

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 01, 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 meeting to order at 7:00 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Rona Leon 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 and Culture Commission  
1 unexpired term  
Application due date: August 1, 2014

Historic Preservation Review Commission  
1 unexpired term  
Application due date: August 1, 2014

Economic Development Board  
2 full terms  
1 unexpired term

Application due date: August 1, 2014

Human Services Board

3 full terms

Application due date: August 1, 2014

Benicia Housing Authority

2 full terms

Application due date: August 1, 2014

Parks, Recreation & Cemetery Commission

1 full term

Application due date: August 1, 2014

Finance Committee

1 unexpired term

Application due date: August 1, 2014

Community Sustainability Commission (Student Commissioner)

1 full term

Application due date: August 1, 2014

**3. Mayor's Office Hours**

**4. Benicia Arsenal Update**

Update from City Attorney

Mayor Patterson stated there was an update; however the City Attorney was called away on a family emergency. The update is quite legal and technical, and she would prefer it be given by the City Attorney. The update would occur at the next Council meeting.

**B. PROCLAMATIONS**

- 1. In Recognition of Parks Make Life Better Month - July 2014**
- 2. In Recognition of outgoing Poet Laureate, Lois Requist**
- 3. In Recognition of Benicia Old Town Theatre Group's 50th Year of Providing Community Theatre**

**C. APPOINTMENTS**

- 1. Appointment of Nancy Craig-Schram to the Arts & Culture Commission for a four-year term ending January 31, 2018.**

**RESOLUTION 14-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF NANCY CRAIG-SCHRAM TO THE ARTS & CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JANUARY 31, 2018**

On motion of Mayor Patterson Council adopted Resolution 14-61, on roll call by the following vote:

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

**D. PRESENTATIONS**

**1. TULA SISTER CITIES PRESENTATION REGARDING TULA DELEGATION VISIT JULY 2-7, 2014**

**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**

Five items received (copies on file).

**B. PUBLIC COMMENT**

1. Constance Beutel - Ms. Beutel discussed events at the upcoming July 3rd Parade, as well as upcoming CSC sponsored events.
2. Mayor Patterson - Mayor Patterson discussed her appreciation for Staff's efforts in the parks and every other aspect of the City.

**VII. CONSENT CALENDAR:**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, 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 JUNE 17, 2014 CITY COUNCIL MEETING
- B. BAY AREA CHARGE AHEAD PROJECT TWO (BAYCAP 2) - ELECTRIC VEHICLE CHARGING STATIONS

**RESOLUTION 14-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO INSTALL ELECTRIC VEHICLE CHARGING STATIONS**

- C. AWARD OF CONSTRUCTION CONTRACT FOR THE SAFE ROUTE TO SCHOOL PROJECT AND APPROVAL OF AN AGREEMENT WITH THE SOLANO TRANSPORTATION AUTHORITY TO SECURE THE GRANT FUNDING

**RESOLUTION 14-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A ONE BAY AREA GRANT (OBAG) FUNDING AGREEMENT BETWEEN THE SOLANO TRANSPORTATION AUTHORITY (STA) AND CITY OF BENICIA FOR THE BENICIA SAFE ROUTE TO SCHOOL (SR2S) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO MINOR REVISIONS BY THE CITY ATTORNEY**

**RESOLUTION 14-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS FOR THE BENICIA SAFE ROUTE TO SCHOOL PROJECT, AWARDED THE CONSTRUCTION CONTRACT TO JJR CONSTRUCTION, INC. IN THE AMOUNT OF \$123,910, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

- D. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2014-15

**RESOLUTION 14-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2014-15**

- E. RESOLUTION SETTING THE FISCAL YEAR 2014-15 SECURED TAX RATE FOR BONDED INDEBTEDNESS FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012

**RESOLUTION 14-66 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SETTING THE FISCAL YEAR 2014-15 SECURED TAX RATES**

**FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012**

**F. ACCEPTANCE OF THE CITY CEMETERY DRAINAGE PROJECT**

**RESOLUTION 14-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICE TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH TEAM GHILOTTI INC. OF PETALUMA, CALIFORNIA FOR CONSTRUCTION CONTRACT SERVICES FOR THE BENICIA CEMETERY DRAINAGE PROJECT, AND ACCEPTING THE BENICIA CEMETERY DRAINAGE PROJECT AT 100 RIVER HILL DR., AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

