

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 15, 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, Assistant City Manager, Senior HR Analyst
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.**
- 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:

Mayor Patterson called the Open Session to order at 7:12 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Doug Snyder 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.

Heather McLaughlin, City Attorney announced the following actions:

Item II.A - Council received information from Staff.

Item II.B 0 Staff briefed Council on the case.

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

Ms. McLaughlin reported that the City had received two orders from Department of Toxic Substances Control (DTSC) to investigate and clean up two properties in the Lower Arsenal. The City is beginning that process with re-contacting the consultants that helped them before, and setting up meetings with the various people, subcommittees, etc.

B. PROCLAMATIONS

C. APPOINTMENTS

1. Appointment of Donald Peery as the new Poet Laureate.

RESOLUTION 14-75 - A RESOLUTION AFFIRMING THE BOARD OF LIBRARY TRUSTEES' POET LAUREATE COMMITTEE'S RECOMMENDED APPOINTMENT OF DONALD PERRY AS THE NEW POET LAUREATE

On motion of Mayor Patterson Council adopted Resolution 14-75, on roll call by the following vote:

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

D. PRESENTATIONS

1. BENICIA INDUSTRIAL PARK BROADBAND PRESENTATION

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

Three items received (copies on file).

B. PUBLIC COMMENT

1. Sue Fisher Jones, Valero - Ms. Fisher Jones discussed Valero's hiring process for the next class of refinery operators.

VII. CONSENT CALENDAR:

Council pulled item VII.F 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 JULY 1, 2014 CITY COUNCIL MEETING

B. APPROVAL OF CITY OF BENICIA INVESTMENT POLICY

RESOLUTION 14-76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2013-14

C. RESOLUTION AMENDING THE FISCAL YEAR 2013-14 BUDGET

RESOLUTION 14-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2013-14

D. ACCEPTANCE OF THE WESTERN GATEWAY INTERMODAL FACILITIES PROJECT

RESOLUTION 14-78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WESTERN GATEWAY INTERMODAL FACILITIES PROJECT AS COMPLETE INCLUDING STAFF APPROVED CONTRACT CHANGE ORDER NOS. 1 - 3, APPROVING CONTRACT CHANGE ORDER NO. 4 FOR ADDITIONAL ASPHALT CONCRETE IN THE AMOUNT OF \$6,022.50, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

E. PURCHASE OF ROCK, FITTINGS AND HARDWARE FOR FISCAL YEAR 2014-2015

RESOLUTION 14-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF CRUSHED AGGREGATE ROCK FOR FISCAL YEAR 2014-2015 FROM SYAR INDUSTRIES INC. OF VALLEJO, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$56,000

RESOLUTION 14-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF WATER DISTRIBUTION PIPELINE FITTINGS AND HARDWARE FOR FISCAL YEAR 2014-2015 FROM ROBERTS & BRUNE CO. OF OAKLEY, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$75,000

F. SECOND READING AND ADOPTION OF AN ORDINANCE ADDING CHAPTER 13.36 EMERGENCY OUTDOOR WATER RESTRICTIONS

ORDINANCE 14-4 - 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)

Public Comment:

1. Dana Dean, Amports - Ms. Dean discussed the Good Neighbor Steering Committee and possible funds that could be used to assist with the current water shortage.

Council and Staff discussed the watershed and buffer money.

Mayor Patterson gave direction to Staff to put a meeting together to talk about the items discussed by Ms. Dean.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Ordinance 14-4, on roll call by the following vote:

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

G. ADOPT THE RESOLUTION APPROVING THE REPLACEMENT OF EXISTING WINDOWS XP MACHINES

RESOLUTION 14-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF BENICIA APPROVING TO REPLACE THE END OF LIFE WINDOWS XP COMPUTERS AND USE PORTOLA SYSTEMS INC. AS THE SUPPLIER FOR THESE COMPUTERS

- H. APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF BENICIA AND RENNE SLOAN HOLTZMAN SAKAI FOR FINANCIAL SERVICES

RESOLUTION 14-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR FINANCIAL SERVICES

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

VIII. **BUSINESS ITEMS:**

- A. VALERO IMPROVEMENT PROJECT (VIP) ACCOUNT COMMUNITY SUSTAINABILITY COMMISSION GRANT FUNDING RECOMMENDATIONS

RESOLUTION 14-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING ALLOCATIONS FROM THE VIP ACCOUNT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENTS

Gina Eleccion, Management Analyst, reviewed the staff report.

Council Member Hughes and Staff discussed the options in 2A and 2B.

Council Member Schwartzman and Staff discussed the considerations that led him to make the suggestion at the last meeting regarding the boiler project at Valero.

Vice Mayor Campbell and Staff discussed the range on item #1 (additional water savings).

Public Comment:

1. Constance Beutel - Ms. Beutel discussed the grant applications that deal with water conservation projects, and the recommendations made by the Community Sustainability Commission.
2. Elena Karoulina, Benicia Community Garden - Ms. Karoulina discussed the group's water use. She discussed support for the Benicia Community Garden's request for funding.
3. Marilyn Bardet - Ms. Bardet discussed support for the Benicia Community Garden's request for funding.

