comment:

1. Dana Dean - Ms. Dean stated that the Solano County Board of Education approved this program. She fully supports the program and would love to see the other cities and school districts sign on.

Mayor Patterson and Ms. Arrostuto discussed how people with jobs who still have needs would access the program being discussed.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved endorsing the United way of the Bay Area Anti-Poverty Campaign and Partner Pledge, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**B. PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2013-14**

**RESOLUTION 13-52 - A RESOLUTION ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2013-14**

Mayor Patterson asked if it was possible to add to the resolution direction to staff to do public outreach and notify future needs for rate increases, as requested by Council Member Hughes during past Council meetings. Mr. Kilger discussed Staff's promise to bring the above issues forward in the coming months. Staff is working on engineer reports to reevaluate the L&L funding. Council has made its expectations clear. There will be a robust, proactive public outreach program. Staff will schedule a study session to address the issues in the Fall.

Melissa Morton, Public Works Director, reviewed the staff report.

Council Member Strawbridge and Staff discussed the fees per parcel in the various zones, unchanged fees, and it is a separate assessment from property tax.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

Council Member Schwartzman and Staff discussed the issue of the review of the L&L District for potential changes being one of Council's top 7 priorities. He thought Staff was clear on Council's wishes, and did not think the resolution needed to be amended.

Council Member Hughes agreed the resolution did not need to be amended. He thought Staff was clear on his prior requests regarding public outreach and rate increases.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 13-52, as presented, on roll call by the following vote:

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

**C. APPROVE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET FOR THE HISTORIC SOUTHERN PACIFIC DEPOT**

**RESOLUTION 13-53 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH BENICIA FIRST CORPORATION DBA BENICIA MAIN STREET FOR THE HISTORIC SOUTHERN PACIFIC DEPOT AT 90 FIRST STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE**

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 13-53, on roll call by the following vote:

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

**D. APPROVE 2013-2014 CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET**

**RESOLUTION 13-54 - A RESOLUTION AWARDING A CONTRACT FOR DOWNTOWN SUPPORT AND ACTIVITIES TO BENICIA MAIN STREET IN THE AMOUNT NOT TO EXCEED \$100,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

Mario Giuliani, Economic Development Manager, reviewed the staff report.

**Public Comment:**

None

Mayor Patterson and Staff discussed adding the four pillars to future reports, as it is an economic development tool. So, the public would be clear that the Main Street Program was part of the City's economic development. They discussed the cost of Farmers Market and what the City's \$4,000 goes toward.

Council Member Hughes discussed support for Benicia Main Street and the proposed agreement.

Council Member Strawbridge discussed the City's lack of ability and resources to do everything Benicia Main Street does.

Council Member Schwartzman discussed support for the proposed agreement and Benicia Main Street.

Mayor Patterson read the four pillars of Benicia Main Street and discussed why it was important to include them.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 13-54, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:17 p.m. in memory of the firefighters who lost their lives in the Arizona wildfires, and wished their families well.

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Lisa Wolfe, City Clerk