

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
February 18, 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 6:30 p.m.

All Council Members were present.

II. CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

**Property: North of Lake Herman Road - APN's: 181230050,
181230060, 181240020**

**Negotiating Parties: City Attorney, City Manager and Economic
Development Manager**

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

III. CONVENE OPEN SESSION:

Mayor Patterson called the meeting to order at 7:00 p.m.

A. ROLL CALL

All Council Members were present.

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

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

Mayor Patterson reported that no action was taken. The City Attorney was out ill and Council was not able to proceed with this item.

2. Openings on Boards and Commissions:

We are currently in the process of interviewing for Board and Commission recommendations for appointment.

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Update from City Attorney.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

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 received (copies on file).

B. PUBLIC COMMENT

1. Amber Kelly - Ms. Kelly invited Council and the public to a joint fundraiser auction put on by Joe Henderson and Robert Semple Elementary schools.
2. Marilyn Bardet - Ms. Bardet discussed the public's need for access to the EIR for the Crude by Rail project. She discussed concerns regarding the ease of access to the project documents on the City's website. She

discussed concerns regarding the Crude by Rail Project.

3. Andres Soto - Mr. Soto discussed upcoming forums in various communities regarding crude by rail projects.

VII. CONSENT CALENDAR:

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

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

A. APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2014 CITY COUNCIL MEETING

B. AUTHORIZE THE PURCHASE OF THREE ZOLL X-SERIES CARDIAC MONITORS INCLUDING MONITOR SUPPLIES AND SERVICE CONTRACT

RESOLUTION 14-13 -A RESOLUTION AUTHORIZING THE PURCHASE OF THREE ZOLL X-SERIES CARDIAC MONITORS

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

VIII. BUSINESS ITEMS:

A. DISCUSSION REGARDING CITY OF BENICIA'S WATER SUPPLY SITUATION AND ACCEPTANCE OF PHASE I DROUGHT RESPONSE PLAN

Steve Solomon, Public Works Consultant, reviewed the staff report.

Council Member Hughes and Staff discussed the State Water Project carryover and the issue of a possible drought surcharge.

Mayor Patterson and Staff discussed the State Water Project carryover.

Council Member Schwartzman and Staff discussed how the City could cut back on water use. They discussed the issue of wells, gray water, treating wastewater and making it drinkable, and contacting BUSD to encourage them to conserve on water.

Vice Mayor Campbell and Staff discussed the Area of Origin Water Settlement, Mojave water, Berryessa water, and gray water.

Council Member Strawbridge and Staff discussed the State Water Project, the fees the City pays for the State Water Project, other agencies in Solano County that could provide water, and public outreach to the business community regarding water conservation.

Vice Mayor Campbell and Staff discussed Valero's water rights, and how the drought will affect the refinery.

Mayor Patterson and Staff discussed the current weather patterns, Australia's 10-year drought, public health and access to water, possibly implementing Stage II surcharge as allowed in the City's ordinance.

Mayor Patterson recommended that Council agree with Staff's recommendations to move forward, but continue to look into the value of moving to Stage II, and come up with a potential surcharge that would be specific for the management implementation of that Stage II. The items discussed for Phase II were: 1) mandatory compliance, 2) no one can use water in excess of 90% of their baseline amount, 3) one may ask for an increase based on extenuating circumstances, 4) the restrictions for fire hydrants - water can only be used for firefighting, 5) lawn water is restricted, 6) vehicle washing must be done with a bucket or commercial car wash, 7) restaurant drinking water served only upon request, and 8) construction jobs must only use non-potable water. If the drought penalty of 90% is exceeded, that is where the additional revenues come in to help staff manage the cost in terms of dealing with the mandate. If it exceeds 90%, the first increase is a rate for excess use of twice the regular rate. It increases for the percentage above 90%. She discussed the idea of putting campaign lawn signs up around the City encouraging citizens to conserve water. The City is in a serious situation that will not change overnight. The City and citizens need to do the short term, mid-term and long- term changes.

Council Member Hughes asked for clarification that Council is not recommending moving to Stage II (not at this time).

