

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
January 20, 2015

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 meeting to order at 7:08 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Sandy Pearson 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.

2. Openings on Boards and Commissions:

Arts & Culture Commission
1 unexpired term
Application due date: January 30, 2015

Civil Service Commission
1 full term
Application due date: January 30, 2015

Community Sustainability Commission
1 full term
1 unexpired term

Application due date: January 30, 2015

Finance Committee

2 full terms

Application due date: January 30, 2015

Human Services Board

1 unexpired term

Application due date: January 30, 2015

Library Board of Trustees

2 full terms

Application due date: January 30, 2015

Parks, Recreation & Cemetery Commission

3 full terms

Application due date: January 30, 2015

Planning Commission

2 full terms

Application due date: January 30, 2015

SoITrans Public Advisory Committee

3 full terms

Application due date: January 30, 2015

3. Mayor's Office Hours:

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

1. PRESENTATION OF MONTHLY WATER 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: Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

1. Gretchen Burgess - Ms. Burgess discussed upcoming Voena performances.

VII. CONSENT CALENDAR:

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

Ayes: Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2015 CITY COUNCIL MEETING

B. ACCEPTANCE OF WATER TREATMENT PLANT FILTER SLIDE GATE REPLACEMENT PROJECT

RESOLUTION 15-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WATER TREATMENT PLANT FILTER SLIDE GATE REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

C. REVIEW THE ANNUAL REPORT TO COUNCIL FOR THE OPEN GOVERNMENT COMMISSION

D. AUTHORIZE PURCHASE OF ELEVEN (11) REPLACEMENT COMPUTERS FOR POLICE PATROL VEHICLES

RESOLUTION 15-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF ELEVEN (11) REPLACEMENT IN CAR COMPUTERS UTILIZING COPS SUPPLEMENTAL LAW ENFORCEMENT FUNDS

E. AMENDING THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES

RESOLUTION 15-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE AMENDMENT OF THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES

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

VIII. BUSINESS ITEMS:

A. PRESENTATION OF DRAFT WORK PLAN TO REVISE SECTION 6.32.060 OF THE BENICIA MUNICIPAL CODE TO PERMIT URBAN BEE KEEPING IN RESIDENTIAL AREAS OF THE CITY

Gina Eleccion, Management Analyst, reviewed the staff report.

Vice Mayor Hughes and Staff discussed the issue of over-regulation. He suggested going back to what was being done prior to 2007 and modify that ordinance, or looking at other cities ordinances and see what they are doing. He did not support having workshops or meetings, as it is not a priority, and could be dealt with easily.

Council Member Schwartzman discussed the need to do due-diligence on the issue, but did not feel there needed to be workshops.

Mayor Patterson discussed looking at the bee keeping ordinances in cities such as Richmond. She discussed the need to involve the public.

Public Comment:

1. Logan Bledsoe - Mr. Bledsoe discussed the importance of bee keeping in Benicia.
2. Tony Shannon - Mr. Shannon spoke in support of bee keeping.
3. Claudia Claverie - Ms. Claverie spoke in support of bee keeping.
4. Elena Karoulina, Benicia Community Garden - Ms. Karoulina spoke in support of bee keeping.
5. Gretchen Burgess - Ms. Burgess spoke in support of bee keeping.

Vice Mayor Hughes discussed going back to the pre-2007 ordinance and striking the section that talks about only allowing the bee keeping in open spaces. Then later, we can craft a more comprehensive solution in the future.

Heather McLaughlin, City Attorney, discussed the pre-2007 ordinance, and the

timing for changing an ordinance.

Mayor Patterson discussed working with the community garden to help in the community outreach effort. She and Staff discussed the staff time that would be required.

Council Member Campbell and Staff discussed whether there had been any complaints regarding bee keeping. He discussed the need to have an ordinance, permit, etc. in place for safety measures.

Council Member Strawbridge and Staff discussed whether the current ordinance could be updated to allow bee keeping in certain areas, and the need to look at what other municipalities had done regarding this issue.

Council Member Schwartzman discussed Council's options. He felt it could be dealt with quickly in two meetings.

Mayor Patterson stated there seemed to be a consensus from Council to go with Plan A, which is to develop a simple ordinance that meets the requirements of the law and the needs of the City. If there is no objection, the City could go through the public outreach process.

