

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 21, 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 7:08 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Council Member Campbell led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PROCLAMATIONS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that received information from Staff on both Closed Session items.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:
Three Full Terms
Open until filled

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

Open Government Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

Arts & Culture Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Mayor Patterson read the update list provided in the handouts (copy on file).

B. APPOINTMENTS

C. PROCLAMATIONS

D. PRESENTATIONS

1. Update on Tourism Marketing Program - Jack Wolf - Wolf Communications

Jack Wolf, Wolf Communications, gave a brief update on the Tourism Marketing Program.

Public Comment:

1. Duane Oliveria - Mr. Oliveria discussed the success of the Sunset Celebration Weekend event.
2. Susan Street - Ms. Street discussed the success of the Sunset Celebration Weekend event.
3. Christina Strawbridge - Ms. Strawbridge discussed the success of the Sunset Celebration Weekend event. She discussed the positive impact the magazine

had on the City.

Vice Mayor Schwartzman and Mr. Wolf discussed the cost of placing the ad in Sunset Magazine, as well as the cost for hosting the booth at the event.

Council Member Campbell and Staff discussed how much money was left in the budget for the program, what should be done after the contract expires (extend the contract if the City's budget allows for it).

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)

Brad Kilger, City Manager, stated that no action would be taken on item VIII.E tonight, as it was agendaized for discussion only.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Various handouts (copies on file).

B. PUBLIC COMMENT

1. Larry Fullington - Mr. Fullington discussed the issue of the City Treasurer position. He encouraged Council to make the City Treasurer an appointed position, without salary and benefits.
2. Council Member Campbell and Mr. Fullington discussed the cost of putting a measure on the ballot.
3. Todd Matthews, Benicia Firefighter's Association - Mr. Matthews discussed layoff notices that two firefighter's received, and the concessions the firefighters are being asked to accept.
4. Jason Fein, Benicia Firefighter's Association - Mr. Fein discussed the concessions the firefighters are being asked to accept.
5. Kevin Rose, Benicia Police Officer's Association - Mr. Rose discussed the labor contract that was being proposed, and the concessions the police officers are being asked to accept.
6. Vice Mayor Schwartzman - Vice Mayor Schwartzman listed a website that had information on the issue of redistricting.

VII. CONSENT CALENDAR:

Council pulled items VII.E, VII.F, VII.G, VII.H, and VII.L for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES OF THE MAY 31, 2011 SPECIAL MEETING, THE SPECIAL AND REGULAR MEETINGS OF JUNE 7, 2011, AND THE SPECIAL MEETING OF JUNE 14, 2011

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. AWARD OF CHEMICAL CONTRACTS FOR WATER TREATMENT - FY 2011-2012

RESOLUTION 11-69 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2011-2012 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

On motion of Vice Mayor Schwartzman, 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. ACCEPTANCE OF THE FIRE STATION 12 DORMITORY RENOVATION PROJECT / CHANGE ORDERS

RESOLUTION 11-70 - A RESOLUTION ACCEPTING THE FIRE STATIONS 12 DORMITORY RENOVATION, INCLUDING FINAL CHANGE ORDERS, AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. RESOLUTION AWARDING DAY WIRELESS A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT

RESOLUTION 11-71 - A RESOLUTION AWARDING A PURCHASE ORDER TO DAY WIRELESS FOR COMMUNICATIONS EQUIPMENT

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

E. INTRODUCE THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES

ORDINANCE 11- - AN ORDINANCE AMENDING SECTION 1.42.110 (CANDIDATE DEBATE) OF CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

Vice Mayor Schwartzman discussed concerns regarding the proposed method for cancellation. He proposed changing the time so it was closer to the date of the forum (24 hours prior to the date of the forum).

Mayor Patterson requested removing the language 'inappropriate content, as listed on page VII.E.2. Staff recommended the language read 'inflammatory statements and misinformation' and delete 'inappropriate content.'

Vice Mayor Schwartzman suggested the language read 'the forum may be cancelled in its entirety, by unanimous consent of the candidates, delivered to the chair of the commission, no less than 24 hours before the scheduled forum date.'

Council and Staff discussed the cancellation time that is required for the company that handles the broadcasting. Staff thought the company required 48-72 hours notice. Staff will check on the required time for cancellation.

Public Comment:

1. Leah Shellhorn - Ms. Shellhorn asked if everyone could act like adults, and not make negative comments during campaigns.

Mayor Patterson asked Staff to make the cancellation time consistent with the company's required cancellation requirement. Item is continued until Staff received clarification.

At 9:20 p.m., after the break, Staff clarified that the company only required a 24-hour cancellation notice. Staff would change the ordinance to reflect the language regarding the 24-hour cancellation notice (+ an additional hour for contacting the video crew), and to remove 'inappropriate content' from the language.

