

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 20, 2013

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.

Council Member Hughes was absent. All other Council Members were present.

II. CLOSED SESSION:

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)
Title: City Attorney**

**B. CONFERENCE WITH LEGAL COUNSEL
Existing Litigation (Paragraph (1) of subdivision (d) of Section
54956.9) 1 case: Hendrix v JM Eagle et al.**

**C. CONFERENCE WITH LEGAL COUNSEL
Anticipated Litigation Significant exposure to litigation pursuant to
paragraph (2) of (3) of subdivision (d) of Section 54956.9: One matter:
Copper Pipe Problem at Waters End**

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: 3300 Park Road & 3190 Bayshore Road
Negotiating Parties: City Attorney, City Manager & Economic
Development Manager
Under Negotiation: Instruction to negotiator on both payment lease
terms**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:00 p.m.

A. ROLL CALL

Council Member Hughes was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Rick Knight 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.

Ms. McLaughlin reported the following actions:

II.A - The item was continued until all Council Members could be present.

II.B - Council gave direction to Staff.

II.C - Council gave direction to Staff.

II.D - Council gave direction to Staff

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
Open until filled

Human Services Board
1 full term
Open until filled

Open Government Commission
1 full term
Open until filled

Community Sustainability Commission (Student Commissioner)
1 full term
Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Verbal update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

C. APPOINTMENTS

Vice Mayor Campbell discussed concern regarding a possible violation of The Brown Act on four of the appointments.

Ms. McLaughlin discussed Council's current appointment process. There was the possibility of a serial meeting violation. There are problems with the current process. She advised Council to consider revising the appointment process. Council could vote on all appointments tonight.

- 1. Appointment of Jan Radesky to the Arts and Culture Commission for a four year term ending July 31, 2017.**

RESOLUTION 13-61 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JAN RADESKY TO THE ARTS AND CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-61, on roll call by the following vote:

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

- 2. Appointment of Dalene Waranietz to the Arts and Culture Commission for a four year term ending July 31, 2017.**

RESOLUTION 13-62 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DALENE WARANIETZ TO THE ARTS AND CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-62, on roll call by the following vote:

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

- 3. Reappointment of Janice Amenta to the Benicia Housing Authority Board of Commissioners for a four year term ending July 31, 2017.**

RESOLUTION 13-63 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JANICE AMENTA TO THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-63, on roll call by the following vote:

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

- 4. Appointment of Mary Goshert Ekenstam to the Board of Library Trustees for a four year term ending July 31, 2017.**

RESOLUTION 13-64 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MARY GOSHERT EKENSTAM TO THE LIBRARY BOARD OF TRUSTEES FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-64, on roll call by the following vote:

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

- 5. Reappointment of Mary Eichbauer to the Board of Library Trustees for a four year term ending July 31, 2017.**

RESOLUTION 13-65 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MARY EICHBAUER TO THE LIBRARY BOARD OF TRUSTEES FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-65, on roll call by the following vote:

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

- 6. Appointment of Chad Coester to the Economic Development Board to an unexpired term ending July 31, 2016.**

RESOLUTION 13-66 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF CHAD COESTER TO THE ECONOMIC DEVELOPMENT BOARD TO AN UNEXPIRED TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 13-66, on roll call by the following vote:

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

7. **Appointment of Maritza Rodriguez Farr to the Human Services Board for a four year term ending July 31, 2017.**

RESOLUTION 13-67 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MARITZA RODRIGUEZ FARR TO THE HUMAN SERVICES BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-67, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

8. **Reappointment of Steve McKee to the Historic Preservation Review Commission for a four year term ending July, 31, 2017.**

RESOLUTION 13-68 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF STEVE MCKEE TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-68, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

9. **Reappointment of Toni Haughey to the Historic Preservation Review Commission for a four year term ending July 31, 2017.**

RESOLUTION 13-69 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF TONI HAUGHEY TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-69, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

10. **Appointment of J. Reed Robbins to the Historic Preservation Review Commission to an unexpired term ending July 31, 2016.**

