

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 07, 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.

Vice Mayor Hughes was absent.

All other Council Members were present.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9  
Number of potential cases: One (1)

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9  
Number of potential cases: One (1)

**III. CONVENE OPEN SESSION (7:00 PM):**

**A. ROLL CALL**

Vice Mayor Hughes was absent.

All other Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Diane Smikahl 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 the following actions taken during Closed Session:

- II.A - Council authorized the City Attorney to file litigation.
- II.B - Council asked Staff for more information.

**2. Openings on Boards and Commissions:**

Arts & Culture Commission  
1 unexpired term  
Application Due Date: July 31, 2015

Civil Service Commission  
1 full term  
Application Due Date: July 31, 2015

Economic Development Board  
2 unexpired terms  
2 full terms  
Application Due Date: July 31, 2015

Finance Committee  
1 full term  
1 unexpired term  
Application Due Date: July 31, 2015

Human Services Board  
1 unexpired term  
Application Due Date: July 31, 2015

SoITrans Public Advisory Committee  
1 full term  
Application Due Date: July 31, 2015

Open Government Commission  
1 unexpired term  
Application Due Date: July 31, 2015

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update**

Update from City Attorney

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

**B. PROCLAMATIONS**

1. **IN RECOGNITION OF TEN YEARS OF THE OPEN GOVERNMENT ORDINANCE**
2. **IN RECOGNITION OF PARKS MAKE LIFE BETTER MONTH - JULY 2015**

**C. APPOINTMENTS**

1. **Appointment of Council Member Christina Strawbridge to a City Council Subcommittee for a one-year term ending July 31, 2016**

**RESOLUTION 15-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER CHRISTINA STRAWBRIDGE TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JULY 31, 2016**

On motion of Mayor Patterson Council adopted Resolution 15-68, on roll call by the following vote:

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

**D. PRESENTATIONS**

1. **MARIN CLEAN ENERGY (MCE) IMPLEMENTATION - UPDATE**

**V. ADOPTION OF AGENDA:**

Brad Kilger, City Manager, discussed the revised letter to the Grand Jury regarding mitigating water loss (Item VII.E) Mayor Patterson made suggested revision, which Staff supported.

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

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Three items received (copies on file).

**B. PUBLIC COMMENT**

1. Kristi Claverie - Ms. Claverie reported that she was able to start her business after last month's public hearing. She requested that Council discuss the issue revising the process for use permits for in-home child care, and do something similar to cities such as Fairfield and Sacramento, as it would be easier on the applicants and neighbors.
2. Claudia Claverie - Ms. Claverie discussed the need to revise the process for in-home child care businesses.
3. Christina Boman - Ms. Boman discussed concern regarding her water bill. She discussed the issue of a permit for a food forest/perma-culture to hopefully provide some sort of a break on water costs.
4. Gretchen Burgess - Ms. Burgess discussed an upcoming Voena performance, and concerns regarding her water bill.
5. Jeanine Thomas - Ms. Thomas discussed concern regarding the water issue in the City.
6. Council Member Campbell - Council Member Campbell commended Benicia Main Street for doing an incredible job over the Fourth of July weekend. He discussed the steps the Parks department recently installed at the pool that will make it easier for senior citizens to get in/out of the swimming pool.

**VII. CONSENT CALENDAR:**

Council pulled items VII.A and VII.H 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: Patterson, Strawbridge, Schwartzman, Campbell  
Noes: (None)

**A. APPROVAL OF THE MINUTES OF THE JUNE 2, 2015 AND JUNE 16, 2015 CITY COUNCIL MEETINGS**

Council Member Strawbridge corrected an item on page VII.4, stating that Patty Gavin was the chair on the Arts and Culture Commission, not the Community Sustainability Commission.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the June 2, 2015 and June 16, 2015 City Council meeting minutes, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell

Noes: (None)

**B. AWARD OF ROCK, FITTINGS AND HARDWARE PURCHASES FY 15/16**

**RESOLUTION 15-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF CRUSHED AGGREGATE ROCK FOR FISCAL YEAR 2015-2016 FROM SYAR INDUSTRIES INC. OF VALLEJO, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$56,000**

