

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
June 01, 2010

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 7:00 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL:**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE:**

Various elementary school students 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.**

**2. Openings on Boards and Commissions:**

Open Government Commission:  
One full term to January 31, 2014

Finance, Audit and Budget Committee:  
One unexpired term to January 31, 2013

Benicia Housing Authority Board of Commissioners:  
Two full term to July 31, 2014

Human Services Board:  
Three full terms to July 31, 2014

Parks, Recreation and Cemetery Commission:  
One full term to July 31, 2014

Economic Development Board:  
Three full terms to July 31, 2014

Library Board of Trustees:  
Two full terms to July 31, 2013

**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. APPOINTMENTS:**

Mayor Patterson asked Council Member Hughes about the interviews that would be set up for the applications that had been received. Vice Mayor Schwartzman stated he thought the Appointment Subcommittee was close to the point of changing members. Mayor Patterson and Vice Mayor Schwartzman asked Ms. Wolfe to verify the appointment dates for the members of the Appointment Subcommittee.

**C. PRESENTATIONS:**

**1. Earth Day Coloring Contest Awards acknowledged and presented by the Mayor**

Mayor Patterson presented the awards to the contest winners.

**2. Benicia City Cemetery Committee Presentation**

**D. PROCLAMATIONS:**

**1. Cemetery Proclamation**

Mayor Patterson presented a proclamation to each member of the City Cemetery Committee.

**V. ADOPTION OF AGENDA:**

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

Mayor Patterson noted the handouts that were presented tonight.

**B. PUBLIC COMMENT:**

- . Rick Ernst - Mr. Ernst endorsed Mike and Gayle's Restaurant. He encouraged citizens to stay in Benicia when they eat out, as there are many great restaurants available to choose from.

**VII. CONSENT CALENDAR:**

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, loakimedes

Noes: (None)

Council pulled items VII-B, VII-C, VII-D, and VII-G.

**A. Approval of Minutes for May 18, 2010:**

**B. Expression Of Support For H.R. 4812 – Local Jobs For America Act:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**RESOLUTION 10-66 - A RESOLUTION IN SUPPORT OF H.R.4812 - LOCAL JOBS FOR AMERICA ACT**

Vice Mayor Schwartzman requested amending the language in the first whereas to reflect the County's 12.2% unemployment rate.

**C. Amendment to Task Order No. 5 with the Pakpour Consulting Group for Engineering Staff Augmentation:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-67 - A RESOLUTION APPROVING AN AMENDMENT TO TASK ORDER NO. 5 WITH THE PAKPOUR CONSULTING GROUP TO CONTINUE ENGINEERING STAFF AUGMENTATION FOR A NOT-TO-EXCEED TOTAL AMOUNT OF \$95,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Vice Mayor Schwartzman discussed concerns regarding the costs. He and Staff discussed staffing availability for street resurfacing projects.

**D. Community Sustainability Commission Recommendation to Oppose Proposition 16:**

RESOLUTION 10-68 - A RESOLUTION OPPOSING PROPOSITION 16

Council Member Hughes noted he would recuse himself from discussion, as he had a conflict of interest.

Vice Mayor Schwartzman discussed his lack of support for both the resolution and the proposition.

Mayor Patterson discussed concerns regarding the proposition. It would require a two-thirds vote of local cities and counties to consider what is called 'community choice irrigation.' PG&E is funding this completely and wholly. The City of Benicia could not spend any money on this issue, nor can Solano County. In the future, when this comes up for a vote, the City would have to form a campaign. What makes this so important is that this is the only voice the City has. The City cannot send literature out or campaign on this. Some people have called it a theft of local government control. The League of California Cities has weighed in on this in opposition.

**Public Comment:**

1. Kathy Kerridge - Ms. Kerridge discussed concerns regarding Proposition 16.
2. Susan Street - Ms. Street expressed support for the proposed resolution.

Mayor Patterson urged citizens to read the mailers that were sent out. She read the list of supporters listed on the mailers, and the municipalities that have signed on to oppose Prop 16.