RESOLUTION 13- - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF J. REED ROBBINS TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO AN UNEXPIRED TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council did not approve the Resolution, on roll call by the following vote:

Ayes: Patterson, Strawbridge
Noes: Campbell, Schwartzman

11. Appointment of Richard Payne to the Parks, Recreation & Cemetery Commission for a four term ending July 31, 2017.

RESOLUTION 13-70 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RICHARD PAYNE TO THE PARKS, RECREATION & CEMETERY COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-70, on roll call by the following vote:

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

12. Appointment of Alison Fleck to the Parks, Recreation & Cemetery Commission for a four year term ending July 31, 2017.

RESOLUTION 13- - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ALISON FLECK TO THE PARKS, RECREATION & CEMETERY COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council did not approve the Resolution, on roll call by the following vote:

Ayes: Patterson, Strawbridge
Noes: Schwartzman, Campbell

D. PRESENTATIONS

1. AREA AGENCY ON AGING (AAOA) SERVICES FOR NAPA AND SOLANO COUNTIES

V. ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

Council Member Schwartzman requested that item VIII.E be continued until Council Member Hughes could be present to participate. Staff confirmed that Council could continue the item once it was opened up under Business Items.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received: 2 revised resolutions and a PowerPoint presentation (copies on file)

B. PUBLIC COMMENT

1. Mary Frances Kelly Poh - Ms. Kelly Poh discussed concern regarding the citizens living in Southampton being adequately represented on the Planning Commission.
2. Jon Van Landschoot - Mr. Van Landschoot discussed support for the appointments to the HPRC. He expressed concern regarding the review of the boards and commissions, and asked when it would be concluded.

VII. CONSENT CALENDAR:

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

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

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

- A. APPROVAL OF THE MINUTES OF THE JULY 16, 2013 AND JULY 23, 2013 CITY COUNCIL MEETINGS**
- B. AUTHORIZE PURCHASE OF TWO (2) REPLACEMENT POLICE MOTORCYCLES USING SLESF GRANT FUNDS**

RESOLUTION 13-71 - A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) REPLACEMENT POLICE MOTORCYCLES USING SLESF GRANT FUNDS

- C. INTRODUCE ORDINANCE TO DISSOLVE THE DESIGN REVIEW COMMISSION, REPEAL CHAPTER 2.92 (DESIGN REVIEW**

COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFER ANY RESIDUAL POWER TO THE HISTORIC PRESERVATION REVIEW COMMISSION

ORDINANCE 13- - AN ORDINANCE DISSOLVING THE DESIGN REVIEW COMMISSION, REPEALING CHAPTER 2.92 (DESIGN REVIEW COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFERRING ANY RESIDUAL POWER TO THE HISTORIC PRESERVATION REVIEW COMMISSION

Vice Mayor Campbell discussed transferring residual power to the HPRC. He would like to have this reviewed in one year to make sure it is working as planned.

Mayor Patterson wanted to ensure the Planning and HPRC commissioners are specifically asked about this. When Staff comes back with the report, it should reflect their take on design review.

Public Comment:

None

On motion of Vice Mayor Campbell, 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, Schwartzman, Campbell, Strawbridge

Noes: (None)

- D. INTRODUCE ORDINANCE TO DISSOLVE THE INDUSTRIAL DEVELOPMENT AUTHORITY, REPEAL CHAPTER 2.88 (INDUSTRIAL DEVELOPMENT AUTHORITY) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFER ANY RESIDUAL POWER TO THE CITY COUNCIL**

ORDINANCE 13- - AN ORDINANCE DISSOLVING THE INDUSTRIAL DEVELOPMENT AUTHORITY AND REPEALING CHAPTER 2.88 (INDUSTRIAL DEVELOPMENT AUTHORITY) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFERRING ANY RESIDUAL POWER TO THE CITY COUNCIL

