

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 19, 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 - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of cases: Lewis v. City of Benicia (one case)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8)

City-Owned Property, North of Lake Herman Road - APN's: 181230050, 181230060, 181240020, 181230010

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:08 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

Larry Fullington led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Mike Dotson, Parks & Community Services Director, reviewed the memo given to Council and the public (copy on file) regarding power line clearance.

1. Announcement of action taken at Closed Session, if any.

Heather McLaughlin, City Attorney, reported that Council gave direction to Staff on all three items.

2. Openings on Boards and Commissions:

We are currently in the process of interviewing for Board and Commission recommendations for appointment.

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, reported that the Council Subcommittee was working on the orders that came out. They are planning meetings with the other responsible parties.

B. PROCLAMATIONS

1. IN RECOGNITION OF ADULT LITERACY AWARENESS MONTH - SEPTEMBER 2014

2. IN RECOGNITION OF BELLE - ROTARY EXCHANGE STUDENT FROM TAIPEI, TAIWAN

C. APPOINTMENTS

1. Appointment of Council Member Mark Hughes to the City Council Appointment Sub-Committee for a one-year term ending July 31, 2015.

RESOLUTION 14-89 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCILMEMBER MARK HUGHES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM

ENDING JULY 31, 2015

On motion of Mayor Patterson Motion to Approve Appointment of Council Member Mark Hughes to the City Council Appointment Sub-Committee for a one-year term ending July 31, 2015, on roll call by the following vote:

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

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Motion to Approve ADOPTION OF AGENDA:, on roll call by the following vote:

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

5 items received (copies on file).

B. PUBLIC COMMENT

Public comment:

1. Andres Soto, Benicians for a Safe and Healthy Community – Mr. Soto discussed concerns regarding yard signs being stolen out of private yards. Larger signs have also been stolen. He also discussed concern regarding the group being harassed, threatened, and intimidated during Farmer's Market.
2. Larry Fullington - Mr. Fullington discussed concerns regarding the merge lane on I-780 by the State Park. There needs to be a concrete barrier installed along the entire segment of the merge lane, as it is a safety hazard.
3. Dan Clark – Mr. Clark discussed the Benicia Old Towne Theatre Group's reinstatement of their nonprofit status and concern with a wooden sign in the Benicia Industrial Park.
4. Jon Van Landschoot discussed concerns regarding losing water. He also discussed HPRC activities.

5. Vice Mayor Campbell - Vice Mayor Campbell discussed how Chief Bidou would be missed, and what an extraordinary job he has done for the City of Benicia.

VII. CONSENT CALENDAR:

Council pulled items VII.D and VII.F for discussion.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Motion to Approve CONSENT CALENDAR , on roll call by the following vote:

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

- A. **APPROVAL OF THE MINUTES OF THE JULY 15, 2014, JULY 22, 2014, AND JULY 28, 2014 CITY COUNCIL MEETINGS. (City Clerk)**
- B. **DENIAL OF CLAIM AGAINST THE CITY BY STEVE ANDRETICH AND REFERRAL TO INSURANCE CARRIER**
- C. **DENIAL OF CLAIM AGAINST THE CITY BY VENTURA ALBOR AND REFERRAL TO INSURANCE CARRIER**
- D. **APPROVAL OF A CONSULTANT AGREEMENT WITH CARDNO FOR THE DESIGN OF THE ST. AUGUSTINE FLOOD RELIEF PROJECT**

RESOLUTION 14-92 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT AGREEMENT WITH CARDNO TO COMPLETE THE DESIGN OF THE ST. AUGUSTINE FLOOD RELIEF PROJECT FOR A NOT-TO-EXCEED COST OF \$57,540 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Public Comment:

1. Andrew Estrada - Mr. Estrada spoke in support of the proposed resolution.
2. Pat Store - Ms. Store discussed concern regarding the priority of the project.

Mayor Patterson and Staff discussed the pipe, stream, seasonal stream or drainage, and the engineering process with the project. They discussed the issue of water quality, a holding area for the water, concerns regarding funding for a solution for the issue, local flooding due to severe weather, and the need to

be adaptable so we have more flexibility and agility. She hoped Council would direct Staff to make sure that all possibilities are looked at.

Vice Mayor Campbell discussed concern regarding funding. He discussed the importance of Measure C money to be able to address issues such as this one.