Council Member Ioakimedes discussed his lack of support for the proposition; however, he would support the proposed resolution.

Vice Mayor Schwartzman clarified that he was not in support of the proposition.

Council Member Campbell and Staff discussed how the proposition might affect

the City's renewable energy projects.

On motion of Council Member Ioakimedes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:

Ayes: Patterson, Campbell, Ioakimedes

Noes: Schwartzman

**E. Inspection Services for the Valero Improvement Project:**

RESOLUTION 10-64 - A RESOLUTION AMENDING THE NOT-TO-EXCEED AMOUNT FROM \$600,000 TO \$800,000 FOR INSPECTION AND PLAN REVIEW SERVICES WITH BUREAU VERITAS FOR THE VALERO IMPROVEMENT PROJECT

**F. Approval of Fee Waiver Payment for the Rebuilding Together Benicia Projects:**

RESOLUTION 10-65 - A RESOLUTION APPROVING A FEE WAIVER FOR THE REBUILDING TOGETHER SOLANO COUNTY PROJECTS LOCATED AT 410 WEST K STREET AND 600 EAST K STREET

**G. Resolution in Support of California Air Resources Board efforts related to meeting greenhouse gas reduction targets and promoting emission reductions:**

RESOLUTION 10-69 - A RESOLUTION SUPPORTING THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN DEVELOPING AND IMPLEMENTING STRATEGIES FOR MEETING CALIFORNIA'S GREENHOUSE GAS REDUCTION TARGETS, AND IN PROMOTING EMISSION REDUCTIONS FROM MOTOR VEHICLES

Vice Mayor Schwartzman discussed concerns regarding unintended consequences.

**Public Comment:**

1. Joey Porter - Mr. Porter spoke in opposition to the proposed resolution.
2. Mark Ackerman - Mr. Ackerman spoke in opposition to the proposed resolution.
3. Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution.

Mayor Patterson discussed support for the California Air Resources Board's efforts. She discussed concern regarding comments made by the public speakers.

Council Member Hughes discussed concern regarding unintended

consequences of this item. He discussed concern regarding the impact it could have on jobs in California. He could not support the resolution at this time.

Council Member loakimedes discussed AB 32 statistics, and his support for this item. He discussed the importance of having air quality standards.

Vice Mayor Schwartzman discussed concern regarding the lack of information. He would like to have more information prior to making a decision. He discussed concerns regarding costs.

Council Member Campbell discussed the chemical trends in air quality.

On motion of Council Member Campbell, seconded by Council Member loakimedes, Council approved the Resolution, on roll call by the following vote:  
Ayes: Patterson, Campbell, loakimedes  
Noes: Schwartzman, Hughes

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

**VIII. PUBLIC HEARINGS:**

**IX. ACTION ITEMS:**

**A. Review of Municipal Budget Conditions and Proposed Mid-Cycle Budget Adjustments for Fiscal Years 2009-2011:**

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

**RESOLUTION 10-70 - A RESOLUTION APPROVING ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2009-2011**

Rob Sousa, Finance Director, discussed the information presented in the handout provided to Council and the public tonight (copy on file).

Mayor Patterson and Staff discussed the rule regarding substantial information being submitted at a Council meeting, and whether the information presented tonight should be considered new and substantial information.

Council and Staff discussed the information presented in the handout. Much of what was presented had been presented to Council in previous staff reports. Council expressed support for allowing the information to be included in Staff's

presentation.

Mr. Sousa reviewed a PowerPoint presentation (copy on file).

Council Member Campbell and Staff discussed what vote was needed for the action tonight. Mr. Sousa indicated Council could remove the 2010-2011 from the resolution, and just vote on the 2009-2010 portion.

Mr. Erickson discussed Staff's recommendation to adopt the adjustments as presented.

Council Member Hughes clarified the action Council was to take.

Ms. McLaughlin confirmed Council did not have to take action tonight, as Council was not going below the 20% reserve.

