

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 16, 2015

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Vice Mayor Hughes called the meeting to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Mayor Patterson was absent.

All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Vice Mayor Hughes led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF 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

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 Commission

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 were no updates. Staff continues to work with the consultants, and hope to have some good progress in the next month or so.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

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

Ayes: Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Three items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Council pulled items VII.B and VII.F for discussion.

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

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

- A. ACCEPTANCE OF PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES FROM BENICIA HERALD AND APPROVAL OF AN AGREEMENT BETWEEN THE CITY AND BENICIA HERALD FOR FISCAL YEARS 2015/2016 AND 2016/2017**

RESOLUTION 15-57 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2015/2016 AND 2016/2017, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

- B. SUPPORT OF GRANT APPLICATIONS FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 TO RECEIVE FUNDINGS TO ADDRESS TRAFFIC SIGNAL AT MILITARY WEST AND WEST 7TH STREET**

RESOLUTION 15-66 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IN SUPPORT OF GRANT APPLICATIONS TO THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 FOR FINANCIAL ASSISTANCE TO IMPROVE THE TRAFFIC SIGNAL AND STRIPING AT THE INTERSECTION OF MILITARY WEST AND WEST 7th STREET

Council Member Schwartzman and Staff discussed the issue of the traffic signal at Military and West 7th Street (Specifically the delay in the left-hand signal when turning left from Military onto West 7th Street.).

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-66, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- C. **SUPPORT OF GRANT APPLICATIONS FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 TO RECEIVE FUNDINGS TO ADDRESS THE CROSSING OF EAST 5TH STREET AT VECINO STREET**

RESOLUTION 15-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IN SUPPORT OF GRANT APPLICATIONS TO THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 FOR FINANCIAL ASSISTANCE TO IMPROVE CROSSING AND SIDEWALK ALONG EAST 5th STREET AT VECINO STREET

- D. **AWARD OF CHEMICAL CONTRACTS FOR WATER AND WASTEWATER TREATMENT FOR FISCAL YEAR 2015-2016**

RESOLUTION 15-59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER AND WASTEWATER TREATMENT FOR FISCAL YEAR 2015-2016 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

- E. **APPROVE THE 2015-2016 CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET**

RESOLUTION 15-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONTRACT FOR DOWNTOWN SUPPORT AND ACTIVITIES TO BENICIA MAIN STREET, IN THE AMOUNT NOT-TO-EXCEED \$100,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

- F. **DENIAL OF CLAIM AGAINST THE CITY BY LAURA EYTAN AND REFERRAL TO INSURANCE CARRIER**

Council Member Campbell and Staff discussed the issue of the towing charge (seemed excessive). Staff stated that the towing contracts were renewed and the rates had increased.

Public Comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council approved the denial of claim against the City by Laura Eytan and referral to insurance carrier, on roll call by the following vote:

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

- G. DENIAL OF THE CLAIM AGAINST THE CITY BY KENNETH GOMES AND REFERRAL TO INSURANCE CARRIER
- H. APPROVAL OF A CONTRACT AMENDMENT FOR CONTINUED BUILDING INSPECTION AND PLAN CHECK SERVICES

RESOLUTION 15-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT OF \$20,000, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$140,000 FOR FISCAL YEAR 2014-2015, WITH BUREAU VERITAS FOR BUILDING INSPECTION AND PLAN REVIEW SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

- I. APPROVE THE COMMITTED FUND BALANCES FOR FISCAL YEAR ENDING JUNE 30, 2015

RESOLUTION 15-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING GASB 54: FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS

- J. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2015
- K. CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2015-2016

RESOLUTION 15-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2015-2016

RESOLUTION 15-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2015-16

RESOLUTION 15-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JULY 7, 2015 TO CONSIDER THE FISCAL YEAR 2015-16 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

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

VIII. BUSINESS ITEMS:

- A. **APPEAL OF THE PLANNING COMMISSION DECISION TO DENY THE APPEAL AND UPHOLD THE ZONING ADMINISTRATOR'S APPROVAL OF A USE PERMIT FOR A LARGE FAMILY DAY CARE AT 579 COOPER DRIVE, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA**

RESOLUTION 15-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DENYING THE APPEAL AND UPHOLDING PLANNING COMMISSION RESOLUTION NO. 15-6 REGARDING APPROVAL OF A USE PERMIT TO ESTABLISH A LARGE FAMILY DAY CARE FACILITY WITH A MAXIMUM OF 14 CHILDREN AT 579 COOPER DRIVE (15PLN-00030)

Vice Mayor briefly explained the appeal before Council and how the appeal process worked.

Amy Million, Principal Planner, reviewed the staff report.

Council Member Campbell and Staff discussed the issue of the City inspections, stress-bearing walls, electrical issues, and whether the owner lived in the home.

Appellant:

The Appellant was not present.

Applicant:

Kristi Claverie, Applicant, discussed the various concerns raised by some of the neighbors (traffic, noise, etc.). She discussed concerns regarding attacks on her integrity, harassment, unsubstantiated claims regarding taxes, etc. She discussed concern regarding having to pay double mortgage on both homes during this process, and the hardship it had caused. She discussed the licensing process she went through and the standards she has to adhere to. She discussed construction she had done on her home. She had an electrician come out and inspect her home and complete various repairs. The electrician deemed her home safe. She was glad the inspectors came to her home and confirmed it was safe and up to codes. She urged Council to grant her childcare permit.

Council Member Schwartzman and Ms. discussed the balcony on the property.

Public Comment:

1. Dianna Brennan - Ms. Brennan spoke in support of Ms. Claverie's daycare business.
2. Kathy Lago - Ms. Lago spoke in support of Ms. Claverie's daycare

business.

3. Brian Stone - Mr. Stone spoke in support of Ms. Claverie's daycare business. He urged Council to waive her appeal fee.
4. James Claverie - Mr. Claverie spoke in support of his wife's daycare business. He urged Council to uphold the Planning Commission's decision to grant their use permit.
5. Abby Shaudell - Ms. Shaudell spoke in support of Ms. Claverie's daycare business.
6. Citizen - The citizen spoke in support of Ms. Claverie's daycare business.
7. Christine Willaker - Ms. Willaker spoke in support of Ms. Claverie's daycare business.

Public Hearing Closed.

Council Member Schwartzman discussed the Claverie's appeal process. He was concerned about the length of time it took for this appeal.

Council Member Campbell and Staff discussed the issue of the appeal being based on building code violations.

Council Member Strawbridge and Staff discussed whether the Claverie's process could be expedited (because of the delays they have had to go through). If approved tonight, they could occupy the home tomorrow. Council Member Strawbridge discussed the opportunity to educate neighbors in the City on the issue of in-home daycare businesses.

Vice Mayor Hughes discussed the importance of following the appeal process.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 15-67, on roll call by the following vote:

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

B. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 16, 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: June 25, 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 Member Strawbridge) Next Meeting Date: July 30, 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: July 9, 2015**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: July 8, 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: August 13, 2015**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: July 16, 2015**
11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: September 14, 2015**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: June 24, 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: June 18, 2015**
16. **MARIN CLEAN ENERGY (MCE). (Council Member Schwartzman**

and Council Member Strawbridge) Next Meeting Date: TBD

IX. **ADJOURNMENT:**

Vice Mayor Hughes adjourned the meeting at 7:57 p.m.


Lisa Wolfe, City Clerk