Public Comment:

1. Ms. Estrada - Ms. Estrada discussed concern regarding previous requests for preventive measures, and concern regarding a wall that was built by another homeowner that created a dam.

Mayor Patterson discussed the need to address the issues now, before it worsens in the future.

Vice Mayor Campbell discussed concern about the dam/wall that was built. He discussed concerns regarding the costs to address the flooding.

Mayor Patterson and Staff discussed concerns regarding short-term fixes and long-term solutions. Mayor Patterson discussed concerns regarding funding to explore long-term solutions vs. funding availability for multiple objective project. Integrated water management is state policy. It is easier to get money for that rather than for a local flood safety issue, and more cost effective in the long-run.

Council Member Hughes discussed support for moving forward with Staff's recommendations, and asking the consultants to address the suggestions made by Mayor Patterson. Trying to do both right now might delay the project.

Vice Mayor Campbell discussed support for moving forward with Staff's recommendations, but also for looking into more long-term solutions.

Council Member Schwartzman discussed support for moving forward with Staff's recommendations, then going back to look at a better plan for the future.

Mayor Patterson discussed the need to come up with an alternative multiple objective project. She would like the consultant to come up with a proposal for alternative solutions.

Council Member Hughes discussed concerns regarding slowing the process down. His motion is to approve the agreement and move forward, share the ideas discussed tonight, and ask the consultant to come back to Council with a cost for moving forward with that.

Staff discussed the issue of a lack of a flood control plan. He suggested getting this repair taken care of to deal with the immediate problem, but give direction to Staff to find money to do the master plan and get some projects on the board so the City could compete for funding.

Mayor Patterson discussed concern regarding whether the consultant was asked

to look at alternatives.

Council Member Schwartzman asked for clarification on Council Member Hughes' motion. Council Member Hughes clarified that his motion would be to approve the agreement and design as stated in the staff report, and ask the consultant to come back with other 'bigger picture' alternatives and the costs associated with those alternatives.

Mayor Patterson discussed the costs associated with asking the consultants to do the work on the alternatives.

Council Member Hughes clarified that he was not prepared to spend money on alternative proposals at this time. He would like Staff to indicate to the consultant that Council and Staff had the discussion about alternative solutions and for them to give the City their thoughts on that, and also come back as quickly as possible with the short-term solution so they can move forward.

He again clarified that the motion was to approve the agreement for \$57,540 with the consultant, and ask them to move forward as quickly as possible with the short-term solution. At the same time, the City will share with them tonight's discussion about the alternative solutions, and ask the consultant to provide their thoughts, but not to spend more money.

Mayor Patterson tried to shorten the motion by stating that the motion would be to approve the existing contract, seek a report from the consultant about potential alternatives and costs for looking at those alternatives.

Council Member Hughes clarified that all he was looking for was the consultant to come back with their thoughts on the alternatives. He didn't want an extensive report. He didn't want to spend money on the analysis.

Ms. McLaughlin clarified that if the consultant looks at alternatives, they might not do it for free.

Council Member Hughes clarified that the action tonight would not be spending any more than the \$57,540.

Vice Mayor Campbell suggested voting on the consent calendar item and separately directing Staff to talk to the consultant regarding alternatives.

Council and Staff discussed the suggestion, but chose to keep the motion the way it was.

The motion is to approve the resolution as amended, adding language stating that Cardno shall be asked to review and provide recommendations on an alternative approach including an integrated water management approach to see if this could work for the St. Augustine drainage basin, so long as such review does not cost additional money or delay the project.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved Resolution 14-92, as amended on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- E. ACCEPTANCE OF A CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD FOR 2014/15 AND AUTHORIZATION FOR THE LIBRARY DIRECTOR TO SIGN ANY NECESSARY DOCUMENTS TO SECURE ADDITIONAL GRANT FUNDING**

RESOLUTION 14-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2014/15 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE- FUNDED LITERACY ACCOUNT

- F. APPROVAL OF THE AGREEMENT FOR CONSULTING SERVICES WITH ENVIRONMENTAL RISK SERVICES CORPORATION ("ERS") FOR THE BENICIA ARSENAL CLEANUP PROJECT**

RESOLUTION 14-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT FOR CONSULTING SERVICES WITH ENVIRONMENTAL RISK SERVICES CORPORATION ("ERS") FOR THE BENICIA ARSENAL CLEANUP PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Public Comment:

Jasmine Powell - Ms. Powell discussed concern regarding the cost of the agreement.

