

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
April 16, 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.

All 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:
One case: Fire Trucks Plus

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of
subdivision (d) of Section 54956.9:
One case

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session meeting to order at 7:00 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Various City Volunteers led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Brad Kilger, City Manager, introduced Chief Jim Lydon, as the City's new Fire

Chief.

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

Heather McLaughlin, City Attorney reported that Council took the following actions:

Item II.A - Council received information from Staff.

Item II.B - Council gave Staff direction to initiate litigation against Fire Trucks Plus.

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
2 full terms
Open Until Filled

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

B. PROCLAMATIONS

1. In Recognition of Law Day - May 1, 2013

2. In Recognition of National Volunteer Week - April 21-27, 2013

Volunteer of the Year Award - Ron Arrants

3. In Recognition of National Public Safety Telecommunicators' Week - April 14 – April 20, 2013

4. In Recognition of "Opening Day on the Strait" - April 20, 2013

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

Karan Reid, Finance Director, reviewed a minor change to item VII.B (copy of amended letter on file w/handouts).

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Various items received (copies on file).

B. PUBLIC COMMENT

1. Susan Street - Ms. Street invited Council, Staff, and the public to the first Waterfront Park Master Plan meeting on 4/18/13 at 6:30 p.m. at the Benicia Community Center.
2. Mayor Patterson announced that tonight's meeting would be adjourned in deep sympathy for the survivors and those who lost their lives in bombings at the Boston Marathon last week.

VII. CONSENT CALENDAR:

Council pulled item VII.D for discussion.

On motion of Council Member 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, Strawbridge
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE APRIL 2, 2013 CITY COUNCIL MEETING

B. AUTHORIZE THE MAYOR TO SIGN A LETTER TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) STATING THE CITY'S OBJECTIONS TO FORCING ABAG POWER TO TAKE AND PAY FOR PIPELINE CAPACITY ACQUIRED BY PG&E

C. PURCHASE AND PLACEMENT OF RESTROOM FACILITY FOR WILLOW GLEN PARK

RESOLUTION 13-25 - A RESOLUTION AUTHORIZING THE PURCHASE AND PLACEMENT OF A NEW RESTROOM FACILITY FOR WILLOW GLEN PARK IN THE AMOUNT OF \$57,698.92 ALLOCATED FROM THE FACILITY MAINTENANCE FUND

D. SECOND READING AND ADOPTION OF AN ORDINANCE CHANGING THE ELECTION DATE FOR GENERAL MUNICIPAL ELECTIONS TO EVEN-NUMBERED YEARS AND EXTENDING THE TERMS OF CURRENT COUNCIL MEMBERS BY UP TO 12 MONTHS

ORDINANCE 13-04 - AN ORDINANCE AMENDING SECTION 1.16.010 (GENERAL MUNICIPAL ELECTIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE TO MOVE THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EVEN-NUMBERED YEARS AND INCREASE THE CURRENT TERMS OF ELECTED OFFICIALS BY AN AMOUNT NOT TO EXCEED ONE YEAR

Vice Mayor Campbell disclosed ex parte communications. He would prefer to hold the 2013 election for the two open seats, as well as an advisory vote to let the voters decide whether to move to even-year elections and whether to increase or decrease terms.

Council Member Schwartzman, Mayor Patterson, and Council Member Hughes disclosed ex parte communications.

Council Member Hughes stated that he preferred to have the 2013 election, and have elected officials decrease terms.

Public Comment:

1. Dennis Lowry - Mr. Lowry spoke in support of moving to even-year elections; however he would prefer to decrease elected official terms, rather than increase terms.
2. Robert Livesay - Mr. Livesay spoke in opposition to the proposed ordinance. He discussed concerns regarding extending the terms of elected officials. He discussed an email he sent to Council regarding an alternate way to handle the issue (handout - copy on file).

Heather McLaughlin, City Attorney, discussed the issue of increasing/decreasing terms. If Council wanted to amend the ordinance and decrease terms, and address benefits, it would have to be modified and re-

introduced.

3. Susan Street - Ms. Street discussed Mr. Livesay's proposal. She did not think it was a fair compromise.
4. Bonnie Silveria - Ms. Silveria spoke in support of the proposed ordinance.
5. Kathy Kerridge - Ms. Kerridge spoke in support of the proposed ordinance.

Council Member Schwartzman clarified the cost of the elected official's benefits. He discussed the overwhelming support for moving to even-year elections, the increased election costs the City would face if it does not change to even-year cycles, and concerns regarding the deadline to change before the 2013 election.

Lisa Wolfe, City Clerk, discussed a recent meeting at the Solano County Registered Voters (ROV) office. If Benicia were to switch to even-year elections, the only entities left in the odd-year election cycle would be the City of Vallejo, Dixon Unified School District, Travis Unified School District, Solano Irrigation District, and Cordelia Fire Protection District. All other cities and school districts have submitted resolutions/ordinances to change to even-year elections to the Solano County Board of Supervisors. The cost projections to remain in an odd-year election have increased, as more cities and school districts have changed to even-year cycles.

Vice Mayor Campbell discussed support for changing to even-year elections, but was concerned regarding the prior projected cost. Ms. Wolfe clarified that since the 4/2/13 staff report was written, more cities have changed cycles, increasing the costs of the cities left in the odd-year election pool.

Ms. Wolfe discussed a recent poll she took of California cities that have switched election cycles: who had made the switch, did they increase or decrease terms, and whether they experienced any problems or complications with extending/decreasing terms. Out of the 14 cities that had made the switch to even years increased terms, and no problems or complications were reported.

