MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 15, 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 6:00 p.m.

Council Member Schwartzman was absent.

All other Council Members were present.

II. CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (GOVERNMENT CODE SECTION 54956.8)
CITY OWNED PROPERTY, NORTH OF LAKE HERMAN ROAD - APN'S 181230050, 181230060, 181240020, 181230010

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)

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Willis

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:02 p.m.

A. ROLL CALL

Council Member Schwartzman was absent.

All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Elizabeth Hoffman 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:

Item II.A - Council gave direction to Staff.

Item II.B - Council received an update.

Item VII.C - Council gave direction to Staff and asked for more information.

2. Openings on Boards and Commissions:

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

Civil Service Commission
1 full term
Open until filled

Arts and Culture Commission
1 unexpired term
Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Ms. McLaughlin stated there was nothing new to report. They are making slow, steady progress.

B. PROCLAMATIONS

1. **IN RECOGNITION OF NATIONAL VOTER REGISTRATION DAY - SEPTEMBER 22, 2015**

2. **IN RECOGNITION OF NATIONAL DISASTER PREPAREDNESS MONTH - SEPTEMBER 2015**

C. APPOINTMENTS

1. **Appointment of Council Member Tom Campbell to a City Council Subcommittee for a one-year term ending September 30, 2016**

RESOLUTION 15-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER TOM CAMPBELL TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING SEPTEMBER 30, 2016

On motion of Mayor Patterson Council adopted Resolution 15-96, on roll call by the following vote:

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

2. **Appointment of Lionel Largaespada to the Economic Development Board for a four year term ending July 31, 2019**

RESOLUTION 15-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF LIONEL LARGAESPADA TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2019

On motion of Council adopted Resolution 15-97, on roll call by the following vote:

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

3. **Appointment of Martin Jones to the Economic Development Board for an unexpired term ending July 31, 2016**

RESOLUTION 15-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF MARTIN JONES TO THE ECONOMIC DEVELOPMENT BOARD TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 15-98, on roll call by

the following vote:

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

4. **Appointment of Steven Sillen to the Economic Development Board for a four-year term ending July 31, 2019**

RESOLUTION 15-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF STEVEN SILLEN TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2019

On motion of Mayor Patterson Council adopted Resolution 15-99, on roll call by the following vote:

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

5. **Appointment of Penny Nichols Stell to the Economic Development Board for an unexpired term ending July 31, 2018**

RESOLUTION 15-100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF PENNY NICHOLS STELL TO THE ECONOMIC DEVELOPMENT BOARD TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 15-100, on roll call by the following vote:

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

6. **Appointment of Joshua Wilson to the Finance Committee for an unexpired term ending January 31, 2019**

RESOLUTION 15-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JOSHUA WILSON TO THE FINANCE COMMITTEE TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2019

On motion of Mayor Patterson Council adopted Resolution 15-101, on roll call by the following vote:

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

7. **Appointment of Alan Nadritch to the Finance Committee for a four-year term ending July 31, 2019**

RESOLUTION 15-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF ALAN NADRITCH TO THE FINANCE COMMITTEE FOR A FULL TERM ENDING JULY 31, 2019

On motion of Mayor Patterson Council adopted Resolution 15-102, on roll call by the following vote:

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

D. PRESENTATIONS

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, Campbell, Hughes, Strawbridge
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

1. Elizabeth Hoffman and Maria Teresa Matthews, Rebuilding Together Solano County - Ms. Hoffman and Ms. Matthews discussed the group's upcoming work on their drought tolerant garden. They asked for volunteers to help. They discussed other upcoming events they will be hosting.

2. Mayor Patterson - Mayor Patterson discussed her recent trip to Tula, Mexico to rededicate a bridge that was recently expanded. She discussed the recent Valley Fire, and the response by the citizens of Benicia to help. She encouraged citizens to contact the American Red Cross to see how they could help.