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

Council approved the Introduction and First Reading of the above Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

F. REQUEST FOR ONE-YEAR EXTENSION OF MEMORANDUM OF UNDERSTANDING ON PROVISION OF ANIMAL CARE SERVICES

Mayor Patterson and Staff discussed the MOU, and how/when the public would be engaged in the discussion. Mayor Patterson requested there be a robust public outreach effort.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the one-year extension of Memorandum of Understanding on provision of animal care services, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

G. ACCEPTANCE OF PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES FROM BENICIA HERALD AND APPROVAL OF AN AGREEMENT BETWEEN CITY AND BENICIA HERALD FOR FISCAL YEARS 2011/2012 AND 2012/2013

RESOLUTION 11-74 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2011/2012 AND 2012/2013, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

Council Member loakimedes and Staff discussed the state requirements

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. APPROVAL OF AN AMENDMENT TO A LEASE AGREEMENT FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL WITH STC FIVE, LLC

RESOLUTION 11-75 - A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND STC FIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Council Member loakimedes and Staff discussed what action had been taken by

BUSD on this issue.

Mr. Giuliani discussed the changes proposed by Ms. Kat Wellman, and suggested those changes be incorporated into the agreement. He discussed the proposed agreement.

Council Member Campbell discussed the issue of field maintenance, and how much the City had spent as a result of the Joint Use Agreement, and how much the City has received back in fees.

Council Member loakimedes and Staff discussed the cell tower at Benicia Middle School.

Council Member Hughes discussed the BUSD facilities and fields that the City uses. He asked Staff to follow up on the issues of EMF (Electro Magnetic Field) safety.

Public Comment:

None

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

I. RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 8, 2011 AND FEES RELATED TO THAT ELECTION

RESOLUTION 11-72 - A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2011, FOR THE ELECTION OF MAYOR (1), CITY COUNCIL MEMBERS (2), CITY CLERK (1), AND CITY TREASURER (1) FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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

J. RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2011

RESOLUTION 11-73 - A RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS TO PERMIT THE GENERAL MUNICIPAL

ELECTION TO BE HELD NOVEMBER 8, 2011

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

K. 2010 - 2011 SOLANO COUNTY GRAND JURY REPORT ENTITLED "UNCLAIMED FUNDS AND ESCHEATMENT PROCESS REVIEW"

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council accepted the findings of the Grand Jury, and approved submitting a letter to the Presiding Judge of Solano County, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

L. APPROVAL OF FINANCE DIRECTOR POSITION DESCRIPTION

RESOLUTION 11-76 – A RESOLUTION APPROVING AMENDMENTS TO THE POSITION DESCRIPTION FOR FINANCE DIRECTOR

Mayor Patterson discussed comments she submitted to Staff in writing that were not received. She requested adding 'investment' in the first paragraph that describes definition, under qualifications, add 'be familiar with accrual analysis and demonstrated expertise in performance measures and matrix analysis for budget analysis purposes', and under areas of expertise, add 'assessment districts' to the requirements.

Vice Mayor Schwartzman discussed taking IT out of the responsibilities, as recommended, and whether or not transit should be under the oversight of the Finance Director.

Council Member Hughes and Staff discussed the issue of moving IT to be under Administrative Services.

Public Comment:

None

Mayor Patterson asked Staff to come up with a matrix and check back in 6 months to see how it is working.

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)

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

VII. BUSINESS ITEMS:

A. ADOPT THE 2010 URBAN WATER MANAGEMENT PLAN

RESOLUTION 11-77 - A RESOLUTION ADOPTING THE 2010 URBAN WATER MANAGEMENT PLAN AND DIRECTING STAFF TO SUBMIT THE PLAN BY THE JULY 21, 2011 DEADLINE

Carrie Wenslawski, Management Analyst, reviewed the staff report.

Council Member loakimedes and Staff discussed adding language regarding ET irrigation controls in the lighting and irrigation districts. Staff will add the language.

Council Member Campbell and Staff discussed the Mojave water bank. The agreement was terminated. The City would just use the rest of the water that has been stored.

Mayor Patterson and Staff discussed her wish that the public would become engaged in this issue. She discussed the need to have an effective landscape management program, under item #7 - she would like to see the comparison of the City to the U.S/world in water use on the water bills, under item #15 - area of origin is a separate claim of water right that is independent from the appropriative water right, and because of that it is vulnerable, and under item #17 - she would like to see 'inclimate conditions or weather conditions.'

Staff confirmed they would clarify Mayor Patterson's comments in the final document.