Public Comment:

1. Marilyn Bardet - Ms. Bardet discussed Valero's water needs. She discussed various ways citizens can conserve water.
2. Andres Soto - Mr. Soto discussed the issue of climate change and how it is affecting the current water/drought situation.
3. Alison Fleck - Ms. Fleck discussed the challenges of water conservation. SCWA has rebate programs for water conservation.

Mayor Patterson summarized the direction she would like Council to take. She would like to endorse Staff's recommendations listed on page VIII.A.7 of the staff report, and 1-8, with the specific suggestion of having campaign lawn signs distributed around the community encouraging water conservation in some catchy way. The major modification is that rather than monitor and come back to

Council and report what other things could be done, to direct Staff to begin to think about the program of instituting the mandatory Stage II, a surcharge, and some options that would affect that, recognizing all the things that have been said tonight. That would include looking at the water budget pricing.

Council Member Hughes discussed the aggressive public outreach plan. He suggested not being so specific regarding the lawn signs. He would like to hear suggestions from Staff regarding their suggestions for public outreach.

Council Member Schwartzman suggested Council direct Staff to look into the option of lawn signs.

Brad Kilger, City Manager, clarified that Staff would be looking into all options, including the lawn signs.

Vice Mayor Campbell asked for clarification on whether Council was recommending moving to Stage I and Stage II. Council Member Hughes clarified he was in support of the 8-Stage recommendation.

Mr. Kilger clarified that he understood that Staff was looking into Stage II. He understood that the Mayor wanted to take it a step further and as Staff looks at the surcharge, look at the types of programs they should start pursuing. Look at the City's immediate needs, look at the resources that are needed to accomplish that, in addition to the volunteer program through the water conservation (possibly mandatory), and also look to this as an opportunity to achieve long term approaches and results.

Council Member Schwartzman discussed support for moving into Phase I right away, but did not want to wait very long to hear about Phase II. He would like to have the information sooner than later.

Mayor Patterson discussed the suggestion of partnering with Valero on the desalinization. She discussed the City's rainy season, which is almost over.

Mr. Kilger discussed Council's desire to look at long- term solutions.

Council Member Hughes clarified that Council is not recommending moving to Stage II. They are recommending implementation of Stage I, which is voluntary, and at the same time recommending that Staff conduct an analysis on what Stage II and beyond would look like, what it would take to implement that, and what it would take and look like to implement a surcharge.

Mayor Patterson clarified that they were looking for options with Stage II with a surcharge. She wants adequate information so Council can make an informed decision in 30 days.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved direction to Staff to implement Stage I, which is

voluntary, and at the same time recommending that Staff conduct an analysis on what Stage II and beyond would look like, what it would take to implement that, and what it would take and look like to implement a surcharge, on roll call by the following vote:

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

B. REVIEW OF PROPOSED ADDITIONS TO CITY COUNCIL AGENDA TEMPLATE

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

Council Member Hughes clarified that he was okay with the contact information and website information, but did not think there needed to be time for departments to provide 5-minute updates.

Council Member Schwartzman did not feel the department update was necessary.

Brad Kilger, City Manager discussed the issue of departments reporting out at each Council meeting. He requested that if Council moves forward with this, and the departments don't have anything to report on, they be allowed to forego the reporting period.

Council Member Schwartzman suggested if a department needed to provide a brief report, it could be done under public comment.

Vice Mayor Campbell thought this issue was a solution looking for a problem, and did not think it was necessary.

Council Member Strawbridge suggested that if information was going to be included on the agenda, it be linked on the City's website. There should be an easier way to access Council's contact information. The Council committee information should be on the website as well.

Council Member Hughes did not think it was necessary to put departmental updates on the agenda.

Public Comment:

None

Mayor Patterson clarified the motion was to give direction to Staff to proceed with all of the suggested changes, with the exception of the 5-minute updates from departments.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council gave direction to Staff to proceed with all of the suggested changes, with the exception of the 5-minute updates from departments, on roll call by the following vote:

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

C. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: March 19, 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: February 28, 2014**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: April 30, 2014**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: March 6, 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: March 13, 2014**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: March 12, 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: March 13, 2014**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: April 17, 2014**
- 11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date:**

March 10, 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: February 26, 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: February 26, 2014**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:27 p.m.