

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 20, 2014

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. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**
Agency negotiators: City Manager and Assistant City Manager
Employee organizations: Senior Managers, Middle Management,
Local 1, Benicia Public Service Employees' Association (BPSEA),
Benicia Police Officers Association (BPOA), Benicia Firefighters
Association (BFA), Benicia Dispatchers Association (BDA), Police
Management, Unrepresented.

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Mike Caplin led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Mayor Patterson stated she would adjourn tonight's meeting in honor of Hugh H.R. Autz. She discussed Mr. Autz's service to the City as its Treasurer. She expressed Council's condolences to his family.

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

Heather McLaughlin, City Attorney, stated that Council received information from Staff. No actions were taken.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired term

1 full term

Open until filled

Historic Preservation Review Commission

1 unexpired term

Open until filled

3. Subcommittee recommendation to Mayor of Alan Nadritch to the Finance Committee for an unexpired term ending July 31, 2015

4. Mayor's Office Hours:

5. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, stated there was nothing new to report.

B. PROCLAMATIONS

1. IN RECOGNITION OF THE HUMAN SERVICES BOARD'S 30TH ANNIVERSARY

2. IN RECOGNITION OF PHILIPPINE CULTURAL WEEK JUNE 1-7, 2014

3. IN RECOGNITION OF NATIONAL SAFE BOATING WEEK - MAY 17-23, 2014

C. APPOINTMENTS

D. PRESENTATIONS

1. ARTS AND CULTURE COMMISSION ANNUAL UPDATE

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

One item (copy on file).

B. PUBLIC COMMENT

1. Vice Mayor Campbell - Vice Mayor Campbell invited citizens to attend the memorial service on Memorial Day. It will be held at the Military Cemetery and would include a helicopter fly-over.

VII. CONSENT CALENDAR:

Council pulled item VII.C for discussion.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, 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 29, 2014 SPECIAL CITY COUNCIL MEETING AND THE MAY 6, 2014 REGULAR CITY COUNCIL MEETING

B. PURCHASE OF REPLACEMENT PUMPS FOR SEWER LIFT STATIONS

RESOLUTION 14-44 - A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE REPLACEMENT PUMPS AND ASSOCIATED ADAPTORS FOR SEWER LIFT STATIONS FROM SHAPE INC. OF PLEASANTON, CALIFORNIA, IN THE AMOUNT OF \$45,207.30

C. AWARD OF CONSULTANT CONTRACTS FOR ON-CALL PLANNING SERVICES AND ENVIRONMENTAL REVIEW

RESOLUTION 14-46 - A RESOLUTION ACCEPTING THE PROPOSALS FOR ON-CALL PLANNING SERVICES AND ENVIRONMENTAL REVIEW, AND AWARDING CONSULTANT CONTRACTS TO LAK, LSA, M GROUP, PMC, AND URBAN PLANNING PARTNERS, EACH IN THE AMOUNT NOT-TO-EXCEED \$250,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

Mayor Patterson and Staff discussed concerns about information regarding the City's past experience with LSA. On-call planning services and environmental review consultants is a new process. She would like the City to proceed cautiously and carefully. She would like to amend the resolution and remove LSA from the list of selected firms. Once the process has been in place for a while, the list could be revisited.

Public Comment:

None

Vice Mayor Campbell and Staff discussed the City's past experiences with LSA. Council Member Campbell was concerned about removing LSA in the manner being proposed.

Council Member Strawbridge and Staff discussed how LSA got on the list in the first place. If LSA were taken off, there is no recommendation for a replacement. Staff was comfortable with having 4 firms on the list.

Council Member Hughes felt it would be safer to leave LSA on the list.

Mayor Patterson discussed the issue of revisiting the list after Staff looks into the issue further.

Council Member Schwartzman and Staff discussed past experiences with LSA. Council Member Schwartzman would like to err on the side of caution and leave the resolution the way it is. If and when an opportunity comes up and LSA is in the rotation, City Staff would look at LSA's staff.

Vice Mayor Campbell made a motion to adopt the Resolution, as presented.

Council Member Hughes suggested leaving LSA on the list, and direct Staff to have a discussion with them to discuss concerns.

Brad Kilger, City Manager, clarified that Staff was neutral on this issue. They will proceed however Council directs them to.

Public Comment:

Vice Mayor Campbell made a motion to adopt the Resolution, as presented, with the caveat that Staff will express Council's concerns to whichever company has past history with the City. Council Member Hughes seconded the motion.

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council adopted the Resolution, as presented, with the caveat that Staff will express Council's concerns to whichever company has past history with the City, on roll call by the following vote:

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

D. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND NBS

RESOLUTION 14-45 - A RESOLUTION AMENDING THE CONTRACT WITH NBS FOR PREPARATION OF A COST ALLOCATION PLAN AND FEE STUDY

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2014

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

VIII. BUSINESS ITEMS:

A. HOME ENERGY RENOVATION OPPORTUNITY (HERO) PACE PROGRAM

RESOLUTION 14-47 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

Alex Porteshawver, CAP Coordinator, reviewed the staff report.

Council Member Schwartzman discussed support for the program. He and Staff discussed concern regarding the lien status, income tax, mortgages, etc.

Council Member Hughes and Staff discussed support for the program. He asked

Staff if there were any negatives or risks that were not clear in the staff report. He asked Staff to ensure property owners were crystal-clear on what they would be getting into. He and Staff discussed the issue of indemnification.

Council Member Strawbridge and Staff discussed the issue of interest rates, financing, and public outreach.

Vice Mayor Campbell and Staff discussed the issue of interest rates and tax deductions.

Council Member Schwartzman and Staff discussed the issue of improvements that could be done (for example, solar), the process a homeowner will have to go through to get the improvements, and rebate programs.

Mayor Patterson and Staff discussed the long list of benefits in the program (rain water capture, gray water, etc.)

Public Comment:

1. Constance Beutel - Ms. Beutel spoke in support of the program.

Council Member Strawbridge asked for clarification that the program would be available to the businesses in the Benicia Industrial Park (it would be).

Mayor Patterson expressed support for the program.

Council Member Schwartzman and Staff discussed how the improvements/financing would transfer if the property were sold.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-47, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. UPDATE TO SUMMARY OF BOARD & COMMISSION APPOINTMENT PROCESS

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

Council Member Hughes discussed support for the proposed changes.

Council Member Strawbridge discussed support for the subcommittee explaining the appointment process to the candidates.

Vice Mayor Campbell discussed how the process has evolved through the years. He commended Council Member Strawbridge for her efforts on this issue.

Public Comment:

None

Vice Mayor Campbell and Staff discussed concern regarding 'sufficient number of applicants', 'posted date.' The terms are vague and he would like more specific language. In the event there were no applications, the date should be extended.

Mayor Patterson suggested Staff noodle some options regarding the above language and bring it back to Council.

Vice Mayor Campbell discussed concern regarding the 'embarrassment factor' for candidates who are not chosen. Mayor Patterson asked Staff to provide Council with some options regarding the issue.

C. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: June 18, 2014**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: May 23, 2014**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 24, 2014**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: June 12, 2014**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: June 12, 2014**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: June 11, 2014**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council**

Member Hughes) Next Meeting Date: June 12, 2014

- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: July 17, 2014**
- 11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: June 9, 2014**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: May 28, 2014**
- 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, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: May 21, 2014**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:45 p.m. in memory of Hugh H.R. Autz.