

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
November 19, 2013

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

Jeanne Steinmann 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.**

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

Historic Preservation Review Commission
1 unexpired term
Open until filled

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

4. **Benicia Arsenal Update**

Update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

- 1. DOWNTOWN BENICIA ALLIANCE ANNUAL PRESENTATION REGARDING THE OPERATION AND ADMINISTRATION OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT**

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

4 items received (copies on file).

B. PUBLIC COMMENT

1. Elizabeth d'Huart, Benicia Historical Museum - Ms. d'Huart discussed the museum's recent installation of an online archive system. She also discussed recent and upcoming events at the museum.
2. Bonnie Silveria - Ms. Silveria announced upcoming events sponsored by Benicia Main Street.
3. Vice Mayor Campbell - Vice Mayor Campbell discussed recent inquiries he received from the public regarding the cutaway busses (Dial-A-Ride).

VII. CONSENT CALENDAR:

Council pulled items VII.A and VII.E for discussion.

A. APPROVAL OF THE MINUTES OF THE NOVEMBER 5, 2013 CITY COUNCIL MEETING

Vice Mayor Campbell and Mayor Patterson stated they would abstain from voting on the minutes, as they did not attend the meeting.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the November 5, 2013 City Council meeting, on roll call by the following vote:

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

- B. DENIAL OF CLAIM AGAINST THE CITY BY LE ROY DOSS AND REFERRAL TO INSURANCE CARRIER
- C. PURCHASE OF REPLACEMENT VACTOR TRUCK FOR PUBLIC WORKS MAINTENANCE

RESOLUTION 13-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF A REPLACEMENT VACTOR VEHICLE FOR THE PUBLIC WORKS MAINTENANCE DIVISION FROM OWEN EQUIPMENT IN THE AMOUNT OF \$369,797.35, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

- D. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING AND FIRE CODE REVISIONS

ORDINANCE 13- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 8 (HEALTH AND SAFETY) AND DIVISION 1 OF TITLE 15 (BUILDINGS AND CONSTRUCTION) BY AMENDING CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) , ADDING NEW CHAPTERS 15.19 (CALIFORNIA ADMINISTRATIVE CODE), 15.20 (CALIFORNIA ENERGY CODE), 15.21 (CALIFORNIA HISTORICAL BUILDING CODE), 15.22 (CALIFORNIA EXISTING BUILDINGS CODE) AND 15.23 (CALIFORNIA REFERENCED STANDARDS CODE) AND AMENDING CHAPTERS 15.02 (CALIFORNIA RESIDENTIAL CODE, 15.04 (CALIFORNIA BUILDING CODE), 15.08 (CALIFORNIA MECHANICAL CODE), 15.12 (CALIFORNIA PLUMBING CODE), 15.16 (CALIFORNIA ELECTRICAL CODE), 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE), AND 15.26 (BUILDING PERMIT AND OTHER FEES)

- E. INTRODUCTION AND FIRST READING OF ORDINANCES RELATING TO A BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM

ORDINANCE 13- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 13.60.050 (MAINTENANCE GENERALLY) OF CHAPTER 13.60 (BUILDING SEWERS AND SEWER LATERALS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

Council Member Schwartzman pulled this item so the public could hear about it. He and Staff discussed the River Watch Settlement Agreement, and the required timing this item needs to be enacted by (currently behind schedule). They discussed the fees the public would be responsible for paying (\$100/inspection), what constitutes a 'remodel', possible exemptions for the review/inspection, and how the public would be educated on the new processes.

Mayor Patterson and Staff discussed cost savings and benefits to the property owners and the City.

Vice Mayor Campbell and Staff discussed the cost of the video inspection (\$50-\$100). They discussed the River Watch Settlement Agreement, and whether the City could choose not to go with the recommendations listed in the settlement agreement.

Council Member Hughes and Staff discussed concern regarding possible costs that residents would be liable for if a sewer lateral required repairs. They discussed how the public would be educated regarding the new requirements.

Council Member Schwartzman and Staff discussed past instances that triggered River Watch to get involved, and how many were caused by sewer laterals and city main lines.

Council Member Strawbridge and Staff discussed the responsibilities of property owners for repairs. They also discussed how much the City's recent water/sewer rate increases were triggered by the River Watch Settlement Agreement (additional staffing and additional monies for capital replacement).

Vice Mayor Campbell and Staff discussed when the City is responsible and when the property owner is responsible for backup cleanup costs. Staff estimated that approximately 200 inspections would occur per year.

Council Member Schwartzman and Staff discussed the category 1 spills that occurred. They discussed concerns regarding unintended consequences.

Public Hearing Opened

Public Comment:

1. Eric Hoglund - Mr. Hoglund discussed how the City would be able to police when homeowners had overflows, concerns regarding homeowners being required to pay fees for inspecting new lateral lines, and the majority of sewer spills going into open bodies of water being caused by city main lines.
2. Constance Beutel - Ms. Beutel spoke in support of the proposed

ordinance.

Public Hearing Closed

Staff clarified that the City has comprehensive maps that homeowners could access if they were interested.

Vice Mayor Campbell discussed concerns regarding the \$100 cost for City staff time to issue a certificate of compliance.

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)

F. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: ADOPTION OF MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE CONCEPTUAL PLAN -- TO BE CONTINUED UNTIL DECEMBER 3, 2013

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

VIII. BUSINESS ITEMS:

A. URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN DRAFT PREFERRED SITE ALTERNATIVE

RESOLUTION 13-103 - A RESOLUTION DIRECTING STAFF TO PROCEED WITH DEVELOPMENT OF THE URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN

Council Member Strawbridge recused herself from this item due to a conflict of interest.

Mike Dotson, Parks & Community Services Director, introduced the item.

