

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 05, 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 7:00 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Mario Giuliani led the Pledge of Allegiance.

**C. 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 reported that Council received information from Staff on item IV.A, and continued item IV.B to follow the adjournment of the regular meeting.

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

Benicia Housing Authority Board of Commissioners: One Full Term to July 31, 2012 Applications Due Date: July 15, 2011

Historic Preservation Review Commission: Two Full Terms to July 31, 2015 Application Due Date: July 15, 2011

Economic Development Board: Two Full Terms to July 31, 2015 Application Due Date: July 15, 2011

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

Arts & Culture Commission: One unexpired term to January 31, 2013 Open until filled

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update: No new information to report at this time.**

No report at this time.

**B. APPOINTMENTS**

**1. Appointment of Council Member Mark Hughes to a City Council Appointment Subcommittee for a two year term ending June 29, 2012.**

**RESOLUTION 11-81 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER MARK HUGHES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JUNE 29, 2012**

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

**C. PROCLAMATIONS**

**1. In Recognition of Parks and Recreation Month**

**D. PRESENTATIONS**

**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, loakimedes

Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Two items received (copies on file).

**B. PUBLIC COMMENT**

1. Leslie Lessenger, Human Services Fund - Ms. Lessenger clarified prior statements made at the 6/28 Council meeting regarding their 7/24 fundraiser, and how the money raised would be accounted for. The funds were meant to be part of their anticipated donations.

Council and Staff discussed what would happen in the event the fundraiser did not raise their anticipated amount.

2. Amit Pal, PG&E - Mr. Pal introduced himself as the new Local Government Relations Representative, Government Relations.
3. Jeff Apkarian - Public Employees Union, Local One - Mr. Apkarian discussed concerns regarding the recent labor negotiations.
4. Christina Strawbridge - Ms. Strawbridge discussed the success of the 3rd of July events downtown.

**VII. CONSENT CALENDAR:**

Council pulled items VII.A, VII.C, VII.D, VII.F, and VII.G 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 SPECIAL AND REGULAR MEETING OF JUNE 21, 2011**

Vice Mayor Schwartzman stated he wanted to review the June 21, 2011 video, and asked that the minutes be continued to the next Council meeting.

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

Council approved continuing the minutes to the next Council meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**B. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12**

**RESOLUTION 11-82 - A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12**

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. CONSIDERATION OF AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES**

**RESOLUTION 11-83 - A RESOLUTION AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES**

Mayor Patterson discussed the need to show the criteria and standards for choosing the firm.

Mr. Sousa discussed the criteria used to make the recommendation of awarding the auditing service contract to Maze & Associates. He discussed the recommendation by the Finance Committee to hire the firm.

Council Member loakimedes and Staff discussed why the City stopped using the firm in the past, and the recommended length of the contract.

Vice Mayor Schwartzman and Council Member Campbell, discussed why the Finance Committee made the recommendation to go with Maze & Associates.

**Public Comment:**

None

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)

**D. ADOPT THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES**

**ORDINANCE 11-07 - 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 asked for clarification that the title of the event would be changed from debate to forum. Staff confirmed the language would reflect the title as a forum.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 2011**

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the review and acceptance of the investment report for the quarter ending March 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**F. PROCEDURE FOR RESOLVING TIE VOTES FOR ELECTIVE OFFICES AT GENERAL MUNICIPAL ELECTIONS**

**RESOLUTION 11-84 - A RESOLUTION ESTABLISHING THE PROCEDURE FOR DETERMINING TIE VOTES FOR ELECTIVE OFFICES IN THE CITY OF BENICIA BY LOT**

Vice Mayor Schwartzman inquired if there were any other mechanisms for resolving tie votes. He and Staff discussed a scenario when three candidates were running for office, and how that would be affected by the proposed procedures.

Council Member Campbell and Staff discussed the cost of a special election. Council Member Campbell stated that he thought a special election would cost \$15.00 per registered voter (which would be approximately \$200,000), as opposed to the \$35,000 quoted in the staff report.

Council Member loakimedes and Staff discussed the recount procedures that were in place. He suggested inserting language referencing the recount procedures that are followed. They discussed recounts that were done by the

courts, and recounts requested by the candidates. Council Member Ioakimedes wanted to ensure that the proposed resolution did not interfere with the candidate's right to request a recount.

Mayor Patterson suggested that language be inserted in the motion that the resolution would not contravene the existing guidance for a recount.

Council Member Hughes stated he also had concerns regarding three candidates running in a scenario where there was a tie.

Vice Mayor Schwartzman asked if language could be inserted stating that the proposed procedures would be accepted if there were two candidates running, however if there were three candidates running, there would need to be a special election.

Council Member Campbell discussed his lack of support for having a special election, as he was sure the cost was higher than reflected in the staff report.

