

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
October 07, 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 meeting to order at 7:00 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Mr. Ash 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 that at the 9/16/14 Closed Session, Council gave direction to Staff.

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

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

**3. Board and Commissions - Council Subcommittee Recommendations:**

Subcommittee recommendation to Mayor of Kari Birdseye to the Human Services Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of John Maguire to the Parks, Recreation and Cemetery Commission for a full term ending July 31, 2018

4. **Mayor's Office Hours:**
5. **Benicia Arsenal Update**

Update from City Attorney

Ms. McLaughlin reported that work was progressing. Staff has been meeting with the parties involved.

## **B. PROCLAMATIONS**

1. **IN RECOGNITION OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2014**
2. **IN RECOGNITION OF THE OBSERVANCE OF BENICIA ARBOR DAY - OCTOBER 11, 2014**

## **C. APPOINTMENTS**

1. **Reappointment of Sharon Anderson to the Benicia Housing Authority Board of Commissioners for a full term ending July 31, 2018.**

**RESOLUTION 14-111 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF SHARON ANDERSON 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 14-109 on roll call by the following vote:

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

2. **Reappointment of Anavi Subramanyam to the Community Sustainability Commission (Student Commissioner) for a one-year term ending July 31, 2015**

**RESOLUTION 14-112 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANAVI SUBRAMANYAM TO THE COMMUNITY SUSTAINABILITY COMMISSION (STUDENT COMMISSIONER) FOR A FULL**

**TERM ENDING JULY 31, 2015**

On motion of Mayor Patterson, Council adopted Resolution 14-110 on roll call by the following vote:

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

3. **Appointment of Isabelle Briseno to the Parks, Recreation and Cemetery Commission (Student Commissioner) for a one-year term ending July 31, 2015**

**RESOLUTION 14-113 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ISABELLE BRISENO TO THE PARKS, RECREATION AND CEMETERY COMMISSION (STUDENT COMMISSIONER) FOR A FULL TERM ENDING JULY 31, 2015**

On motion of Mayor Patterson, Council adopted Resolution 14-111 on roll call by the following vote:

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

**D. PRESENTATIONS**

1. **Annual Presentation from Benicia Historical Museum**

**V. ADOPTION OF AGENDA:**

Brad Kilger, City Manager, requested that item VIII.A be continued to the 10/21/14 Council meeting. The item would be opened for public comment.

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

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

One item received (copy on file).

## **B. PUBLIC COMMENT**

1. Elena Karoulina - Ms. Karoulina requested the City reconsider the bee-keeping ordinance to allow bee keepers to raise honey bees.
2. Gretchen Burgess - Ms. Burgess discussed the issue of domestic violence. She discussed the issue of bee keeping, the need to revisit the ordinance, and the 'outlaw bee keepers' in Benicia.
3. Kathleen Juneman - Ms. Juneman discussed the similarities of Maplewood, Minnesota and Benicia, various ways the City can work on conservation, water, environmental issues, etc.
4. Tony Shannon - Mr. Shannon discussed the issue of bee keeping and its relevance to sustainability.
5. Jon Van Landschoot - Mr. Van Landschoot discussed how local honey helps with allergies, asthma, and other respiratory issues.

## **VII. CONSENT CALENDAR:**

- A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2014 SPECIAL CITY COUNCIL MEETING AND THE SEPTEMBER 16, 2014 REGULAR CITY COUNCIL MEETING**
- B. SECOND READING AND ADOPTION 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**

**ORDINANCE 14-8 - AN 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**

- C. AUTHORIZE PURCHASE OF A REPLACEMENT VEHICLE**

**RESOLUTION 14-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF A REPLACEMENT COMMUNITY SERVICES VAN UTILIZING VEHICLE REPLACEMENT FUNDS**

- D. DENIAL OF CLAIM AGAINST THE CITY BY ROBIN LANCASTER AND REFERRAL TO INSURANCE CARRIER**
- E. DENIAL OF CLAIM AGAINST THE CITY BY DOLORES WITTKOP AND REFERRAL TO INSURANCE CARRIER**

