

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 03, 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 7:02 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Campbell arrived at 7:03 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 announced the following actions taken in Closed Session:

IV.A -Council directed Staff to initiate litigation in both cases.

IV.B - Council received information from Staff.

Mayor Patterson made announcements regarding the City's Housing Rehabilitation Loan Program, as well as the recent events regarding the capture and death of Osama Bin Laden.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:

Three Full Terms

Open until Filled

Mayor Patterson requested Staff submit a job description of the commission requirements to the Benicia Herald.

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

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

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

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

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reviewed the written update (copy on file).

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of National Public Works Week

2. In Recognition of Water Awareness Month

3. In Recognition of National Preservation Month

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, Ioakimedes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Eight items submitted (copies on file).

B. PUBLIC COMMENT

Gretchen Burgess - Ms. Burgess discussed concerns regarding the traffic safety of the intersection of West 7th Street and Military West. Staff confirmed they would look into the suggestions made, as well as the irregularity of the TPBSC meetings.

Kimbal Goodman - Mr. Goodman announced upcoming performances by the Benicia Old Town Theatre Group.

Gene Doherty - Mr. Doherty announced an upcoming meeting regarding the Benicia State Parks. He also announced an upcoming plant sale being hosted by the California Native Plant Society.

Helaine Bowles - Ms. Bowles announced the upcoming Casino Night being hosted by the Benicia Soroptomists and Benicia Rotary Club.

Sharon Petrellese - Ms. Petrellese announced an upcoming fundraising event for the Human Services Board, as well as various ways people could donate to the Human Services Board.

Allison Angel - Ms. Angel discussed concerns regarding the lights and fans in Council Chambers, as they affected her medical condition.

Dana Dean - Ms. Dean announced upcoming performances of 'Beauty and the Beast' by Benicia High School.

Mike McCulley - Mr. McCulley discussed the possibility of Council supporting future parcel tax by BUSD, and the possibility of lowering the threshold of required votes for such a tax.

VII. CONSENT CALENDAR:

Council pulled item VII.E for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

A. THE MINUTES OF THE REGULAR AND SPECIAL MEETINGS OF APRIL 19, 2011 AND THE SPECIAL MEETING OF APRIL 26, 2011 ARE NOT CURRENTLY AVAILABLE

B. DENIAL OF THE CLAIM AGAINST THE CITY BY SAMUEL PAGGI AND REFERRAL TO INSURANCE CARRIER

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim, and referral to insurance carrier, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2011-2012

RESOLUTION 11-52 - A RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2011-2012

RESOLUTION 11-53 - A RESOLUTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2011-12

RESOLUTION 11-54 - A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JUNE 7, 2011 FISCAL YEAR 2011-2012 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved Resolution 11-52, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved Resolution 11-53, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved Resolution 11-54, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. CONSIDERATION OF FINANCE AUDIT AND BUDGET COMMITTEE MISSION, DUTIES, STRUCTURE, AND ANNUAL WORK PLAN

RESOLUTION 11-55 - A RESOLUTION APPROVING CHANGES TO THE NAME, MISSION, DUTIES, STRUCTURE, AND WORK PLAN OF THE FINANCE, AUDIT AND BUDGET COMMITTEE

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)

E. AMENDING THE CITY COUNCIL RULES OF PROCEDURE

RESOLUTION 11-56 - A RESOLUTION ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

Vice Mayor Schwartzman suggested adding the language 'or to an upcoming agenda for action, if subject of request is time sensitive' to page VII.E.25 (two-step process), and on page VII.E.26 (c), second paragraph, after discussion, 'only the request of one council member is needed for agendizing.'

Council discussed concern regarding the requested language change to VII.E.26.

Vice Mayor Schwartzman requested a change to page VII.E.28 (announcements), adding language regarding allowing mayor and council member announcements, and on page VII.E.28 (adoption of agenda), add language 'per 2f' to last sentence.

Vice Mayor Schwartzman and Staff discussed the issue of points of order and discussion after a motion and second is made, as listed on VII.E.35. Staff will clarify the last sentence in section (c) Ordinances, Resolutions, and Motions - Precedents.

Vice Mayor Schwartzman, Council and Staff, requested the underlined language in section (c) on page VII.E.35, be amended to read 'no other action shall be considered until that motion or point of order is resolved.'

