

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
March 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 Closed Session to order at 6:00 p.m. Council Member Strawbridge was absent. All other Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case- regarding the County's Property Tax Administration Fee
- B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (1 case)

III. CONVENE OPEN SESSION:

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

A. ROLL CALL

Council Member Strawbridge was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Rona Leon 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.

Ms. McLaughlin reported that Council took the following actions:

1. Item II.A - Council received information and authorized the initiation of litigation against the County for the Property Tax Administration Fee.
2. Item II.B - Council received information from Staff.

2. Openings on Boards and Commissions:

Staff clarified there were two full-term and one partial term openings on the Arts & Culture Commission.

3. Mayor's Office Hours:

4. Benicia Arsenal Update: Written update from City Attorney.

Heather McLaughlin, City Attorney, reviewed the staff report.

B. PROCLAMATIONS

1. In Recognition of National Poetry Month - April 2013
2. In Recognition of Sunshine Week - March 10-16, 2013

C. APPOINTMENTS

1. Appointment of Vice Mayor Tom Campbell to a City Council Subcommittee for a one-year term ending March 19, 2014

RESOLUTION 13-18 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF VICE MAYOR TOM CAMPBELL TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING MARCH 19, 2014

Vice Mayor Campbell discussed concerns regarding violating The Brown Act with regards to the appointment subcommittee process. He would be willing to serve, with the stipulation that Council receives confirmation from the Fair Political Practices Commission (FPPC) that the current process does not constitute a violation.

Ms. McLaughlin stated the California Attorney General would be the appropriate office to make a judgment regarding The Brown Act. She reviewed the current Council Appointment Subcommittee process.

Public Comment:

None

On motion of Mayor Patterson Council adopted Resolution 13-18, on roll call by the following vote:

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

2. Reappointment of Don Dean to the Planning Commission for a four year term ending January 31, 2017

RESOLUTION 13-19 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF DON DEAN TO THE PLANNING COMMISSION FOR A FOUR YEAR TERM ENDING JANUARY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-19, on roll call by the following vote:

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

D. PRESENTATIONS

1. Poetry Out Loud Contest Winners - Lois Requist - Benicia Poet Laureate

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, Campbell, Schwartzman, Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item received (copy on file).

B. PUBLIC COMMENT

None.

Mayor Patterson discussed the recent Local Government Commission Ahwahnee Conference she attended.

VII. CONSENT CALENDAR:

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

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

Council pulled item VII.B for discussion.

A. APPROVAL OF MINUTES OF THE FEBRUARY 19, 2013 CITY COUNCIL MEETING

B. BENICIA'S SAFE ROUTES TO SCHOOL (SR2S) LOCAL PLAN UPDATE

RESOLUTION 13-20 - A RESOLUTION APPROVING BENICIA'S SAFE ROUTES TO SCHOOL (SR2S) LOCAL PLAN UPDATE, FORWARDING THE RECOMMENDED PROJECTS AND PROGRAMS TO THE SOLANO TRANSPORTATION AUTHORITY (STA) FOR INCLUSION INTO THEIR COMMUNITYWIDE SR2S PLAN UPDATE, RETAINING THE BENICIA SR2S COMMUNITY TASK FORCE TO CONTINUE STEERING PROJECTS AND PROGRAMS, AND DESIGNATING THE SR2S LOCAL PLAN UPDATE AS A GUIDING DOCUMENT

Mayor Patterson discussed her suggested amendment (adding a paragraph - handout - see copy on file).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 13-20, as amended, on roll call by the following vote:

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

C. DENIAL OF THE CLAIM AGAINST THE CITY BY LISA WILKERSON AND REFERRAL TO INSURANCE CARRIER

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

VIII. BUSINESS ITEMS:

A. VALERO IMPROVEMENT PROJECT (VIP) ACCOUNT FUNDING RECOMMENDATIONS

RESOLUTION 13-21 - A RESOLUTION APPROVING ALLOCATIONS FROM THE VIP ACCOUNT AS FUNDS BECOME AVAILABLE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DOMINICAN UNIVERSITY AND A CONTRACT AMENDMENT FOR THE CLIMATE ACTION COORDINATOR

Charlie Knox, Community Development Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed the Climate Action Coordinator (Sonoma State) item. Staff suggested removing the line in question. They discussed the climate action coordinator role.