**G. AMEND CONTRACT WITH WATTZON FOR RESIDENTIAL WATER/ENERGY SAVINGS PROGRAM**

**RESOLUTION 14-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT FOR WATTZON FOR A BENICIA RESIDENTIAL WATER SAVINGS PROGRAM AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY**

**H. APPROVE 2014-2015 CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET**

**RESOLUTION 14-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED 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**

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

**VIII. BUSINESS ITEMS:**

**A. LIGHTING AND LANDSCAPING (LLD) PUBLIC HEARING AND ADOPTION**

**RESOLUTION 14-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN**

**ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2014-15**

Steve Salomon, Interim Public Works Director, reviewed the staff report.

Public Comment:

None

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**B. FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER**

**RESOLUTION 14-71 - A RESOLUTION OF THE BENICIA CITY COUNCIL CONFIRMING THE PROCESS FOR FILLING THE VACANT CITY TREASURER POSITION AND APPOINTING KENNETH PAULK TO FILL THE POSITION FOR THE REMAINDER OF THE TERM**

Kat Wellman, Contract Attorney, reviewed the staff report.

Candidate John Potter:

Mr. Potter answered Council's pre-determined questions.

Candidate Ken Paulk:

Mr. Paulk answered Council's pre-determined questions.

Public Comment:

None

Vice Mayor Campbell stated he liked both applicants; however he thought he would vote for Mr. Paulk.

Council Member Schwartzman expressed support for Mr. Paulk, as he applied the last time there was an opening for Treasurer; although both individuals were qualified.

Council Member Strawbridge discussed both applicants. She expressed support for Mr. Paulk.

Council Member Hughes discussed both applicants' qualifications. He expressed

support for Mr. Paulk.

Mayor Patterson discussed both applicants' qualifications. She expressed support for Mr. Paulk.

Council and Staff discussed Council's options regarding putting a ballot measure to the voters.

Council Member Hughes discussed putting the question to the voters whether they wanted to eliminate the position, and if so should it be appointed or elected?

Vice Mayor Campbell and Staff discussed the difference between an appointed and elected treasurer.

Council Member Schwartzman discussed support for finding out whether the public wants to have a treasurer. If the public decides it wants to have a treasurer, should it be elected or appointed?

Mayor Patterson suggested that the issue of placing a measure on the ballot be continued to the next meeting.

Kat Wellman, Contract Attorney, discussed options for Council regarding placing a measure on a ballot.

Vice Mayor Campbell discussed options for placing a ballot measure and an advisory vote (appointed or elected) on the ballot.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 14-71, 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 Hughes, Council approved continuing the discussion on placing a ballot measure regarding the City Treasurer position on the November 4, 2014 ballot, on roll call by the following vote:

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

**C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO LEVY REASSESSMENTS AND TO ISSUE REFUNDING BONDS UPON THE SECURITY THEREOF, RELATING TO THE BENICIA MCALLISTER AREA ASSESSMENT DISTRICT**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING REASSESSMENT REPORT FOR THE CITY OF BENICIA, BENICIA MCALLISTER AREA ASSESSMENT DISTRICT, CONFIRMING AND ORDERING THE REASSMENTS AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE ISSUANCE OF LIMITED OBLIGATION REFUNDING BONDS, PROVIDING FOR EXECUTION OF A FISCAL AGENT AGREEMENT, AND APPROVING AND AUTHORIZING OTHER MATTERS RELATED THERETO**

**RESOLUTION 14-72 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO LEVY REASSESSMENTS AND TO ISSUE REFUNDING BONDS UPON THE SECURITY THEREOF, RELATING TO THE BENICIA MCALLISTER AREA ASSESSMENT DISTRICT**

**RESOLUTION 14-73 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING REASSESSMENT REPORT FOR THE CITY OF BENICIA, BENICIA MCALLISTER AREA ASSESSMENT DISTRICT, CONFIRMING AND ORDERING THE REASSESSMENTS AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO**

**RESOLUTION 14-74 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE ISSUANCE OF LIMITED OBLIGATION REFUNDING BONDS, PROVIDING FOR EXECUTION OF A FISCAL AGENT AGREEMENT, AND APPROVING AND AUTHORIZING OTHER MATTERS RELATED THERETO**

Bill Zenoni, Former Interim Finance Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed the length of the offer.