Council Member Hughes stated he would not be willing to spend money on a special election, regardless of the cost.

Vice Mayor Schwartzman stated he would not be supportive of a special election if the cost were \$200,000, however, it was \$35,000 that was different.

Public Comment:

None

Ms. McLaughlin suggested the following language in Section 1 of the Resolution, as discussed by Council: 'In the event two or more candidates for a municipal elective office receive an equal and the highest number of votes, creating a tie, including a tie after a statutory recount, if requested, the tie shall be resolved as outlined in exhibit A, attached hereto.'

Vice Mayor Schwartzman stated he would rather defer this item until the actual cost of a special election was confirmed.

Ms. Wolfe stated that the \$35,000 quoted in the staff report was the cost to add an item to an existing election. She agreed with Council Member Campbell that a special election was more in line with \$10-\$15 per registered voter. She would confirm that for Council, but felt Council Member Campbell was correct in the higher estimated costs (over \$200,000).

Vice Mayor Schwartzman stated if that were the case, he would not support a special election if the costs were that high.

Council Member Campbell and Staff discussed the cost of a statutory recount. He suggested looking into the City paying for a recount if the votes were very close. Staff confirmed they would look into the issue for future consideration. On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, as amended, on roll call by the following vote: Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes  
Noes: (None)

## **G. TRANSFER OF TRANSIT OPERATIONS TO SOLANO COUNTY TRANSIT**

### **RESOLUTION 11-85 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE FURTHER ACTIONS AS MAY BE NECESSARY IN ORDER TO ACCOMPLISH THE GOALS CONTEMPLATED BY THE SOLANO COUNTY TRANSIT JOINT POWERS AGREEMENT**

Council Member Campbell and Staff discussed the need to know what the administrative costs were (8% of the total budget - \$1.5 million in savings due to the consolidation), what the administrative compensation was (less than normal overhead costs - main costs were the contracts with MV), and the number of employees there would be (5 paid positions). Council Member Campbell stated that the costs should be listed in the future.

Mayor Patterson clarified that SolTrans was a JPA, and it was operating independently. She suggested Council Member Campbell look at the business plan for SolTrans.

Mr. Sousa clarified that the final financial element would be brought back on 7/19/11. Technically, the positions are not yet filled. The CEO was the only position that had been decided on.

Council Member Campbell stated he thought all this would be cleared up by now.

Council Member loakimedes discussed SolTrans being a solid and solvent partnership with the City of Vallejo, as it was not part of Vallejo's bankruptcy. SolTrans was already in operation.

#### Public Comment:

None

Vice Mayor Schwartzman asked who would be making decisions on SolTrans' employee compensation (SolTrans Board).

Council Member Campbell stated he would be voting no until all the parts of the

puzzle were revealed, and he has not seen all the employee compensation information yet.

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

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

**VIII. BUSINESS ITEMS:**

**A. BEST PRACTICES FOR GRANTEES OF THE CITY**

Heather McLaughlin, City Attorney, reviewed the staff report.

Mayor Patterson disclosed ex parte communications. She discussed the Human Services Fund's process. She discussed the reporting process being led by the City of Benicia. There are inconsistency in what is being asked of Benicia Main Street and the Benicia Historical Museum. She discussed Benicia Main Street's fantastic program. If the City wants more from Benicia Main Street, they have to make what they want very clear.

Vice Mayor Schwartzman and Staff discussed who at the City oversaw the museum (mostly Parks, Recreation & Cemetery Commission).

Council Member Campbell discussed the recent audit done by the Finance Department. He inquired about the Chamber of Commerce (the only money the City gives them is for its membership).

**Public Comment:**

1. James Lessenger - Mr. Lessenger stated that the best practices need to be laid out more clear than had been done so in the staff report. He asked that a list of best practices be submitted for review.

Ms. McLaughlin reviewed the best practices that were proposed by the Open Government Commission.

2. John Van Landschoot - Mr. Van Landschoot discussed the need to add service contracts to the best practices.
3. Christina Strawbridge - Ms. Strawbridge discussed the Economic Development portion of Benicia Main Street's contract. EDB oversees the contract with Benicia Main Street.
4. Bonnie Silveria - Ms. Silveria discussed Benicia Main Street's budget. She discussed how their board reviews and decides which events are successful

and profitable.

Mayor Patterson suggested adding performance measures to the report. She and Staff discussed the confusion between the services being provided vs. the grantees that are receiving grants. Mayor Patterson discussed the need to have the reports reflect the differences.

Mr. Kilger discussed Benicia Main Street being an independent contractor. He discussed support for standardization and consistency. There is work to be done with the reporting, however there needs to be some flexibility with the service agreements.

