

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
March 17, 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 Closed Session to order at 6:00 p.m.

Council Member Campbell was absent.

All other Council Members were present.

**II. CLOSED SESSION:**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Subdivision (a) of Government Code Section 54956.9)  
Name of cases: Colmer v. City of Benicia (one case)**

**III. CONVENE OPEN SESSION:**

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

**A. ROLL CALL**

Council Member Campbell was absent.

All other Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Aaron Newcomb 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.**

Heather McLaughlin reported the following action taken in Closed Session:

Item II.A. - Council gave direction to Staff to settle the claim by a 4/0 vote.

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

Arts and Culture Commission  
1 unexpired term  
Open until filled

Finance Committee  
1 full term  
Open until filled

Open Government Commission  
1 unexpired term  
Open until filled

SolTrans Public Advisory Committee  
1 full term  
Open until filled

**3. Mayor's Office Hours**

**4. Benicia Arsenal Update**

Update from City Attorney

Heather McLaughlin, City Attorney, reported that Staff was working on setting up a public meeting in the future. Staff will be going to meet with the Department of Toxic Substance Control (DTSC) on Monday, 3/23/15.

**B. PROCLAMATIONS**

**1. IN RECOGNITION OF NATIONAL POETRY MONTH**

**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, Hughes, Strawbridge  
Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

1. Aaron Newcomb, President, Benicia Makerspace - Mr. Newcomb discussed the upcoming Benicia Mini Maker Faire on 3/28/15.

**VII. CONSENT CALENDAR:**

Council pulled item VII.C for discussion.

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

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

**A. APPROVAL OF THE MINUTES OF THE MARCH 3, 2015 CITY COUNCIL MEETING**

**B. APPROVAL OF AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION FOR THE PUBLIC WORKS DEPARTMENT**

**RESOLUTION 15-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION SERVICES FOR THE PUBLIC WORKS DEPARTMENT WITH PAKPOUR CONSULTING GROUP, INC. FOR A NOT-TO-EXCEED COST OF \$64,800 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY**

**C. SUPPORT OF GRANT APPLICATIONS FOR A FEASIBILITY STUDY FOR THE RECYCLED WATER PROJECT TO BENICIA VALERO OIL REFINERY**

**RESOLUTION 15-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IN SUPPORT OF GRANT APPLICATIONS TO THE FEDERAL BUREAU OF RECLAMATION AND THE STATE WATER RESOURCES CONTROL BOARD FOR FINANCIAL ASSISTANCE FOR A FEASIBILITY**

**STUDY AND FACILITIES PLANNING REPORT FOR THE RECYCLED WATER PROJECT TO BENICIA VALERO OIL REFINERY**

Mayor Patterson pulled this item to ensure the public understood the importance of the feasibility study.

Graham Wadsworth, Public Works Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed how receptive Valero was to this concept.

Vice Mayor Hughes and Staff discussed the requirements and restrictions that might not be listed in the resolution. Staff confirmed there were no other strings attached.

Mayor Patterson and Staff discussed the energy required to pump the water and whether the City would be using alternative energy, whether the physical structure was the same as the original design (height issue), the need to consider alternative funding for financing the construction, the importance of the diversification of the City's water portfolio, and Solano County Water Agency's 'cash for grass' program.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-21, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, Strawbridge

Noes: (None)

**D. ACCEPTANCE OF THE EAST SECOND STREET OVERLAY PROJECT**

**RESOLUTION 15-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE EAST SECOND STREET OVERLAY PROJECT AS COMPLETE, INCLUDING STAFF APPROVED CONTRACT CHANGE ORDER NO. 1 IN THE AMOUNT OF \$16,599.32, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER**

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

## **VIII. BUSINESS ITEMS:**

### **A. MARIN CLEAN ENERGY (MCE) IMPLEMENTATION - UPDATE**

Alex Porteshawver, Climate Action Plan Coordinator, introduced the item.

Allison Kirk, MCE, reviewed the community outreach update and a PowerPoint presentation (copy on file).

Vice Mayor Hughes discussed his prior recusal from this agenda item. Staff confirmed he could participate as long as his comments pertained specifically to the outreach program. He discussed the need for all MCE correspondence to be marked crystal-clear so citizens will not think it is junk mail. He asked that MCE use the same creativity they would if they were sending an 'opt-in' letter. The letter received last month was not very clear on how to opt-out. He would like to highlight the information on how to opt-out so that citizens could make an informed decision. Ms. Kirk stated that MCE was open to suggestions on how to change the mailings.

Council Member Schwartzman and Ms. Kirk discussed the previous mailing and suggested language for the outside of the envelopes “your rates are about to change, do not discard.”

Council Member Strawbridge and Ms. Kirk discussed the response MCE has received from the Benicia business community.

Council Member Schwartzman and Ms. Kirk discussed the breakdown (business/residential) of the opt-outs that they have received. Ms. Kirk did not have the numbers, but she could get them for Council.

#### **Public Comment:**

1. Sharon Maher - Ms. Maher suggested using social media to get the word and information out.
2. Dennis Lowry - Mr. Lowry discussed concern regarding the mailers communication from MCE. They need to make it more clear so people realize it is important and do not discard it as junk mail. There needs to be more communication to the public about this issue.

Brad Kilger, City Manager, requested clarification on Council's request for future updates from MCE.

Council Member Strawbridge discussed the issue of using signs to get the word

out for MCE. She would like to see MCE present at the next few meetings so they can answer Council and the public's questions if they come up.

Vice Mayor Hughes requested Ms. Kirk be present at the 4/7/15 Council meeting.

Council confirmed that they wanted Ms. Kirk (MCE) to come back to the 4/7/15 Council meeting. There would be a very brief presentation. Mayor Patterson would like to hear more discussion on choices.

Council Member Schwartzman requested a breakdown on residential vs. commercial opt-outs from MCE at the 4/7/15 meeting.

**B. 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: April 14, 2015**
- 3. Finance Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: March 19, 2015**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: April 16, 2015**
- 5. School Liaison Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: June 11, 2015**
- 6. Sky Valley Open Space Committee. (Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: May 14, 2015**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: April 15, 2015**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: April 9, 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: June 8, 2015**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: March 25, 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, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: March 19, 2015**
16. **Marin Clean Energy (MCE). (Council Member Schwartzman and Council Member Strawbridge) Next Meeting Date: TBD**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting in memory of Allan Deal at 8:09 p.m.

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Lisa Wolfe, City Clerk