Vice Mayor Campbell and Staff discussed the length of the loan.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-72, 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 Hughes, Council adopted Resolution 14-73, 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 Hughes, Council adopted Resolution 14-74, on roll call by the following vote:

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

**D. REVIEW OF JUNE WATER REPORT AND ADOPTION OF EMERGENCY OUTDOOR WATER RESTRICTIONS ORDINANCE**

**EMERGENCY ORDINANCE 14-3 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 13.36 (EMERGENCY OUTDOOR WATER RESTRICTIONS)**

**ORDINANCE 14- - AN ORDINANCE AMENDING TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 13.36 (EMERGENCY OUTDOOR WATER RESTRICTIONS)**

Steve Salomon, Interim Public Works Director, reviewed the staff report.

Mayor Patterson and Staff discussed drip irrigation, evaporation, appeal process, and the ability for the public to contact Staff for special considerations.

Council Member Hughes and Staff discussed the strategies in place to get through 2015, what water the City had banked, long-term water goals, how the City knows the proposed programs actually work, and how enforcement will be handled.

Mayor Patterson discussed how other cities were handling enforcement.

Council Member Schwartzman and Staff discussed technology that could assist in reducing evaporation.

Council Member Strawbridge and Staff discussed brown lawns, Lake Herman water use, and other water resources, and whether the proposed procedures would be the easiest for citizens to follow.

Public Comment:

1. Steve Goetz - Mr. Goetz discussed support for the proposed ordinances, and the Benicia Tree Foundations watering procedures.
2. Vice Mayor Campbell asked if Benicia Unified School District was subject to the restrictions (they are).
3. Constance Beutel - Ms. Beutel discussed support for the proposed restrictions.
4. Sharon Maher - Ms. Maher discussed suggestions about how to address watering concerns, and support for the proposed restrictions.

Council Member Hughes discussed support for the item, and asked that this issue be revisited on a regular basis.

Council Member Schwartzman discussed support for the proposed ordinances.

Ms. Wellman clarified that the emergency ordinance would take effect immediately.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Emergency Ordinance 14-3, on roll call by the following vote:

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

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

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

**E. DISCUSSION AND DIRECTION ON PROPOSED DROUGHT SURCHARGE AND METER REPLACEMENT PROGRAM**

Steve Salomon, Interim Public Works Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed citizens current water use, surcharges, and Valero's water consumption and surcharge.

Vice Mayor Campbell and Staff discussed Valero's water consumption and surcharge.

Mayor Patterson asked Staff to have a discussion with Valero about sharing the

burden of the surcharge, as it is a community problem and a community effort. She discussed the issue of rainwater capture and storm water management, technical assistance for residents/businesses.

Council Member Schwartzman and Staff discussed the need to replace water pipes underground when the streets are opened up for other repairs.

Council Member Hughes discussed support for the surcharge because it is necessary. He and Staff discussed the proposed surcharge, concerns regarding the assessment, making sure the surcharges are fair, the need for a chart that shows how our water and sewers compare to other cities, and the issue of automated meters (smart but expensive).

Council Member Strawbridge discussed support for the proposed actions. She discussed the possibility of getting people with expertise involved (possibly having a water summit). She would like to see more 'bigger picture' ideas.

Mayor Patterson suggested getting the Makerspace folks involved in the discussion regarding technology.

Public Comment:

1. Constance Beutel - Ms. Beutel discussed the importance of having an accurate water meter. She suggested the City let the grass in the parks go brown, as it is not needed.
2. Bonnie Silveria - Ms. Silveria discussed concern regarding her ability to reduce water by 20%, as she is already conserving so much already.

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 10:17 p.m.

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Lisa Wolfe, City Clerk