

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 16, 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.

II. CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1 Commandant's Lane

**Negotiating Parties: City Attorney, City Manager & Economic
Development Manager**

**Under Negotiation: Instruction to negotiator on both payment and
lease terms**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:01 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Stan Golovich led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Brad Kilger, City Manager, announced Karin Schnaider, the City's new Finance Director, and Graham Wadsworth, the City's new Public Works Director.

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

Heather McLaughlin, City Attorney, reported the following actions taken:

9/9/14 Special Meeting - Council gave direction to staff.

9/16/14 - Council gave direction to staff on negotiations.

2. Openings on Boards and Commissions:

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Mayor Patterson discussed a meeting she and Staff went to at the Department of Toxic Substance Control (DTSC) in Sacramento. There were two separate meetings with property owners. The City did well. They showed they were working together. DTSC went through some of the technical issues. The City is moving forward with a plan. The Army Corp of Engineers and the Department of Justice were present as well. There are specific timelines associated with the orders. Amports has not been at the meetings, as they have not been named in the current orders. A phone call was made to Amports, but they were not at the meetings. Amended orders will be coming out, and that should take care of the Amports issue.

5. Boards and Commissions - Council Subcommittee Recommendations:

Subcommittee recommendation to Mayor of Sharon Anderson to the Benicia Housing Authority Board of Commissioners for full term ending July 31, 2018

B. PROCLAMATIONS

1. IN RECOGNITION OF VOTER REGISTRATION DAY - SEPTEMBER 23, 2014

2. IN RECOGNITION OF SOFITCITY DAY - SEPTEMBER 27, 2014

3. IN RECOGNITION OF FIRE PREVENTION WEEK - OCTOBER 5-11, 2014

4. IN RECOGNITION OF EXCELLENCE IN SERVICE FOR CHIEF ANDREW BIDOU

C. APPOINTMENTS

1. Reappointment of Phyllis McKeever to the Benicia Housing

Authority Board of Commissioners for a full term ending July 31, 2018

RESOLUTION 14-100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF PHYLLIS MCKEEVER TO THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS FOR A FOUR YEAR TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 14-100, on roll call by the following vote:

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

2. Appointment of Sean Finn to the Economic Development Board for an unexpired ending July 31, 2016

RESOLUTION 14-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF SEAN FINN TO THE ECONOMIC DEVELOPMENT BOARD FOR AN UNEXPIRED TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 14-101, on roll call by the following vote:

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

3. Reappointment of Claire McFadden to the Economic Development Board for a full term ending July 31, 2018

RESOLUTION 14-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF CLAIRE MCFADDEN TO THE ECONOMIC DEVELOPMENT BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 14-102, on roll call by the following vote:

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

4. Reappointment of Duane Oliveria to the Economic Development Board for a full term ending July 31, 2018

RESOLUTION 14-103 - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF DUANE OLIVEIRA TO THE ECONOMIC DEVELOPMENT BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 14-103, on roll call by the following vote:

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

5. Appointment of Trevor Macenski to the Historic Preservation Review Commission for an unexpired term ending July 31, 2016

RESOLUTION 14-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF TREVOR MACENSKI TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR AN UNEXPIRED TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 14-104, on roll call by the following vote:

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

6. Appointment of John Potter to the Finance Committee for an unexpired term ending January 31, 2015

RESOLUTION 14-105 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN POTTER TO THE FINANCE COMMITTEE FOR AN UNEXPIRED TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted Resolution 14-105, on roll call by the following vote:

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

7. Reappointment of Mike Caplin to the Human Services Board for a full term ending July 31, 2018

RESOLUTION 14-106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF MIKE CAPLIN TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 14-106, on roll call by the following vote:

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

8. Reappointment of Sharon Petrellese to the Human Services Board for a full term ending July 31, 2018

RESOLUTION 14-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF SHARON PETRELLESE TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2018

On motion of Mayor Patterson Council adopted Resolution 14-107, on roll call by the following vote:

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

D. PRESENTATIONS

- 1. NANCY HALL BENNETT, LEAGUE OF CALIFORNIA CITIES, WILL PRESENT THE CITY OF BENICIA WITH THE PRESTIGIOUS LEAGUES OF CALIFORNIA CITIES - HELEN PUTNAM AWARD FOR EXCELLENCE IN CITY BUSINESS RELATIONS FOR THE CITY'S BUSINESS RESOURCE INCENTIVE PROGRAM**

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, requested item VII.E be removed from the agenda. Council would still open the public comment on the item.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted the Agenda, as amended, 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. Ken Vanstory - Mr. Vanstory discussed concern regarding broken sprinkler heads and various watering concerns at the Benicia Community Park (dog park). He discussed other concerns regarding the City's watering practices and conservation.
2. Vice Mayor Campbell - Vice Mayor Campbell thanked Brenda Olwin and Steve Salomon for their service to the City.