Vice Mayor Schwartzman discussed the difference between grantees and service groups.

Council Member Campbell expressed concern regarding Council getting too involved in dictating what programs the organizations put their money towards, although there should be a way to track it.

Council Member Hughes agreed with Council Member Campbell's and Mr. Lessenger's ideas. The groups are providing different services. There should be adequate oversight.

Council Member Ioakimedes discussed concern regarding comments such as 'analyzing the return on investments.' He did not want to make the process overly governmental.

Mayor Patterson summarized there was more work to be done with standardization, basic level reporting, and specialization for approach and expectations. The process should not be overly bureaucratic or paper-heavy. The City should make sure the responsible commissions have and fulfill that responsibility. The bottom line is that the best practices should be implemented, and that each organization could adapt in a way that is suitable for the use of those best practices, without infringing on their operation and what they are trying to achieve.

Ms. McLaughlin clarified that the best practices that the Open Government Commission recommended were for the grantees, and are the best practices that they are currently following.

Mayor Patterson agreed, and stated that there were no changes, and there was not a desire on the Council to see changes in the current practices by the Human Services Fund Board and the Arts & Cultural Commission. The remainder is for the processes that are ongoing, the standardization that Mr. Kilger referred to, and should be adaptable to the various organizations.

Council Member Hughes clarified stated that he would rather the City share the best practices with the groups, and let them, along with some City guidance, determine if some of those are appropriate for the work that they are doing.

Mayor Patterson agreed that was what she was saying.

## **B. NAMING OF THE NINTH STREET LAUNCHING FACILITY PARK**

### **RESOLUTION 11-86 - A RESOLUTION NAMING THE PARK AT NINTH STREET LAUNCHING FACILITY, ALVAREZ NINTH STREET PARK, AFTER RETIRING PARKS AND COMMUNITY SERVICES DIRECTOR MICHAEL ALVAREZ**

Mike Dotson reviewed the staff report.

Bonnie Silveria, former Parks, Recreation & Cemetery Commissioner, discussed the commission's recommendation to name the park after Mr. Alvarez. She discussed the letter she sent to Council (copy on file) regarding the issue.

#### Public Comment:

1. Mike Smith - Mr. Smith spoke in opposition to the proposed renaming of the park. He suggested putting the issue on a ballot, so the citizens could vote on it.
2. Nancy Cockerham, Parks, Recreation & Cemetery Commissioner - Ms. Cockerham discussed how the recommendation was made, the public input and comments that were made at meetings in support of the renaming of the park. She spoke in support of the renaming of the park.

Mayor Patterson discussed her support for the renaming of the park.

Council Member Hughes discussed the feedback he had heard and read regarding the renaming of the park. He discussed his support for renaming the park.

Vice Mayor Schwartzman discussed his support for renaming the park. He discussed the need to come up with parameters for renaming parks.

Council Member loakimedes discussed his support for renaming the park.

Council Member Campbell discussed the need to have a policy in place for naming facilities, streets, etc.

Council gave direction to Staff to consider some sort of protocol on this issue.

## C. DISCUSSION OF REDISTRICTING MAPS FOR THE CITY OF BENICIA

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson discussed a forum that was held on this issue a few weeks ago. It was very informative. They were clear about what sort of comments that would be considered.

Vice Mayor Schwartzman discussed the importance of Council discussing this issue. There would definitely be changes for the City of Benicia. One of the changes that would have the most impact on the City is the congressional change. If Council has a strong feeling about any of the issues, they should submit those comments to the Redistricting Commission.

Mayor Patterson discussed the points that the Commission had to look at (as referenced in the staff report). She discussed concern regarding Council's ability to come up with recommendations to the commission in such a short timeframe.

Council Member Campbell discussed what congressional district the City of Benicia was in. He did not have any interest in submitting written comments to the Redistricting Commission.

Council Member Ioakimedes discussed concern regarding changing from being part of the Bay Area to only being part of Solano County. He discussed how many other ports there were in the district the City of Benicia was in. He was concerned that there might be more of an interest in agriculture.

Vice Mayor Schwartzman discussed the 1,100 signatures that were submitted to the commission by the City of American Canyon. He offered to draft comments to send to the commission.

Mayor Patterson discussed concern regarding submitting a 'gripe' letter to the commission.

Vice Mayor Schwartzman clarified that if comments were submitted, they would need to be concrete concerns listed.

Council Member Hughes discussed concern regarding submitting concerns to the commission that were not convincing and reasonable. He did not want to spend a lot of staff time on the issue.

Mayor Patterson stated the door would not be closed on the issue. Vice Mayor Schwartzman could work with Staff to draft comments that Council could review. Staff should not spend a lot of time on this issue.

Public Comment:

None

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 9:25 p.m.

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Lisa Wolfe, City Clerk