

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
April 05, 2011

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 7:09 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Campbell arrived at 7:12 p.m.

B. 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.

Ms. McLaughlin reported that Council gave direction to Staff on all Closed Session items.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee: One full term to January 31, 2015

Civil Service Commission: One full term to January 31, 2015

Building Board of Appeals: Three full terms to January 31, 2015

Solano Transportation Authority Pedestrian Advisory Committee: One full term to January 31, 2014

Community Sustainability Commission: One unexpired term to January 31, 2012

Soltrans Public Advisory Committee: Three full terms

3. **Mayor's Office Hours:**
4. **Benicia Arsenal Update:**

B. APPOINTMENTS

1. **Appointment of John Furtado to the Sky Valley Open Space Committee for a full term to January 31, 2015.**

RESOLUTION 11-39 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JOHN FURTADO TO THE SKY VALLEY AND OPEN SPACE COMMITTEE TO A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Hughes, loakimedes, Campbell

Noes: (None)

2. **Appointment of Robert S. Plath to the Sky Valley Open Space Committee for a full term to January 31, 2015.**

RESOLUTION 11-40- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ROBERT S. PLATH TO THE SKY VALLEY AND OPEN SPACE COMMITTEE TO A FULL TERM ENDING JANUARY 31, 2015

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

Ayes: Patterson, Schwartzman, Hughes, loakimedes, Campbell

Noes: (None)

C. PRESENTATIONS

1. **Chuck Rieger - Solano Center for Business Innovation**

Mr. Rieger reviewed a PowerPoint presentation.

Council Member Hughes and Mr. Rieger discussed what was being done to ensure the contractors were certified.

Mayor Patterson inquired about the payback periods for the basic and advanced (information not available at this time).

Public Comment:

Robert Kerns - Mr. Kerns discussed the issue of water watershed.

D. PROCLAMATIONS

1. **In Recognition of National Library Week - April 10 - 16, 2011**

2. **In Recognition of National Public Safety Telecommunicators Week - April 10 - 16, 2011**

3. **In Recognition of National Volunteer Week - April 10 - 16, 2011**

Public Comment:

Constance Beutel - Dr. Beutel thanked Council and Staff for their support of the volunteers.

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items submitted by Staff.

B. PUBLIC COMMENT

Marilyn Bardet - Ms. Bardet discussed the free public lecture series and workshops being offered by Solano Community College and the Sustainability Commission.

Dennis Lowry - Mr. Lowry discussed the meeting he had with various City Department heads. He apologized for a misconception he had regarding the City paying for time not worked.

Gene Doherty - Mr. Doherty discussed the possibility of the two State Parks being closed in Benicia. He announced the Earth Day Event on 4/16/11, California Native Plant Week, and the upcoming Spring Native Plant Sale.

VII. CONSENT CALENDAR:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Council pulled items VII.B, VII.C, and VII.D for discussion.

A. APPROVAL OF MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF MARCH 15, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the Special and Regular City Council meetings of March 15, 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

B. AWARD OF A 1-YEAR CONTRACT FOR VEGETATION MANAGEMENT CONTRACTOR

RESOLUTION 11-42 - A RESOLUTION ACCEPTING THE BIDS FOR THE VEGETATION MANAGEMENT CONTRACTOR, AWARDING THE CONTRACT TO APEX GRADING OF CONCORD, CALIFORNIA, IN THE AMOUNT OF \$68,000.00, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

Council Member Campbell and Staff discussed concerns regarding cost. Council Member Campbell inquired if it would cost less over time to invest in the equipment and have City Staff do the work. Staff could look into the issue and provide Council with a report.

Mayor Patterson requested the report include the experience one has when there is a crew doing a job four weeks out of the year compared to someone who works year round, and the City's liability exposure with such a position (and the injuries that could be incurred).

Council Member Hughes requested the report include information on renting the equipment, rather than purchasing it.

Public Comment:

Marilyn Bardet - Ms. Bardet suggested the City look into the possibility of using the goats to address the vegetation issue.

Mayor Patterson summarized the recommendation was to approve this item for the current year, and Staff would provide a comprehensive report for Council, in a timely manner, for the following year.