**RESOLUTION 15-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF WATER DISTRIBUTION PIPELINE FITTINGS AND HARDWARE FOR FISCAL YEAR 2015-2016 FROM ROBERTS & BRUNE CO. OF OAKLEY, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$75,000**

**C. AMENDMENT TO THE ARTS AND CULTURE COMMISSION'S ORDINANCE CHANGING TIME, FREQUENCY, AND LOCATION OF MEETINGS**

**ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.104 (ARTS AND CULTURE COMMISSION) OF DIVISION 2 (BOARD AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY REVISING SECTION 2.104.040 TO AMEND THE COMMISSION'S MEETING TIME AND PLACE**

**D. RESOLUTION SETTING THE FISCAL YEAR 2015-16 SECURED TAX RATE FOR BONDED INDEBTEDNESS FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012**

**RESOLUTION 15-71 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SETTING THE FISCAL YEAR 2015-16 SECURED TAX RATES FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012**

**E. CITY OF BENICIA'S RESPONSE TO 2014-15 SOLANO COUNTY GRAND JURY REPORT "MITIGATING WATER LOSS"**

- F. CITY OF BENICIA'S RESPONSE TO 2014-2015 GRAND JURY REPORT "TO CHARGE OR NOT TO CHARGE"
- G. APPROVAL OF AMENDMENT TO AGREEMENT WITH SIEMENS INDUSTRY FOR ADDITIONAL STREET LIGHT REPAIR WORK

**RESOLUTION 15-72 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT WITH SIEMENS INDUSTRY FOR ADDITIONAL STREET LIGHT REPAIR WORK IN THE AMOUNT OF \$29,635.60 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY**

- H. APPROVE AN AGREEMENT BETWEEN CITY OF BENICIA AND WOLF COMMUNICATIONS TO PERFORM TOURISM AND MARKETING SERVICES

**RESOLUTION 15-73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED THE TOURISM MARKETING CONSULTANT CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT-TO-EXCEED \$60,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

Council Member Campbell discussed the excellent work Jack Wolf has done.

Public Comment:

1. Ken Paulk - Mr. Paulk spoke in support of Jack Wolf and the work he has done.

Council Member Strawbridge discussed Jack Wolf's expertise in tourism and marketing. She discussed the work he has done on the City's marketing plan.

Jack Wolf, Wolf Communications, discussed the recent marketing events in Benicia.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 15-73, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell

Noes: (None)

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

**VIII. BUSINESS ITEMS:**

**A. PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2015-16**

**RESOLUTION 15-74 - 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 2015-16**

Brad Kilger, City Manager, discussed the revised resolution that Mayor Patterson submitted (copy on file). Staff reviewed the suggested amendments and supports the changes.

Graham Wadsworth, Public Works Director, reviewed the staff report.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

Council Member Campbell and Staff discussed concern regarding running in the red, the need to increase rates, and the need to come up with a date when a rate increase would be discussed by Council (prior to the end of 2015).

Mayor Patterson discussed how she brought this issue forward in 2004 with former Parks Director, Mike Alvarez, predicting that there would be shortfall on the districts regarding landscaping, etc. This could be an opportunity to enhance and improve things such as drainage and trails.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-74, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman

Noes: Campbell

**B. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO TITLE 8 HEALTH AND SAFETY TO REDUCE THE PERMITTED HOURS OF CONSTRUCTION IN THE CITY OF BENICIA, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA**

**ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 8.20.150 (CONSTRUCTION OF BUILDINGS AND PROJECTS) OF CHAPTER 8.20 (NOISE REGULATIONS) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE TO REDUCE THE HOURS OF CONSTRUCTION FOR RESIDENTIAL DISTRICTS, DOWNTOWN MIXED-USE DISTRICTS, AND AREAS WITHIN 500 FEET OF A RESIDENTIAL ZONE OR DOWNTOWN MIXED-USE DISTRICT**

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

Council Member Schwartzman and Staff clarified that the ordinance modification was addressing the issue of outside noise.