Mayor Patterson and Staff discussed the performance measures for the Climate Action Plan.

Council Member Schwartzman and Staff discussed Dominican University item. Mr. Knox clarified that Council approved the program, but staff did not have the contracts, etc. available at that time. The formal documents are in tonight's packet. Council Member Schwartzman asked that when future funding is proposed, a contract should be presented first.

Council Member Schwartzman and Staff discussed the issue of accounting. Staff stated Staff and the Good Neighbor Steering Committee were very close on agreement of the funds. Ms. McLaughlin clarified that at a previous meeting, the three parties were in agreement that the Dominican project could be paid for.

Council Member Schwartzman suggested approving the extra \$15,000, but hold off on the extra contract year until the City has gotten through the budget issues, because he wanted the Council to have some flexibility. Although the money is coming from the settlement funds, this would affect staff time, which comes out of the City's budget. Mr. Knox stressed the importance and need for an almost full time climate action coordinator.

Council Member Schwartzman and Staff discussed the grant proposals and clarified that the proposed funding was for one year. He asked for clarification on the grants and whether they could cover salaries. Staff discussed the portion of the various grants that would cover administrative costs.

Council Member Hughes and Staff discussed the issue of accounting, and the need to make sure all parties involved (CSC, Valero, Good Neighbor Steering Committee, etc.) agrees to the accounting. He would like to see a simple ballot sheet that would provide him with a comfort level that all parties are on the same page.

Mr. Kilger discussed the settlement agreement.

Karan Reid, Finance Director, discussed the issue of accounting.

Council Member Schwartzman and Staff discussed what the dollar amount was on the items that the parties were not in agreement on (under \$100,000).

Council Member Schwartzman disclosed an ex parte communication he had with Dana Dean, who thinks the number is much larger than \$100,000. It sounds like Council needs to get a clear answer and get the issue resolved.

Mr. Kilger discussed concerns regarding the disagreement of the dollar amount that the parties are not in agreement on. If there is disagreement from other members, he did not think Council should act on any items tonight, with the exception of the Dominican item.

Kathy Kerridge, Good Neighbor Steering Committee, discussed the accounting, and the difficulties in tracking the revenues and expenditures, and how things should be allocated. She indicated that Ms. Dean has said in an email that there is at least \$850,000 in funds that have not been allocated. They need to go back and check the accounting to see what the actual figures are. The committee was confident that there was plenty of money to fund all the items tonight, with plenty left over.

Council Member Hughes stressed the need for a complete and accurate accounting of the funds.

Mr. Kilger discussed how difficult it had been to get all the parties together at one time. Staff would not bring any recommendations to Council unless the funds were financially sound.

Council Member Hughes and Staff discussed the pilot program regarding the residential plumbing fixtures.

Vice Mayor Campbell and Staff, and members of the Benicia Tree Foundation discussed the proposed Benicia Tree Foundation grant. Vice Mayor Campbell discussed concerns regarding how the funds had been spent (80% of funds spent to date have gone towards salaries/administrative costs). Benicia Tree Foundation members reviewed what they have done since the foundation was started.

Mayor Patterson clarified that tonight's meeting was not for questioning grantees on costs, as they were not asked to make formal presentations tonight. They had

already made presentations to the CSC. The CSC had recommended the proposed grants for approval. If Council wants to get specific costs etc., the item should be continued until the grantees can make formal presentations.

Council Member Schwartzman discussed concerns regarding how much of the grants were being used for salaries for the Arts & Culture Commission, Benicia Historical Museum, and the Benicia Tree Foundation grants.

Vice Mayor Campbell, Mayor Patterson, and Staff discussed what staff's recommendation was for this item.

