

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
April 07, 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 7:01 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

Council Member Campbell arrived at 7:04 p.m.

**B. PLEDGE OF ALLEGIANCE**

Mayor Patterson led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS**

Brad Kilger, City Manager, introduced Christina Ratcliffe, the City's new Community Development Director.

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

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

Arts & 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

SoITrans 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, stated there was nothing new to report.

**B. PROCLAMATIONS**

**1. IN RECOGNITION OF NATIONAL LIBRARY WEEK**

**2. IN RECOGNITION OF NATIONAL VOLUNTEER WEEK - APRIL 12-18, 2015**

IN RECOGNITION OF VOLUNTEER OF THE YEAR - MIKE CAPLIN

**3. IN RECOGNITION OF NATIONAL PUBLIC SAFETY TELECOMMUNICATORS' WEEK**

**4. IN RECOGNITION OF THE NATIONAL MAYOR'S CHALLENGE FOR WATER CONSERVATION - APRIL 1-30, 2015**

**5. IN RECOGNITION OF STAND UP FOR TRANSPORTATION DAY - APRIL 9, 2015**

**C. APPOINTMENTS**

**1. Appointment of Alfred Ignacio to the Civil Service Commission for a full term ending January 30, 2019**

This item was pulled from the agenda.

**2. Appointment of Gary Montgomery to the Civil Service Commission for a full term ending January 30, 2019**

This item was pulled from the agenda.

3. **Appointment of Craig Snider to the Community Sustainability Commission for a full term ending January 30, 2019**

**RESOLUTION 15-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF CRAIG SNIDER TO THE BENICIA COMMUNITY SUSTAINABILITY COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-22, on roll call by the following vote:

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

4. **Appointment of David Lindsey to the Community Sustainability Commission for an unexpired term ending July 31, 2017**

**RESOLUTION 15-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID LINDSAY TO THE BENICIA COMMUNITY SUSTAINABILITY COMMISSION FOR AN UNEXPIRED TERM ENDING JULY 31, 2017**

On motion of Mayor Patterson Council adopted Resolution 15-23, on roll call by the following vote:

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

5. **Reappointment of John Potter to the Finance Committee for a full term ending January 30, 2019**

**RESOLUTION 15-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF JOHN POTTER TO THE BENICIA FINANCE COMMITTEE FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-24, on roll call by the following vote:

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

6. **Appointment of Stacy Keyes to the Human Services Board for an unexpired term ending July 31, 2017**

**RESOLUTION 15-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF STACY KEYES TO THE BENICIA HUMAN SERVICES BOARD FOR AN UNEXPIRED TERM ENDING JULY 31, 2017**

On motion of Mayor Patterson Council adopted Resolution 15-25, on roll call by the following vote:

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

7. **Reappointment of Ruth Workman to the Library Board of Trustees for a full term ending January 30, 2018**

**RESOLUTION 15-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF RUTH WORKMAN TO THE BENICIA LIBRARY BOARD OF TRUSTEES FOR A THREE-YEAR TERM ENDING JANUARY 30, 2018**

On motion of Mayor Patterson Council adopted Resolution 15-26, on roll call by the following vote:

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

8. **Reappointment of Carol Nail to the Library Board of Trustees for a full term ending January 30, 2018**

**RESOLUTION 15-27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF CAROL NAIL TO THE BENICIA LIBRARY BOARD OF TRUSTEES FOR A THREE-YEAR TERM ENDING JANUARY 30, 2018**

On motion of Mayor Patterson Council adopted Resolution 15-27, on roll call by the following vote:

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

9. **Reappointment of George Oakes to the Planning Commission for a full term ending January 30, 2019**

**RESOLUTION 15-28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY**

**OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF GEORGE OAKES, SR. TO THE BENICIA PLANNING COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-28, on roll call by the following vote:

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

**10. Appointment of Kari Birdseye to the Planning Commission for a full term ending January 30, 2019**

**RESOLUTION 15-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF KARI BIRDSEYE TO THE BENICIA PLANNING COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-29, on roll call by the following vote:

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

**11. Reappointment of James Cook to the SolTrans Public Advisory Committee for a full term ending January 30, 2018**

**RESOLUTION 15-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF JAMES COOK TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE-YEAR TERM ENDING JANUARY 30, 2018**

On motion of Mayor Patterson Council adopted Resolution 15-30, on roll call by the following vote:

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

**12. Reappointment of Dan Smith to the SolTrans Public Advisory Committee for a full term ending January 30, 2018**

**RESOLUTION 15-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF DANIEL SMITH TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE-YEAR TERM ENDING JANUARY 30, 2018**

On motion of Mayor Patterson Council adopted Resolution 15-31, on roll call by the following vote:

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

**13. Appointment of Michael Boyle to the Parks, Recreation & Cemetery Commission for a full term ending January 30, 2019**

**RESOLUTION 15-32 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL BOYLE TO THE BENICIA PARKS, RECREATION & CEMETERY COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-32, on roll call by the following vote:

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

**14. Reappointment of Ernie Gutierrez to the Parks, Recreation & Cemetery Commission for a full term ending January 30, 2019**

**RESOLUTION 15-33 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF ERNEST GUTIERREZ TO THE BENICIA PARKS, RECREATION & CEMETERY COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-33, on roll call by the following vote:

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

**15. Appointment of Ann Brooner to the Parks, Recreation & Cemetery Commission for a full term ending January 30, 2019**

**RESOLUTION 15-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANN BROONER TO THE BENICIA PARKS, RECREATION & CEMETERY COMMISSION FOR A FOUR-YEAR TERM ENDING JANUARY 30, 2019**

On motion of Mayor Patterson Council adopted Resolution 15-34, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

## **16. Additional Applications**

### **D. PRESENTATIONS**

- 1. PRESENTATION BY ARTS AND CULTURE COMMISSION OF THEIR ANNUAL REPORT**
- 2. WATER UPDATE AND QUARTERLY PRESENTATION**

Dan Jackson, Water Quality Supervisor, reviewed the staff report.

Council Member Campbell and Staff discussed concerns regarding Valero's water usage.

Vice Mayor Hughes and Staff discussed the State Water Board's water allocation for cities, the various tiers cities get placed in for allocation, Benicia's water supply and previous water purchases, and consideration of purchasing additional water before the cost goes up (if the drought continues).

Council Member Schwartzman and Staff discussed the possibility of purchasing additional water, and the opportunities for water conservation at the Valero refinery.

Mayor Patterson and Staff discussed the issue of the City having to decrease water usage by 25%, the need to focus on the gallons/person/day, the county-wide incentive program for replacing lawns with drought tolerant ground cover or plants or grasses and the need for some options on what could be done as a county.

#### Public Comment:

1. Chris Howe, Valero Refinery - Mr. Howe discussed Valero's reduction in water use.

Council Member Campbell discussed the need for the City of Benicia to start thinking about banking water for the future.

Council Member Schwartzman discussed the need to address water leaks throughout the City.

Mayor Patterson stated that it was the consensus of the Council to look at a water purchase at a future Council meeting.

### **3. MARIN CLEAN ENERGY (MCE) PROGRAM UPDATE**

Alex Porteshawver, Climate Action Plan Coordinator, introduced the staff report.

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

Council Member Campbell and Ms. Kirk discussed enrollment statistics, and the need for clearer language regarding the opt out process.

Council Member Schwartzman and Ms. Kirk discussed enrollment statistics, including sample bills in the mailers, and the content of future brochures/mailers.

Council Member Strawbridge and Ms. Kirk discussed the need to make it clear to citizens that if they opt out, they would continue to be a customer of PG&E, the need for more information on what MCE customers should do if the power goes out, the reasons MCE is using 2-year old information from PG&E, how Benicia's opt-out numbers compare to other cities, and the possibility of having some testimonials in the brochures.

Council Member Hughes and Ms. Kirk discussed the need for enough balanced information in the brochures so the citizens could make informed decisions.

Council Member Campbell requested MCE provide the statistics on how Benicia compares to other cities.

Council Member Schwartzman and Ms. Kirk discussed where citizens could find MCE's financial information on their website.

#### **Public Comment:**

1. Dennis Lowry - Mr. Lowry discussed concern regarding what he thought was misleading language in the brochures being mailed out by MCE, the community meeting held by MCE, and the concerns of the members of 'Benician's Against Marin Clean Energy (BAM).

### **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**

Three items received (copies on file).