Council Member Campbell and Staff discussed the issue of enforcement.

Public Comment:

None

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell

Noes: (None)

**C. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO CHAPTER 6.32 (ANIMAL KEEPING) OF THE BENICIA MUNICIPAL CODE TO ALLOW BEEKEEPING IN THE CITY OF BENICIA, AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA**

**ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA REPEALING SECTION 6.32.060 (BEE KEEPING) AND ADDING CHAPTER 6.33 (BEEKEEPING) OF TITLE 6 (ANIMAL KEEPING) OF THE BENICIA MUNICIPAL CODE ESTABLISHING STANDARDS AND PERMIT REQUIREMENTS FOR HONEYBEE MANAGEMENT WITHIN THE CITY OF BENICIA**

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

Council Member Strawbridge and Staff discussed whether bees would be

allowed in the Benicia Community Garden (no - only residential), and concerns regarding the confusing language on VIII.C.6 (b). Staff confirmed they would clean up the language.

Council Member Campbell and Staff discussed concern regarding the possibility of neighbors being allergic to bee stings, the permit process, and the issue of removing the neighbor notification process.

Council Member Schwartzman and Staff discussed the issue of roaming bees, the notification process for neighbors, and concern regarding neighbors who might be severely allergic to bees.

Public Comment:

1. Judy Weatherly - Ms. Weatherly spoke in favor of the proposed ordinance. She discussed the benefits of beekeeping.
2. Jan Pinkerton Spike - Ms. Pinkerton Spike spoke in favor of the proposed ordinance.
3. Christina Boman - Ms. Boman spoke in favor of the proposed ordinance.
4. Gretchen Burgess - Ms. Burgess spoke in favor of the proposed ordinance, concern regarding the permit fee and other various concerns regarding the proposed language, and the need for an educated bee group within Benicia.
5. Rokas Asmonas - Mr. Asmonas spoke in favor of the proposed ordinance.
6. Claudia Claverie - Ms. Claverie spoke in favor of the proposed ordinance.
7. Kristi Claverie - Ms. Claverie discussed the issue of bee sting allergies.
8. Kathy Kerridge - Ms. Kerridge spoke in favor of the proposed ordinance. She suggested changes to the issue of distance where the hives could be kept, lowering the permit fee, and the issue of allergies.
9. Elena Karoulina - Ms. Karoulina spoke in favor of the proposed ordinance.
10. Ken Paulk - Mr. Paulk spoke against the proposed ordinance.

Mayor Patterson and Staff discussed the questions raised regarding permit fees, water, right of entry, having a community group, and the 10-foot restriction.

Council Member Schwartzman and Staff discussed the permit process and the issue of best practices for neighbors.

Council Member Campbell discussed his desire to put something in the ordinance regarding notifying neighbors.

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  
Noes: (None)

**D. AWARD OF CONTRACT TO TYLER MUNIS FOR ENTERPRISE RESOURCE PLANNING SOFTWARE**

Karin Schnaider, Finance Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed the issue of onsite training, and how much staff time could be saved by using a centralized system.

Council Member Campbell and Staff discussed other agencies that are using this product, and how long the company has been in business.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council approved the award of contract to Tyler Munis for Enterprise Resource Planning Software, on roll call by the following vote:

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

**E. MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION REGARDING LETTER FROM DONALD BASSO**

Mayor Patterson reviewed her request to agendize the issue of fair taxation of commercial property.

Public Comment:

1. Don Basso - Mr. Basso clarified his request.
2. Kathy Kerridge - Ms. Kerridge spoke in support of placing this item on a future agenda.

Council Member Schwartzman had some concerns, but could support discussing it. He was concerned about how this might affect businesses.

Council Member Strawbridge requested that when this item is brought back, staff could provide information on how it would affect business and retention.

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Motion to Approve Mayor Patterson's request to agendaize discussion regarding a letter from Donald Basso, on roll call by the following vote:

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

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:56 p.m.