**F. CLIMATE ACTION PLAN COORDINATOR (CAP) AGREEMENT**

**RESOLUTION 14-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO TERMINATE THE EXISTING CAP COORDINATOR AGREEMENT WITH SONOMA STATE UNIVERSITY (SSU) AND TRANSFER THAT AGREEMENT TO PACIFIC MUNICIPAL CONSULTING (PMC), IN THE AMOUNT NOT TO EXCEED \$73,740 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**G. AMENDING THE CITY'S CONFLICT OF INTEREST CODE**

**RESOLUTION 14-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CITY'S CONFLICT OF INTEREST CODE**

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

**RESOLUTION 14-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY**

**I. APPROVAL OF A LICENSE AGREEMENT WITH SOROPTIMIST INTERNATIONAL OF BENICIA TO USE A CLOSET AT THE FORMER YOUTH CENTER TO PROVIDE SUPPORT TO CLIENTS OF THE FAMILY RESOURCE CENTER**

**J. PURCHASE OF REPLACEMENT TANKS FOR WATER TREATMENT PLANT**

**14-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF TWO REPLACEMENT CHEMICAL TANKS FOR THE WATER TREATMENT PLANT FROM BURLINGAME ENGINEERS, INC. OF CONCORD, CALIFORNIA, IN THE AMOUNT OF \$63,090**

**K. APPROVAL OF \$43,000 LOAN TO ACQUIRE PROPERTY FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT TO BE REPAID BY THE SOLANO TRANSPORTATION AUTHORITY**

**RESOLUTION 14-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A \$43,000 LOAN FROM THE TRAFFIC IMPACT FEE FUND TO COMPLETE THE RIGHT OF WAY PHASE OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH THE SOLANO TRANSPORTATION AUTHORITY SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY**

**L. APPROVE THE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA FIREFIGHTERS ASSOCIATION (BFA)**

**RESOLUTION 14-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA FIREFIGHTERS ASSOCIATION (BFA)**

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

**VIII. BUSINESS ITEMS:**

**A. THE URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN AND ASSOCIATED ENVIRONMENTAL ANALYSIS**

This item was continued to the October 21, 2014 City Council meeting per the Adoption of the Agenda.

Public Comment:

1. Jon Van Landschoot - Mr. Van Landschoot urged Council to think positively when this item is discussed on 10/21.
2. Kathy Kerridge - Ms. Kerridge asked staff if they could provide street views in the next staff report.

**B. MARIN CLEAN ENERGY (MCE) - MEMBERSHIP ANALYSIS**

Council Member Hughes discussed his previous abstention from participating in the discussion on this item. He would never compromise his integrity on the dais, regardless of who his former employer was. He had a discussion with the FPPC, and received a formal response regarding his status. The FPPC confirmed he did not have a conflict of interest with this issue. However, he did not want to give the appearance of conflict, he would be recusing himself from the discussion on this item.

Council Member Schwartzman clarified that Council Member Hughes was a retiree of PG&E, not an employee.

Brad Kilger, City Manager, introduced the agenda item.

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

Dawn Weisz, Marin Clean Energy (MCE), reviewed MCE's membership analysis.

Vice Mayor Campbell and Ms. Weisz discussed the amount of energy MCE was producing. They don't own assets, they currently contract out/broker for their energy supply; although they hope to own projects in the future. They discussed the opt in/opt out issue, penalties, and PG&E's 100% green renewable energy. Council Member Campbell discussed concern regarding the fast pace and pressure to make a decision quickly.

Council Member Strawbridge was disappointed Council Member Hughes was not participating in the discussion, as his background would be very helpful to the discussion. She and Ms. Weisz discussed how the program with MCE would be affected if Valero opted out, how MCE would work with the City's current solar projects, and if any cities had backed out of working with MCE after they got as far as Benicia has.

Mayor Patterson and Ms. Weisz discussed Chevron and the City of Richmond.

Council Member Schwartzman and Ms. Weisz discussed how MCE would handle Valero, how they would go about getting Valero's information, PG&E's Care Program (State mandated program), customers potentially going over the Care Program amount with the opt out fees included, and how losing customers to MCE affects PG&E.

