

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 02, 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 Closed Session to order at 6:00 p.m.

All Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (GOVERNMENT CODE SECTION 54956.8)
City Owned Property, 1189 Washington Street
Related to Benicia Industrial Park Broadband Project**

III. CONVENE OPEN SESSION:

Mayor Patterson called the meeting to order at 7:01 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Carol Berman 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.**

Heather McLaughlin, City Attorney, reported that Staff received direction from Council.

- 2. Openings on Boards and Commissions:**

Arts and Culture Commission
1 unexpired term
open until filled

Economic Development Board
2 unexpired terms
open until filled

Finance Committee
1 full term
open until filled

SolTrans Public Advisory Committee
1 full term
open until filled

Human Services Board
1 unexpired term
open until filled

Open Government 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 there was nothing new to report. Staff is working on getting documents to the Department of Toxic Substance Control (DTSC).

B. PROCLAMATIONS

1. In Memory of Michael Nourot

C. APPOINTMENTS

1. Appointment of Michael Pretzer to Open Government Commission for an unexpired term ending January 31, 2018

RESOLUTION 15-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL

PRETZER TO THE OPEN GOVERNMENT COMMISSION TO FILL AN UNEXPIRED TERM ENDING JANUARY 31, 2018

On motion of Mayor Patterson, Council adopted Resolution 15-50, on roll call by the following vote:

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

D. PRESENTATIONS

1. MARIN CLEAN ENERGY (MCE) IMPLEMENTATION 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, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Four items received (copies on file).

B. PUBLIC COMMENT

1. Don Basso - Mr. Basso requested Council agendize the issue of getting involved with Proposition 13, the property tax law, to benefit the schools. He gave Council a copy of a draft resolution for consideration.
2. Carol Berman and Mike Caplan - Ms. Berman and Mr. Caplan discussed upcoming events sponsored by the Benicia State Parks Association and other groups.
3. Hunter Stern - Mr. Stern discussed an email he sent to Council regarding concerns about Marin Clean Energy (MCE).
4. Constance Beutel - Ms. Beutel discussed Patty Gavin's excellent leadership on the Arts & Culture Commission.

VII. CONSENT CALENDAR:

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

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

- A. APPROVAL OF THE MINUTES OF THE MAY 19, 2015 CITY COUNCIL MEETING**
- B. CITY OF BENICIA ARTS AND CULTURE COMMISSION POLICY ON DISTRIBUTION OF FUNDS FOR GRANTEES AND FUNDRAISING**
- C. APPROVAL OF AMENDMENT TO AGREEMENT WITH EOA FOR TECHNICAL SUPPORT RELATED TO PERMITS AND RECYCLED WATER**

RESOLUTION 15-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT WITH EOA, INC. FOR ADDITIONAL TECHNICAL SUPPORT SERVICES RELATED TO PERMITS AND RECYCLED WATER FOR THE PUBLIC WORKS DEPARTMENT FOR A NOT-TO-EXCEED COST OF \$23,500 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

- D. REVIEW OF APRIL WATER REPORT**
- E. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

VIII. BUSINESS ITEMS:

- A. CONSIDER RECOMMENDATION OF THE COMMUNITY SUSTAINABILITY COMMISSION FOR FUNDING CLIMATE ACTION PLAN SERVICES**

Christina Ratcliffe, Community Development Director, reviewed the staff report.

Council Member Campbell and Staff discussed the contract with Pacific Municipal Consultants (PMC), the amount of staffing and hours in the task-driven contract, and the savings that could go toward the second year of the contract.

Council Member Schwartzman and Staff discussed the hours per week in the contract, how much money the City is putting towards the program (not grants,

Good Neighbor Steering Committee (GNSC) funds, etc.).

Vice Mayor Hughes and Staff discussed the significant work Ms. Porteshawver has done for the City, the cost of the program, the dwindling GNSC funds, the drought, concern regarding spending General Fund money (and other monies), possibly moving to a one-year contract, accelerating the transition year, and possibly contracting the work to be done.

