

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
April 21, 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 7:02 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larry Fullington led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Brad Kilger, City Manager, introduced Eric Upson the City's new Chief of Police.

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

Heather McLaughlin, City Attorney, announced that at the previous closed session, council gave direction to Staff.

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

SolTrans Public Advisory Committee
1 full term
Open until filled

Human Services Board
1 unexpired term
Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, reported that she continues to work with the parties involved. The latest correspondence from the DTSC is posted on the City's website.

B. PROCLAMATIONS

1. IN RECOGNITION OF LAW DAY

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

On motion of Council Member Hughes, seconded by Council Member Strawbridge, 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

Two items received (copies on file).

B. PUBLIC COMMENT

1. Jon Van Landschoot - Mr. Van Landschoot invited citizens to attend the Benicia Capitol State Historic Parks production, "Benicia Salutes the WWII Era with Living History."
2. Council Member Strawbridge - Council Member Strawbridge invited citizens to attend tomorrow's Fashion Show, which benefits the Community Action Council. The Farmer's Market opens next week on 4/30/15.
3. Mayor Patterson - Mayor Patterson discussed the recent Earth Day events that took place in Benicia.

VII. CONSENT CALENDAR:

Council pulled item VII.E for discussion.

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

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

- A. APPROVAL OF THE MINUTES OF THE APRIL 7, 2015 CITY COUNCIL MEETING**
- B. APPROVE THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND BENICIA PART-TIME UNIT OF THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION**

RESOLUTION 15-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT BETWEEN THE CITY OF BENICIA AND PART-TIME UNIT OF BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (BPSEA-PT)

- C. BENICIA INDUSTRIAL PARK BUS HUB PROJECT - APPROVAL OF A RESOLUTION CONFIRMING PROJECT DESIGN COMPLETED AND REQUESTING \$945,000 IN GRANT FUNDING FOR CONSTRUCTION**

RESOLUTION 15-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING PROJECT COMPLIANCE AS THE REGIONAL MEASURE 2 (RM2) IMPLEMENTING AGENCY AND REQUESTING THE

METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE \$945,000 IN RM2 FUNDING FOR THE CONSTRUCTION PHASE OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT.

- D. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND MANAGEMENT PARTNERS

RESOLUTION 15-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CONTRACT WITH MANAGEMENT PARTNERS FOR MANAGEMENT CONSULTING SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT

- E. APPROVAL OF AMENDED PROVISIONS OF LEASE AGREEMENT WITH CARTER RANKIN OF CARTER'S BIZ CAFÉ FOR THE COMMANDING OFFICER'S QUARTERS, 1 COMMANDANT'S LANE

RESOLUTION 15-41 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH CARTER RANKIN OF CARTER'S BIZ CAFE COMMANDING OFFICER'S QUARTERS AT 1 COMMANDANT'S LANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Council Member Schwartzman and staff discussed the status of Mr. Rankin's security deposit.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-41, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

VIII. **BUSINESS ITEMS:**

- A. INTRODUCTION AND FIRST READING OF STORM WATER ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROL

ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA UPDATING AND AMENDING CHAPTER 15.64 (STORM WATER MANAGEMENT AND DISCHARGE CONTROL) TO INCORPORATE AMENDMENTS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROLS

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

Mayor Patterson asked Staff to clarify the requirements for the storm water management plan. She and Staff discussed the fee for the inspections and maintenance, the need for annual reports listing the properties subject to reporting, and confirmation they have filed the proper reports.

Public Comment:

1. Greg Davis - Mr. Davis asked the City to consider the possibility of storing and retaining water.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. STATUS OF MILLS ACT PROGRAM

Christina Ratcliffe, Community Development Director, introduced the Staff report.

Amy Million, Principal Planner, reviewed the Staff report.

Council Member Campbell and Staff discussed whether there had ever been a non-compliant Mills Act contract, fees for non-historic buildings, rehabilitation for existing buildings, and the issue of maintenance only contracts.

Vice Mayor Hughes and Staff discussed what the current property owner's expectations were and what the City's expectations were/are, Staff's comfort level that the inspection process is working, why the one contract (Union Hotel) has not completed its renovations, San Diego's Mills Act Program and its financial thresholds for the Mills Act contracts.

Mayor Patterson asked for clarification on the process for tonight. Staff confirmed they were reporting based on the responses from the HPRC. Staff wanted to get direction from Council on how to proceed. Mayor Patterson

suggested holding a workshop for people to come together on the issue.

Council Member Campbell and Staff discussed the cost of adding 7-9 Mills Act contracts (approximately \$5,000), concern regarding the cost of holding a workshop, and a process for establishing a threshold for the contracts.

Mayor Patterson clarified her suggestion regarding having a workshop. She didn't think it would cost \$5,000. Staff stated that Council needed to decide what they want to accomplish. Council should do a cost/benefit analysis.

Council Member Campbell and Staff discussed the issue of renewing the contracts after 10 years.

