

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
October 06, 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.

All Council Members were present.

**II. CLOSED SESSION:**

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

**B. CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9  
Number of potential cases: One (1)**

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the Open Session to order at 7:05 p.m.

**A. ROLL CALL**

All Council Members were present.

Council Member Campbell arrived immediately after roll was called.

**B. PLEDGE OF ALLEGIANCE**

Bert Johnson 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 reported the following actions taken during Closed Session:

II.A - Council gave direction to Staff.

II.B - Council received information from Staff and gave direction to Staff.

**2. Openings on Boards and Commissions:**

Arts and Culture Commission  
1 unexpired term  
Open until filled

Civil Service Commission  
1 full term  
Open until filled

Community Sustainability Commission  
1 unexpired term  
1 Student Commissioner term  
Open until filled

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update**

Update from City Attorney

Heather McLaughlin, City Attorney, reported that she met with the Council Subcommittee. They hope to have an update for Council at the next council meeting.

**B. PROCLAMATIONS**

- 1. IN RECOGNITION OF FREEDOM FROM WORKPLACE BULLIES WEEK - OCTOBER 18-24, 2015**
- 2. IN RECOGNITION OF FIRE PREVENTION WEEK - OCTOBER 4-10, 2015**
- 3. IN RECOGNITION OF BENICIA ARBOR DAY - OCTOBER 17, 2015**
- 4. IN RECOGNITION OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2015**

**C. APPOINTMENTS**

**D. PRESENTATIONS**

**1. TULA ANNUAL REPORT TO COUNCIL**

**2. QUARTERLY WATER UPDATE**

Graham Wadsworth, Public Works Director, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Hughes and Staff discussed the proposal for the Water Meter Replacement Project and the implementation schedule.

Council Member Campbell and Staff discussed the water use comparison chart in the staff report, the drought surcharge issue, and Valero's water use. Mayor Patterson suggested Staff prepare an update on the water surcharge issue and work with Council Member Campbell to get at his concerns.

Brad Kilger, City Manager, stated that Staff was supposed to bring a true-up relative to the drought surcharge in March 2016. That would be the time to get into the details of financing as well as the agreement with Valero. He did not think that Valero was required in any way to reduce their usage of raw water relative to reduction by residents. Valero is paying for their water. If the City was in an emergency situation and could not provide that water, we would have the authority to restrict how much water we send them (if it is a health and safety issue).

Mayor Patterson clarified that she was only asking for an update on the drought surcharge. It should be put together with the agreement so the key points are available. She was not asking for a true-up - just the facts, what is being done with the agreement, what the water use is, what the surcharge does, and what the normal rates would be. Because of Valero's Water Recycle Project, there was considerable public concern regarding the above issues. The City would be doing itself a service by revisiting the existing facts.

Mr. Kilger clarified that Council asked Staff, as part of the public outreach, to bring back components of that. Staff understands the community's concern regarding who gets what water and who pays for what. It is for that matter that Staff intended to provide clarification as part of the Water Recycle Project. If Council wants an in-depth dialog on the above issues, Staff will do that, but he wants to be clear of what Council wants Staff to achieve and what information they want.

Vice Mayor Hughes and Staff discussed the March 2016 update and what would

be presented. He was fine waiting for the information in March.

Mayor Patterson stated that after hearing Staff's comments, she was okay waiting for the information in March.

Council Member Campbell discussed concern regarding the need for Valero to reduce their water usage.

Mayor Patterson stated that it boiled down to 'how is Valero's managing their water usage'. She requested an update on that issue at the next Council meeting.

Public Comment:

None

**V. ADOPTION OF AGENDA:**

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

Seven items received (copies on file).

**B. PUBLIC COMMENT**

1. Bert Johnson - Mr. Johnson read a prepared statement recognizing the Parks & Community Services Department and Staff for their outstanding efforts.
2. Don Wilson, Valero - Mr. Wilson said Valero looked forward to doing its part in and sharing their information on water conservation and usage. He discussed how water was used and needed at the refinery.

**VII. CONSENT CALENDAR:**

Council Member Schwartzman noted that he was not present for the 9/15/15 Council Meeting.