Council Member Strawbridge and Staff discussed her previous suggestion to negotiate with PMC on the cost, and paying for the Climate Action Plan (CAP) Coordinator out of the GNSC funds.

Council Member Campbell and Staff discussed concern regarding the cost of the contract, and accelerating the transition period.

Mayor Patterson and Staff discussed looking at how we transition into a staff position, not being able to leverage the opportunities that we have been able to do, not wanting to jump into having a staff person in charge of all of the things that CAP coordinator, not wanting to lose momentum going into the next year, and the need to be flexible and agile with regards to the VIP settlement funds, as there are many benefits to the flexibility and agility.

Council Member Schwartzman and Staff discussed the breakdown of the hourly rate in the contract, going with a one-year agreement for now, and bringing it back at the fiscal budget for recommendations for year two and whether the City could handle staffing the position in the future.

Vice Mayor Hughes discussed support for accepting the challenge of staffing the position in-house in the future.

Public Comment:

1. Sharon Maher, Vice Chair, Community Sustainability Commission (CSC), discussed Alex and the position's value, and why the Commission recommended continuance of the position.
2. Constance Beutel spoke of greenhouse gas reduction and City's action. Spoke of MCE and the work Ms. Porteshawver has done for the City.

Council Member Schwartzman thought it might be a challenge and a burden on staff to transition within one year. He could approve this with a caveat: 1) staffing and transition within a year might be a problem, two years might be better, and 2) he would like to see the grants that are awarded with the balance of the VIP GNSC funds be made available (minus the \$225,000) for direct water-related activities.

Council Member Campbell discussed lack of support for the 2-year contract, concerns regarding the cost of the contract, staff's involvement with CAP

coordinator projects, the CSC's lack of funding for programs, and what happens when VIP money runs out. He thinks the terms should be different.

Vice Mayor Hughes discussed the sacrifices and changes the City has and will experience because of the budget, concern regarding the cost of the contract, and the need to be flexible and reprioritize. He's still open to agreeing to a 1-year contract.

Councilmember Strawbridge and Staff discussed the money the City has for water projects, how the City will track the savings from using the MCE program, and whether it could be used for the CAP coordinator position.

Mayor Patterson and Staff discussed the idea of developing and fulfilling the idea of sustainability (MCE), justification for moving forward with the contract, the cost of consultants, understanding the reluctance on the second year, approving Staff's recommendation as submitted, and to provide direction that there should be a water-centric consideration for the grant-making process. Ms. Cardwell noted that Staff recommended doing at least a one-year contract and back with options for the second year, as there are programs in place and those could be jeopardized.

Council Member Schwartzman made a motion to approve recommendation to fund \$25,000 for year two with the direction that future GNCS grants be awarded to direct water oriented projects. Mayor Patterson seconded the motion. Council Member Schwartzman and Mayor Patterson voted yes. All other Council Members voted no. The motion did not pass.

Council Member Hughes offered an alternate motion to approve a 1- year contract with PMC for \$150,000, paid for by the Valero GNCS funds, with the expectation that we revisit the transition plan for two years and expedite it to one year, knowing full-well Council would have to reprioritize things. Council Member Schwartzman seconded the motion.

Mayor discussed concerns regarding programs dying and using GNCS funds to train staff, as the programs could die if all the time is spent transitioning the program to Staff.

Council Member Hughes clarified his motion, and read it as it was stated above.

Ms. McLaughlin clarified that the motion was approving the funding for the project. As a result of the direction it looks like Council is going, Staff would go back to PMC and renegotiate the tasks that will be done.

Mayor Patterson discussed concern regarding all of the focus being on transition, as we have to sustain the programs. Ms. McLaughlin stated it would be good to do this with input from the CSC and Staff to see how we could best accomplish that.

Council Member Schwartzman offered an amendment to the motion that it be

a one-year contract, \$150,000, and that it is the intent of parties to reprioritize projects with the intent of making the transition in one year. Vice Mayor Hughes confirmed he could live with the proposed language to move this item along.