Representatives from The Planning Center/DC&E, reviewed a PowerPoint presentation.

Mayor Patterson disclosed exparte communications. She asked for clarification on the preferred alternative being recommended.

Council Member Hughes discussed being pleased with what had been presented at this point. He asked they be sensitive to the special events that are

held in the area when choosing signs and public art.

Council Member Schwartzman and Staff discussed the potential for elevating the First Street Green and what impact a boat launch would have on the beach area.

Vice Mayor Campbell and Staff discussed the issue of an archaeological dig in the area.

Mayor Patterson and Staff discussed the original grant proposal by the Coastal Conservancy. She asked if there would be implementation phases to the Urban Waterfront.

Public Comment:

1. Jerry Hayes - Mr. Hayes discussed the letter written by the Benicia Historical Society (copy on file).
2. Larnie Fox - Mr. Fox spoke in support of the proposed resolution. He discussed public art in the proposed area.
3. Mark Brest Van Kempen - Mr. Brest Van Kempen discussed the public art that could be integrated into the plan.
4. David Hyde - Mr. Hyde discussed his proposed excavation of artifacts in the area.
5. Susan Street - Ms. Street spoke in support of the completion of the master plan, completion of the project, and getting the park built for the citizens of Benicia.
6. Jon Van Landschoot - Mr. Van Landschoot spoke in support of the proposed project.
7. Bonnie Silveria - Ms. Silveria spoke in support of the proposed project.

Vice Mayor Campbell and Staff discussed the timing of doing a negative declaration and the possibility of an archaeological dig.

Council Member Hughes discussed the value of the First Street Green property. He urged Staff to find a way to increase the usage of the land (in a way that would bring more Benicia citizens as well as tourists to the area).

Mayor Patterson discussed the community process. She discussed connecting the history (landscape history) in the plan. She would like to have a specific reference to the Andy Cohen publication on Carquinez Straight. She would like the environmental document to explore the need for the storm surge protection as a cost saving measure, and make reference to the stuff BCDC has done. She discussed the 1991 plan, which would be very difficult to get through an approval process in this day and age and very expensive to protect from the storm surges. Mayor Patterson discussed the phasing process. She discussed the 401/403 status. She would like the document to show the time involved with a more intense development vs. one that is more traditionally recognized when wetlands

are converted, and how you are more likely to get one through (reality check).

Mayor Patterson clarified that the motion would be that the preferred alternative would be assessed in the initial study, and the comments that were received tonight would be considered in the environmental assessment, and that Council approved giving staff direction to proceed with that process.

Vice Mayor Campbell and Mayor Patterson discussed the publication by Andy Cohen.

Council Member Schwartzman made a motion to approve the resolution, include the comments made tonight, and include trying to incorporate the archaeological study.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 13-103, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

**B. INTRODUCTION AND FIRST READING OF AN ORDINANCE
AMENDING THE BENICIA MUNICIPAL CODE FOR UPDATES TO THE
INDUSTRIAL ZONING DISTRICTS AND ADOPTION OF THE RELATED
NEGATIVE DECLARATION**

ORDINANCE 13- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF CHAPTER 17.16 (USE CLASSIFICATIONS) AND CHAPTER 17.32 (INDUSTRIAL USES), SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 (C COMMERCIAL DISTRICTS), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), SECTION 17.48.010 (SCHEDULE S-2) OF CHAPTER 17.48 (PROPERTY DEVELOPMENT REGULATIONS SUMMARY), SECTION 17.74.030 (OFF STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) AND SECTIONS OF CHAPTER 17.108 (DESIGN REVIEW) ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS TO REFINE REGULATIONS IN THE INDUSTRIAL ZONING DISTRICTS

Amy Million, Principal Planner, reviewed the staff report and a PowerPoint presentation (copy on file).

Mayor Patterson and Staff discussed the appeals process.

Vice Mayor Campbell and Staff discussed the issue of adding R&D to water

related uses, the issue of a water related district.

Council Member Strawbridge and Staff discussed an article on projected real estate construction in Solano County. Changing the code to reflect design review is a good idea.

Public Comment:

1. Dana Dean, Amports - Ms. Dean discussed support for the proposed ordinance. She discussed the issue of water related industrial area/use.

Mayor Patterson discussed starting another open process to discuss adding design for streetscapes. She discussed the issue of water related use.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, 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)

C. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.41% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL BFA FIRE MEMBERS

ORDINANCE 13-13 - AN ORDINANCE OF THE CITY OF BENICIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 13-13, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. MAYOR REQUEST TO AGENDIZE A COUNCIL STUDY SESSION REGARDING IMPLEMENTATION OF A COMMUNITY AIR MONITORING PROGRAM

Mayor Patterson reviewed her request.

Vice Mayor Campbell asked if there needed to be a workshop, or if it could be an agenda item. Mayor Patterson requested it be done as a study prior to a regular council meeting (from 6:30-7:00 p.m.)

Council Member Hughes discussed support for having it as an agenda item. He recommended Valero provide the update with Mr. Gamilas available for expertise.

Council Member Strawbridge asked if Mayor Patterson was still going to have a meeting with Jack Broadbent, BAAQMD (yes). That might be a key meeting in moving this forward.

Council confirmed the meeting was tentatively scheduled for the first meeting in January 2014 as part of the regular agenda. Valero would be the lead on the presentation with Mr. Gamilas there for technical backup.

Public Comment:

1. Constance Beutel - Ms. Beutel spoke in support of this item.

E. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 18, 2013**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: November 22, 2013**
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: December 5, 2013

- 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: TBD**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: December 11, 2013**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: December 12, 2013**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 16, 2014**
- 11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: December 9, 2013**
- 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: November 20, 2013**
- 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: November 21, 2013**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:14 p.m.

Lisa Wolfe, City Clerk