Council Member Hughes and Staff discussed other municipalities' reserve amounts.

Mayor Patterson discussed what the City of Santa Barbara did with their reserves. She would like Staff to present criteria with what other comparable cities did with their reserves.

Council Member Campbell thanked Staff for their efforts. He expressed concerns regarding dropping below the 20% reserve amount.

Vice Mayor Schwartzman discussed concern regarding going below the 20% reserve amount. He would like to maintain the 20% reserve as long as possible.

Council Member Ioakimedes requested Staff provide a breakdown on what makes up the 20% reserve. He would like to know what other cities are doing with their reserve policies.

Council Member Hughes clarified that he did not want to go below the 20% reserve. He just didn't want to make bad business decisions and get caught up in the 20% and sacrifice the safety of the City.

Mayor Patterson discussed the importance of making good business decisions, and the criteria that was established regarding the reserve policy.

**Public Comment:**

1. Rick Ernst - Mr. Ernst discussed concerns regarding the increasing health insurance rates, support for maintaining 20% reserve, and concerns regarding not funding equipment maintenance costs.

Vice Mayor Schwartzman clarified that Council was not piercing the 20% reserve, just putting it off for a few weeks. Staff confirmed that if the City were to go below the 20% reserve, it would have to come to Council for a vote prior to doing so.

**X. INFORMATIONAL ITEMS:**

**A. City Manager Reports:**

**1. Budget Balancing Update:**

Anne Cardwell, Administrative Services Director, reviewed the staff report and a PowerPoint presentation (copy on file).

Mayor Patterson and Staff discussed the process that would be used for the public participation meetings (interactive environment, small groups to get at pulling out the priorities, less formal setting).

Vice Mayor Schwartzman discussed the facilitated process being done by Staff, and the issue of having the Finance Audit and Budget Committee look into centralized purchasing.

**Public Comment:**

1. Susan Street - Ms. Street discussed the need to inform the public of the meeting setting and what information will be presented. Mayor Patterson clarified Staff would take comments and suggestions under consideration.

Council Member Hughes discussed the need for the City to be creative in its outreach efforts to the public.

Mr. Erickson discussed the survey that was conducted. Council Member Hughes clarified that the survey was limited to one per citizen.

Council Member Campbell and Staff discussed what approach would be taken with the budget choices that had to be made, and how to balance the real scenarios.

Mayor Patterson asked Staff to take comments and suggestions from Council and the public and report back to Council at the 6/15/10 Council meeting on the design of the workshop.

**2. Overview of Costs, Funding and Plans for Bidding for the Benicia Community Center Project:**

Mike Dotson, Assistant Director, Parks & Community Services, and Mike Alvarez, Parks & Community Development Director, reviewed the

staff report.

Mayor Patterson and Staff suggested Staff look into acquiring State surplus equipment for the furniture and audio/video equipment. She also suggested Staff look into taking advantage businesses promoting their products for computers, etc.

Council Member Hughes and Staff discussed the savings for deferring the second parking lot (\$695,000), and the impact on the neighborhood if the second parking lot is not built. He and Staff discussed the \$150,000 gap in funding.

Vice Mayor Schwartzman and Staff discussed the current project costs (currently approximately \$700,000 - total project cost - \$4.4 million), and the effect of operating the Community Center on the City's budget (\$317,000 - it would operate at a negative).

Council Member Campbell and Staff discussed the lease payments for the Community Center.

**Public Comment:**

1. Marilyn Bardet - Ms. Bardet discussed available funding through the Community Sustainability Commission (through the VIP Agreement).

**3. Status of Benicia Business Park Application:**

Mayor Patterson discussed her previous request to take action on this item.

Mr. Erickson stated Staff was looking for direction on what action Council wanted to take.

Vice Mayor Schwartzman clarified that he thought this item was to be brought back as an action item.

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

Council Member Campbell discussed the date the initial application was submitted.