Public Comment:

None

On motion of Council Member Hughes, 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)

B. CITY COUNCIL AND CITY CLERK STIPEND AND BENEFIT PACKAGE

RESOLUTION 11-78 - A RESOLUTION APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR ELECTED OFFICIALS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

Vice Mayor Schwartzman and Staff discussed prior reductions to Council's stipends, information on healthcare benefits,

Council Member Ioakimedes and Staff discussed why the reductions in stipends must be voluntary, concern regarding the term 'encouraging' in the resolution, and when council compensation was adjusted upward (possibly 1992).

Council Member Campbell and Staff discussed the pay-in-lieu benefit that is available to elected officials.

Council Member Hughes discussed the reductions the City was asking the employees to take, and his willingness to take the recommended reduction.

Mayor Patterson discussed her willingness to take the proposed reductions. She discussed the issue of council compensation. She suggested discussing the issue at a future forum.

Vice Mayor Schwartzman discussed the effects of the economy.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed taking healthcare costs out of Council's compensation, and possibly increasing the stipends. He thanked Council for their service.
2. Larry Fullington - Mr. Fullington requested Council not approve the reduction in compensation.

Council Member Campbell discussed the fact that Council Members were not working for the compensation.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. APPROVAL OF AMENDMENTS TO THE CITY MANAGER AND CITY ATTORNEY AGREEMENTS TO REFLECT APPROVED SALARY AND BENEFIT CONCESSIONS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved, by motion, the amendments to the City Manager and City Attorney agreements to reflect approved salary and benefit concessions, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA MIDDLE MANAGEMENT EMPLOYEES

RESOLUTION 11-79 – A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH THE BENICIA MIDDLE MANAGEMENT EMPLOYEES

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

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

Noes: loakimedes

E. PRESENTATION AND DISCUSSION OF PROPOSED MUNICIPAL BUDGETS FOR FISCAL YEAR'S 2012 AND

Brad Kilger, City Manager, introduced the item, and provided an overview of the proposed budget. He reviewed a PowerPoint presentation (copy on file).

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Hughes and Staff discussed the difference between amended, estimated, and proposed, as listed on page one of section two.

Council Member Campbell and Staff discussed concern regarding the wastewater advance. Mayor Patterson asked Staff to address the issue of how the payment will be made at Thursday's workshop.

Vice Mayor Schwartzman discussed the need for a balanced budget.

Council Member loakimedes and Staff discussed the water and wastewater

funds, and whether any police or fire funds were allocated for those funds.

Mr. Kilger reviewed the accomplishments of the City Council, City Clerk's office, City Manager's Office, Human Resources, and Economic Development Departments. He reviewed the CMO's major budget changes and priorities.

Council Member Campbell and Staff discussed the City Treasurer's budget. Staff would clarify the information on Thursday.

Ms. McLaughlin reviewed the City Attorney's office accomplishments, major budget changes, and priorities.

Rob Sousa reviewed the Finance Departments priorities, the IT Division's priorities and significant budget changes.

Diane Smikahl reviewed the Library Department's major budget changes, and departmental priorities.

Council Member Campbell inquired about the Library Manager position.

Chief Bidou reviewed the Police Department's accomplishments, major budget changes, and priorities.

Public Comment:

None

Mr. Kilger asked Council to forward any questions or comments to Staff prior to Thursday's workshop.

F. REQUEST TO AGENDIZE CONSIDERATION OF A BENICIA INDUSTRIAL PARK INFORMATION TECHNOLOGY NEEDS FEASIBILITY OPTIONS

On motion of Council Member Hughes, 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, Ioakimedes

Noes: (None)

G. REQUEST TO AGENDIZE CONSIDERATION OF A DISCUSSION PENDING NEW DISTRICTS AS A RESULT OF DRAFT REDISTRICTING MAPS RECENTLY RELEASED AND PROVIDE COMMENTS TO THE REDISTRICTING COMMISSION IF WARRANTED

Vice Mayor Schwartzman discussed the timing issue related to this item.

Mayor Patterson discussed concern regarding the lack of time to submit further comment to the Redistricting Commission. If the commission is still taking comments, discussion on the item would be agendized.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. COUNCIL MEMBER COMMITTEE REPORTS

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: June 15, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: Fall Assembly - October 13, 2011**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: June 24, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 28, 2011**
- 5. School Liaison Committee. (Council Members loakimedes and Hughes) Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes) Next Meeting Date: August 3, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: July 28, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: July 13, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 14, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes) Next Meeting Date: July 21, 2011**

11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: July 19, 2011**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes): Next Meeting Date: July 13, 2011**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next meeting Date: June 22, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: June 27, 2011**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson and Council Member loakimedes) Next Meeting Date: June 16, 2011**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:59 p.m.

Lisa Wolfe, City Clerk