

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
MAY 19, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, May 9, 2009 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
One full term to January 31, 2013
- Parks, Recreation and Cemetery Commission:
One unexpired term to March 31, 2010
- Open Government Commission:
One unexpired term to November 30, 2010

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.

APPOINTMENTS:

None

PRESENTATIONS:

Announcement of the Earth Day "Help Keep the Air Clean" Coloring Contest Winners:

Mayor Patterson presented the following students with awards: Morgan Rowles, Damani Chadly, Allison Keefee, Sarah Nay, Nathan Damiah, Natalie Lorz, Karah Fisher, Samantha DeGavre, Madison Lammert, Devin Jack Haber, and Jennifer Eleccion.

Presentation from Youth Action Coalition:

Pastor Jerry Pollard reviewed a PowerPoint presentation titled 'Benicia Youth Action Coalition'. Reverend Pollard reviewed the Youth Action Coalition's (YAC) mission statement, strategic plan and reorganization, vision statement, Benicia Youth Action Coalition/City Team, programs and initiatives, funding, and looking to the future.

PROCLAMATIONS:

- Recognition of Museum Month
- Recognition of National Safe Boating Week
- National Public Works Week

Mayor Patterson announced Dan Schiada, Director of Public Works', upcoming retirement. On behalf of the City, Mayor Patterson thanked him for his service to the City.

Jim Erickson, City Manager, thanked Mr. Schiada for his leadership and dedication to the City.

ADOPTION OF AGENDA:

Mr. Erickson discussed item VII-E. He clarified that the end of the contract was the summer of 2010. He discussed the City's ability to direct the contractor on when and where to get started. The City felt that based on the relationship with its current contractor, it did not have a problem directing the new contractor on where and when to start.

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file).

PUBLIC COMMENT:

1. Sue Fisher-Jones, Public Relations Manager, Valero – Ms. Fisher-Jones updated the City regarding timely communications on issues such as odor, noise, etc. She apologized for recent odor events that took place. Valero is working closely with the BAAQMD on those issues. Valero will keep the City in the loop regarding the findings. She discussed the role of Valero's shift supervisors regarding timely communications with the City's dispatch personnel when events take place. Valero is working on developing communication pieces and strategies for emergencies.

Mayor Patterson discussed the need for Valero to come back to Council, report on the last incident, and include information about the range of the health effects of that.

2. Rick Ernst – Mr. Ernst discussed the City’s new email notification system, submitting suggestions to the City, the suggestion box on the City’s web page, and the possibility of having a brochure explaining how citizens could make suggestions to the City.
3. Vice Mayor Campbell – Vice Mayor Campbell announced that the Benicia Historical Society would be having its Memorial Day service at the old military cemetery at 10:00 a.m. on 5/25/09.
4. Council Member Schwartzman – Council Member Schwartzman discussed an incident that was reported a week ago Sunday in the Police Blotter of the Benicia Herald regarding thefts from unlocked vehicles. He urged citizens to lock their vehicles.

CONSENT CALENDAR:

Council pulled items VII-A, VII-C, and VII-D.

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Council approved the denial of the claim against the City by Anna Whitney and referral to insurance carrier.

RESOLUTION 09-44 - A RESOLUTION AWARDING A CONTRACT EXTENSION TO PROVIDE SERVICES FOR WEED ABATEMENT AND FIRE BREAKS OF CITY OWNED PROPERTIES AND OPEN SPACE AREAS FOR THE TERM OF THE CONTRACT EXTENSION TO A & L SERVICES, INC. AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of April 28, 2009, April 29, 2009, and May 5, 2009:

Mayor Patterson requested that the talking points be added to the Sustainability Working Group presentation and the Open Government Commission presentation.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council approved the Minutes of April 28, 2009 as amended, the Minutes of April 29, 2009 as presented, and the minutes of May 5, 2009 as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Approval of an agreement with Hanson Bridgett for legal services related to the lawsuit filed by Vernon and Mona Lemings:

Council Member Hughes inquired about the criteria ABAG used when making the determination whether or not to defend the City.

Kat Wellman, Contract Attorney, stated that she would look in the file to see if ABAG provided a reason for why they denied the claim.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved an agreement with Hanson Bridgett for legal services related to the lawsuit filed by Vernon and Mona Lemings, on roll call by the following vote:

Ayes: Council Members Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Vice Mayor Campbell

Adopt the resolution finding a severe fiscal hardship will exist if additional city property tax funds are seized and additional unfunded mandates are adopted by the State of California:

Mayor Patterson discussed the problem with the State's imbalance of revenues and expenditures, and the deplorable notion that the State could come after City funds. She clarified language in the resolution regarding 'strongly urges the State legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered...' She stated that you have to be careful what wish for. On some water quality issues, the City has the ability to collect the increased cost of meeting those water quality standards because of its fees. The State has no such structure. There were some other aspects that troubled her as well. We are saying to the State "Don't do this to us. One size does not fit all."