**Public Comment:**

1. Marilyn Bardet - Ms. Bardet discussed the work 'Benicia First' did on this issue. She discussed concern regarding clinging to the 2002

fees.

2. Susan Street - Ms. Street - Ms. Street asked Council to try and remember what direction it gave to Staff when the letter was written.
3. Steve Goetz - Mr. Goetz urged Council to initiate the specific plan process ASAP.

Vice Mayor Schwartzman and Staff discussed the deadline for filing for the grant (possibly September 2010), the letter the City sent to Seeno, and the need to recognize what could happen if everything Seeno agreed to was scratched out and the process had to be started all over again.

Council Member Ioakimedes discussed his desire to have this as an action item, concern regarding the letter received from Discovery Builders, options Council could take at this point, and concerns regarding maintaining the fee amount for ten years.

Council Member Hughes discussed his disappointment in Discovery Builders' response letter. He discussed his desire not to lose the conditions the developer agreed to, and his desire for the City to apply for the grant.

Mayor Patterson discussed moving forward with the specific plan, not giving away a negotiating tool with Seeno, and the importance of having this on an agenda as an action item, not an informational item. She would like to see a motion to agendaize this item on the 6/15/10 Council agenda.

Mr. Erickson reminded Council of its ability to set terms (including fees, cost reimbursement, etc.) in the development agreement. He discussed the time and effort put into the consensus agreement, and the concern that has been raised about the letter received from Seeno. He discussed concern regarding throwing out the current agreement.

Council Member Campbell discussed the fact that Seeno had agreed to a specific plan, but not to a 'specific' specific plan.

Mayor Patterson and Council Member Campbell discussed the benefits of a specific plan.

Council Member Hughes discussed Seeno being in control of the property.

Mayor Patterson clarified that the motion would be to place this on an agenda as an action item to 1) continue getting 6-month updates, or 2) we ask for more definitive signature to the resolution, or 3) we close the

application and say it is done and operate with a resolution.

Council Member loakimedes asked Staff to reach out to the applicant to give them an idea of where Council is. The applicant needs to come back with something that is more palatable. He acknowledged the hard work that went into the project.

Council Member Hughes requested the item not be brought back as an action item on 6/15/10, as he would not be able to attend that meeting.

Mayor Patterson suggested the item be brought back for action on 7/6/10. She clarified the motion was to take action on seeking some formal written agreement to the Resolution, so it goes forward, rather than being in the past tense, and a commitment to the specific plan, or just waiting for update reports, or ending the application, or anything else that Staff could put into the hopper that might make sense.

Council Member Campbell and Mayor Patterson clarified that there was a question whether the applicant agreed to the specific plan or there was a question to the agreement (the way the letter was written), so Staff was to look for a more formalized way to showing the applicant is committed to the resolution, and clarification on the specific plan, because the applicant hasn't actually agreed to participate in the specific plan, and the resolution does talk about participating in the specific plan.

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved placing this as an action item on the 6/15/10 agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

## **XI. COUNCIL MEMBERS REPORTS (9:30 PM):**

### **A. Request to agendize 127 First Street - The Tannery Building:**

Council Member Campbell reviewed the Council report.

Staff discussed the issue of the trail, and the conditions of approval, and possibly having the developer go back to the HPRC for approval of a lesser project.

Council Member Hughes reminded Council this item was simply seeking approval to agendize this.

Mayor Patterson suggested agendizing this item for 7/6/10. She discussed possibly not agendizing it (it could go to HPRC with lesser design, be

appealed, etc.) She suggested Council simply wait, unless they want to seek policy definition.

After a lengthy discussion, Council Member Campbell withdrew his request.

**Public Comment:**

1. James Morgan - Mr. Morgan discussed the proposed project. The building was now over-financed. They would like to be treated as other pre-existing businesses have been treated. It is not a new development.

**B. Santa Rosa - Two Tier Pensions Article:**

**XII. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 11:02 p.m.

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Lisa Wolfe, City Clerk