

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
March 04, 2014

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**I. CALL TO ORDER:**

Mayor Patterson announced that because the Special Meeting ran late, the Closed Session would be continued until after the adjournment of the Open Session.

There were no objections from Council Members regarding the change.

**II. CLOSED SESSION:**

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

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the Open Session to order at 7:01 p.m.

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Vice Mayor Campbell led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS**

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

Mayor Patterson reiterated that the Closed Session would immediately follow the adjournment of the Open Session.

2. **Openings on Boards and Commissions:**
3. **Mayor's Office Hours:**
4. **Benicia Arsenal Update**

Update from City Attorney

**B. PROCLAMATIONS**

**C. APPOINTMENTS**

Mayor Patterson discussed concerns with the current flawed appointment process. She would like to see the process changed. The list that has been published was the subcommittee's recommendation.

1. **Subcommittee recommendation to Mayor of Jacquelyn Sells DuBois to the Arts and Culture Commission for a four year term ending January 31, 2018.**
2. **Subcommittee recommendation to Mayor of Douglas Funk to the Civil Service Commission for a four year term ending January 31, 2018.**
3. **Subcommittee recommendation to Mayor of Martha Christopher to the Civil Service Commission for a four year term ending January 31, 2018.**
4. **Subcommittee recommendation to Mayor of Stanley Adkins, Jr. to the Civil Service Commission for a four year term ending January 31, 2018.**
5. **Subcommittee recommendation to Mayor of Michael Roetzer to the Civil Service Commission for a four year term ending January 31, 2018.**
6. **Subcommittee recommendation to Mayor of Dennis Cullen to the Economic Development Board for a four year term ending January 31, 2018.**
7. **Subcommittee recommendation to Mayor of Jon Van Landschoot to the Historic Preservation Review Commission for a four year term ending January 31, 2018.**
8. **Subcommittee recommendation to Mayor of Richard Sprankle to the Benicia Housing Authority Board of Commissioners for a two year term ending January 31, 2016.**

9. Subcommittee recommendation to Mayor of Atiba Murphy to the Benicia Housing Authority Board of Commissioners for a two year term ending January 31, 2016.
10. Subcommittee recommendation to Mayor of Zoe Bartholomew to the Open Government Commission for a four year term ending January 31, 2018.
11. Subcommittee recommendation to Mayor of Susan Lynn to the Open Government Commission for a four year term ending January 31, 2018.
12. Subcommittee recommendation to Mayor of Larry Fullington to the Open Government Commission for a four year term ending January 31, 2018.
13. Subcommittee recommendation to Mayor of Kimberly Funk to the Parks, Recreation & Cemetery Commission for a four year term ending January 31, 2018.
14. Subcommittee recommendation to Mayor of Ryan Swan to the Community Sustainability Commission for a four year term ending January 31, 2018.
15. Subcommittee recommendation to Mayor of Ershely Raj to the Community Sustainability Commission for a four year term ending January 31, 2018.
16. Additional Board and Commission Applications

**V. ADOPTION OF AGENDA:**

Brad Kilger, City Manager, recommended item VIII.A be continued to a future meeting.

Mr. Boehme, Contract Attorney, discussed the recommendation to continue this item.

Council Member Schwartzman and Staff discussed the Planning Commission's recommendation process.

Council Member Hughes and Staff discussed the process for sending the item back to the Planning Commission, and the possibility of another tie vote. The item would most likely come to Council for final approval after the Planning Commission makes a recommendation. He did not see much of a risk in addressing the issue tonight.

Vice Mayor Campbell requested Council pull Item VIII.C from the agenda. Staff would be doing a monthly report on the financial software update.

Council Member Schwartzman asked Staff if Item VIII.A could be on the next agenda (it could not, as noticing requirements could not be met).

Council Member Strawbridge stated she would have to abstain from Item VIII.A due to a conflict of interest.

Council Member Hughes expressed support for discussing item VIII.A tonight.