- E. **INTRODUCE ORDINANCE TO DISSOLVE THE MOBILE HOME RENT REVIEW COMMISSION, REPEAL CHAPTER 2.72 (MOBILE HOME RENT REVIEW COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFER ANY RESIDUAL POWER TO THE CITY COUNCIL**

ORDINANCE 13- - AN ORDINANCE DISSOLVING THE MOBILE HOME RENT REVIEW COMMISSION AND REPEALING CHAPTER 2.72 (MOBILE HOME RENT REVIEW COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE AND TRANSFERRING ANY RESIDUAL POWER TO THE CITY COUNCIL

- F. **ADOPT RESOLUTION TO SUSPEND THE SKY VALLEY OPEN SPACE COMMITTEE**

Council Member Schwartzman discussed Council's previous direction to have one more meeting. Staff clarified the intent of the previous direction.

Vice Mayor Campbell proposed changing the resolution to read the way it was recommended on the agenda.

Council and Staff discussed the issue. Staff recommended this item be continued until Staff can talk to the committee.

Public Comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council continued this item to a future meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

- G. **APPROVAL OF CONSULTANT AGREEMENT FOR THE WATER TREATMENT PLANT PLC REPLACEMENT PROJECT**

RESOLUTION 13-72 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT FOR DESIGN, PROGRAMMING AND COMMISSIONING OF THE WATER TREATMENT PLANT PROGRAMMABLE LOGIC CONTROLLER (PLC) REPLACEMENT PROJECT TO TJC AND ASSOCIATES IN THE AMOUNT OF \$87,250, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

H. PURCHASE OF REPLACEMENT WORKSTATIONS FOR THE WATER TREATMENT PLANT

RESOLUTION 13-73 - A RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT WORKSTATIONS FOR THE WATER TREATMENT PLANT FROM WINSTED IN THE AMOUNT OF \$49,298, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

I. AUTHORIZATION TO APPLY FOR GRANT FUNDING FOR THE EAST 2ND STREET PATCHING AND OVERLAY PROJECT

RESOLUTION 13-74 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR FUNDING ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

J. AUTHORIZATION TO AMEND THE 2013-2014 FISCAL YEAR BUDGET TO INCLUDE \$22,725 FOR THE NECESSARY UPGRADE OF THE FUELING SYSTEM USED TO TRACK CONSUMPTION AND APPROPRIATE THE FUNDS

RESOLUTION 13-75 - A RESOLUTION AMENDING THE 2013-14 FISCAL YEAR BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$22,725 IN THE EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE OF A FUEL MANAGEMENT SYSTEM

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

VIII. BUSINESS ITEMS:

A. SOLANO STATE PARKS COMMITTEE LETTER OF UNDERSTANDING

RESOLUTION 13-76 - A RESOLUTION APPROVING THE SOLANO STATE PARKS COMMITTEE LETTER OF UNDERSTANDING, AND AUTHORIZING MAYOR PATTERSON TO SIGN THE LETTER OF UNDERSTANDING ON BEHALF OF THE CITY

Mike Dotson, Parks & Community Services Director, reviewed the staff report.

Public Comment:

1. Carol Berman - Ms. Berman spoke in support of the proposed resolution.
2. Bob Berman - Mr. Berman spoke in support of the proposed resolution.

3. Dan Smith - Mr. Smith spoke in support of the proposed resolution.
4. Ramon Castellblanch - Mr. Castellblanch spoke in support of the proposed resolution.

B. REGIONAL DONOR AGREEMENT FOR BENICIA STATE RECREATION AREA

RESOLUTION 13-77 - A RESOLUTION PROVIDING A MATCH CONTRIBUTION OF UP TO \$10,000 TO SUPPORT EXPANDED OPERATIONS AT THE BENICIA STATE RECREATION AREA, DIRECTING STAFF TO PROCEED WITH DEVELOPMENT OF A DONOR AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

Mike Dotson, Parks & Community Services Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed the issue of trash at the State Park.

Council Member Schwartzman and Staff discussed the issue of repainting the markers on the trail.