Public Comment:

1. Kathleen Juneman - Ms. Juneman discussed how lucky Benicia is to have the option of going with MCE.
2. Pat Toth-Smith - Ms. Toth-Smith spoke in support of the MCE membership.
3. Michael Cardoza - Mr. Cardoza discussed concern regarding Council making a decision on his behalf.
4. Sharon Maher - Ms. Maher spoke in support of the MCE membership.
5. Constance Beutel - Ms. Beutel spoke in support of the MCE membership.
6. Jon Van Landschoot - Mr. Van Landschoot spoke in support of the MCE membership.
7. Kathy Kerridge - Ms. Kerridge spoke in support of the MCE membership.

Vice Mayor Campbell discussed concerns regarding using General Funds to pay for the second opinion.

Mayor Patterson discussed the savings MCE could provide to the City, her support for joining MCE, and the need for a second opinion. She discussed the letter in today's Benicia Herald. She agreed with the first part of the letter that stated Council Member Hughes was an honorable man. The second part of the letter was wrong in saying he worked for PG&E, and the issue was one of

material conflict of interest. It was unfortunate. She called the letter-writer and corrected it; unfortunately she was unavailable to attend tonight to make that correction.

Council Member Schwartzman and Staff discussed the previous solar project, the need for a second opinion, concerns regarding payment coming from the General Fund, how soon the Community Sustainability Commission could meet to potentially approve the funds for the second opinion.

Mayor Patterson and Staff discussed the timing constraints and payment options for the second opinion.

Council Member Schwartzman discussed the need for a firm answer on whether the CSC would repay the \$30,000 for the second opinion. He would prefer the CSC schedule a special meeting to get confirmation.

Vice Mayor Campbell and Ms. Weisz discussed concerns with the timing (drop dead date), and MCE's deadlines for procuring energy.

Mayor Patterson and Ms. Weisz discussed PG&E's green option.

Council Member Schwartzman discussed the need for a second opinion and funding for that opinion. Gina Eleccion, Management Analyst, discussed the timing needed to schedule a special meeting for the CSC.

Constance Beutel, CSC, discussed the CSC's prior recommendation to spend \$38,000 to bring the CCA forward. The feasibility study only cost half of that, so there was money left over.

Council Member Schwartzman made a motion that this item be deferred until Council hears from the CSC on the payment of the additional research. He would like it brought back on 11/4 or 11/18.

Brad Kilger, City Manager clarified that Council would like to have the response from the CSC at the next meeting on 10/21/14. If the CSC approved funding, the work could begin on 10/22/14.

Staff discussed the timing of getting reports back and having a first reading.

Kathy Kerridge, CSC, suggested making a motion on the condition that if the CSC approves the funds, the work would begin immediately, which should provide enough time to complete the study.

Heather McLaughlin, City Attorney, discussed the issue of timing and Council's final approval.

Council Member Schwartzman discussed support for amending his motion to move forward, on the notion of doing the additional study. The start of the study would begin upon approval by the CSC to recommend the funding for the study to Council. Immediately after the CSC approves funding, the work could begin.

Mayor Patterson clarified that Council would be that the second risk analysis/study is initiated upon recommendation of approval by the commission to approve the funding.

Ms. McLaughlin clarified that the CSC only makes recommendations to Council. She suggested fixing the language to reflect that.

Mr. Kilger discussed the need to word the direction to reflect giving him the authority to sign the contract.

Mayor Patterson suggested amending the motion to reflect authorizing the City Manager to sign the contract upon recommendation by the CSC to fund the study. She also suggested bundling the November 4th meeting date into the motion.

Mayor Patterson clarified that the motion was to give direction to staff and authorize the City Manager to enter into a contract for the risk assessment, etc., and upon approval by the CSC, recommend such funding to Council and authorize the meeting for November 4, 2014.

Vice Mayor Campbell discussed the numbers in the staff report and the fact that energy rates are variable.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council approved the direction to staff, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell

Noes: (None)

**C. MAYOR PATTERSON'S REQUEST TO AGENDIZE AN ITEM REGARDING TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY COMMITTEE (TPBS)**

This item was continued to the 10/21/14 Council meeting per the Adoption of the Agenda.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council approved continuing the agenda item to the 10/21/14 Council meeting, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell

Noes: (None)

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:52 p.m.