Vice Mayor Hughes restated the motion was to approve a 1- year contract with PMC for \$150,000, to be paid for by the Valero GNSC funds, with the expectation that we revisit the transition plan and expedite it in order to complete the transition in one year, with the intent that the CSC, PMC, and Staff may need to reprioritize the projects/activities.

Ms. McLaughlin confirmed Staff would then bring the contract back for Council's approval.

Mayor Patterson stated she wanted Council to affirm the programs would be supported and there would be a transition.

Vice Mayor Hughes restated the motion was to approve a 1- year contract with PMC for \$150,000, to be paid for by the Valero GNSC funds, with the expectation that the proposal would be revisited, with the intent of possibly reprioritizing the projects and activities, and with the expectation that the transition is completed in one year.

Ms. McLaughlin and Council clarified that Council was approving the funding, and the contract would be brought back.

Mayor Patterson stated she would not be at the June 16th or 23rd Council meetings, as she would be out of town.

Ms. Cardwell discussed concerns regarding timing, as the contract expires 6/30/15. Bringing it back on 6/16 would be cutting it close. Staff wondered if Council could be flexible with the tasks in year one, and leaving the reprioritizing of tasks to the CSC and Staff to work out.

Mayor Patterson suggested including in the motion to continue the funding of the Climate Action Services for one year (as stated in the previous motion), with the direction from Council that the transition be expedited, and modification to existing programs, and that the contract would be approved by Council.

Staff suggested doing a short, interim contract during the time it would take to rework the contract.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved a 1- year contract with PMC for \$150,000, to be paid for by the Valero GNSC funds, with the expectation that the proposal would be revisited, with the intent of possibly reprioritizing the projects and activities, and with the expectation that the transition is completed in one year, and modification to existing programs and that the contract would be approved by Council, on roll call by the following vote:

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

B. APPROVE THE MUNICIPAL BUDGET FOR FISCAL YEAR'S 2015-2017 INCLUDING THE BUDGET IMPLEMENTATION PLAN; THE ECONOMIC DEVELOPMENT SPECIALISTS JOB SPECIFICATION AND ADDITION TO THE CITY'S SALARY SCHEDULE; APPROPRIATIONS LIMIT FOR FISCAL YEAR 2015-2016; INVESTMENT POLICY FOR FISCAL YEAR 2015-2016; AND FEES FOR JULY 1, 2015

Karin Schnaider, Finance Director, reviewed the staff report and a PowerPoint presentation.

Council discussed whether to go through the entire staff report or do a quick version.

All departments briefly reviewed their PowerPoint slides.

Public Comment:

None

Council Member Campbell and Staff discussed the issue of overtime at the Fire Department, the Measure C funds, and repairs to the James Lemos Pool.

Vice Mayor Hughes and Staff discussed support for adding the additional 5% to the Human Services organizations, the budget funds for the Broadband project in the Industrial Park, and the master fee schedule.

Council Member Strawbridge and Staff discussed the Arts & Culture Commission funding, and support for raising human services groups by 10%.

Mayor Patterson confirmed there was support for modifying Human Services funding by 5%, which the motion for the budget resolution would reflect. She discussed her proposed amendments (copy on file) to the resolution adopting the budget.

Ms. Cardwell confirmed the amended resolution was pulling information from the staff report for consistency.

Mayor Patterson stated the motion would include the 5% increase to the Human Services grants, and adopt the amended resolution.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 15-52, as amended, on roll call by the

following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-53, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-54, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-55, on roll call by the following vote:

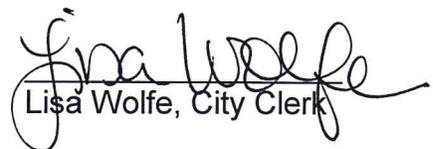
Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-56, on roll call by the following vote:

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

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:44 p.m.


Lisa Wolfe, City Clerk