Staff confirmed their recommendation was to remove item VIII.A from the agenda and refer it back to the Planning Commission for a recommendation.

Vice Mayor Campbell made a motion to remove Item VIII.C from the agenda. The motion passed.

Vice Mayor Campbell made a motion to remove Item VIII. A from the Agenda. The motion failed.

Staff confirmed Council Member Strawbridge could vote on the adoption of the Agenda, but would have to abstain from discussion on item VIII.A.

Vice Mayor Campbell made a motion to leave Item VIII.A on the agenda and remove Item VIII.C from the agenda. The motion passed.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council approved removing item VIII.C from the agenda, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council did not approve removing Item VIII.A from the agenda, on roll call by the following vote:

Ayes: Patterson, Campbell  
Noes: Schwartzman, Hughes

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council approved leaving Item VIII.A on the Agenda, and removing Item VIII.C from the Agenda, on roll call by the following vote:

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Three items received (copies on file).

**B. PUBLIC COMMENT**

1. Mary Frances Kelly Poh - Ms. Kelly Poh discussed the Human Service Fund's 30-year anniversary.
2. Mr. Peters - Mr. Peters suggested the possibility of the City drafting a resolution regarding making the use of ethanol voluntary rather than mandatory.
3. Chuck Maddox - Mr. Maddox discussed concern regarding noticing procedures and rental property. Property owners are notified, but the businesses on the property are not.
4. Council Member Schwartzman - Council Member Schwartzman discussed concern regarding the number of thefts of unlocked vehicles. He asked the community to lock their cars.

**VII. CONSENT CALENDAR:**

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**A. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2014 CITY COUNCIL MEETING**

**B. FIRST READING AND INTRODUCTION OF AN ORDINANCE TO AMEND BENICIA MUNICIPAL CODE SECTION 2.64.030 (MEETING TIME AND PLACE) OF CHAPTER 2.64 (BOARD OF LIBRARY TRUSTEES) OF TITLE 2 (ADMINISTRATION AND PERSONNEL)**

**ORDINANCE 14- - AN ORDINANCE AMENDING SECTION 2.64.030 (MEETING TIME AND PLACE) OF CHAPTER 2.64 (BOARD OF LIBRARY TRUSTEES) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE**

**C. APPROVAL OF CONSULTANT CONTRACT WITH CARBON LIGHTHOUSE TO SUPPORT IMPLEMENTATION OF THE BUSINESS RESOURCE INCENTIVE PROGRAM**

**RESOLUTION 14-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED PROFESSIONAL SERVICE CONTRACT TO CARBON LIGHTHOUSE OF SAN FRANCISCO, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$35,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**D. APPROVAL OF CONTRACT FOR WATER FILTER MEDIA REPLACEMENT AT THE WATER TREATMENT PLANT**

**RESOLUTION 14-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT FOR REPLACEMENT OF WATER FILTER MEDIA AT THE WATER TREATMENT PLANT WITH CARBON ACTIVATED CORPORATION IN THE INITIAL AMOUNT OF \$120,778, WITH SUBSEQUENT COSTS BEING NEGOTIATED IN 2016 AND 2018, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

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

**VIII. BUSINESS ITEMS:**

**A. FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING MAP OF THE DOWNTOWN MIXED USE MASTER PLAN TO CHANGE THE ZONING DESIGNATION FROM NEIGHBORHOOD GENERAL-OPEN TO TOWN CORE FOR 117, 141, AND 145 EAST D STREET, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA**

Council Member Strawbridge recused herself due to a conflict of interest.

Staff recommended this item be removed from the agenda.

Council Member Hughes inquired about the sense of urgency from the parties involved.

Mayor Patterson discussed ex parte communications. She discussed concerns raised to her regarding noticing, fairness, process, etc. She inquired if the Planning Commission could hold a special meeting to discuss this item (it could).

Council Member Schwartzman and Mayor Patterson discussed concerns raised regarding noticing procedures.

Vice Mayor Campbell expressed support for continuing this item.

