

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 07, 2013

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. All Council Members were present.

II. CLOSED SESSION:

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

**B. 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 7:00 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Helaine Bowles 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.

Ms. McLaughlin reported that Council did not take action during Closed Session.

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
2 full terms
Open Until Filled

Benicia Housing Authority Board of Commissioners
1 full term
Application due date: June 14, 2013

Human Services Board
2 full terms
Application due date: June 14, 2013

Open Government Commission
1 full term
Application due date: June 14, 2013

Historic Preservation Review Commission
2 full terms
1 unexpired term
Application due date: June 14, 2013

Library Board of Trustees
2 full terms
Application due date: June 14, 2013

Parks, Recreation and Cemetery Commission
2 full terms
Application due date: June 14, 2013

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

B. PROCLAMATIONS

- 1. In Recognition of Emergency Medical Services Week - May 19-25, 2013**
- 2. In Recognition of National Preservation Month - May 2013**
- 3. In Recognition of Drowning Prevention Month - May 2013**

C. APPOINTMENTS

D. PRESENTATIONS

1. Arts and Culture Commission Annual Report

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, Campbell, Hughes, Strawbridge
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Item VII.D was pulled for discussion.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved 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 16, 2013 CITY COUNCIL MEETING. (City Clerk)

B. ACCEPTANCE OF THE ANNUAL REPORT OF THE OPEN GOVERNMENT COMMISSION

C. AGREEMENT TO PROVIDE SCHOOL RESOURCE OFFICERS TO BENICIA UNIFIED SCHOOL DISTRICT

RESOLUTION 13-27 - A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF BENICIA AND THE BENICIA UNIFIED SCHOOL DISTRICT TO CONTINUE THE ESTABLISHED SCHOOL RESOURCE OFFICER PROGRAM, AND AUTHORIZING THE CITY MANAGER TO

EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

D. GENERAL PLAN ANNUAL PROGRESS REPORT TO THE STATE OF CALIFORNIA

Mayor Patterson requested this item be continued. She discussed the need to amend the General Plan, as items (SolTrans) have gotten stale. The plans that have been adopted (such as Bicycle and Pedestrian Plan - STA) need to be referenced in the General Plan. She has other comments regarding transit and transportation, which she will forward to Staff.

Public Comment:

1. Dana Dean, Amports - Ms. Dean spoke in support of continuing this item. She discussed the goals and policies relating to the port in the Industrial Park that needed to be updated.

Vice Mayor Campbell and Staff discussed how often the General Plan could be amended per calendar year, and whether the proposed changes should be considered as amendments.

Mayor Patterson clarified that the language in the report needs to be clear on the points being made (at a future date the General Plan would be amended. Ms. McLaughlin clarified that the General Plan had been amended less than five times since 1999. Mayor Patterson discussed how other jurisdictions update their plans. The General Plan has held up very well. If there are significant changes (such as Ms. Dean's suggestions), the Plan should go back to the Planning Commission for review.

The item was continued.

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

VIII. BUSINESS ITEMS:

- A. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.41% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) FOR LOCAL FIRE MEMBERS IN BENICIA FIREFIGHTER'S ASSOCIATION (BFA)**

ORDINANCE 13-05 - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'

RETIREMENT SYSTEM

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 13-05, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2013 AGREEMENTS BETWEEN THE CITY OF BENICIA AND CITY BARGAINING UNITS

RESOLUTION 13-28 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENTS TO THE JULY 1, 2010 TO JUNE 30, 2013 AGREEMENTS WITH SENIOR MANAGERS, MID-MANAGERS, POLICE MID-MANAGERS, LOCAL #1, BENICIA DISPATCHERS ASSOCIATION, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION AND UNREPRESENTED EMPLOYEES

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 13-28, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. INTRODUCTION OF AN ORDINANCE TO INCORPORATE ZONING REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS

ORDINANCE 13- - AN ORDINANCE AMENDING SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12 (DEFINITIONS), SECTION 17.24.020 (RS, RM AND RH DISTRICTS - LAND USE REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS), AND SECTION 17.70.070 (HOME OCCUPATIONS IN R DISTRICTS) OF CHAPTER 17.70 (SITE REGULATIONS), AND ADDING SECTION 17.70.370 (COTTAGE FOOD

OPERATIONS) OF CHAPTER 17.70 (SITE REGULATIONS), ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS PER SECTION 113758 OF THE CALIFORNIA HEALTH AND SAFETY CODE

Amy Million, Principal Planner, reviewed the staff report.

Council Member Hughes and Staff discussed the issue of why permitted use was not used. The conditions in the ordinance were derived from a combination of State law, the City's home occupation permits, and what other jurisdictions had done. They discussed the issue of permit fees.

Mayor Patterson and Staff discussed the issue of odor involved with cottage food operations, and how conditions regarding the issue could be tied into the ordinance. That change could be incorporated into the ordinance.

Council Member Schwartzman discussed support for the ordinance, but was concerned about imposing conditions relating to baking odors, and how it could be regulated so that it would not be over burdensome. Ms. McLaughlin clarified that it would have to be some durational time limits (lingering odors).

Council Member Hughes and Staff clarified that the proposed ordinance was consistent with what other cities were doing. They discussed the issue of enforcement. It would be enforced through complaints, and through the Solano County Health Department.

Council Member Strawbridge and Staff discussed the number of cottage food businesses there are in Benicia (1). The City has received three applications to date. They discussed the cost of the business licenses. Council Member Strawbridge and Staff discussed how the City would track the businesses so that the information could be used for economic development. (Some of these businesses grow into major businesses, which would be good for the City's economic development.

Mayor Patterson and Staff discussed wine making businesses, and concerns with coffee roasting businesses (fire hazard). Wine is currently not on the County's list of approved cottage food operations.

Public Comment:

1. Krizzi Osada - Ms. Osada spoke in support of the proposed ordinance. She is the City and County's first cottage food operation (Whipped Baked Goods). She thanked Staff for their help and support.
2. Christine Mead - Ms. Mead spoke in support of entrepreneurship. She discussed concerns regarding limit on volume a cottage industry could produce, limits on what could be produced (such as hemp oil), regulations on

the number of allowed employees, and public safety.

Mayor Patterson discussed the need to ensure that a cottage food operation does not negatively affect the quality of life in a neighborhood.

Council Member Hughes clarified that when problems arise, the City will have to deal with them on a case-by-case basis. The reason the State began recognizing this type of business was to stimulate the economy.

Mayor Patterson and Staff reviewed the permit process, and what would happen if someone had a false permit or lack of a permit (felony or misdemeanor).

Ms. McLaughlin read the suggested amendment regarding odor: 'A cottage food operation shall not create persistent odors beyond the property line that are offensive to the reasonable person.'

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

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

D. ADOPTION OF 2013-15 STRATEGIC PLAN

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Council Member Schwartzman and Staff discussed when the next full comprehensive Strategic Plan update would be (Fall 2014).

Council Member Strawbridge noted that Wi-Fi Broadband in the Benicia Industrial Park was not on the current list. Staff clarified it was an error (It was on the worksheet, but not added to the list.). Broadband would be inserted to the list under 1(f) or 2 (b), or 3.

Mayor Patterson gave direction to staff to include broadband (Wi-Fi), to cover all bases.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted the 2013-2015 Strategic Plan, as amended, on roll call by the following vote:

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

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:26 p.m.

Lisa Wolfe, City Clerk