

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
April 03, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**I. CALL TO ORDER:**

The closed session was cancelled.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Senior Managers, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**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**

Girl Scouts led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

**IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**

**A. ANNOUNCEMENTS**

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

The Closed Session meeting was cancelled.

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

Building Board of Appeals  
2 full terms  
Open Until Filled  
SolTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Application Due Date: April 13, 2012

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

**4. Benicia Arsenal Update: Verbal Report**

The City is waiting for the DTSC to get back to the City with some commitments in writing. When those commitments are in hand, a public meeting will be scheduled.

**B. APPOINTMENTS**

**1. Resolution Approving Mayor's Appointments to Council Committees - Appointment of Mayor Elizabeth Patterson to the Tri City and County Committee**

**RESOLUTION 12-37 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO STANDING, AD HOC AND OUTSIDE AGENCY COMMITTEES**

On motion of Mayor Patterson Council adopted Resolution 12-37, on roll call by the following vote:

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

**2. Appointment of Suzanne Foley Sprague to the Planning Commission for a four year term ending January 31, 2016**

Mayor Patterson discussed the previous appointee's inability to serve on the Planning Commission (due to a family situation).

Council Member Hughes discussed the Appointment Subcommittee candidate rankings and recommendations. Although Ms. Foley is a fine person, he was disappointed the subcommittee's top two recommendations were not being appointed.

Mayor Patterson discussed the appointment process. She clarified that Ms.

Sprague was one of the subcommittee's top three recommendations.

Ms. McLaughlin referenced the City Council's Rules and Procedures regarding the appointment process.

Council Member Strawbridge expressed concern regarding all five Council Members not being privy to the subcommittee's rankings and recommendations. She felt that if the Mayor did not want to appoint any of the recommended applicants, it should go back to the subcommittee. She would like Council to look at the process and review some of the appointment procedures. She knew of Ms. Sprague and her involvement in the community. She felt there were some issues Council needed to resolve prior to making the appointment.

Council Member Schwartzman discussed how the Appointment Subcommittee evolved. He did not remember an Appointment Subcommittee ever feeling so strongly about any individuals. Either way tonight's appointment goes, he wished Ms. Sprague well.

Vice Mayor Campbell did not agree with the subcommittee's recommendations being passed over four times. He could not support the appointment.

Mayor Patterson discussed the past service on the commission of the subcommittee's top recommendation. She would like to see new people on the commissions. She suggested coming up with a criteria for the top two recommendations. She expressed concern regarding showing the rankings publicly. It was an unfortunate situation.

Council Member Schwartzman discussed the issue of public rankings and public interviews.

Public Comment:

Toni Haughey - Ms. Haughey discussed her disappointment in the process. She thought the public should somehow be involved in the process.

On motion of Mayor Patterson The Resolution was not approved, on roll call by the following vote:

Ayes: Patterson

Noes: Strawbridge, Schwartzman, Campbell, Hughes

**3. Appointment of Daniel C. Smith to the Soltrans Public Advisory Committee for a three year term ending January 31, 2015**

**RESOLUTION 12-38 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DANIEL C. SMITH TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY 31, 2015**

On motion of Mayor Patterson Council adopted Resolution 12-38, on roll call by the following vote:

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

**C. PRESENTATIONS**

1. **Arts and Culture Commission Annual Report**
2. **Poetry Out Loud - Ronna Leon**
3. **Tula Sister City Organization - Official Invitation to the Mayor, Council and Community to visit the City of Tula - Maria Bitagon**

**D. PROCLAMATIONS**

1. **In Recognition of National Library Week, April 8-14, 2012**
2. **In Recognition of Janice Adams and Jane Abelee - Superintendent and Principal of the year (ACSA)**
3. **In Recognition of National Volunteer Week - April 15-21, 2012**
4. **In Recognition of April 2012 as Child Abuse Prevention Awareness Month**
5. **In Recognition of Girl Scouts of the USA - 100 Years - March 12, 2012**

**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**

**B. PUBLIC COMMENT**

1. Carol Nail - Ms. Nail discussed Measure L.
2. Hannah and Emily - The girls discussed their Girl Scout service project (harvesting citizen's fruit trees and donating the fruit to the CAC).
3. Kimble Goodman - Mr. Goodman announced upcoming events at The Benicia Olde Town Theatre Group.
4. Dan Smith - Mr. Smith announced the upcoming birthday party for the Playground of Dreams Park. He discussed concerns regarding recent cuts to

the bus service.

5. Jose Lustin - Mr. Lustin is the new union representative of the BPSEA. He looked forward to working with the City.

## **VII. CONSENT CALENDAR:**

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **A. APPROVAL OF MINUTES OF THE SPECIAL MEETING OF MARCH 6, 2012, THE REGULAR MEETING OF MARCH 6, 2012 AND THE SPECIAL MEETING OF MARCH 13, 2012**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes of the special and regular meeting of March 6, 2012, and the special meeting of March 13, 2012, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **B. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2011**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council reviewed and accepted the investment report for the quarter ended December 31, 2011, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **C. ACCEPTANCE OF THE 2011 STREET RESURFACING PROJECT**

#### **RESOLUTION 12-39 - A RESOLUTION ACCEPTING THE 2011 STREET RESURFACING PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-39, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

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

## VIII. BUSINESS ITEMS:

### A. **BENICIA STATE CAPITOL HISTORIC PARK MAINTENANCE AGREEMENT**

Mario Giuliani, Acting Economic Development Director, and Mike Dotson, Parks & Community Services Director, reviewed the staff report.

