

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 05, 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 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All other Council Members were present.

Council Member Campbell arrived at 8:05 p.m.

B. PLEDGE OF ALLEGIANCE

Chief Upson 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.

2. Openings on Boards and Commissions:

Arts & Culture Commission
1 unexpired term
Open until filled

Finance Committee
1 full term
Open until filled

Human Services Board

1 unexpired term
Open until filled

SolTrans Public Advisory Committee
1 full term
Open until filled

**3. Boards and Commissions - Council Subcommittee
Recommendation:**

Subcommittee recommendation of Gary Montgomery to the Civil Service Commission for a full term ending January 31, 2018

Subcommittee recommendation to Mayor of Michael Pretzer to the Open Government Commission for an unexpired term ending January 31, 2018

Additional Board and Commission Applications: Alfred Ignacio, Civil Service Commission

4. Mayor's Office Hours:

B. PROCLAMATIONS

1. **IN RECOGNITION OF EMERGENCY MEDICAL SERVICES WEEK - MAY 17-23, 2015**
2. **IN RECOGNITION OF NATIONAL PRESERVATION MONTH**
3. **IN RECOGNITION OF OLDER AMERICAN'S MONTH**

C. APPOINTMENTS

1. **Appointment of Elizabeth Radtke to the Planning Commission for an unexpired term ending January 31, 2016**

RESOLUTION 15-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ELIZABETH RADTKE TO THE BENICIA PLANNING COMMISSION TO FILL AN UNEXPIRED TERM ENDING JANUARY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 15-43, on roll call by the following vote:

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

D. PRESENTATIONS

1. MARIN CLEAN ENERGY (MCE) IMPLEMENTATION - UPDATE FROM ALLISON KIRK

Allison Kirk, MCE, reviewed the staff report.

Council Member Schwartzman and Ms. Kirk discussed the issue of verifiable information.

Council Member Strawbridge and Ms. Kirk discussed the issue of automatic enrollment, previous meetings (14) where the issue of CCA and/or MCE was discussed, the recent information received regarding MCE's partnership with Tesla, and how to get information out to commercial businesses in Benicia.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed concerns about MCE, and the recent activities of Benician's Against Marin clean energy.

Mayor Patterson reviewed the Council's voting process and decision on Marin Clean Energy.

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, stated that item VII.C would be continued to a meeting in June, 2015.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Agenda, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Three items received (copies on file).

B. PUBLIC COMMENT

1. Council Member Strawbridge - Council Member Strawbridge discussed the recent 'Open Studios' event, and the work that Wolf Communications

has done to promote tourism in Benicia.

VII. CONSENT CALENDAR:

Council pulled item VII.E for discussion.

Item VII.C was pulled from the agenda during the adoption of the agenda.

- A. APPROVAL OF THE MINUTES OF THE APRIL 21, 2015 REGULAR CITY COUNCIL MEETING**
- B. PURCHASE OF PORTABLE RADIOS FOR FIRE DEPARTMENT OPERATIONS**

RESOLUTION 15-44 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF THIRTY FIVE (35) MOTOROLA APX 4000 PORTABLE RADIOS FROM DAY WIRELESS AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER

- C. CITY OF BENICIA ARTS AND CULTURE COMMISSION POLICY ON DISTRIBUTION OF FUNDS FOR GRANTEEES AND FUNDRAISING**

This item was continued to the June 2, 2015 City Council meeting.

- D. SECOND READING AND ADOPTION OF STORMWATER ORDINANCE**

ORDINANCE 15-1- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA UPDATING AND AMENDING CHAPTER 15.64 (STORMWATER MANAGEMENT AND DISCHARGE CONTROL) TO INCORPORATE AMENDMENTS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD PERTAINING TO URBAN STORMWATER MANAGEMENT AND DISCHARGE CONTROLS

- E. REVIEW OF MARCH WATER REPORT**

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

Mayor Patterson and Staff discussed clarification on the State's orders on water cutbacks. They discussed the need to post how to calculate the gallons/person/day on the City's website, the need to get the information out on how much water is required for trees/fruit trees, the drought tolerant plants in the City's medians, and the importance of getting information out to the citizens.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council received the March water report, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes

Noes: (None)

F. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO THE ZONING ORDINANCE FOR MINOR EDITS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES, AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA

ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING) FOR MINOR EDITS TO CHANGE THE TITLE OF THE DEPARTMENT DIRECTOR, CLARIFY TEXT AND ELIMINATE DISCREPANCIES, AND REPEALING CHAPTERS 17.46 (USE REGULATIONS SUMMARY) AND 17.48 (PROPERTY DEVELOPMENT REGULATIONS SUMMARY) IN THEIR ENTIRETY

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

VIII. BUSINESS ITEMS:

A. INTRODUCTION TO THE FY 2015-17 GENERAL FUND BUDGET AND REVIEW OF PROPOSED FY 2015-17 BUDGET IMPLEMENTATION PLAN

Karin Schnaider, Finance Director, reviewed the first half of the staff report covering the General Fund proposed budget.