On motion of Vice Mayor Schwartzman, seconded by Council Member Ioakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. APPROVAL OF CONTRACT AMENDMENT WITH CITYCENTRIC FOR MARK RHOADES TO SERVE AGAIN AS LAND USE AND ENGINEERING MANAGER POSITION ON AN INTERIM BASIS

RESOLUTION 11-43 - A RESOLUTION APPROVING A CONTRACT AMENDMENT IN A NOT-TO-EXCEED AMOUNT OF \$117,000 WITH CITYCENTRIC INVESTMENTS FOR PROFESSIONAL SERVICES AND CONSULTATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

Council Member Campbell and Staff discussed concerns regarding the cost (hiring an employee vs. using a contract staff person).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

D. RECOMMENDATION TO AUTHORIZE \$3,000 IN VALERO/GOOD NEIGHBOR FUNDS FOR 2011 EARTH DAY EVENT

RESOLUTION 11-44 - A RESOLUTION AUTHORIZING AN EXPENDITURE OF NOT-TO-EXCEED \$3,000 IN FUNDS FROM THE VALERO/GOOD NEIGHBOR SETTLEMENT AGREEMENT FOR COSTS ASSOCIATED WITH THE EARTH DAY 2011 EVENT

Council Member Campbell thanked Staff for their efforts in planning Earth Day. He and Staff discussed what the \$3,000 would be spent on (vendor fees, fixtures, supplies for children's activities, etc.). Staff did not think the entire amount would be spent.

Public Comment:

None

On motion of Council Member loakimedes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

E. AUTHORIZATION TO EXECUTE A QUIT CLAIM DEED TO SOLANO COUNTY FOR THE FORMER ALLEY LOCATED UNDER THE BENICIA MEMORIAL VETERANS HALL AND TO TAKE ALL NECESSARY AND RELATED ACTIONS

RESOLUTION 11-41 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEED ON BEHALF OF THE CITY FOR THE FORMER RIGHT OF WAY AT 1150 FIRST STREET (BENICIA MEMORIAL VETERANS HALL)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

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

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

A. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2010 AND RECOGNITION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE JUNE 30, 2009 REPORT

Rob Sousa, Finance Director, and Dennis Lowry, Chairperson, Finance Audit Budget Committee, reviewed the staff report.

Council Member loakimedes and Staff discussed incorporating the Governmental Accounting Standards into the resolution regarding the City's reserve policy.

Council Member Hughes and Staff discussed when the last audit was conducted by MHM for the City of Bell, California, and whether any other firm would have raised flags regarding the dollar amounts.

Mayor Patterson and Staff discussed the rules and protocol developed by the Governmental Accounting Standards Board (GASB). She would like to see that it is very comprehensive and thorough in the protocol requirements, so that there is no hesitation in what the City is asking them to be able to have independence in what is being done.

Council Member Campbell discussed the issue being one of perception (with accounting firms), and how that is affecting the situation.

Vice Mayor Schwartzman discussed the situation in Bell, California. He and Staff discussed how to ensure any new firm would handle the escalation process.

Council Member loakimedes and Staff discussed the whistle blowing policy.

Mayor Patterson requested Staff include the units in the RFP when documenting figures, tables, etc. She would like to see the user-friendly aspect of the reports maintained. She would like the issue of sustainability included in the financial goals and strategies section, and add 'cultural arts' to section #4.

Mayor Patterson summarized the two actions to be taken: 1) accepting the

CAFR and authorizing Staff to distribute the document to recipient agencies, and 2) the termination of the Mayer Hoffman McCann P.C.

Mayor Patterson clarified the motion would encompass both actions. Staff clarified that the additions were to add into the RFP, the whistle blowing policy, as well as adding in a thorough discussion of the protocols that the City was expecting, adding units to the documents, and updating the final report that includes the sustainability and the cultural arts.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2010, and authorized staff to distribute the document to recipient agencies, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Mayor Patterson Council directed staff, by minute order, to terminate the Mayer Hoffman McCann P.C. contract for auditing services and solicit requests for proposals for auditing services for FY 2010-2011, with additional requirements, as discussed by Council, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 21363.1 (3% AT 55 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION)

ORDINANCE 11-5- AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. APPROVE A RESOLUTION AWARDED CONSULTANT CONTRACT TO CIVITAS ADVISORS TO PERFORM A BUSINESS IMPROVEMENT DISTRICT FEASIBILITY STUDY AND POSSIBLE FORMATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 11- 45 - A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONSULTANT CONTRACT TO CIVITAS ADVISORS OF SACRAMENTO, CALIFORNIA IN THE AMOUNT NOT-TO-EXCEED \$36,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council Member Campbell and Staff discussed how much money would be required to be able to make an impact, whether the merchants would buy into the idea, and what the money would be used for. Staff clarified that it had not been determined where the BID would be. Staff discussed how Prop 26 affects BIDs.

