

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 22, 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 LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9**

Number of potential cases: One

**B. 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.**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 6:41 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Nancy Martinez 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 announced the following actions:

II.A - Council received information from Staff and provided direction to Staff.

II.B - Council received information from Staff.

2. Mayor's Office Hours:

B. PROCLAMATIONS

1. IN RECOGNITION OF NATIONAL NIGHT OUT - AUGUST 5, 2014

C. APPOINTMENTS

D. PRESENTATIONS

1. COMPLETION OF PHASE 1 - LIBRARY'S "THIS PLACE HAS HISTORY PROJECT"

V. ADOPTION OF AGENDA:

On motion of Council Member Hughes, seconded by Council Member Schwartzman, 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

Four items received (copies on file).

B. PUBLIC COMMENT

1. Nancy Martinez, Benicia Main Street - Ms. Martinez invited everyone to attend the Benicia Waterfront Festival this weekend.
2. Elizabeth d'Huart, Benicia Historical Museum - Ms. d'Huart discussed the new exhibit at the Benicia Historical Museum and encouraged people to

come and see it.

VII. CONSENT CALENDAR:

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

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

- A. DENIAL OF CLAIM AGAINST THE CITY BY JEFFREY COOPER AND REFERRAL TO INSURANCE CARRIER**
- B. AUTHORIZATION TO SUBMIT APPLICATION FOR SUBSTANCE ABUSE PREVENTION ENVIRONMENTAL POLICY AND PROGRAMS**

RESOLUTION 14-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR THE SOLANO COUNTY HEALTH AND SOCIAL SERVICES SUBSTANCE ABUSE PREVENTION ENVIRONMENTAL POLICY AND PROGRAMS REQUEST FOR PROPOSAL AND AUTHORIZING THE CHIEF OF POLICE TO SIGN GRANT DOCUMENTS

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

VIII. BUSINESS ITEMS:

- A. INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 3.22 TO THE BENICIA MUNICIPAL CODE ENACTING A GENERAL PURPOSE, ONE CENT TRANSACTION AND USE ("SALES") TAX TO BE PLACED ON THE NOVEMBER 4, 2014 BALLOT**

ORDINANCE 14- - AN ORDINANCE OF THE CITY OF BENICIA ADDING CHAPTER 3.22 TO THE BENICIA MUNICIPAL CODE IMPOSING A GENERAL PURPOSE TRANSACTIONS AND USE ("SALES") TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION SUBJECT TO THE APPROVAL OF CITY OF BENICIA VOTERS

ORDINANCE 14- - AN ORDINANCE OF THE CITY OF BENICIA ADDING CHAPTER 3.22 TO THE BENICIA MUNICIPAL CODE IMPOSING A TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION SUBJECT TO THE APPROVAL OF THE VOTERS

Mario Giuliani, Economic Development Manager, and Catherine Lew, The Lew

Edwards Group, reviewed the staff report.

Public Comment:

1. Bonnie Silveria - Ms. Silveria spoke in support of the proposed sales tax.

Vice Mayor Campbell and Staff discussed how the 1% figure was chosen.

Council Member Schwartzman and Staff discussed support for sending this to the public for a vote, sunset clause, and the issue of a unanimous or 4/5 opt-out issue.

Council Member Strawbridge discussed support for sending this issue to the voters.

Mayor Patterson discussed support for sending this issue to the voters. She discussed the importance of having public safety, roads, etc. funded. The City will be able to make major investments to its infrastructure. She suggested changing the vote for the opt-out clause to 4/5 rather than unanimous, and in the first paragraph, change language by inserting 'library, parks, and water services.'

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Introduction and First Reading of the above ordinance, as amended, on roll call by the following vote:

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

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

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

B. ADOPTION OF RESOLUTION OF INTENT TO IMPOSE DROUGHT SURCHARGE AND PROVIDE NOTICE OF A PROPOSITION 218 PUBLIC HEARING SET FOR SEPTEMBER 16, 2014

RESOLUTION 14-86 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF BENICIA TO ADD A DROUGHT SURCHARGE TO WATER RATES, SETTING A PUBLIC HEARING DATE FOR SEPTEMBER 16, 2014 AND DIRECTING STAFF TO PROCEED WITH MAILING NOTICES TO ALL PROPERTY OWNERS AND WATER CUSTOMERS WITHIN THE CITY OF BENICIA

RESOLUTION 14-87 - A RESOLUTION OF THE COUNCIL OF THE CITY OF

**BENICIA ADOPTING GUIDELINES FOR THE SUBMISSION AND
TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS
CONDUCTED PURSUANT TO ARTICLE XIID, SECTION 6 OF THE
CALIFORNIA CONSTITUTION**

Steve Salomon, Interim Public Works Director, and Brenda Olwin, Interim Finance Director, reviewed the staff report.

Mayor Patterson asked Staff to clarify all 'units' referenced in the staff report. She would like to see the billing changed to reflect gallons so the public could better understand it.

Council Member Hughes and Staff discussed the increase on annual water bills.

Council Member Strawbridge and Staff discussed the baseline for the increase/decrease, average water usage per month, and Tier 1 and Tier 2 rates.

Council and Staff discussed the Tier 1 and Tier 2 rates and how they would affect people's bills.

Council Member Hughes discussed the importance of making the information on rate increases concise and clear so people can understand it.

Vice Mayor Campbell clarified how bills would be affected with Tier 1 and Tier 2 rates.

Council Member Schwartzman and Staff discussed the tier and rate structures.

Vice Mayor Campbell and Staff discussed the estimate of when the drought surcharge would end, the threshold number that will need to be in the Water Fund Reserve, and Valero's water use and charges they are responsible for.

Council Member Schwartzman and Staff discussed the sample residential charges listed in the staff report.

Council Member Strawbridge and Staff discussed how Staff came up with the calculations, the cost difference between treated and untreated water, and when updated water meters might be installed.

Council Member Hughes and Staff discussed the semi-annual report that would be generated by Staff. Council Member Hughes would prefer quarterly reports. Staff confirmed quarterly reports were possible. Council Member Hughes discussed concern regarding the message that is being sent to citizens who have already met previously requested reductions in water usage.

Mayor Patterson discussed the need to make a simplistic statement to the

citizens so they can fully understand the impacts their previous water conservation has had and how that will affect their current situation with the new restrictions. Fixing the water bills so people can see how many gallons of water they use will be very helpful. Addressing the 'uncharged for' water will be a big help (leaks, etc.). As stated by Council Member Strawbridge, Council needs to ensure the public has confidence in the City that the issues are being addressed.

Mayor Patterson discussed Vice Mayor Campbell's comments regarding at what point the threshold was working. She would like Staff to work on the criteria for knowing when to end the surcharge.

Public Comment:

1. Sue Fisher Jones, Valero - Ms. Fisher Jones discussed Valero's water usage and the status of the boiler project.

Heather McLaughlin, City Attorney, clarified that Council would be taking four actions. On item #3 (notice), Council should clarify the table regarding units/gallons of water. Staff confirmed that 'units' would be used and a footnote regarding units/gallons would be inserted.

Vice Mayor Campbell expressed support for Staff's recommendations.

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council adopted Resolution 14-86, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council adopted Resolution 14-87, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council approved the draft Proposition 218 notice, as amended, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council accepted the June Drought Report, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:42 p.m.