Vice Mayor Campbell stated he was okay with everything except the Benicia Tree Foundation Grant.

Council Member Hughes stated that although he was concerned about the money being used for salaries, he was prepared to vote for all of the grants.

Council Member Schwartzman suggested voting on all of the items Council had agreement on, and bringing the items back that they had questions on.

Vice Mayor Campbell discussed concerns regarding the Arts & Culture Commission grant regarding the sustainable art piece (\$30,000). Regarding the Benicia Tree Foundation grant, he would like more assurances that more trees would be planted.

Mayor Patterson clarified that the grants that Council would like more information on were the Benicia Historical Museum, and Benicia Tree Foundation grants.

Vice Mayor Campbell stated that he wanted an assurance from the Benicia Tree Foundation that they would be planting the 1,000 trees, as they originally stated they would. Ms. Fleck discussed the foundation's commitment to their goal.

Mayor Patterson clarified that proposed action was to move forward with all of the grants with the exception of the Benicia Historical Museum, Arts Benicia, Benicia Historical Museum, Arts & Cultural Commission, and possibly the Benicia Tree Foundation grants.

Vice Mayor Campbell clarified that he would like to include the Benicia Tree Foundation grant tonight.

Mayor Patterson clarified the proposed action for the public, which was to approve the staff recommendations with the exception of the grant for Arts Benicia, Benicia Historic Museum, and the Arts & Cultural grant proposals.

Public Comment:

1. Rona Leon - Ms. Leon clarified that the Arts and Culture Commission made two grant requests, so Council should separate them or pull both.
2. Constance Beutel - Ms. Beutel confirmed that the CSC had similar

questions to the the ones previously raised and discussed by the commission.

3. Patty Gavin - Ms. Gavin spoke in support of the public art piece proposed by Arts Benicia.
4. Bob Nelson - Mr. Nelson asked Council to postpone bringing the public art piece back for discussion until Larnie Fox is back in the country to respond to Council's questions.
5. Lee Wilder Snyder - Ms. Wilder Snyder spoke in support of the proposed public art piece.
6. Larry Lauffer - Mr. Lauffer spoke in support of the proposed public art piece.

Mayor Patterson stated that the discussion tonight had been valuable. The future presentations will be enriching and valuable for the public to hear. The presentations would be made at the 4/16 Council meeting.

Council Member Hughes asked if Council would consider approving all of the grant proposals and have the groups come back in the near future with updates and details.

Council Member Schwartzman stated that after reviewing the numbers, he was okay with the museum and public art proposals (as the labor/in-kind labor was acceptable amount), but was concerned with the tree and Arts Benicia items because too much was going toward salaries.

Vice Mayor Campbell stated he would move forward with the tree item. He was concerned about the cost of the public art item. He would be okay moving forward with all of the proposed items, but hoped he would not regret his decision.

Ms. McLaughlin clarified the content of the motion was to adopt the resolution on page VIII.A.5. Council needed to make a change to add the trees in (as they are not listed on page VIII.A.6), amend the contract for the CAP coordinator (deleting the sentence about variable salaries), and possibly adding performance measures for the tree grant.

Mayor Patterson clarified that Council wanted to have a report brought back on all of the grants. Council would be making the technical correction of adding the trees, and having a report brought back (similar to the accounting that is done by the Human Services Board). Those would be the significant changes to the resolution.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council adopted Resolution 13-21, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes
Noes: Schwartzman

B. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: March 20, 2013**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: April 18, 2013**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: March 22, 2013**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: April 18, 2013**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: June 13, 2013**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: May 3, 2013**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: May 9, 2013**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: April 10, 2013**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson) Next Meeting Date: April 11, 2013**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: April 18, 2013**
- 11. Tri-City and County Cooperative Planning Group. (Council Member Hughes) Next Meeting Date: June 10, 2013**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: March 20, 2013**

13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: March 27, 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: March 21, 2013**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:15 p.m.

Lisa Wolfe, City Clerk