

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 21, 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 6:30 p.m.

All Council Members were present.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9

Number of potential cases: Five (5)

**B. CONFERENCE WITH LABOR NEGOTIATOR**  
(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Assistant City Manager and  
Senior HR Analyst

Employee organizations: Senior Managers, Middle Management,  
Local 1, Benicia Public Service Employees' Association (BSPEA),  
Benicia Police Officers Association (BPOA), Benicia Firefighters  
Association (BFA), Benicia Dispatchers Association (BDA), Police  
Management and Unrepresented

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Don Wilson 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, reported the following actions taken during Closed Session:

II.A - Council gave direction to Staff.

II.B - Council gave direction to Staff.

### **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

Community Sustainability Commission

1 unexpired term

Application due date: July 31, 2015

Economic Development Board

2 unexpired term

2 full terms

Application due date: July 31, 2015

Finance Committee

1 unexpired term

1 full 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.

**B. PROCLAMATIONS**

**1. IN RECOGNITION OF NATIONAL NIGHT OUT - AUGUST 4, 2015**

**C. APPOINTMENTS**

**D. PRESENTATIONS**

**1. PRESENTATION OF ECO-AWARDS**

**2. QUARTERLY WATER UPDATE**

**V. ADOPTION OF AGENDA:**

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Two items received (copies on file).

**B. PUBLIC COMMENT**

1. Duane Wyler - Mr. Wyler spoke in support of the Valero Crude by Rail project.
2. Donna Beth Weilenman- Ms. Weilenman discussed the Benicia Herald and its history in the City. She asked citizens to read the paper and use it for advertisements when needed.
3. Don Wilson, Plant Manager, Valero Refinery - Mr. Wilson introduced himself to Council, Staff, and the public.

**VII. CONSENT CALENDAR:**

Council pulled item VII.D 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 7, 2015 CITY COUNCIL MEETING**
- B. AWARD OF CONSTRUCTION CONTRACT FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT**

**RESOLUTION 15-75 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS FOR JUNE 23, 2015 BID OPENING FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO GRADE TECH, INC. IN THE AMOUNT OF \$1,434,991.00, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND ANY CHANGE ORDERS UP TO THE BUDGET AMOUNT ON BEHALF OF THE CITY**

- C. DENIAL OF CLAIM AGAINST THE CITY BY RICHARD MATLE AND JILLENE ORR AND REFERRAL TO INSURANCE CARRIER**
- D. SECOND READING AND ADOPTION 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 15-4 - 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**

**Public Comment:**

1. Jeff Brooner - Mr. Brooner spoke in opposition to the proposed ordinance. He discussed concerns regarding beekeeping in residential neighborhoods.

2. Bob Surrat - Mr. Surrat discussed concerns regarding the City's ability to monitor and enforce the code.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Ordinance 15-4, on roll call by the following vote:

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

- E. **SECOND READING AND ADOPTION OF AN ORDINANCE FOR 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 15-3 - 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**

- F. **EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT**

**RESOLUTION 15-76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DELEGATING AUTHORITY TO THE CITY MANAGER TO DIRECT THE PURCHASE AND INSTALLATION OF A REPLACEMENT ELEVATOR AND ASSOCIATED IMPROVEMENTS AT THE CLOCK TOWER IN THE AMOUNT OF \$229,900 ALLOCATED FROM THE GENERAL FUND**

**RESOLUTION 15-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE RENTAL AND INSTALLATION OF A TEMPORARY ELEVATOR AND ASSOCIATED IMPROVEMENTS AT THE CLOCK TOWER IN THE AMOUNT OF \$71,232 ALLOCATED FROM THE GENERAL FUND**

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

## VIII. BUSINESS ITEMS:

### A. DROUGHT SURCHARGE UPDATE

Karin Schnaider, Finance Director, reviewed the staff report.

Mayor Patterson and Staff discussed the issue of the surcharge being volumetric, the issue of true-ups, fixed costs, ongoing conservation efforts (and the impacts of those costs), and water stewardship.

Council Member Campbell and Staff discussed what happens when the drought is over, and when the City would stop the surcharge.

Mayor Patterson requested Staff use units that the public could understand when preparing the staff reports. Staff confirmed that they were using the same units of measure that are listed on the water bills so as not to confuse the public.