RESOLUTION 09-45 - A RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Consideration of mid-cycle budget adjustments for Fiscal Years 2007-2009:

Rob Sousa, Finance Director, reviewed the staff report. He reviewed a PowerPoint presentation (copy on file).

Mayor Patterson discussed policy issues that might come up as a result of the report, the City's investment program, and the good job the Audit and Finance Committee was doing.

Council Member Schwartzman discussed the statement made by Staff regarding title companies holding monies, and replacement funds.

Council Member Hughes and Staff discussed the forecasted operational savings, the lack of levers that could be pulled to balance the budget, labor related costs in the City's budget, concerns regarding page IX-A-9 (snow day), and equipment replacement costs.

Mayor Patterson discussed the policy issue regarding spending some reserves to fund issues such as repair and maintenance accounts.

Council Member Ioakimedes and Staff discussed BUSD utilities (water only), and funding for the Commanding Officer's Quarters.

Council Member Schwartzman and Staff discussed PERS, and the City's retirement stabilization fund.

Mayor Patterson discussed the need for the City to consider the fact that business as usual will not work in today's economy, and the City's deteriorating roads.

Vice Mayor Campbell and Staff discussed IX-A-3 and IX-A-4, property tax funds from the State, when the City might have to go into its reserves to maintain its services, possibly having to use the reserves dollar for dollar for every dollar the State takes away from the City (8%), and possibly having to drop down to a 15-17% reserve.

Council Member Hughes and Staff discussed the State's repayment schedule for the 8% cut.

Council Member Schwartzman and Staff discussed using reserves to fund a level of operation, and the big decisions Council would have to make in the upcoming budget meetings.

Vice Mayor Campbell requested staff let Council know what the absolute limit the City could cut and maintain its services, and at what point then would Council have to start going into the reserves. Then, Council could start planning and have a strategy for the first six months of the next fiscal year. He would still like the City to look at doing the Scout wing at the Community Center.

Public Comment:

None

RESOLUTION 09-46 - A RESOLUTION APPROVING ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2008-2009

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

INFORMATIONAL ITEMS:

Reports from City Manager:

None

Council Member Committee Reports:

1. Mayor's Committee Meeting – (Mayor Patterson) - Next Meeting Date: May 20, 2009
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: October 22, 2009
3. Finance, Audit & Budget Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: May 29, 2009
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: July 30, 2009
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: June 11, 2009
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: August 5, 2009
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: July 23, 2009
8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: June 10, 2009
9. Solano Water Authority/Solano County Water Agency and Delta Committee - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: June 11, 2009
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: July 16, 2009
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Dates: Citizen's Advisory Committee – May 20, 2009
12. Valero Community Advisory Panel (CAP) – (Council Member Hughes) - Next Meeting Date: To be determined.
13. Youth Action Task Force - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: May 27, 2009
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: May 25, 2009

COUNCIL MEMBER REPORTS:

Request to agendaize consideration of support for SB 435:

Mayor Patterson discussed how much motorcycles contribute to smog.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council agreed to agendize Consideration of Support for SB 435 on a future agenda, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

Request to agendize consideration of campaign spending limit:

Council Member Ioakimedes and Vice Mayor Campbell met and came up with some numbers that they agreed on. They would like to share it the rest of the Council.

Council discussed PACS, non-monetary contributions vs. monetary contributions, contribution limits, city sponsored debates, loans to candidates, the need to get this on the agenda fairly quickly (due to election deadlines), possibly discussing the issue at the next Council meeting, the date the petition and signatures have to be certified (8/4/09), short timeline, possibly putting the item on the first Council agenda in June, how the first and second readings of ordinance are handled, Council Member Hughes' not being able to attend the 6/2/09 meeting, and the need to have options available at the first reading of the proposed ordinance.

Kat Wellman, Contract Attorney stated that she preferred detailed discussion not take place tonight. Vice Mayor Campbell and Council Member Ioakimedes will get information to Ms. Wellman so she could see if she could come up with something.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council agreed to agendize consideration of campaign spending limit on an agenda in June 2009, on roll call by the following vote:

Ayes: Council Members

Noes:

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:04 p.m.