Public Comment:

None

Staff clarified their recommendation was not to continue the item, but to remove it from the agenda for referral back to the Planning Commission.

Vice Mayor Campbell made a motion to remove this item and refer it to the Planning Commission (for a special meeting). The motion was seconded by Council Member Schwartzman.

Public Comment (on motion):

1. Steven David, applicant, expressed concern regarding delaying this item, as it poses a hardship for him.

Council Member Hughes discussed the risks of hearing the item tonight and removing and sending it back to the Planning Commission.

Council Member Schwartzman and Staff discussed the properties affected by this item.

Vice Mayor Campbell discussed Council's options regarding this item.

Council Member Hughes and Staff discussed the options and risks involved with this item.

Staff confirmed they would do everything possible to move this forward as quickly as possible for the applicant.

Staff confirmed they were clear that Council was looking for creative solutions with this item.

Council Member Hughes thought it would be a faster process for the applicant if the item was referred back to the Planning Commission.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council approved removing this item from the Agenda, and referred it back to the Planning Commission for a special meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

**B. GREENHOUSE GAS (GHG) EMISSIONS INVENTORY & POLICY ANALYSIS**

Alex Porteshawver, CAP Coordinator, reviewed the staff report and PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the emitters. They discussed whether there would be penalties if the City did not meet its goals (no).

Council and Staff discussed the issue of the large emitters.

Vice Mayor Campbell discussed the issue of not being able to treat petroleum communities the same as non-petroleum communities.

Council Member Schwartzman discussed Valero's efforts to reduce emissions and its carbon footprint. He and Staff discussed the differences from 2000 to 2005, the energy savings projects at City Hall, solar installations, the residential programs, and hot water heaters.

Council Member Strawbridge and Staff discussed the large energy users in the Benicia Industrial Park, concerns raised regarding the CAP coordinator working with EDB on commercial and industrial businesses, the home rebate program not being utilized and the solar program being full (and possibly combining them), public outreach, and looking into the issue of wind/energy.

Council Member Hughes and Staff discussed the large emitters, the reduction in energy from low-flow shower heads, whether the assumptions in the report are realistic, and the qualifications of the Sonoma State intern who worked on the report.

Public Comment:

1. Constance Beutel - Ms. Beutel discussed the environmental impacts/consequences of the City not meeting its goals. She discussed the SAGE/Watts On program and Council Member Strawbridge's concerns regarding the CAP Coordinator's time.
2. Kathy Kerridge - Ms. Kerridge discussed the issue of community choice energy.

Mayor Patterson and Staff discussed the issue of trends and priorities. Mayor Patterson clarified that Council was saying for priorities, choose that which has the most bang for the buck (most feasible), and proven. She discussed the importance of marketing energy and water conservation. She would like to look at what could be done to get the trend line changed. She discussed ideas that were talked about to help, which included adding to the CSC's funded items list: hot water circulators, technical assistance for changing irrigation, etc. She asked that the marketing program be inclusive rather than limited. She would like to see more information from Valero on their efforts. She liked the idea of shifting some of the resources to the solar program.

Council Member Strawbridge and Staff discussed marketing the program and how it would be carried out.

Council Member Schwartzman and Staff discussed the household participation rate. He was not ready to go down the mandatory path.

Vice Mayor Campbell and Staff discussed several differences between the reports presented to the CSC and City Council.

Gina Eleccion, Management Analyst, discussed the issue of needing to budget for the CAP projects, as none of them are currently funded. Mayor Patterson requested that the table presented to Council contain the reductions as well as the barriers.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council accepted the Greenhouse Gas (GHG) Emissions Inventory & Policy Analysis, on roll call by the following vote:

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

**C. VICE MAYOR CAMPBELL REQUEST TO AGENDIZE AN ITEM REGARDING PROPOSED ADDITION TO CITY COUNCIL AGENDA**

Item removed per Adoption of the Agenda.

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 9:41 p.m.

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Lisa Wolfe, City Clerk