Public Comment:

1. Gene Wahl - Mr. Wahl discussed concern regarding the State Park not being opened at 8:00 a.m. as it is supposed to be. He would like the park open 7 days/week.
2. Bob Berman - Mr. Berman spoke in support of the proposed donor agreement. He would like the donation amount to be increased to \$10,000, as it would increase the match amount from the State. He discussed concerns regarding the maintenance problems at the park (weeds), and suggested Staff spend one day taking care of the problem. He suggested opening the gates earlier during fishing season. Council and Staff discussed Mr. Berman's concerns.
3. Jon Van Landschoot - Mr. Van Landschoot discussed support for raising the matching funds. He discussed Mr. Berman's concerns.
4. Elizabeth Murphy - Ms. Murphy discussed the need for publicity for the State Parks, which could increase donations and participation, as well as an understanding of what the money is being spent on.
5. Kathy Kerridge - Ms. Kerridge spoke in support of increasing the matching funds.

6. Ramon Castellblanch - Mr. Castellblanch discussed the issue of trash and tagging.
7. Dan Smith - Mr. Smith discussed the need to act swiftly regarding the increase of matching funds.
8. Carol Berman - Ms. Berman discussed the issues of priorities, staffing, and funding.

Mayor Patterson discussed the importance of the City showing the State how important the parks are to Benicia. She asked for a motion to include increasing the donation amount.

Vice Mayor Campbell and Staff discussed how the matched funds would be used and accounted for in the City's budget. He discussed support for raising the matched amount to \$10,000, and language regarding vegetation clearance for path safety, graffiti removal, and other maintenance needs, as agreed by signatories.

Council Member Strawbridge clarified that the Solano County Board of Supervisors agreed to match anything Benicia puts forward (not including Vallejo). At the last meeting where there was state park representation (senate and legislature), there was consensus and discussion on future projects (bathrooms) and what needs to be done. The State is paying attention to Benicia's needs. The State is opening this up to other cities. This is the time to do this proposed action. Time is of the essence.

Mr. Dotson discussed his desire to identify 'a project' at the park rather than stating specific needs, which would give Staff time to identify 'a project.'

Mayor Patterson clarified the motion. In the second to the last paragraph to reflect 'up to \$10,000', then change access not limited to, but including vegetation clearance for path safety, graffiti removal, and other maintenance needs as agreed by the signatories.

Council Member Schwartzman clarified that the second to last whereas needed to be changed to leveraging \$10,000, as well as changing the now therefore be it resolved to reflect \$10,000.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council adopted Resolution 13-77, as amended, on roll call by the following vote:

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

C. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson expressed support for Resolution #1.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council approved, By Motion, support for both of the resolutions presented by the League of California Cities, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

D. COASTAL CONSERVANCY GRANT - VULNERABILITY ASSESSMENT & ADAPTATION PLAN

RESOLUTION 13-78 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE CALIFORNIA COASTAL CONSERVANCY CLIMATE READY GRANT PROGRAM

Alex Porteshawver, Climate Action Plan Coordinator, reviewed the staff report.

Council Member Schwartzman and Staff discussed how it was decided to do a case study in the Industrial Park as opposed to the Downtown.

Council Member Strawbridge and Staff discussed whether there were any strings attached to the funds (none).

Public Comment:

1. Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution. She would like to see how this could go along with the waterfront park planning.
2. Mary Frances Kelly Poh - Ms. Kelly Poh spoke in support of the proposed resolution.
3. Constance Beutel - Ms. Beutel spoke in support of the proposed resolution.

Council Member Schwartzman and Staff discussed concerns regarding tracking staff time (not going over), funding for implementation of the plan, and amending

the resolution to put a period after 'vulnerability assessment, develop a climate adaptation plan.'

Mayor Patterson clarified that the adaptation was much broader than just reducing greenhouse gasses. She asked if there was a way to bifurcate what Council is saying, and look at existing funds that might be available for the Industrial Park, and future implementation of the strategies, and adaptation would then be recommended to the Council for final approval and consideration.