3. Council Member Campbell - Council Member Campbell thanked City

Staff, Benicia State Parks Association, and the City of Vallejo for paving the path at the Benicia State Recreation Area.

VII. CONSENT CALENDAR:

Council pulled items VII.G and VII.K 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, Campbell, Hughes, Strawbridge
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 1, 2015 CITY COUNCIL MEETING

B. APPROVAL OF CONTRACT WITH HDL SOFTWARE, LLC FOR BUSINESS LICENSE PROCESSING AND AUDITING

RESOLUTION 15-103 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT WITH HDL SOFTWARE, LLC FOR BUSINESS LICENSE PROCESSING AND AUDITING SERVICES

C. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT

D. MILLS ACT CONTRACT AMENDMENTS FOR PROPERTIES AT 1025 WEST SECOND STREET, 171 WEST H STREET AND 141 WEST F STREET

RESOLUTION 15-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDED MILLS ACT CONTRACT FOR 1025 WEST SECOND STREET IN THE CITY OF BENICIA

RESOLUTION 15-105 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDED MILLS ACT CONTRACT FOR 171 WEST H STREET IN THE CITY OF BENICIA

RESOLUTION 15-106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDED MILLS ACT CONTRACT FOR 141 WEST F STREET IN THE CITY OF BENICIA

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2015

F. ACCEPTANCE OF THE IRRIGATION CONTROL SYSTEM EXPANSION INCLUDING CHANGE ORDERS

RESOLUTION 15-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICES TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH JOHN DEERE LANDSCAPE, LLC OF ALPHARETTA, GEORGIA FOR CONSTRUCTION CONTRACT SERVICES FOR THE IRRIGATION CONTROL SYSTEM UPGRADE PROJECT, AND ACCEPTING THE IRRIGATION CONTROL SYSTEM UPGRADE PROJECT AT 11 CITY SITES, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

G. APPROVAL OF AMENDMENT TO AGREEMENT WITH EOA, INC. FOR REGULATORY ANALYSIS FOR THE BENICIA WATER REUSE PROJECT FEASIBILITY STUDY

RESOLUTION 15-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT WITH EOA, INC. FOR REGULATORY ANALYSIS FOR THE WATER REUSE PROJECT FEASIBILITY STUDY FOR A NOT-TO-EXCEED COST OF $30,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

Council Member Campbell and Staff discussed how the contract was structured. It was an umbrella contract that dealt with several contractors. Council will bring the Brown &Caldwell contract back with revisions.

Public Comment:

1. Citizen - the Citizen discussed concerns regarding the Brown & Caldwell contract.

Council Member Campbell requested Staff provide Council with a copy of the Brown & Caldwell contract.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-108, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes, Strawbridge

Noes: (None)

H. APPROVAL OF AGREEMENT FOR PURCHASE AND INSTALLATION OF AN ION CHROMATOGRAPH FOR THE WASTEWATER TREATMENT PLANT LABORATORY

RESOLUTION 15-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT FOR THE PURCHASE AND INSTALLATION OF AN ION CHROMATOGRAPH FROM METROHM USA FOR THE WASTEWATER TREATMENT PLANT LABORATORY FOR A NOT-TO-EXCEED COST OF $43,698.22 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

I. APPROVAL OF CONTRACT FOR THE MULTI-YEAR STREET LIGHT AND FACILITY LIGHT MAINTENANCE AND REPAIR SERVICES OF CITY-OWNED STREET LIGHTS

RESOLUTION 15-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A MULTI-YEAR CONTRACT FOR STREET LIGHT AND FACILITY LIGHT MAINTENANCE AND REPAIR SERVICES IN THE AMOUNT OF $111,500 TO DC ELECTRIC GROUP, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

J. APPROVAL OF A CONTRACT AMENDMENT WITH 4LEAF, INC. FOR CONTINUED BUILDING OFFICIAL STAFFING ASSISTANCE, PLAN REVIEW AND INSPECTION SERVICES