Mayor Patterson and Staff discussed whether the budget reflected the Franchise Tax Board's current action that reduces the gasoline tax, the City's fee increases, and clarification on transfers in/out.

Council Member Campbell and Staff discussed the issue of capturing the cost of allocations from the Water and Wastewater funds.

Council Member Hughes and Staff discussed the digital billboards revenues, and how much would be used for infrastructure improvements in the Industrial Park, and whether the Benicia Industrial Park Association (BIPA) had been involved.

Council Member Strawbridge and Staff discussed why the election budget was projected higher, especially since the City of Vallejo would be joining the even-

year elections. Staff would look into this issue.

Public Comment:

None

Ms. Schnaider reviewed the second half of the staff report covering the project priority list.

Council Member Schwartzman and Staff discussed how long the City has been in the situation with the non-compatible software (at least 10 years), the extra time, work, entries, etc. that it has caused, the importance of upgrading the finance software, and concern regarding the cost of the PMC contract.

Council Member Campbell and Staff discussed why Sonoma State was no longer involved in the Climate Action Plan Coordinator's (CAP) position, and concern about using the VIP funds for the CAP Coordinator position, as it might not leave much for other things.

Vice Mayor Hughes and Staff discussed the \$1.2 million in onetime monies, and support for the funds for the Arsenal clean-up and the St. Augustine flooding issue. He was concerned there was not anything in the report to address the City's water supply, the cost of the broadband project in the Industrial Park, and concern regarding the cost of the CAP Coordinator position.

Council Member Strawbridge and Staff discussed the one-time expenditures, the St. Augustine Flood Relief Project, what the Measure C funds will do for the Industrial Park, and the need to focus on investment with return.

Mayor Patterson and Staff discussed the St. Augustine Flood Relief Project and the issue of redundancy, insurance recovery in the Arsenal clean-up, the need for an analysis for sound walls near Lori Drive, and the possibility of separating the CAP coordinator position and the Technical Assistance positions.

Mayor Patterson stated there was concurrence on the level one projects. There was concurrence for the first year of funding for the CAP coordinator position, but the 2nd year would go back to the Community Sustainability Commission (CSC) for discussion.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed the need to cost out the items on the budget, the City's 20% reserve, and the need for annotations regarding state laws.
2. Michael Clarke - Mr. Clarke discussed concern regarding the decline in sales tax in the Industrial Park, and the need to increase funding to invest

in the Industrial Park.

3. Sharon Maher - Ms. Maher discussed the CAP Coordinator contract.
4. Kathy Kerridge - Ms. Kerridge discussed the importance of the CAP Coordinator position.
5. Jack Russell - Mr. Russell discussed the need to make bold decisions to move the Industrial Park/City forward.

Mayor Patterson stated there was concurrence on the three one-time expenditures, one year with PMC for the CAP Coordinator position, and Council will get feedback from the CSC on how the second year of the contract would be structured.

Council Member Campbell asked staff to ask the CSC if they would be funding other projects next year, as they are running out of money.

Council Member Strawbridge suggested negotiating with PMC on the cost of the contract.

B. REVIEW OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES BOARD AND ARTS AND CULTURE COMMISSION GRANTS AND OVERVIEW OF OTHER CITY DONATIONS

RESOLUTION 15-45 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE RECOMMENDED FUNDING FOR THE FY 2015-17 HUMAN SERVICES AND ARTS AND CULTURE GRANTS AND OTHER CITY DONATIONS

Anne Cardwell, Assistant City Manager, and Dian Smikahl, Library Director, reviewed the staff report.

Council Member Campbell and Staff discussed aligning the CSC's schedule with the Arts & Culture and Human Services, and clarification on what the miscellaneous donations were.

Mayor Patterson asked Staff to clarify what the business loans and grants were.

Vice Mayor Hughes and Staff discussed the Human Services Board's requests and the Arts & Culture Commission's requests, and Staff's recommendations for funding.