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved Resolution 11-56, as amended, on roll call by the following vote:

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

F. DENIAL OF THE CLAIM AGAINST THE CITY BY JUDY DELGADO AND REFERRAL TO INSURANCE CARRIER

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim, and referral to insurance carrier, on roll call by the following vote:

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

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

VIII. **PUBLIC HEARINGS:**

- A. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO REMOVE THE LISTING OF SIGN PERMIT FEES IN SECTION 18.08.030 AND ADOPT A FEE FOR A SIGN PERMIT VARIANCE - CITYWIDE

ORDINANCE 11- - AN ORDINANCE AMENDING SECTION 18.08.030 (FEES) OF CHAPTER 18.08 (PERMITS), OF TITLE 18 (SIGN ORDINANCE) OF THE BENICIA MUNICIPAL CODE

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

B. PUBLIC HEARING ON 2011-12 BUDGET SHORTFALL

Brad Kilger, City Manager, reviewed the Staff report.

Mayor Patterson discussed the proposed cuts, and concern regarding the proposed cuts to the Internal Service Fund.

Council Member Hughes and Staff discussed concerns regarding the heavily weighted cuts to public safety, and to the Internal Service Fund.

Vice Mayor Schwartzman discussed the need to balance the budget, the City's reserve, and concern regarding the cuts to public safety.

Council Member Campbell discussed the cuts to the funds (Internal Service Fund, etc.), and the need to address the problems now and not wait until it gets

worse.

Council Member loakimedes addressed support for the comments made by Council.

Public Comment:

Citizen - The citizen discussed concerns regarding possible cuts to the Adult Literacy Program.

Constance Beutel - Dr. Beutel spoke in opposition to the proposed cuts to public safety.

Gretchen Burgess - Ms. Burgess spoke in opposition to the proposed cut of the Animal Control Officer.

Tim Winfield - Mr. Winfield discussed the duties of the Animal Control Officer, and the Community Preservation Officer. He spoke in opposition to the proposed cuts to public safety.

Sharon Petrellese - Ms. Petrellese spoke in opposition to possible cuts to the human service organizations.

Carol Nail - Ms. Nail spoke in opposition to various proposed cuts that would affect the services that the Library provides to the community.

Veronica Perez - Ms. Perez spoke in opposition to proposed cuts to the Adult Literacy Program.

Lee Wilder Snyder - Ms. Wilder Snyder clarified the agenda packet should read 'arts and cultural grants.' She spoke in opposition to the proposed cuts regarding the arts.

Dana Dean - Ms. Dean discussed BUSD's budget situation. She spoke in opposition to the proposed cuts to the School Resource Officer position, the crossing guards, and the Joint Use Agreement.

Kimble Goodman - Mr. Goodman spoke in support of the Adult Literacy Program.

Greg Peterson - Mr. Peterson spoke in opposition to the proposed cuts to public safety.

End of Public Comment

Mayor Patterson expressed Council's commitment to public safety. She

discussed the other options available to Council, other than the proposed layoffs. She did not want to see any service or programs cut.

Vice Mayor Schwartzman discussed the issue of reopening the discussions with the employee groups. He discussed the need to increase the City's economic development.

Council Member loakimedes discussed his lack of support for the proposed layoffs. He discussed the need to reopen negotiations with the employee groups. The budget can't be balanced on the City's rank and file.

Council Member Campbell and Staff discussed the City's worst-case scenario. He discussed the need to deal with the reality of the City's budget.

Council Member Hughes and Staff discussed what Staff needed from Council in order to proceed (other than the direction to Staff). Council Member Hughes discussed reopening the MOU's with the bargaining units, and how to allocate the \$1.7 million (74-75% labor related cost, and the City making up the balance).

Council Member Campbell expressed support for Council Member Hughes' suggestion regarding allocating the \$1.7 million.

Council Member loakimedes discussed concern regarding the accuracy of the \$1.7 million (should be closer to \$2 million).

Mayor Patterson discussed the need to support the service employees, and direction to Staff to reopen the MOU's with the 75-25 split.

Mr. Kilger clarified Council's direction to Staff. Since Council, after this noticed public hearing, had deemed additional reductions are necessary to balance the City's budget and has directed staff to reopen the 2010-12 employee MOU's, staff will take the necessary steps to reopen the contracts for the narrow and specific purpose of meeting and conferring over concessions identified by the City as needed to prevent layoffs. Based on the direction of the 75/25 split, that would be \$1.3 million of the \$1.7 million, that works out to a 6.9% reduction in employee base wages, as compared to the 3.12% they did the last time, which would add up to a 10% reduction overall.

Council Member Campbell discussed the accuracy of the \$1.7 million allocation, and the 75-25% split.

