

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
December 02, 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.

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)
Title: City Attorney

III. CONVENE OPEN SESSION:

Mayor Patterson called the meeting to order at 7:02 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Supervisor Linda Siefert led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

Mayor Patterson discussed the recent tragic death of Arlen Ingle. She encouraged citizens to support the family. She asked for a moment of silence.

A. ANNOUNCEMENTS

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

Heather McLaughlin, City Attorney, reported the following actions taken during Closed Session:

Item II.A - Council received information from Staff.

Item II.B - Council received information from Ms. McLaughlin.

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
open until filled

Human Services Board
1 unexpired term
open until filled

**3. Boards & Commissions - Council Subcommittee
Recommendations: Subcommittee recommendation to Mayor of Margaret (Maggie) Kolk to the Human Services Board for an unexpired term ending January 31, 2017**

4. Mayor's Office Hours:

5. Benicia Arsenal Update

Verbal update from City Attorney

Ms. McLaughlin reported that besides the Department of Toxic Substance Controls (DTSC) sending the City bills for work, it gave the City a 30-day extension on each of the projects for approaching deadlines.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

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

Two items were received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Council pulled item VII.E 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, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2014 CITY COUNCIL MEETING

B. SECOND READING AND ADOPTION OF AN ORDINANCE FOR REASONABLE ACCOMMODATION

ORDINANCE 14-10 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 17.132 (REASONABLE ACCOMMODATION) AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN TO REFERENCE CHAPTER 17.132 (REASONABLE ACCOMMODATION)

C. SECOND READING AND ADOPTION OF AN ORDINANCE FOR TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND EMERGENCY HOMELESS SHELTER

ORDINANCE 14-11 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) BY ADDING A DEFINITION (TARGET POPULATIONS) TO SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12, ADDING NEW USE CLASSIFICATIONS TO SECTIONS 17.16.030 AND 17.16.040 (SUPPORTIVE HOUSING, TRANSITIONAL

HOUSING, AND EMERGENCY SHELTER, RESPECTIVELY) OF CHAPTER 17.16, AMENDING SECTION 17.24.020 (RS, RM, AND RH DISTRICTS-LAND USE REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS) TO ADD THE NEW LAND USE CLASSIFICATIONS (EMERGENCY SHELTER, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 TO ADD A NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), AMENDING SECTION 17.36.030 (LAND USE REGULATIONS) OF CHAPTER 17.36 TO ADD NEW LAND USE CLASSIFICATIONS (SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.40.030 (LAND USE REGULATIONS) OF CHAPTER 17.40 TO ADD NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), ADDING SECTION 17.70.390 (EMERGENCY SHELTER) TO CHAPTER 17.70 (SITE REGULATIONS), AMENDING SECTION 17.46.010 (SCHEDULE S-1, SUMMARY OF LAND USE REGULATIONS), AMENDING SECTION 17.74.030 (OFF-STREET PARKING AND LOADING REGULATIONS) TO ESTABLISH PARKING STANDARDS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTERS, AMENDING SECTION 17.108.020 REGARDING DESIGN REVIEW FOR EMERGENCY SHELTERS, AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN, CHAPTER 4: FORM BASED CODES, TO DEFINE AND ADD SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING AS PERMITTED USE CLASSIFICATIONS IN ALL DOWNTOWN DISTRICTS

D. ACCEPTANCE OF THE BENICIA SAFE ROUTES TO SCHOOL PROJECT

RESOLUTION 14-138 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BENICIA SAFE ROUTE TO SCHOOL PROJECT AS COMPLETE INCLUDING STAFF APPROVED CONTRACT CHANGE ORDER NOS. 1 - 3, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTERS ENDED JUNE 2014 AND SEPTEMBER 2014

Vice Mayor Campbell discussed the need for the City to look at its investment policy. With the CPI, the City is going negative. The City is consistently not doing well. At best it is holding even and at times, going negative.

Mayor Patterson noted that that issue was addressed in the minutes, but she did not see them in the staff report. She asked that after discussion, Council could give direction to address that issue.

Council Member Schwartzman agreed it was a good thing to discuss. The City would have to be careful at what it looked at.

Public Comment:

None

Staff discussed the Finance Committee's work plan. Staff is happy to do what Council wants, but it may force them to shift some priorities.

Mayor Patterson clarified that not everyone was familiar with how Council developed the rules in 2004, so it may be helpful to clarify that. The rules adopted in 2004 were modeled after the City of Fairfield, but tighter. Staff could compare what the City of Benicia adopted against what Fairfield has, and report back to Council.

Staff asked that when Council gives direction on this item, they could allow Staff to evaluate the time required to do it. Staff has a heavy schedule for the next 6-7 months.

Council Member Strawbridge suggested having the City's investment manager come and make a presentation to the City.

Mayor Patterson suggested the presentation be made at the Finance Committee and then they can report to Council.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council reviewed and accepted the Investment Report for the quarters ended June 2014 and September 2014, and gave direction to Staff, on roll call by the following vote:

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

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

VIII. BUSINESS ITEMS:

A. PUBLIC NOTICING REQUIREMENTS

Dan Marks, Interim Community Development Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed how public notices at shopping centers would be dealt with, specifically the separate businesses within the

centers.

Council Member Hughes and Staff discussed individual notifications for the shop owners in shopping centers, what the cost would be to do individual tenant notifications at shopping centers, and the previous issues brought up by Ace Hardware regarding notifications within the Raley's Shopping Center.

Mayor Patterson discussed the need to put the posters up in the shopping centers, as well as the individual tenant notifications. She and Staff discussed the telecommunication tower issues and concerns regarding height and traffic concerns are brought to the tenant's attention. Staff discussed the issue of story poles, cost of labels, etc. Mayor Patterson suggested putting optional elements in the ordinance regarding sensitivity issues such as height, view shed, etc. are affected.

Council Member Schwartzman suggested putting the large sign by a project such as one at an apartment complex facing outward so that everyone would see it coming and going - to ensure it would be very visible.

Public Comment:

None

Mayor Patterson summarized that the direction to Staff was to go forward as recommended in the staff report, to come up with a program and changes to the ordinance, and meet with the Benicia Chamber of Commerce, and the Merchants Association in Southamton.

Council Member Hughes asked that Staff take the individual tenant notifications into consideration at the three shopping centers.

B. APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014

RESOLUTION 14-139 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014

Lisa Wolfe, City Clerk, reviewed the staff report.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Vice Mayor Campbell, Council adopted Resolution 14-139, on roll call by the following vote:

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

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:36 p.m.