Council Member Strawbridge and Staff discussed the issue of the crossing guards, why the funding was decreased, and the possibility of going back to the Benicia Unified School District to see if they would assume more of the cost. They discussed how consistent the grant requests from the groups are.

Public Comment:

1. Patty Gavin - Ms. Gavin discussed support for the grant request from the Arts & Culture Commission, and the fact that 'arts mean business.'
2. Barry Robinson - Ms. Robinson spoke in support of the grant funding for Arts Benicia.
3. Jim Stevenson - Mr. Stevenson spoke in support of the grant funding for Benicia Literary Arts.
4. Dan Clark - Mr. Clark spoke in support of the grant funding for the Benicia Old Town Theatre Group (BOTTG).
5. Susan Street - Ms. Street spoke in support of the Arts & Culture Commission grants.
6. Roy Stutzman - Mr. Stutzman spoke in support of the grant funding for the Benicia State Parks Association.
7. Larnie Fox - Mr. Fox spoke in support of the grant funding for Arts Benicia. Council Member Strawbridge and Mr. Fox discussed why Arts Benicia's request was lower than the prior year.
8. Elizabeth du Huart - Ms. du Huart spoke in support of the grant funding for the Benicia Historical Museum.
9. Mike Kaplan - Mr. Kaplan clarified the donations the Human Services Board receives. He spoke in support for the funding for their five grantees.
10. Johnathan Pasco - Mr. Pasco spoke in support of the grant funding for Arts Benicia.
11. Tom Stanton - Mr. Stanton spoke in support of the grant funding for Benicia Literary Arts and Arts Benicia.
12. Lee Wilder Snyder - Ms. Wilder Snyder spoke in support of the grant funding for Arts Benicia.
13. Bob Nelson - Mr. Nelson spoke in support of the grant funding for Arts Benicia and the other Arts groups.
14. Citizen - The citizen spoke in support of the grant funding for Arts Benicia.

Vice Mayor Hughes discussed support for the status quo budget, and support for an across-the-board increase of 10-15% increase for all groups.

Council Member Campbell discussed support for increasing the grant funding to a higher number.

Mayor Patterson discussed the importance of the arts to the City's economy, the fairness of the grant awards (Human Services Board and Arts & Culture Commission), past grant awards and grant cut backs, the hits Arts Benicia has taken over the past few years, and the need to diversify the City's economy. She would like to honor the original request by Arts Benicia at \$45,000.

Council Member Strawbridge discussed the importance of economic development and tourism. She discussed support for Arts Benicia, BOTTG, and the other arts grantees. She would like to bring Arts Benicia back up to their

original request, and raise the amounts for the rest of the applicants.

Council Member Schwartzman discussed Council Member Hughes' suggestion to raise the grant amounts across the board (10%), as it was a fair decision.

Vice Mayor Hughes discussed the recommendation to raise the arts grants. He discussed concern that the Human Services grantees would not get an increase. He would prefer to make it fair for all and make an across-the-board increase for all grantees.

Council Member Campbell discussed the donations to the Human Services fund, and the need to decide whether Council would make an across-the-board increase, or single out specific groups.

Mayor Patterson suggested making a motion to not make any changes to the Human Services Board funds, increase Arts Benicia by \$15,000, and increase BOTTG by \$1,000.

Staff and Council discussed the City's budget (revenues and expenditures) and their comfort level with the proposed increases.

Council Member Schwartzman discussed support for making a 10% increase across the board (and removing the donations prior to calculating the 10%).

Council Member Hughes made a motion to increase the funding by 15% across-the-board to all grantees. The motion died for lack of a second.

Council Member Campbell made a motion to fund Arts Benicia at \$45,000, and BOTTG an additional \$1,000. Council Member Strawbridge seconded the motion.

Council Member Hughes clarified that the motion on the table was to increase the two groups and leave all the other groups at the recommended amounts.

Council discussed the affects the motion would have on the City's budget reserve. Council Member Campbell stated if it affected the reserve, it needed to get four yes votes.

Council Member Strawbridge asked to amend the motion to increase BOTTG to a total of \$12,000, and increase the rest of the Arts & Culture Commission grant amounts by 10%. Council Member Campbell suggested increasing the Human Services grant funds by 5% as well. Council Members Campbell and Strawbridge accepted the amendments to the motion.

Council Members Schwartzman and Hughes discussed concern about not increasing the Human Services grant funds equally (10%).

City Clerk Wolfe asked for clarification on whether the vote required a super majority. Mayor Patterson indicated Council would seek Staff's advice on that.

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council adopted Resolution 15-45, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell

Noes: Hughes, Schwartzman

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:17 p.m.