Public Comment:

None

### B. REQUEST FOR PROPOSALS FOR WATER METER REPLACEMENT PROGRAM

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

Council Member Schwartzman and Staff discussed the timing of the equipment installation, the typical lifespan of the proposed meters (15 years or a million gallons), the total cost (approximately \$5 million), and how long it would take the City to recoup the cost.

Vice Mayor Hughes and Staff discussed other cities that had transitioned to the proposed meters, and the basis for concluding the meters were responsible for the unaccounted water as opposed to leaks.

Council Member Campbell and Staff discussed the proposed cost of the project, how the City would pay for the meter replacement, and the need for more concrete numbers regarding how long it would take to recoup the cost.

Public Comment:

1. Greg Gartrell - Mr. Gartrell spoke in support of the proposed project. He discussed the challenges of finding whether the problems are caused by unmetered water or leaks. He encouraged Staff to look for grants to help pay for the project.

Mayor Patterson and Staff discussed the issue of grants, and sub meters for the

landscape areas of commercial sites.

Vice Mayor Hughes and Staff discussed the issues of increased revenue once the new meters are installed.

Council Member Strawbridge and Staff discussed the recent Grand Jury report on cities not being able to track water, doing a meter replacement program throughout Solano County (quantity driving down the cost of the meters), and being able to take advantage of a county grant program.

Mayor Patterson and Staff discussed what financing mechanisms other cities had used for similar projects, and concern regarding the consultant's lack of experience with water districts in the Bay Area.

Mayor Patterson suggested tweaking the request for proposal (RFP) to make sure we are sending signals to the firms that we are looking for financing mechanisms that go beyond just a loan. There could be financing mechanisms that tie in with some other things that we have going on in the City with energy conservation, etc. She provided some language earlier today that might convey that. If there is general agreement that the financing mechanism that we are asking for in the RFP - that there be a more detailed description of the choices that might be considered for financing the project. We are asking them to consider that. She wanted to emphasize that there should be more of a discussion about what the possibilities are to encourage some creative thinking.

Karin Schnaider, Finance Director, clarified that this was mainly to get the RFP out. There will be a request for quotes (RFQ) specifically for financing once we get the RFP back. At that time we can ask for these vendors and other vendors to provide optional funding like the Mayor was asking for. This is not quite the mechanism for financing. It is just to allow the RFP's to say yes, we provide funding, so that when we send out an RFQ, it will go out to everyone, and anyone will be allowed to respond with RFQ's for financing once we approve the scope of the project.

Mayor Patterson discussed the difference between planners and finance people. All she was looking for were some kinds of approaches that we have used for financing. She was not looking for an actual finance plan. Ideas – what do they have experience in, what are they thinking about, what's out there, what is cutting edge, etc.

Brad Kilger, City Manager, clarified that Staff wanted to make sure that when the companies are giving us options on financing, they are looking beyond tradition and seeing if there are innovative ways that can help us achieve our goals and possibly save money.

Mayor Patterson said there might be a tie-in with some of the City's energy conservation programs. So, if Staff can just do that for the RFP. She asked if there needed to be a vote on this issue.

Mr. Kilger confirmed Staff would need to get Council's consensus.

Council Member Hughes stated he was very comfortable with the way Mr. Kilger just phrased it - fairly general.

Mayor Patterson stated that without objection, there would be very general language that we are looking for what the City Manager said.

Mayor Patterson stated this would be a minute action confirming Council's concurrence with the proposed RFP for the water meter replacement program.

Heather McLaughlin, City Attorney, clarified that Council did not need to vote on this item. The action was only to review and concur, and it looked like all Council Members concurred.

Mayor Patterson stated that there was no objection to the concurrence with the proposed RFP, modified as directed to Staff.

**C. 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: July 23, 2015**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: July 29, 2015**
- 5. School Liaison Committee. (Vice Mayor Hughes and Council Members Strawbridge) Next Meeting Date: September 3, 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: September 10, 2015**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: September 9, 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: July 27, 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: August 26, 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: September 17, 2015**
16. **Marin Clean Energy (MCE). (Council Member Schwartzman and Council Member Strawbridge) Next Meeting: August 20, 2015**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:30 p.m.