

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 20, 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 - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9

Number of potential cases: One (1)

B. 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 7:04 p.m.

A. ROLL CALL

All Council Members were present.

Council Member Schwartzman arrived at 7:05 p.m.

B. PLEDGE OF ALLEGIANCE

Gina Eleccion 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:

II.A - Council received information from Staff and 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

Community Sustainability Commission

2 unexpired terms

1 Student Commissioner term

Open until filled

3. Boards and Commissions - Council Subcommittee Recommendation:

Subcommittee recommendation to Mayor of Temma Roby to the Civil Service Commission for a three year term ending July 31, 2018

4. Mayor's Office Hours:

5. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney stated there was nothing new to report. Staff hopes to have information to present to Council at the December 2, 2015 Council meeting.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

1. JOINT PRESENTATION BY REBUILDING TOGETHER SOLANO COUNTY AND THE AMERICAN RED CROSS UPCOMING SMOKE DETECTOR EVENT IN BENICIA - OCTOBER 24, 2015

2. DEMONSTRATION GARDEN PRESENTATION BY ELIZABETH HOFFMAN

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, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Seven items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Council pulled item VII.D for discussion.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, 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 OCTOBER 6, 2015 CITY COUNCIL MEETING

B. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT

C. APPROVAL TO EXTEND CONTRACT FOR LABOR RELATIONS SERVICES TO RENNE SLOAN HOLTZMAN SAKAI

RESOLUTION 15-123 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA EXTENDING THE CONTRACT FOR LABOR RELATIONS SERVICES TO RENNE SLOAN HOLTZMAN SAKAI

D. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO BENICIA MUNICIPAL CODE CHAPTER 2.108 TO ALLOW THE COMMUNITY SUSTAINABILITY COMMISSION (CSC) TO ENGAGE IN FUNDRAISING ACTIVITIES AND CONCURRENTLY APPROVE FUNDRAISING GUIDELINES

ORDINANCE 15- - AN ORDINANCE AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF DIVISION 2 (BOARDS AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 2.108.100 (POWERS) TO ESTABLISH FUNDRAISING POWER FOR THE COMMISSION

Vice Mayor Hughes pulled this item to clarify that this amendment was completely consistent with the way the other amendments were made with the other two boards and commissions.

Brad Kilger, City Manager, stated that it was identical with the Arts & Culture Commission. The Human Services Board was slightly different, as they have a different mission. The Community Sustainability Commission's fundraising guidelines were modeled after the Arts & Culture Commission's guidelines.

Public Comment:

None

After the vote was taken, Council Member Schwartzman stated he had a question he meant to ask. He requested the item be reopened.

The motion to reconsider this item was approved by Council.

Council Member Schwartzman and Staff discussed the language on page VII.D.10, item no. 6 - 'allocations from the CSC shall be approved by the City Council after receiving a recommendation from the CSC.' He did not think that was the way it was being done. He thought it was 'it may be, and is subject to...' He would like clarification on the issue.

Christina Ratcliffe, Community Development Director, stated that Staff did not intend for Council to approve everything the CSC recommends. They wanted to ensure that Council approval was needed in order to disperse funds.

Mr. Kilger and Staff discussed the existing language and the amended language. He thought it was a matter of wording.

Heather McLaughlin, City Attorney, stated she thought the language could be improved. The goal was to say that Council has to approve any of the allocations, not the CSC. So, it has to come to Council for approval.

Council Member Schwartzman stated he would like that on the record, because

if you read that, it could be construed as something different.

Ms. McLaughlin stated that what was being discussed was the policy, not the ordinance. The way to correct that is to refer to the ordinance, so Staff can insert a footnote into the policy.

Council Member Schwartzman stated that was an acceptable fix for his issue.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Introduction and First Reading of the above Ordinance, 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 reconsideration of this item, 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 the above Ordinance, with the amendment of adding a footnote to the policy, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

E. AWARD OF CONSTRUCTION CONTRACT FOR THE MEASURE C 2015 PAVEMENT REPAIR PROJECT #2015-03

RESOLUTION 15-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REJECTING BIDS FOR OCTOBER 5, 2015 BID OPENING FOR THE 2015 PAVEMENT REPAIR PROJECT #2015-03, SUSPENDING COMPETITIVE BIDDING FOR THE PROJECT, AWARDED A NEGOTIATED CONSTRUCTION CONTRACT TO DRT GRADING & PAVING, INC. IN THE AMOUNT OF \$174,964.50, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

F. ACCEPTANCE OF A GRANT DEED FOR 472 EAST N STREET

RESOLUTION 15-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT FOR THE PROPERTY AT 472 EAST N STREET, TO ACCEPT A GRANT DEED FOR THE PROPERTY AND TO TAKE ALL NECESSARY STEPS FOR THE SETTLEMENT AGREEMENT INCLUDING RECORDING THE GRANT DEED

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

VIII. BUSINESS ITEMS:

- A. APPROVAL OF AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL FOR CONSULTANT SERVICES FOR A FEASIBILITY STUDY AND ENVIRONMENTAL REVIEW FOR THE BENICIA WATER REUSE PROJECT**

RESOLUTION 15-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL FOR PERFORMING A FEASIBILITY STUDY AND PREPARING ENVIRONMENTAL DOCUMENTATION FOR THE WATER REUSE PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

Dan Jackson, Water Quality Supervisor, reviewed the staff report.

Council Member Campbell and Staff discussed the costs of doing steps 2-4 listed on the Water Reuse Project Major Milestones listed on page VIII.A.3. Staff confirmed that a good 2/3 of the project money will be spent by the time the City can have the discussion with Valero on water reuse. Valero has been positive about the overall project. Council Member Campbell was concerned about the possibility of the City spending a lot of money and Valero changing their minds.