VII. CONSENT CALENDAR:

Council pulled item VII.E, as it was removed as part of the Adopted of the Agenda.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, 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 SEPTEMBER 2, 2014 CITY COUNCIL MEETING**
- B. AUTHORIZE PURCHASE OF THREE (3) REPLACEMENT POLICE VEHICLES**

RESOLUTION 14-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT POLICE VEHICLES UTILIZING VEHICLE REPLACEMENT FUNDS

- C. REVIEW OF AUGUST WATER UPDATE**
- D. SECOND READING AND ADOPTION OF A ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO MOBILE FOOD VENDING IN THE INDUSTRIAL ZONING DISTRICTS**

ORDINANCE 14-6 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12 (DEFINITIONS), SECTION 17.16.050 (COMMERCIAL USE CLASSIFICATIONS) OF CHAPTER 17.16 (USE CLASSIFICATIONS), SECTION 17.32.020 (IL, IG, IW AND IP DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.32 (INDUSTRIAL DISTRICTS), AND SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE

REGULATIONS SUMMARY), SECTION 17.74.030 (OFF-STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) AND ADDING SECTION 17.70.380 (MOBILE FOOD VENDORS) OF CHAPTER 17.70 (SITE REGULATIONS), ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO ALLOW FOR MOBILE FOOD VENDING IN THE INDUSTRIAL ZONING DISTRICTS

E. APPROVAL OF LICENSE AGREEMENT FOR WIND STUDY ON CITY OWNED PROPERTY NORTH OF LAKE HERMAN

Public Comment:

1. Jon Van Landschoot - Mr. Van Landschoot spoke in support of this item.
2. Stan Golovich - Mr. Golovich discussed the City's Climate Action Plan, and requested Council modify the agreement to include the full scope of wind turbine sites in the City.

F. CONTINUING THE DECLARATION OF A LOCAL EMERGENCY DUE TO THE SOUTH NAPA EARTHQUAKE

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

VIII. BUSINESS ITEMS:

A. CONDUCT A PUBLIC HEARING ON PROPOSED INCREASES TO WATER RATES INCLUDING THE ADOPTION OF AN URGENCY ORDINANCE AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION 13.35.100 (DROUGHT SURCHARGE) OF CHAPTER 35 (EMERGENCY WATER CONSERVATION) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE AND ADOPT A RESOLUTION TO INCREASE WATER RATES THROUGH THE IMPOSITION OF A TEMPORARY DROUGHT SURCHARGE

ORDINANCE 14-7 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 13.35.100 (DROUGHT SURCHARGE) OF CHAPTER 13.35 (EMERGENCY WATER CONSERVATION PLAN) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 14- AN ORDINANCE AMENDING SECTION 13.35.100 (DROUGHT SURCHARGE) OF CHAPTER 13.35 (EMERGENCY WATER CONSERVATION PLAN) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE
RESOLUTION 14-110 - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF BENICIA INCREASING WATER RATES BY IMPOSING A TEMPORARY DROUGHT SURCHARGE

Heather McLaughlin, City Attorney, reviewed the process for tonight's public hearing.

Karin Schnaider, Finance Director, reviewed the staff report and a PowerPoint presentation (copy on file).

Vice Mayor Campbell and Staff discussed the amount the City has spent on water to date.

Council Member Strawbridge and Staff discussed the low-income senior subsidy.

Council Member Hughes and Staff discussed the low-income senior subsidy.

Mayor Patterson and Staff discussed the issue of medical necessity, the case studies in the staff report.

Vice Mayor Campbell and Staff discussed the issue of water loss, updated technology meters, and concerns regarding meter replacement costs.

Brad Kilger, City Manager, discussed the issue of water loss. The 25% number that has been talked about is not referring to leaks. It is referring to water that is not being picked up by the current meters and is not being billed for.

Council Member Hughes and Staff discussed the issue of water leak surveys and water meter audits, and possibly using a phased approach for replacement.

Council Member Schwartzman and Staff discussed the issue of meter replacement, and possibly using a phasing approach for replacement.

Public Hearing Opened

Public Comment:

1. Mayor Patterson read a letter submitted by a citizen regarding concerns over water loss (copy on file).

Mayor Patterson asked if there were any more written protests to be submitted. There were not.

Public Hearing Closed

Mayor Patterson asked the City Clerk for a final number on written protests received.

Lisa Wolfe, City Clerk, stated that 112 written protests were received, and that

did not meet the requirements of a majority protest.

Mayor Patterson thanked Brenda Olwin, Interim Finance Director, and Steve Salomon, Interim Public Works Director, for their service to the City.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 14-7, on roll call by the following vote:

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

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the Introduction and First Reading of an Ordinance amending Section 13.35.100 (Drought Surcharge) of Chapter 13.35 (Emergency Water Conservation Plan) of Title 13 (Public Services) of the Benicia Municipal Code, on roll call by the following vote:

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

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 14-110, on roll call by the following vote:

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

B. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 17, 2014**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: December 10, 2014**
3. **Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: September 26, 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: October 2, 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: October 9, 2014**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: October 10, 2014**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: October 9, 2014**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: October 16, 2014**
11. **Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD**
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: September 24, 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: September 18, 2014**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:32 p.m.