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. APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2015 CITY COUNCIL MEETING**

Council Member Schwartzman abstained from voting on the minutes, as he was absent from the 9/15/15 City Council meeting.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Minutes of the September 15, 2015 City Council meeting, on roll call by the following vote:

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

**B. APPROVAL TO EXTEND CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES**

**RESOLUTION 15-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA EXTENDING THE CONTRACT FOR AUDITING SERVICE TO MAZE & ASSOCIATES**

**C. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT**

**D. APPROVAL OF AGREEMENT FOR ENGINEERING DESIGN SERVICES RELATED TO THE COLUMBUS PARKWAY/ROSE DRIVE INTERSECTION IMPROVEMENT PROJECT**

**RESOLUTION 15-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT WITH BKF ENGINEERS FOR THE ENGINEERING DESIGN SERVICES RELATED TO THE COLUMBUS PARKWAY/ROSE DRIVE IMPROVEMENT PROJECT NOT TO EXCEED \$250,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**E. APPROVAL OF CONTRACT WITH MANAGEMENT PARTNERS FOR A REVIEW OF THE MAINTENANCE FUNCTIONS OF THE PUBLIC WORKS AND PARKS AND COMMUNITY SERVICES DEPARTMENTS**

**RESOLUTION 15-119 - A RESOLUTION OF THE CITY COUNCIL OF THE**

**CITY OF BENICIA APPROVING THE CONTRACT WITH MANAGEMENT PARTNERS FOR A REVIEW OF THE MAINTENANCE FUNCTIONS OF THE PUBLIC WORKS AND PARKS AND COMMUNITY SERVICES DEPARTMENTS**

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

**VIII. BUSINESS ITEMS:**

- A. APPROVE THE PROPOSED 5-LOT SUBDIVISION OF A 37,500 SQUARE FOOT PARCEL, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA

**RESOLUTION 15-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A TENTATIVE PARCEL MAP LOCATED ON THE NORTHWEST CORNER OF WEST 10TH AND WEST L STREETS (15PLN-00032)**

Christina Ratcliffe, Community Development Director, reviewed the staff report.

Council Member Campbell and Staff discussed the issue of affordable housing and mother-in-law units.

Council Member Strawbridge and Staff discussed the issue of tree-removal, grading, and drainage, as discussed in the staff report.

Vice Mayor Hughes and Staff discussed whether there had been any objections from the public on the proposed project (there had not).

Applicant:

Steve Garrett - Mr. Garrett discussed the project. He thanked Staff and the Planning Commission for their work and efforts on the proposed project.

Mayor Patterson and Mr. Garrett discussed the possibility of doing the rain garden stormwater capture aspect, and possibly the simple gray water programs.

Public Comment:

1. Diane Warring - Ms. Warring spoke in support of the proposed project.

- B. APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED A CONTRACT TO CHABIN CONCEPTS FOR A

**NOT TO EXCEED AMOUNT OF \$95,000 TO PREPARE AND IMPLEMENT THE BENICIA INDUSTRIAL PARK VISION 2020 STRATEGIC PLAN AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**RESOLUTION 15-121 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A PROFESSIONAL SERVICE CONTRACT TO CHABIN CONCEPTS OF CHICO, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$95,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

Mario Giuliani, Economic Development Director, and Audrey Taylor, Chabin Concepts, reviewed the staff report.

Council Member Schwartzman and Staff discussed the issue of finding small manufacturing businesses.

Council Member Strawbridge and Staff discussed the issues of retention/utilizing the current businesses in the Industrial Park and how it would work with new businesses out there (business-to-business sales), and how the Industrial Park would be marketed.

Mayor Patterson and Staff discussed how success would be measured, advancing the Broadband Project, and marketing the green/clean tech manufacturing businesses (and the jobs it would create). Mayor Patterson requested a simplified version of the trends and things to measure to make sure the investment is paying off.

Public Comment:

None

Council Member Campbell and Staff discussed whether the Seeno property would be advancing.

**C. MEASURE C UPDATE WITH APPROVAL OF RESOLUTION AMENDING MEASURE C EXPENDITURE PLAN**

**RESOLUTION 15-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REVISING AND REAFFIRMING 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.

Vice Mayor Hughes and Staff discussed the original list of projects (August 2014

version) when Measure C was originally brought forward. They discussed whether the police cameras were the next highest priority for the police department or the City overall. Council Member supported the Promenade Railing Project, but were not thrilled with the increased cost. He suggested adding 'Thank you for your support' to the proposed signs.

Council Member Strawbridge and Staff discussed the Promenade Railing Project and whether there was funding for the upkeep of the railing, and the downtown sidewalk repairs.

Council Member Campbell and Staff discussed the budget deficits in 2016 and 2017. They discussed the possibility of using the Measure C money to balance the budget.

Mayor Patterson clarified that what she was hearing was that as Council and Staff enter into the budget considerations, Council will have several options presented to them. She would like to include solving problems or investing in opportunities to grow the City's economic activity.

Mayor Patterson and Staff discussed a recent conversation she had where she was informed the seniors in the City were fearful of tripping and falling on the First Street sidewalks because of their poor condition.

Council Member Schwartzman and Staff discussed the downtown sidewalks. He would like more information on what the \$100,000 is going for. Council and Staff discussed who was responsible for the cracking/raised/damaged sidewalks along First Street. Staff confirmed they would provide a future report on the status sidewalks on First Street and what is be done to fix the more egregious ones that are causing tripping.

Public Comment:

None

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:30 p.m.

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Lisa Wolfe, City Clerk