RESOLUTION 15-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT WITH 4LEAF, INC. IN THE AMOUNT OF $55,000 TO THE EXISTING CONTRACT AMOUNT OF $49,999, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $104,999 FOR FISCAL YEAR 15/16, for CONTRACT STAFFING, PLAN REVIEW AND INSPECTION SERVICES, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

K. APPROVAL OF EQUIPMENT AND VEHICLE REPLACEMENT POLICY AND PROCEDURES AND AUTHORIZING THE PURCHASE OF VEHICLES

RESOLUTION 15-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CITY OF BENICIA EQUIPMENT/VEHICLE REPLACEMENT POLICY

RESOLUTION 15-113 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CITY OF BENICIA'S VEHICLE

PURCHASES FOR THE FISCAL YEAR 2015-16

Mayor Patterson discussed her support for the program. She pulled this item to discuss adding the consideration of the City's policy to reduce greenhouse gas emissions to the purchase of the vehicles.

Council Member Hughes discussed support for the program. He asked if vehicle purchases would come before Council if it met the criteria for automatic replacement. Staff confirmed vehicle purchases would come before Council.

Mayor Patterson and Staff discussed the issue of vehicle disposal.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-112, on roll call by the following vote:

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

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-113, on roll call by the following vote:

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

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

VIII. BUSINESS ITEMS:

A. IMPLEMENTATION OF THE LOCAL PREPAID MOBILE TELEPHONY SERVICES COLLECTION ACT

RESOLUTION 15-114 - A RESOLUTION OF THE CITY OF BENICIA AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF THE LOCAL PREPAID MOBILE TELEPHONY SERVICES COLLECTION ACT

RESOLUTION 15-115 - A RESOLUTION AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY SERVICES SURCHARGE AND LOCAL CHARGE RECORDS

RESOLUTION 15-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH MUNISERVICES FOR ASSISTANCE WITH THE UTILITY USERS TAX

Heather McLaughlin, City Attorney, reviewed the staff report. She discussed minor corrections that would be made so that the document was in the format required by the State Board of Equalization.

Mayor Patterson clarified that the resolutions would be approved with the minor edits required to ensure the format is correct.

Vice Mayor Hughes and Staff discussed who received the Utility Users Tax generated by this action.

Public Comment:

None

On motion of Council Member Strawbridge Council adopted Resolution 15-114, on roll call by the following vote:

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

On motion of Council Member Strawbridge Council adopted Resolution 15-115, on roll call by the following vote:

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

On motion of Council Member Strawbridge Council adopted Resolution 15-116, on roll call by the following vote:

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

B. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson clarified that Staff's recommendation was to support the resolutions at the conference, with the exception of the last one, as it was more localized, rather than statewide. It would be to support, if amended to be a statewide resolution. Mr. Kilger stated it was not ripe for action. The intent was well-meaning, it was not fully vetted with regards to what it was being modeled

after.

Public Comment:

None

Mayor Patterson suggested Council consider Staff's recommendation. If there were any changes, now would be the time to bring them up and give direction to Staff.

Vice Mayor Hughes agreed the last resolution was not ripe for action at this time.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council reviewed the League of California Cities Annual Conference Resolutions, and accepted Staff's recommendations, on roll call by the following vote:

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

C. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: TBD**

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: September 24, 2015**

4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: TBD**

5. **School Liaison Committee. (Vice Mayor Hughes and Council Members Strawbridge) Next Meeting Date: December 10, 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: November 12, 2015**

8. **Solano Transportation Authority (STA). http://www.sta.ca.gov/ (Mayor Patterson and Council Member Campbell) Next Meeting Date: October 14, 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: October 8, 2015**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: October 15, 2015**

11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: December 14, 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: September 23, 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: September 17, 2015**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:05 p.m. in support of the people affected by the Valley Fire.

Lisa Wolfe, City Clerk