

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 15, 2012

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.

II. CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9)**

1 Claim: Eakin

**B. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager, Administrative Services Director**

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

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:05 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Mike Roberts led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported Council took the following actions:

Item II.A - Council received information from Staff.

Item II.B - Council received information from Staff.

2. Openings on Boards and Commissions:

Council Member Hughes requested an update on the vacant Planning Commission appointment.

Mayor Patterson indicated she would like to move forward with her appointment.

Ms. McLaughlin confirmed the existing commissioner would remain in the position until the vacancy is filled (which is a temporary fix).

Mayor Patterson indicated she hoped to have a more permanent solution by the next Council meeting.

Public Comment:

None

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

Open Until Filled

Open Government Commission

1 unexpired term

Open Until Filled

Benicia Human Services Board

1 unexpired term
3 full terms
Application Due Date: May 18, 2012

Economic Development Board
2 full terms
Application Due Date: May 18, 2012

Benicia Housing Authority Board of Commissioners
1 full term
Application Due Date: May 18, 2012

Historic Preservation Review Commission
2 full terms
Application Due Date: May 18, 2012

Library Board of Trustees
1 full term
1 Poet Laureate
Application Due Date: May 18, 2012

Art and Culture Commission
2 unexpired terms
Application Due Date: May 18, 2012

3. Mayor's Office Hours:

4. Benicia Arsenal Update: Verbal Update

No update available. There have been no changes since the last update.

B. APPOINTMENTS

C. PRESENTATIONS

1. Public Works Week Presentation

Staff reviewed a PowerPoint presentation.

D. PROCLAMATIONS

1. In Recognition of National Public Works Week - May 20 - 26, 2012

2. In Recognition of National Safe Boating Week - May 19 - 25, 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, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copy of PowerPoint presentation and Public Works brochure).

B. PUBLIC COMMENT

1. Leanne Cawley - Ms. Cawley urged Council and citizens to participate in the Relay for Life event in August.
2. Kimble Goodman - Mr. Goodman urged citizens to attend BOTTG's current production of 'Reefer Madness.'
3. Council Member Schwartzman - Council Member Schwartzman urged citizens to join BERT.

VII. CONSENT CALENDAR:

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)

Council pulled item VII.A for discussion.

A. APPROVAL OF MINUTES OF THE REGULAR MEETING OF APRIL 24, 2012 AND THE MINUTES OF THE REGULAR MEETING OF MAY 1, 2012

Council Member Hughes clarified that the proceeds from the Rib Cook-Off went to the BHS Athletic Program. The proceeds from the Car Show went to the BHS Band Program.

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

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

B. EAST SECOND STREET WATER LINE REPLACEMENT & STREET RESURFACING PROJECT: ACCEPTANCE AND NOTICE OF COMPLETION

RESOLUTION 12-51 - A RESOLUTION ACCEPTING THE EAST SECOND STREET WATER LINE REPLACEMENT AND STREET RESURFACING PROJECT AS COMPLETE INCLUDING CHANGE ORDER NOS. 1 THROUGH 5, 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 12-51, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

C. APPROVAL OF CITY OF BENICIA INVESTMENT POLICY

RESOLUTION 12-52 - A RESOLUTION APPROVING THE CITY OF BENICIA INVESTMENT POLICY

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-52, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

D. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2012

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council reviewed and accepted the Investment Report for the quarter ended March 31, 2012, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

E. DENIAL OF THE CLAIM AGAINST THE CITY BY ERIC HARRISON AND REFERRAL TO INSURANCE CARRIER

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the Denial of the claim against the City by Eric Harrison and referred it to insurance carrier, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

F. APPROVE THE AMENDMENTS TO THE FIREFIGHTER ENGINEER JOB DESCRIPTION

RESOLUTION 12-53 - A RESOLUTION APPROVING THE AMENDMENTS TO THE FIREFIGHTER ENGINEER JOB DESCRIPTION

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-53, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

G. DENIAL OF THE CLAIM AGAINST THE CITY BY SAMUEL TODD SEGALL AND REFERRAL TO INSURANCE CARRIER

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim against the City by Samuel Todd Segall and referred it to insurance carrier, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

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

VIII. BUSINESS ITEMS:

A. APPROVE THE EXTENSION TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA DISPATCH ASSOCIATION

RESOLUTION 12-54 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH BENICIA DISPATCH ASSOCIATION

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-54, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

B. UPDATE ON COMMUNITY SUSTAINABILITY COMMISSION FUNDING RECOMMENDATION FOR PUMP STATION 3 SOLAR PROJECT PROPERTY

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

Council Member Hughes and Staff discussed the projects that were funded with funds from the Valero/Good Neighbor Steering Committee (approximately 28), whether any were loans (1).

Vice Mayor Campbell and Staff discussed when the funds for the project would be available.

Public Comment:

1. Constance Beutel - Ms. Beutel clarified that 28 projects had been funded through from the Valero/Good Neighbor Steering Committee funds.
2. Dennis Lowry - Mr. Lowry discussed the issue of grants and loans with respect to the project.

Vice Mayor Campbell discussed the loan/grant fund issue.

There will be a CSC meeting on 5/21/12 at 6:00 p.m. in the Commission Room at City Hall.

C. FISCAL YEAR 2011-12 BUDGET UPDATE

Bill Zenoni, Interim Finance Director, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the Benicia Harbor Corporation.

Council Member Hughes and Staff discussed the vacant positions, and budgeting for attrition (vacancy factor).

Public Comment:

None

Mayor Patterson summarized that the question was to look at the non-recurring labor savings, and to express it on the data sheet in such a manner that it stands out (not part of the regular labor expenditure). Regarding the issue of the variability on vacancies, that warrants showing a note or range you could drop down and indent, and then state that the range of that variability is between such and such numbers, which would help in terms of budget decision making. She

clarified that prior to this action, the City had frozen positions. Those positions have not been unfrozen. Staff might want to clarify that those position are not filled. These are positions that Council approved and funded in the current budget.

D. Council Member Committee Reports:

Mayor Patterson discussed a recent decision made by the 4 C's regarding legislation that was introduced regarding regional governance. What was introduced would create another layer of government in the Bay Area. It is being done without any input from any of the affected jurisdictions. It was a unanimous vote by the 4 C's to indicate their objection to the legislation. She cautioned everyone to stay tuned, as she would provide future updates.

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: May 16, 2012**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD**
3. **Finance, Audit and Budget Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: May 25, 2012**
4. **League of California Cities. <http://www.cacities.org/index.jsp> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 19, 2012**
5. **School Liaison Committee. (Council Member Hughes and Council Member Strawbridge) Next Meeting Date: June 7, 2012**
6. **Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: August 1, 2012**
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: May 16, 2012**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: June 13, 2012**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: June 4, 2012**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor**

**Campbell and Council Member Schwartzman) Next Meeting Date:
TBD**

- 11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: June 11, 2012**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Council Member Strawbridge and Council Member Hughes) Next Meeting Date: TBD**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.
<http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD-2013**
- 15. SOLTRANS Joint Powers Authority.
<http://www.sta.ca.gov/Content/10038/SolTrans.html> (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: May 24, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:16 p.m.

Lisa Wolfe, City Clerk