Council Member Schwartzman and Staff discussed the financial feasibility, annual costs, and the public's interest in getting recycled water from the Wastewater Treatment Plant.

Mayor Patterson and Staff discussed the issue of reliable water supplies, Valero's delay in participation in previous projects, and how the City could ensure that Valero stays on track with meeting the schedules in the milestones. She requested that Staff keep Council informed if there are delays.

Public Comment:

None

Council Member Campbell and Staff discussed the issue of capital financing that was listed in the staff report.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-126, on roll call by the following vote:

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

B. RECEIVE AND FILE THE BUDGET TO ACTUAL REPORTS: ALL FUNDS FOR THE QUARTER ENDING SEPTEMBER 30, 2015 AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO INCLUDE FY 2014-2015 CARRYOVERS AND FY 2015-2016 AMENDMENTS

RESOLUTION 15-127 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2015-2017

Karin Schnaider, Finance Director, reviewed the staff report.

Vice Mayor Hughes and Staff discussed the management analyst position, replacement of the inoperable Community Alert Notification (CAN) system.

Council Member Schwartzman and Staff discussed the budget adjustments and committed reserves.

Council Member Strawbridge and Staff discussed the issue of dredging.

Council Member Campbell and Staff discussed the expenditures in 2014-15 and 2015-16, and why the number was \$8 million higher in the latter. They discussed the issue of a balanced operating budget, and the reason there were no committed reserves in 2016.

Mayor Patterson and Staff discussed the status of the CAN Project, the need for having information on lifecycle expectancy and replacement cost.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved receiving and filing the Budget to Actual Reports: All Funds for the Quarter Ending September 30, 2015, on roll call by the following vote:

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

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 15-127, on roll call by the following vote:

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

C. FY 2015-17 BUDGET IMPLEMENTATION PLAN - QUARTERLY UPDATE

Karin Schnaider, Finance Director, reviewed the staff report.

Council Member Strawbridge requested Council add the issue of downtown parking to the list, as it affects tourism. She and Staff discussed the parking issue in the downtown area.

Council Member Schwartzman and Staff discussed the issue of downtown parking and enforcement.

Vice Mayor Hughes and Staff discussed what effect the lack of parking would have on the City's tourism.

Mayor Patterson and Staff discussed the CAN replacement project and whether the cost included maintenance and replacement costs (it did not), the importance of building money into the budget so we don't always have to do big budget adjustments (as with vehicle replacement).

Public Comment:

1. Leah Shellhorn, Downtown Business Alliance - Ms. Shellhorn discussed the issue of the lack of parking in the downtown area. They are requesting courtesy zones, green zones, and 20-minute parking spaces for the businesses.

Mayor Patterson requested a short report on enforcement and costs. Staff will draft a work plan and come back to Council. Staff discussed concerns regarding staffing, tickets, etc.

Heather McLaughlin cautioned Council that she was concerned with discussing the issue of parking downtown, as there was several conflicts of interest for Council.

Mayor Patterson stated that the sense of discussion and direction was for Staff to come back with status report, there would be an enforcement program after first of the year (if sooner, Council would be informed), and the possibility of Staff

meeting with the Downtown Business Alliance.

Council Member Schwartzman suggested staffing for parking enforcement only at busy times to start with to break people in.

Council Member Strawbridge discussed the need to inform business owners that the courtesy zones were reinstated, and the need to educate business owners on parking options and alternatives.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved, by motion, the FY 2015-17 Budget Implementation Plan - Quarterly Update, and provided direction to Staff , on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION OF RESIDENTIAL CHILD CARE ORDINANCE

Mayor reviewed her request.

Council Member Schwartzman and Staff discussed the issue of the 100 ft. change. If the change to the ordinance stayed focused on the distance change, it would be simple. The issue of revising the entire ordinance would be more complex. Staff thought revising the entire ordinance would need to be dealt with using study sessions, etc.

Mayor Patterson thought the bigger issue (ordinance revision) would need to be sent back to the Planning Commission. Staff suggested they come back at a later date with a work plan and suggestions on policy. The 100 ft. issue could come back as an action item fairly soon.

Vice Mayor Hughes discussed the two step process. He did not expect Staff to come back with a formal work plan. He envisioned they would come back with information on what the item is and some options and information on how complex it would be to address.

Council Member Campbell and Staff discussed the current noticing codes. He could not support reducing the noticing distance.

Public Comment:

1. Raycraft - Mr. Raycraft spoke in support of reducing the noticing to 100 ft. for large family daycare.

Mayor Patterson clarified that the motion was to approve agendizing the 100 ft. noticing requirement and potential approach for amendment for City's current

ordinance on residential child care.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved agendaizing the 100 ft. noticing requirement and directing Staff to come up with a potential approach for amendment of the City's current ordinance on residential child care, on roll call by the following vote:

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

E. MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION OF COMPLEX GREY WATER SYSTEM

Mayor Patterson reviewed her request.

Council Member Campbell and Staff discussed how the City currently addresses grey water.

Vice Mayor Hughes and Staff discussed leaving the timing of this item to go on the agenda up to staff.

Public Comment:

1. Kathy Kerridge - Ms. Kerridge spoke in support of placing this item on a future agenda.

Council Member Campbell stated that he did not want to add more permits, but wants to discuss the overall issue.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council approved placing the item on a future agenda for discussion, on roll call by the following vote:

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

F. Council Member Committee Reports:

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: December 16, 2015**
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: October 22, 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 Member 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: December 9, 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: November 12, 2015**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: TBD**
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: October 28, 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: December 17, 2015**
16. **Marin Clean Energy. (Council Member Schwartzman and Council**

Member Strawbridge) Next Meeting Date: TBD

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:09 p.m.