Staff discussed staff's work load and suggested going with no permit, as there was not enough staff time available to include permitting requirements while on the fast track.

Council Member Campbell discussed the need to at least have the bee keepers register with the county.

Council member Schwartzman asked Staff to provide pros and cons when this is brought back.

**B. APPEAL OF TENTATIVE PARCEL MAP AT 1035 WEST K STREET,
AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM
CEQA**

**RESOLUTION 15-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF BENICIA DENYING THE APPEAL AND UPHOLDING DECISION OF
RECORD NO. 14-18 (CDD) REGARDING APPROVAL OF THE TENTATIVE
PARCEL MAP FOR 1035 WEST K STREET (14PLN-00072)**

Dan Marks, Interim Community Development Director, reviewed the staff report.

Public Hearing Opened

Appellant:

Ricky Steele, Appellant, discussed the CEQA exemption, concern regarding chemicals on the property, concerns regarding the health, safety, and welfare of the residents around the property, traffic congestion, noise, and the impact on her property and quality of life.

Proponent:

Jeff Page, Contractor, discussed the history of the demolition, soil samples, noise complaints, work hours, Planning Commission actions, conditions of approval, and the neighbor's concerns regarding views.

Steve McKee, Project Architect, discussed the project.

David Cymanski, Principal Engineer, KC Engineering, discussed the soil samples that were conducted and how an environmental assessment report is done. The debris they found were chunks of cement and asphalt. They did not find anything that warranted any further investigation.

Mayor Patterson discussed ex parte conversations she has had regarding this issue.

Vice Mayor Hughes discussed Ms. Steele's concerns regarding her view, the noise and work hour concerns, and suggestions regarding making the same noise/work hour conditions on the other lots.

Council Member Schwartzman sympathized with Ms. Steele's concerns regarding her view, how deep they drilled when doing the soil samples, and the issue of work hours.

Council Member Campbell and Staff discussed the core samples, what was not suitable with the fill that was originally found, concern regarding the ordinance providing for work hours of 7:00 a.m. to 10:00 p.m.

Council Member Strawbridge and Mr. McKee discussed who the homes were being built for, whether any of the homes had been sold to date, and the issue of work hours.

Mayor Patterson discussed her support for infill development and compact infill development. She discussed the advantages of CEQA, the issue of residents losing their view (and how the issue was addressed with the St. Catherine's Woods development), protocols for preliminary site assessments, and how to deal with unusual circumstances. She and Staff discussed whether the appeal could be denied with a good faith effort to address site location, roof design, preserving some element of view shed, and limiting construction hours. Staff

confirmed that could not be done with a categorical exemption.

Vice Mayor Hughes asked Mr. Page if he would commit to the same work times he did for lot #1. Mr. Page stated that he could not commit to any changes, as the lots have not even been sold. He might not even be the contractor for those other lots. He would volunteer to abide by the same rules as he did for lot #1, but he could not have it as a condition for the properties, as it was an uncertain future.

Staff discussed the possibility of revising the ordinance regarding work hours.

Council Member Campbell discussed the need to change the work hours in the ordinance.

Ms. McLaughlin suggested revising the resolution to incorporate the information from the original conditions of approval, which are on page VIII.B.50.

Rebuttal:

Ms. Steele reiterated her concerns regarding the project.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 15-07, as amended, on roll call by the following vote:

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

Noes: (None)

C. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: TBD**
2. **Association of Bay Area Governments (ABAG)**
<http://www.abag.ca.gov/>. (Vice Mayor Hughes and Council Member Schwartzman)Next Meeting Date: TBD
3. **Finance Committee. (Council Member Strawbridge and Vice Mayor Hughes) Next Meeting Date: January 22, 2015**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: January 21, 2015**
5. **School Liaison Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: March 5, 2015**

6. **Sky Valley Open Space Committee. (Council Member Campbell and Vice Mayor Hughes) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: January 22, 2015**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: February 11, 2015**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson and Council Member Campbell/Vice Mayor Hughes) Next Meeting Date: February 12, 2015**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: April 16, 2015**
11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: TBD**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Council Member Strawbridge and Vice Mayor Hughes) Next Meeting Date: January 28, 2015**
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 Campbell and Vice Mayor Hughes) Next Meeting Date: February 19, 2015**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:24 p.m.

Lisa Wolfe, City Clerk