Public Comment:

1. Larry Fullington - Mr. Fullington stated the primary function is to finalize the budget
2. Council discussed issues
3. John Sigler - Mr. Sigler discussed the burden non-renewal would put on the historical homeowners.
4. Karen Hamilton - Ms. Hamilton discussed the many repairs she had to do to her home. They will be paying for those repairs for a long time. The Mills Act helps with the maintenance costs. Non-renewal would be a burden.
5. Citizen - The citizen discussed the benefits of the Mills Act for historic homeowners.
6. Citizen - The citizen discussed how the Mills Act is the only incentive for someone to purchase a historic home, the need for more education on the Mills Act for the public and the realtors, and concern about the June deadline.
7. Citizen - The Citizen discussed the work that historical homeowners have to put into their homes, the benefits the City gets from the homes, the burden the non-renewal would be on the homeowners,
8. Citizen - The Citizen discussed the benefits of the Mills Act Program.
9. Greg Davis - Mr. Davis discussed concern over the cost of the permits for historical homes, as it is a disincentive for people who want to maintain historical homes.
10. Judy Delgado - Ms. Delgado discussed the incentives of having a Mills Act Contract. She discussed what a burden it would be on the homeowners if the non-renewal was done.
11. Citizen - The Citizen asked what the reason for enacting the non-renewal would be.
12. Patrick Ward - Mr. Ward discussed the benefits of historic homes for communities.
13. Leanne Taagepera - Ms. Taagepera discussed the difficulties historic homeowners have, the benefits of the Mills Act Program, and the benefits

of historic preservation.

14. Tom Carroll - Mr. Carroll discussed the need for the City to support the historical district and the benefits of the Mills Act Program. He asked that the City expand the Mills Act Program.
15. Citizen - The citizen echoed the comments of the previous speakers.
16. Toni Haughey - Ms. Haughey discussed how historic homes are disclosed in real estate transactions in Solano County. She discussed the benefits of the Mills Act Program.
17. Karen Burns - Ms. Burns discussed support for the Mills Act Program.

Mr. Kilger discussed Staff's need for direction on what they want to do with the Mills Act Program.

Council Member Hughes did not like the idea of limiting the number of contracts to the existing 37 contracts. He discussed concern regarding expanding the program to an unlimited number of contract and dollars, concern regarding issuing non-renewal notices to the existing contracts, and possibly evaluating the applications on a case-by-case basis. He did not support having a workshop on the issue.

Council member Strawbridge discussed the cost effectiveness of the program, support for continuing the Mills Act Program, concern regarding the non-renewal of contracts, possibly looking at expanding the program down the road when the budget is better, and Council's investment in the downtown area and in historic preservation.

Council Member Schwartzman discussed the quantitative vs. qualitative benefits of the Mills Act. He did not support having a workshop on the issue. He discussed support for continuing the program, concern regarding issuing non-renewals, support for the rehabilitation and maintenance aspect, concern regarding taxing permits, and support for increasing the contracts to 40.

Council Member Campbell discussed support for the Mills Act Program. He discussed the City's current budget, the issue of increasing the number of contracts by a few (not unlimited), and the need for Council to come up with the number of contracts it wants to have. If there are more applications, it would have to come back to Council.

Mayor Patterson stated there was consensus for keeping the Mills Act Program. She liked the aspect of aging and place, which is dependent on the maintenance. She cautioned any restrictions on maintenance. She would like to see a collaborative design of a program that enhances the existing program in the manner recommended by the HPRC, taking into account some of the elements expressed earlier: 1) dispense new contracts on building types in or through the district (need criteria), 2) connecting the expansion of the program through the additional building permit fee for new residences, 3) establish the

criteria for future work plans and provide more detail on work items to be completed, 3) more enforcement on non-compliant contracts, and 4) continuance of the annual inspections. She agreed the City should consider expanding the program (phased with the City's budget capacity).

Brad Kilger, City Manager, clarified the direction was to keep the program status quo, Staff will come back as part of the budget process and increase the contracts (40), Staff will come back with clarification on other points raised tonight and provide recommendations on updating or doing a more thorough review of program. They will come back to Council with a more thorough work program to address some of the issues brought up tonight. Staff will go back to the HPRC with the last item (work program).

Council Member Campbell would like Council at some point to weigh in on the inspection and permit fees regarding Mills Act homes and non-Mills Act homes.

Council Member Schwartzman agreed with Council Member Campbell. He asked staff to clarify the permit fee increase that was brought up during public comment. The fees would be discussed during the budget meetings.

C. APPROVAL OF BENICIA LOCAL AGENCY PRIORITY PROJECTS TO BE LISTED IN THE SOLANO TRANSPORTATION AUTHORITY'S UPDATED COMPREHENSIVE TRANSPORTATION PLAN AND PROVIDE DIRECTION ON THE SOLANO RAIL FACILITIES PLAN UPDATE

RESOLUTION 15-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A LIST OF BENICIA LOCAL AGENCY PRIORITY PROJECTS TO BE LISTED IN THE UPDATED SOLANO TRANSPORTATION AUTHORITY'S COMPREHENSIVE TRANSPORTATION PLAN

Robert Macaulay, Solano Transportation Authority (STA), introduced the item.

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

Council Member Schwartzman thought the list was fine. He discussed the need take the train station off of the list.

Council Member Campbell would like to take the train station off of the list.

Vice Mayor Hughes was fine with the list. He wondered if the City could leverage taking the train off of the list for something else, such as the water taxi/ferry.

Council Member Strawbridge agreed with removing the train station from the list and moving the water taxi up on the list.

Mayor Patterson discussed the need to improve the rail along the Suisun Marsh. She discussed the vision for rail (passenger and freight) within the county.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 15-42, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: April 22, 2015**
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. (Vice Mayor Hughes and Council Member Strawbridge)Next Meeting Date: April 23, 2015**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: June 29, 2015**
5. **School Liaison Committee. (Vice Mayor Hughes and Council Members 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: May 13, 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: May 14, 2015**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: TBD**
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, Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: April 22, 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: May 21, 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 Mr. Richard Lubin at 10:09 p.m.

Lisa Wolfe, City Clerk