Heather McLaughlin, City Attorney, discussed the scope of work for the agreement.

Council Member Schwartzman discussed the City's requirement to respond to the orders by the DTSC.

Vice Mayor Campbell and Staff discussed the funding for the agreement.

Council Member Strawbridge and Staff discussed the properties involved in the clean-up project.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved Resolution 14-93, on roll call by the following vote:

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

- G. APPROVE THE JULY 1, 2014 TO JUNE 30, 2016 MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC EMPLOYEES UNION, LOCAL ONE

RESOLUTION 14-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2014 TO JUNE 30, 2016 MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC EMPLOYEES UNION, LOCAL ONE

- H. REVIEW OF JULY WATER REPORT
- I. FIRST READING OF A ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO MOBILE FOOD VENDING IN THE INDUSTRIAL ZONING DISTRICTS
- J. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. **BUSINESS ITEMS:**

- A. ADOPTION OF CITYWIDE COST ALLOCATION PLAN

RESOLUTION 14-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE COST ALLOCATION PLAN FOR FISCAL YEAR 2014-15

Brenda Olwin, Interim Finance Director, and Tim Seufert, Managing Director NBS Consulting, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the analysis process for taking the money that was being spent by the General Fund to cover Wastewater and Water administration, and putting it back into the General Fund.

Council and Staff discussed the Water, Wastewater, and General Funds.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 14-94, on roll call by the following vote:

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

**B. BIENNIAL UPDATE: RESOLUTION AMENDING THE FISCAL YEAR
2014-15 BUDGET**

**RESOLUTION 14-95 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR
2014-15**

Brenda Olwin, Interim Finance Director, reviewed the staff report and a PowerPoint presentation.

Council Member Schwartzman, Council Member Hughes, and Staff discussed the Columbus Parkway road widening project.

Vice Mayor Campbell and Staff discussed the developer's responsibility to make improvements once a certain number of homes were built. They also discussed the Water Reserve balance, what normal reserves were for Water and Wastewater Funds, and the negative \$1.5 million in the General Fund.

Vice Mayor Campbell and Staff discussed the billboard revenues, and what fund they would be going in. Currently the City is collecting rent on the billboard; however, there is not a set fund, only a 'holding place' at this time.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 14-95, on roll call by the following vote:

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

**C. ADOPTION OF RESOLUTION APPROVING A TWO-YEAR
EXPENDITURE PLAN FROM PROCEEDS OF MEASURE C**

**RESOLUTION 14-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF BENICIA APPROVING A TWO-YEAR EXPENDITURE PLAN FROM
PROCEEDS OF MEASURE C "THE BENICIA QUALITY OF LIFE MEASURE"**

Mario Giuliani, Economic Development Manager, reviewed the staff report and a PowerPoint presentation.

Council Member Schwartzman and Staff discussed the proposed amounts to be

spent on improving the roads, and whether what is passed tonight would be set in stone (no).

Council Member Hughes and Staff discussed reasons for not spending more money on the Benicia Industrial Park in the first year.

Council Member Strawbridge and Staff discussed the money slated for the downtown sidewalk repairs.

Mayor Patterson discussed the money for the Benicia Industrial Park and the various monies being invested in the Park. She and Staff discussed the sidewalk repairs on streets other than the downtown area. She wondered why there wasn't a resolution establishing an oversight committee. Staff suggested amending the Finance Committee's resolution. Mayor Patterson suggested having a separate resolution. Staff suggested doing that at a future meeting, as it was not agendaized tonight. The future resolution should incorporate the resolution attached to this agenda item.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-96, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**D. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
RESOLUTIONS**

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson clarified that the support for the marijuana issue was nothing against marijuana; it was against irresponsible cultivation practices that are having adverse effects on water in communities.

Public Comment:

None

On motion of Mayor Patterson Council unanimously approved Staff's recommendation on this item, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

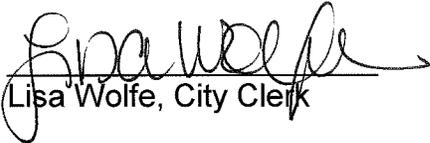
Noes: (None)

- E. Council Member Committee Reports:**
(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)
- 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: August 22, 2014**
 - 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
 - 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 Mark Hughes) Next Meeting Date: September 11, 2014**
 - 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
 - 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: TBD
13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 28, 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 10:06 p.m.


Lisa Wolfe, City Clerk