Council Member Schwartzman clarified Mr. Gardner's (Asst. ROV) projections on best/worst case scenarios. With the new projections, if Benicia switched to even-year elections, the worst case scenario would be approximately \$29,000, and the best case would be approximately \$20,000.

Vice Mayor Campbell discussed best case and worst case scenarios reported by the ROV.

Mayor Patterson discussed Council's options. She spoke in support of the proposed ordinance.

Vice Mayor Campbell discussed concern regarding the claim that changing to an

even-year election cycle would increase voter turnout.

Mayor Patterson discussed the issue of increased voter turnout at even-year elections.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 13-04, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Strawbridge

Noes: Campbell, Hughes

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

VIII. BUSINESS ITEMS:

- A. COMPREHENSIVE ANNUAL FINANCIAL REPORT AND MEMORANDUM ON INTERNAL CONTROL FOR THE FISCAL YEAR ENDED JUNE 30, 2012**

Karan Reid, Finance Director, reviewed the Staff report.

Vickie Rodriguez, Maze & Associates, reviewed the audit information.

Council Member Schwartzman asked Staff to remove the term 'retreat' from the report (regarding Council/Staff's retreat at the COQ).

Public Comment:

None

On motion of Council Member 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, Strawbridge

Noes: (None)

- B. FISCAL YEAR 2012-13 BUDGET REVIEW AND RESOLUTION AMENDING FY 2012-13 BUDGET**

RESOLUTION 13-26 - A RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE BUDGET FOR THE 2012-13 FISCAL YEAR

Karan Reid, Finance Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed the re-budgeting of the Arsenal EIR and Housing Element funds.

Council Member Schwartzman and Staff discussed the budget carryovers.

Mayor Patterson clarified that if Council were to accept the budget revisions, the action could also give direction to staff that carryover funds are subject to review for savings, justification, and criteria for the upcoming budget.

Vice Mayor Campbell and Staff discussed the Transit Fund and how it would be handled with the current and future budgets, and the insurance fund (workers comp).

Council Member Schwartzman and Staff discussed the Transit Fund.

Mayor Patterson and Staff discussed the repayment of the Transit Fund and the unrestricted reserve. Mayor Patterson clarified that the goal is to manage the City's cash, and she would like the issue discussed when the budget workshops begin.

Council Member Strawbridge and Staff discussed the excess salary savings on page VIII.B.15.

Vice Mayor Campbell and Staff discussed the Valero money for the Community Center (staff just sent a request for the funds).

Public Comment:

Jasmine Powell - Ms. Powell requested the City include the Benicia Industrial Park in its budgeting process so that it could be improved.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 13-26, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. MAYOR'S REQUEST TO AGENDIZE AN ITEM REGARDING PROPOSED WATER RATE DISCOUNT PROVISIONS AND DEVELOPMENT OF AN OUTREACH PROGRAM FOR THE PG&E ENERGY SAVINGS ASSISTANCE PROGRAM. (MAYOR ELIZABETH PATTERSON)

Mayor Patterson reviewed the staff report.

Vice Mayor Campbell and Staff discussed the possible impact on the City's General Fund, and how disability would be defined.

Staff clarified that this would qualify under the two-step process.

Vice Mayor Campbell and Staff discussed possible timing of implementation, the City's current budget situation, and concerns regarding staff resources.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council approved placing the issue of proposed water rate discount provisions on a future agenda for discussion, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council approved placing the issue of the development of an outreach program for the PG&E Energy Savings Assistance Program on a future agenda for discussion, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. MAYOR'S REQUEST TO AGENDIZE AN ITEM REGARDING AMENDING THE GREEN BUILDING ORDINANCE. (MAYOR ELIZABETH PATTERSON)

Mayor Patterson reviewed the staff report.

Staff clarified this item qualified as a two-step process. This item could not be referred to the CSC at this time.

Public Comment:

1. Rae Lynn Fiscalini - Ms. Fiscalini spoke in support of Council placing this item on a future agenda for discussion. She requested the item be referred to the CSC for review, refinement, and clarification.
2. Chuck Reeger - Mr. Reeger spoke in support of Council placing this item on a future agenda for discussion.

Vice Mayor Campbell and Council Member Hughes discussed concerns

regarding 'mandated' programs.

Mayor Patterson discussed support for agendizing this for further discussion.

Ms. McLaughlin cautioned Council on getting into a lengthy discussion on the issue. This item was only on the agenda to see if there was support for placing in on a future agenda for discussion.

Vice Mayor Campbell and Kathy Kerridge (CSC Member) discussed the issue of grants, and who might qualify for them.

Ms. Kerridge asked Council if the CSC could revisit the issue on its own. Ms. McLaughlin clarified that they could not, as Council sets the priorities of the commissions. The commissions have an annual work plan that is approved by Council. Ms. Kerridge spoke in support of Council placing the item on a future agenda for discussion.

Council Member Schwartzman discussed his lack of support for the item, as he was concerned with the issue of 'mandates.'

The request died for lack of support.

E. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: June 19, 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: April 26, 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: May 8, 2013
9. **Solano Water Authority-Solano County Water Agency and Delta Committee.** <http://www.scwa2.com/>(Mayor Patterson) Next Meeting Date: May 9, 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: TBD
13. **Youth Action Coalition.** (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: April 24, 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: April 18, 2013

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:09 p.m. in sympathy and memory of those who have suffered grievous harm in Boston.

Lisa Wolfe, City Clerk