**B. PUBLIC COMMENT**

None

**VII. CONSENT CALENDAR:**

**A. APPROVAL OF THE MINUTES OF THE MARCH 17, 2015 CITY COUNCIL MEETING**

**B. CONTRACT FOR VEGETATION MANAGEMENT WITHIN THE CITY OF BENICIA**

**RESOLUTION 15-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE VEGETATION MANAGEMENT CONTRACTOR, AWARDING THE CONTRACT TO APEX GRADING, IN THE AMOUNT OF \$67,700, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**C. AUTHORIZE COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT TO FUND AN UPDATE TO THE DOWNTOWN HISTORIC CONSERVATION PLAN**

**D. CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) MUTUAL AID REIMBURSEMENT**

**RESOLUTION 15-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IDENTIFYING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT, IN COMPLIANCE WITH THE 2015 CALIFORNIA FIRE ASSISTANCE AGREEMENT**

**E. SALE OF SURPLUS EQUIPMENT**

**F. APPROVAL OF \$250,000 FUNDING AGREEMENT WITH SOLANO TRANSPORTATION AUTHORITY TO FUND THE CONSTRUCTION OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT, CONFIRM PROJECT DESIGN AND AUTHORIZE SOLICITATION OF BIDS FOR CONSTRUCTION**

**RESOLUTION 15-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY**

**OF BENICIA APPROVING A \$250,000 LOAN AGREEMENT WITH SOLANO TRANSPORTATION AUTHORITY TO FUND A PORTION OF THE CONSTRUCTION OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT WITH REPAYMENT TO BE MADE FROM REGIONAL TRAFFIC IMPACT FEES, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH SOLANO TRANSPORTATION AUTHORITY, AND AUTHORIZING THE SOLICITATION OF BIDS**

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

**VIII. BUSINESS ITEMS:**

**A. GENERAL PLAN ANNUAL PROGRESS REPORT TO THE STATE OF CALIFORNIA**

Brad Kilger, City Manager, discussed the information received after the packet was produced. Council confirmed it was not substantial information and Staff could proceed with the report. He also discussed Mayor Patterson's questions submitted via email.

Amy Million, Principal Planner, reviewed the staff report.

Mayor Patterson requested Staff clarify the reference to the Bay Plan and SB375 so that it states that it is to reduce vehicle miles traveled. She discussed the need for hot links in the electronic version for the City ordinances.

Council Member Schwartzman and Staff discussed some of the Mayor's requests (submitted via email - copy on file). He asked Mayor Patterson to clarify #7 (water transportation and the train station).

Council Member Strawbridge and Mayor Patterson discussed the Mayor's request to add the reference to Art and Culture to the string of economic activities.

**Public Comment:**

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the General Plan Annual Progress Report to the State of California, on roll call by the following vote:

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

## **B. TOURISM MARKETING VIDEO SHOOT**

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

Mayor Patterson asked that Staff address the walkability and bikability of Benicia in the future.

### Public Comment:

None

## **C. REQUEST BY MAYOR PATTERSON TO SUBMIT A LETTER OF SUPPORT TO THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET REGARDING THE IMPLEMENTATION OF THE LEAGUE OF CALIFORNIA CITIES' RAIL SAFETY POLICIES**

Mayor Patterson reviewed the staff report.

Council Member Campbell discussed concern regarding letters that are being sent on behalf of the Council. He would like to start putting them on the consent calendar so the citizens could be informed on what Council was doing. He discussed concern regarding sending the letter and possibly prejudicing Council's position to be unbiased regarding crude by rail project.

Heather McLaughlin stated that sending letter would not adversely prejudice Council.

Council Member Schwartzman asked the Mayor to highlight the changes in her letter vs. the League of California Cities' letter. He wondered if it had the potential to affect the EIR. Mayor Patterson confirmed it would not. Staff and Council Member Schwartzman discussed the Mayor's proposed changes. Council Member Schwartzman stated that he would rather go with the League of California Cities' letter.

Council Member Hughes stated that he was fine with the letter; however he would rather go with the proposed language from the League of California Cities for consistency.

### Public Comment:

1. Andres Soto - Mr. Soto spoke in support of Mayor Patterson's proposed language for the letter. He discussed concerns regarding the Crude by Rail project.
2. Chris Howe, Valero - Mr. Howe discussed Valero's safety record and their commitment to safe crude by rail transportation. He confirmed Valero would comply with the rules that are adopted by the Department of

Transportation.

3. Marilyn Bardet - Ms. Bardet discussed concern regarding the letter and reference to the 1232 tank cars, as they are dangerous.

Council Member Hughes made a motion to send the letter using the language that was provided to the City by the League of California Cities.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved sending the letter with the language provided by the League of California Cities, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 10:03 p.m.