Council Member Hughes and Staff discussed the issue of indemnification (hold harmless language), and how taking on the additional work would impact the Parks & Community Services Staff's current workload (taking into account the current adjustments that were made with regards to maintaining fields). Staff confirmed the workload would not impact the current staff. The seasonal worker's hours would be increased 10 hours per week to accommodate the workload. The funding for the labor hours would be \$7,800/year. It is anticipated the City would receive a donation from the State Parks Foundation, which would be applied toward that cost (1-year agreement). The State Parks Foundation would continue fundraising for the additional time on the contract.

Council Member Schwartzman and Staff discussed the restroom roof, property taxes (The language in the agreement was boilerplate from the State. There would be no tax liabilities for the City of Benicia.), and ADA requirements (the City would be responsible for what currently exist, and the State would be responsible for any new issues that come up.).

Council Member Strawbridge and Staff discussed the lawn area at the State Park (and whether the City could use the area for activities), and the bathroom roof. They discussed the possibility of using in-kind donations for the roof repairs.

Vice Mayor Campbell and Staff discussed the City's involvement in the operations of the State Parks (operated by the Benicia State Parks Association), and concerns regarding the 'hold harmless' language in the agreement (puts the City at too high of a liability - the City needs more protection).

#### Public Comment:

1. Carol Berman - Ms. Berman spoke in support of the proposed agreement. She discussed the Benicia State Parks Association.
2. Bob Berman - Mr. Berman spoke in support of the proposed agreement. He discussed the Benicia State Parks Association. They need more volunteers to join.
3. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed agreement.
4. Ellen Kolowich - Ms. Kolowich spoke in support of the proposed agreement.
5. Ryan Swan - Mr. Swan spoke in support of the proposed agreement.
6. Spence Rundberg - Mr. Rundberg spoke in support of the proposed agreement.

Vice Mayor Campbell requested the motion include direction to Staff to add directional signs to the restroom facility on First Street.

Mayor Patterson requested that a diagram be included to show the areas the City would be maintaining. Staff clarified that diagram should not be included in the agreement. It was a separate discussion outside the agreement that should be had with the State. Mayor Patterson clarified that, as discussed by Staff, the areas of responsibility (the City's concern regarding risk, etc.) should go along with detailed photographs of the uneven surfaces, etc. Staff confirmed they understood that was the Mayor's desire. Mayor Patterson confirmed Council did not want to delay the agreement.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council approved the Benicia State Capitol Historic Park maintenance agreement, with additional direction to Staff, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

## **B. CANCELLATION OF THE JULY 3, 2012 CITY COUNCIL MEETING**

Brad Kilger, City Manager, reviewed the staff report.

### Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the cancellation of the July 3, 2012 City Council meeting, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

## **C. Council Member Request to Agendize**

**This is a request to discuss Citizen's requests for a comprehensive review of UN Agenda 21 and ICLEI -Local Governments for Sustainability.**

Mayor Patterson reviewed her request to agendize the discussion of a citizen's request for a comprehensive review of UN Agenda 21 and ICLEI - Local Governments for Sustainability.

Vice Mayor Campbell discussed his lack of support for this item. He was concerned that Staff did not have the time to address the issue at this time.

Council Member Hughes thought it would be useful for the public to hear an overview (not an in-depth review) of this issue, if Staff had the time to work on it.

Council Member Schwartzman discussed his hesitation regarding this item. He

was not sure what responsibility the City had in informing the public on this issue. He was not inclined to support this item. He encouraged the public to look into the issue if they were inclined.

Council Member Strawbridge had looked into this issue. She did not feel this was something Council needed to tackle. She suggested having the CSC have this issue as a topic at one of their meetings.

Public Comment:

None

Mayor Patterson clarified that she did not support agendizing this item. She agreed that the CSC might want to discuss this issue. The CSC could possibly put information on the issue on their website.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council did not approve placing this item on a future agenda, on roll call by the following vote:

Ayes: Hughes

Noes: Patterson, Strawbridge, Schwartzman, Campbell

**D. Council Member Request to Agendize**

**This council action request is to give direction to staff to develop city policies for life cycle costing analysis for infrastructure and public works projects and at a future time application to other project analysis. Therefore, this item should be agendized in time to provide these policies for council considerations in Phase II of the budget review and future budget process.**

Mayor Patterson reviewed her request to give Staff direction to develop city policies for life cycle costing analysis for infrastructure and public works projects, and at a future time, application to other project analysis.

Vice Mayor Campbell discussed his lack of support for this item. Staff has too much on its plate at this time.

Council Member Schwartzman discussed his lack of support for this item. He was concerned about Staff's lack of time to work on this.

Council Member Hughes discussed his lack of support for this item. He was concerned about Staff's lack of time to work on the issue. He thought it sounded like Staff was already thinking about the issue. They could put this on an informal list and continue to work toward it.

Staff discussed their current informal version of life cycle costing. At this point in time, Staff is trying to do that. They have asked companies to do that as part of their analysis. He requested that Staff be allowed to continue to do this in an

informal manner, and when time and resources become available, they could look into doing it in a more formal manner.

Public Comment:

None

Mayor Patterson inquired whether a motion was required. She stated that the record would show that a discussion was had on the topic, and that Staff was informally applying the life cycle costing, and would consider a more formal application in the future.

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:47 p.m. in honor of Mr. Peter Douglas.

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Lisa Wolfe, City Clerk