Council Member Hughes and Council Member loakimedes discussed the allocation numbers (\$1.7 million/\$2 million, and 75/25 vs. 100%). Council Member loakimedes did not agree that \$1.7 million in cuts was the worst-case scenario. After discussion, Council Member loakimedes made a motion to open

up the MOU's, with a 75/25% split.

Vice Mayor Schwartzman discussed the need to make sure the 75% was distributed fairly. He discussed the need to get through this process, and then focus on the City's economic development.

IX. ACTION ITEMS:

A. AWARD OF CONSTRUCTION CONTRACT FOR THE CITY HALL WINDOW PROJECT

Mike Alvarez, Parks & Community Services Director, reviewed the staff report.

Council Member Hughes and Staff discussed what windows had been replaced in the past, the energy efficiency of wood windows, and why the more expensive bid was being recommended.

Council Member Campbell and Staff discussed why the proposed bid was being recommended.

Council Member Ioakimedes and Staff discussed whether the timing of the project was appropriate, in light of the City's current budget situation. Future staff reports should clearly state whether a project is a necessity.

Council Member Campbell and Staff discussed the process for rejecting and awarding bids.

Public Comment:

Dennis Lowry - Mr. Lowry spoke in opposition to the proposed contract.

Gretchen Burgess - spoke in opposition to the proposed contract.

Toni Haughey - Ms. Haughey discussed the need to follow the Secretary of Interior Standards, and the need to preserve the historical integrity of the building.

Leann Taagepera - Ms. Taagepera discussed the Secretary of Interior Standards.

End of Public Comment

Council Member Campbell and Staff discussed the bidding process.

Council Member Hughes discussed concern regarding the cost of wood

windows. He suggested re-bidding the project for aluminum or vinyl windows.

Council Member loakimedes and Staff discussed rejecting the bids.

Vice Mayor Schwartzman and Staff discussed the process of rejecting the current bids and putting the project out for bid again.

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved rejecting the bid, and approved putting the project out to bid for one single price for everything, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: Hughes

B. APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP

RESOLUTION 11-57 - A RESOLUTION APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$98,000 WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Anne Cardwell, Administrative Services Director, reviewed staff report.

Public Comment:

Kevin Rose - Mr. Rose inquired what the cost was, and if it were general fund money, whether it was 75/25%.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. BIKE RACK TASK FORCE RECOMMENDATION

RESOLUTION 11-58 - A RESOLUTION APPROVING THE BICYCLE RACK TASK FORCE'S RECOMMENDATION TO PURCHASE AND INSTALL 22 BIKE RACKS AT THE DESIGNATED LOCATIONS, USING \$30,000 FROM THE AMENDED 2008 VALERO/GOOD NEIGHBOR STEERING COMMITTEE AGREEMENT

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Council Member Campbell and Staff discussed concern regarding the cost of the proposed plaques. He would not vote to approve any plaques. He discussed the Good Neighbor Steering Committee's involvement in the process.

Council and Staff discussed the removal of the current bike racks, the restocking fee, and the shipping fees.

Public Comment:

Nancy Lund - Ms. Lund spoke in support of the proposed recommendation.

Toni Haughey - Ms. Haughey spoke in support of the proposed recommendation.

Gretchen Burgess - Ms. Burgess spoke in opposition to the proposed recommendation.

Kimble Goodman - Mr. Goodman suggested various types of bicycle racks that the City could use.

Vice Mayor Schwartzman discussed the Good Neighbor Steering Committee's involvement in the process, and not supporting the installation of the plaques.

Mayor Patterson and Staff discussed the Good Neighbor Steering Committee's involvement in the process, the proposed plaques, the timing of the project, and the stakeholder process.

Vice Mayor Schwartzman made a motion to adopt the Resolution, minus the \$4,000 cost and installation of the plaques (and to go back to the Good Neighbor Steering Committee to see if that could be taken out).

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

X. INFORMATIONAL ITEMS:

A. City Manager Reports

B. MOTION TO CONTINUE THE MEETING PAST 11:00 P.M.

On motion of Council Member Campbell, seconded by Council Member loakimedes, Council approved continuing the meeting past 11:00 p.m., to hear the remaining agenda items, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

XI. COUNCIL MEMBERS REPORTS:

A. Request to agendize the discussion of a methodology for use of outside consultants.

Public Comment:

None

On motion of Council Member loakimedes, seconded by Council Member Hughes, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. Request to agendize the discussion of a methodology the hiring of local firms.

Public Comment:

None

On motion of Council Member Campbell, seconded by Vice Mayor Schwartzman, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:25 p.m.

Lisa Wolfe, City Clerk