Ms. Porteshawver clarified that after the vulnerability and risk assessment is complete, Staff will develop a draft adaptation plan, and that plan will be used when they go to the three businesses in the Industrial Park.

Council Member Schwartzman suggested bifurcating the 'whereas' to reflect a period at the end of the fourth 'whereas', add another 'whereas' stating that it is the intention to do the case studies.

Ms. McLaughlin suggested the following changes: 'whereas the City, if awarded funding will complete a climate vulnerability assessment and adaptation plan, including conducting three case studies in the Industrial Park to determine if the strategies are realistic and cost effective, and, whereas the City has identified possible money to implement some of the potential strategies through its BRIP program.'

Mr. Kilger asked for a 2-minute recess to work on some alternative language.

Ms. McLaughlin suggested the following language. In the fourth 'whereas', 'the City, if awarded funding will complete a climate vulnerability assessment and adaptation plan. And, whereas, the case studies are required as part of the grant agreement, the grant funding will include three case studies in the Industrial Park to determine if the strategies are realistic and cost effective, and, whereas the City has identified money to implement some of the potential strategies through the City's BRIP program to address greenhouse gas emissions.

Staff agreed with the direction given by Council.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 13-78, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

E. AMENDMENT OF THE COUNCIL'S RULES OF PROCEDURES REGARDING THE APPOINTMENT PROCESS

Heather McLaughlin, City Attorney, clarified that Council wished to continue this item until there is a full Council. The item would be opened for comment.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council approved the Motion to Continue, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

- F. INTRODUCTION OF AN ORDINANCE TO AMEND BENICIA MUNICIPAL CODE CHAPTER 9.06 (SMOKING IN ENCLOSED PUBLIC PLACES) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) TO ADDRESS HOOKAH AND SMOKE LOUNGES, AS WELL AS ELECTRONIC CIGARETTES, BY AMENDING SECTION 9.06.010 (DEFINITIONS) AND BY ADDING SECTION 9.06.120 (EXISTING TOBACCO SHOPS) AND SECTION 9.06.130 (PROHIBITION OF ALL FUTURE SMOKE LOUNGES)**

ORDINANCE 13- - AN ORDINANCE AMENDING SECTION 9.06.010 (DEFINITIONS) OF CHAPTER 9.06 (SMOKING IN ENCLOSED PUBLIC PLACES) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) AND ADDING SECTION 9.06.120 (EXISTING TOBACCO SHOPS) AND SECTION 9.06.130 (PROHIBITION OF ALL SMOKE LOUNGES) TO TITLE 9 OF THE BENICIA MUNICIPAL CODE TO INTRODUCE REGULATION OF ELECTRONIC CIGARETTES AND TO ADDRESS REGULATION OF HOOKAH LOUNGES, FURTHERMORE PROHIBITING THE ESTABLISHMENT OF ALL FUTURE SMOKE LOUNGES

Heather McLaughlin, City Attorney, reviewed the staff report.

Council Member Strawbridge and Staff discussed the electronic cigarettes. She was concerned on voting on that issue, as it was not discussed in the past.

Public Comment:

None

Vice Mayor Campbell and Staff discussed the electronic cigarette issue. He would like more information on the issue before it is included in the ordinance.

Mr. Kilger spoke in support of including the e-cigarette in the ordinance.

On motion of Council Member Schwartzman, 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, Schwartzman, Campbell

Noes: Strawbridge

G. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 18, 2013**
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 23, 2013**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: September 18-20, 2013**
5. **School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: September 5, 2013**
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 12, 2013**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 11, 2013**

Mayor Patterson discussed the Safe Routes to Schools annual conference she attended in Sacramento.

9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: September 12, 2013**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: October 17, 2013**
11. **Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date:**

September 9, 2013

- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: August 29, 2013**
- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 28, 2013**
- 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: September 19, 2013**

IX. ADJOURNMENT (9:30 PM):

Mayor Patterson adjourned the meeting at 9:46 p.m.