Council Member Ioakimedes, Mayor Patterson, and Staff discussed who should appoint the advisory board.

Council Member Hughes and Staff discussed the pushback Staff received (at the community meetings) from the merchants regarding the use of a consultant for the feasibility study, and the actual BID.

Vice Mayor Schwartzman and Staff discussed how much of the \$140,000 was being spent on advertising (approximately \$50,000/year).

Public Comment:

Gene Doherty - Mr. Doherty spoke in favor of the proposed resolution.

Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed resolution.

Christina Strawbridge - Ms. Strawbridge spoke in support of the proposed resolution.

Council Member Campbell and Staff discussed who would oversee the BID. On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes
Noes: (None)

D. APPROVAL OF LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION TO FINANCE VARIOUS ENERGY CONSERVATION PROJECTS

RESOLUTION 11-46 - A RESOLUTION AMENDING RESOLUTION NO. 11-36 APPROVING A CHANGE ORDER TO THE ENERGY SERVICE CONTRACT WITH CHEVRON ENERGY SERVICES FOR INSTALLATION OF A RENEWABLE ENERGY GENERATION EQUIPMENT AT CITY FACILITIES

RESOLUTION 11-47 - A RESOLUTION APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO TO FINANCE VARIOUS ENERGY CONSERVATION PROJECTS THROUGHOUT THE

GEOGRAPHIC BOUNDARIES OF THE CITY, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Campbell and Staff clarified the cost of power for the City was \$1.4 million for electricity. Council Member Campbell discussed the long-term savings this could produce.

Council Member Hughes and Staff discussed concerns regarding uncertainty and risks. They discussed what could happen if the City defaulted on the loan, and the issue of the City's risk.

Vice Mayor Schwartzman and Staff discussed what liability Chevron had if they could not achieve the \$50,000 targeted savings. They discussed using the Clocktower as collateral.

Mayor Patterson and Staff discussed the 28% of costs that were not being covered by the program, and the construction timeframe (approximately six months from the start of the project).

Public Comment:

Gene Doherty - Mr. Doherty spoke in support of the proposed resolution.

Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution.

Constance Beutel - Dr. Beutel spoke in support of the proposed resolution.

Council Member Hughes clarified his position regarding the issue.

Council Member loakimedes suggested the information discussed tonight be put into a report. Mr. Pressman would present the information to Staff for the 4/19/11 Council meeting.

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted Resolution 11-46, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted Resolution 11-47, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

X. INFORMATIONAL ITEMS:

A. City Manager Reports

1. PREFERRED LESSOR FOR NATIONWIDE SIGN SITE

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council and Staff discussed concerns regarding reader boards (digital signs), regulations for reader boards, design review that might be required for such signs, and issues that have been raised by non-governmental agencies regarding reader boards.

B. Council Member Committee Reports - Continued from March 15, 2011 Council Meeting

- 1. Mayor's Committee Meeting. (Mayor Patterson)
Next Meeting Date: April 20, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: 2011 Spring General Assembly - Thursday, April 14, 2011**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 22, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: April 28, 2011**
- 5. School Liaison Committee. (Council Members Ioakimedes and Hughes)
Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes)
Next Meeting Date: May 4, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell)
Next Meeting Date: April 28, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: April 23, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: April 14, 2011**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes)
Next Meeting Date: April 21, 2011**
11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes)
Next Meeting Date: TBD**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes)
Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: April 27, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson)
Next Meeting Date: April 25, 2011**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member loakimedes) Next Meeting Date: April 21, 2011**

XI. COUNCIL MEMBERS REPORTS:

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:29 p.m.