4. Larry Lamoreaux - Mr. Lamoreaux discussed support for the Benicia Community Garden's request for funding.
5. Dana Dean - Ms. Dean discussed the Good Neighbor Steering Committee (GNSC) and the VIP settlement. GNSC supported the CSC's recommendations. She encouraged Council to spread the money around. She suggested changing the language in the resolution clarifying language regarding the Valero boiler project and credit.
6. Mary Frances Kelly Poh - Ms. Kelly Poh discussed the education and importance of the marsh. She would like to see grant #10 approved or reworked so it could be approved.
7. Andrea Jenest - Ms. Jenest offered to help out with information on grant #10.
8. Sharon Maher - Ms. Maher discussed the CSC's efforts with the grants that relate to water reduction. She also discussed the grant review process.

Council Member Strawbridge and Ms. Karoulina discussed the laundry to land recommendations.

Mayor Patterson discussed suggested changes to the resolution: 1) modifications to the language in the resolution (per Ms. Dean), and 2) address item 1 being deferred, and at least fund the change out of the low flow toilets (\$500,000).

Vice Mayor Campbell discussed concern with the administrative costs for the Benicia Tree Foundation. Tina Marchetti discussed the reasons for the higher administrative costs.

Council Member Schwartzman and Staff discussed support for the CSC recommendations. He discussed changes support for minor changes to the proposed resolution.

Council Member Hughes discussed support for Option 2A, with the exception of item #1 - as he needs more information and detail on the estimated savings and what realistic participation might look like. He would fully support fully funding the Benicia Resource Incentive Program (BRIP). He would put items on Option 2B on hold.

Mayor Patterson commended the CSC and Staff for all of their work on these issues. She thought Staff's recommendations were spot-on, she supported the changes to the resolution that were discussed (as discussed by Ms. Dean), going ahead with Staff's recommendation to return the CSC item for further description, and the Staff recommendation for proceeding with Option 2A (it represents drought preparedness rather than emergency response for immediate

needs).

Vice Mayor Campbell said he would make a motion to proceed with Option 2A, but he could not support item #2 or #9.

Staff clarified that the motion was to move forward with Options 2A and 2B, deferring the CSC grant - returning that back to review, fully funding the BRIP, and the suggested resolution changes. Ms. McLaughlin clarified that the changes to the resolution were to change the language regarding two of the whereas, but those could not be made because the facts were the facts.

Council Member Schwartzman suggested changing one whereas to read 'Council made a motion to approve the grant in the amount of \$829,000 for the Valero Boiler Project.' Ms. McLaughlin stated that the whereas that was approved was what was written in the staff report. So, that could be corrected in the 'resolve' but not in the whereas. The resolve could read 'whereas the Council approved the funding for the Valero Boiler Project, and whereas Valero withdrew their application for credit.'

Council Member Hughes clarified that Council was approving Staff's recommendations for Option 2A and 2B, with the exception of #1, and agreeing that #11 had been previously approved, and fully funding the BRIP.

Mayor Patterson explained her vote. She stated she was voting no because Benicia is not a company town. We need to respect the process from beginning to end. The settlement agreement was for the benefit of those who could not afford to do things. There are services that help people that could benefit from money that would not otherwise be available to them. BRIP is first-rate and should be able to sell itself.

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council adopted Resolution 14-83, as amended, on roll call by the following vote:

Ayes: Schwartzman, Hughes, Strawbridge

Noes: Patterson, Campbell

B. PLACEMENT OF A BALLOT MEASURE REGARDING WHETHER THE OFFICE OF CITY TREASURER SHOULD BE APPOINTIVE

RESOLUTION 14-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY AT THE NOVEMBER 2014 GENERAL MUNICIPAL ELECTION A MEASURE RELATED TO THE CITY TREASURER POSITION

Heather McLaughlin, City Attorney, reviewed the staff report.

Council Member Schwartzman and Staff clarified that the City must have a

Treasurer. He supported putting the question to the voters.

Vice Mayor Campbell and Staff discussed the Council's process for appointing a treasurer.

Council Member Strawbridge clarified that the current City Treasurer would serve until 2016.

Staff clarified that if Council wanted to proceed with putting this issue on the ballot, they would have to discuss rebuttals, arguments, etc.

Council and Staff discussed that the ordinance could be adopted and Council could add more detail on the appointment process later, but would still have to adhere to the ordinance. Council could adopt ordinances to implement certain sections.

Vice Mayor Campbell discussed possible language regarding the City Manager being able to make appointments.

Mayor Patterson clarified that there were suggestions to include the cross reference to how the appointments would be done, and adding language regarding the City Manager being able to make appointments.

Public Comment:

None

Council Member Schwartzman stated that Council was simply revisiting what was presented many years ago. He would make a motion to talk about the office being appointed, but leave out the language regarding the City Manager.

Council Member Hughes clarified that the motion included that the appointment process would follow regulations, but no specific reference to the process.

Council discussed making a joint statement in support that all Council Members would sign, as well as make room for a rebuttal in the event one is needed. Staff discussed having a Council Subcommittee draft the statement. The subcommittee would be Mayor Patterson, the City Attorney, and Council Member Strawbridge.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-84, on roll call by the following vote:

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

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved including arguments and rebuttals, and forming a Council Subcommittee to prepare them if necessary, on roll call by the

following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 17, 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: July 29, 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: September 4, 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: September 11, 2014**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 10, 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: August 14, 2014**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: August 21, 2014**
- 11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: September 8, 2014**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and**

Council Member Hughes) Next Meeting Date: July 29, 2014

- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 27, 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: August 21, 2014**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:45 p.m.