

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
July 19, 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 7:06 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Hughes was absent.

**B. PLEDGE OF ALLEGIANCE**

Dr. Constance Beutel led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**

**IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**

**A. ANNOUNCEMENTS**

Mayor Patterson read a statement advising the public that special assistance to participate in City Council meetings is available if needed.

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

Mr. Kilger reported that no reportable actions were taken.

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

Historic Preservation Review Commission: Two Full Terms to July 31, 2015 Open Until Filled

Finance Committee - One Full Term to January 31, 2015 Application Due Date: July 22, 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:**

Mayor Patterson reviewed the staff report.

**5. The City Council will not meet on August 2, 2011. The next regularly scheduled meeting is August 16, 2011.**

**B. APPOINTMENTS**

**C. PROCLAMATIONS**

**1. In Recognition of National Night Out**

**D. PRESENTATIONS**

**1. Tula Sister City Committee - Status and Tula Visit - Maria Bitagon**

**V. ADOPTION OF AGENDA:**

Brad Kilger, City Manager, stated that item VIII.E would be modified. Benicia Main Street requested the contract services portion of the item be continued to the 8/19/11 City Council meeting. The lease agreement portion of the item would still be discussed. Staff requested that item VIII.E be moved up to be the first Business Item heard on the agenda.

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

Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Mayor Patterson reviewed the nine items submitted (copies on file).

**B. PUBLIC COMMENT**

Sharon Petrellese, Human Services Fund Board - Ms. Petrellese announced the upcoming fundraiser at Winterhawk Winery.

Karen Burns - Ms. Burns invited City Staff to a personal tour of the Fisher-Hanlon House.

Marilyn Bardet - Ms. Bardet discussed having the Tula Sister group visit the Avant Garden when they are in Benicia.

Bonnie Silveria, Benicia Main Street - Ms. Silveria announced the upcoming Fine Arts and Jazz Festival, as well as other events that will take place in the next few months.

**VII. CONSENT CALENDAR:**

Council pulled items VII.A and VII.E for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

**A. APPROVAL OF MINUTES FOR THE SPECIAL AND REGULAR MEETINGS OF JUNE 21, 2011 (CONTINUED FROM LAST MEETING), SPECIAL MEETING OF JUNE 28, 2011 AND THE SPECIAL AND REGULAR MEETINGS OF JULY 5, 2011**

Council Member loakimedes requested the language 'almost like a loan' on page VII-A-19 be changed to 'as a loan' to reflect Council's intent.

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

Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

**B. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES**

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the designation of League of California Cities voting delegates and alternates, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**C. RESOLUTION AWARDING MOTOROLA A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT**

**RESOLUTION 11-87 - A RESOLUTION AWARDING A PURCHASE ORDER TO MOTOROLA 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, loakimedes

Noes: (None)

**D. PARTICIPATION IN BEACON AWARD PROGRAM**

**RESOLUTION 11-88 - A RESOLUTION IN SUPPORT OF PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON AWARD: LOCAL LEADERSHIP TOWARD SOLVING CLIMATE CHANGE**

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, loakimedes

Noes: (None)

**E. RESOLUTION AMENDING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSATION EARNABLE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR THE CITY MANAGER AND CITY ATTORNEY, SENIOR MANAGEMENT EMPLOYEES, MID MANAGEMENT EMPLOYEES, POLICE MANAGEMENT EMPLOYEES AND UNREPRESENTED EMPLOYEES, EFFECTIVE JULY 1, 2011**

**RESOLUTION 11-90 - A RESOLUTION AMENDING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSATION EARNABLE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR THE CITY MANAGER AND CITY ATTORNEY, SENIOR MANAGEMENT EMPLOYEES, MID MANAGEMENT EMPLOYEES, POLICE MANAGEMENT EMPLOYEES, AND UNREPRESENTED EMPLOYEES, EFFECTIVE JULY 1, 2011**

Council Member loakimedes pulled the item, so he could be consistent, as he has voted against this in the past, and wanted to have a roll call vote to register his objection.

Brad Kilger, City Manager, briefly reviewed the staff report. He noted that there was a correction that needed to be made on the resolution. On page VII.E.3, under 'Unrepresented Employees: 5% EPMC, add the language 'Police Managers: 5.5% EPMC.' The information was in the staff report, but was not carried over in the resolution language.

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell

Noes: loakimedes

**F. SETTING 2011-12 SECURED TAX RATES FOR BONDED INDEBTEDNESS FOR THE 1997 GENERAL OBLIGATION SEWER BONDS**

**RESOLUTION 11-89 - A RESOLUTION SETTING THE 2011-12 SECURED TAX RATES FOR THE 1997 SEWER BONDS**

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, loakimedes

Noes: (None)

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

**VIII. BUSINESS ITEMS:**

**A. APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MANAGEMENT EMPLOYEES**

**RESOLUTION 11-91 - A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH THE BENICIA POLICE MANAGEMENT EMPLOYEES**

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

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

**B. APPROVAL OF SALARY AND BENEFIT REDUCTIONS FOR UNREPRESENTED CONFIDENTIAL EMPLOYEES**

**RESOLUTION 11-92 - A RESOLUTION APPROVING SALARY AND BENEFIT REDUCTIONS FOR UNREPRESENTED EMPLOYEES**

Brad Kilger, City Manager, reviewed the staff report.

Public Comment

None

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

**C. FIRST READING OF AN ORDINANCE AMENDING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE**

**ORDINANCE 11- - AN ORDINANCE AMENDING CHAPTER 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE) OF DIVISION I (CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 15.18.030 (AMENDMENTS MADE IN THE CALIFORNIA GREEN BUILDING STANDARDS CODE)**

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

Mayor Patterson discussed her support for this item.

Council Member Campbell and Staff discussed concern regarding the language 'the project is required' and possibly using language 'is preferred.'

Vice Mayor Schwartzman discussed support for the ordinance, but would prefer to use an incentive rather than a mandate.

Public Comment:

Constance Beutel - Dr. Beutel spoke in favor of the proposed ordinance.

Council and Ms. Beutel discussed making the requirements mandatory as opposed to voluntary.

Chuck Reeger - Mr. Reeger spoke in support of the proposed ordinance.

Grant Cooke - Mr. Cooke spoke in support of the proposed ordinance.

Karen Burns - Ms. Burns spoke in opposition to the proposed ordinance.

Marilyn Bardet - Ms. Bardet spoke in support of the proposed ordinance. She suggested coming up with language to accommodate senior citizens or people who cannot afford to make the proposed changes.

Ellen Kolowich - Ms. Kolowich spoke in support of the proposed ordinance.

Larry Fullington - Mr. Fullington spoke against having mandates in the ordinance.

Jon Van Landschoot - Mr. Van Landschoot spoke in support of the proposed ordinance.

Tony Shannon - Mr. Shannon spoke in support of the proposed ordinance.

End of Public Comment

Mayor Patterson and Staff discussed the energy and water audits performed by Ennovationz. They discussed whether the voluntary changes that households were making were enough to meet the goals.

Council Member Ioakimedes discussed his support for the proposed language in the ordinance.

Council Member Campbell discussed his concern for the eleven points, however, he was concerned regarding making them 'mandated' or 'required.'

Mayor Patterson discussed the need to leave the language as 'shall' as opposed to 'should.' Council and Staff discussed whether there could be language to accommodate individuals (such as senior citizens) who could not afford to make the proposed changes.

Vice Mayor Schwartzman discussed concern regarding making the changes 'mandated.' He and Staff discussed what percentage of permits that were pulled

included energy efficient improvements (approximately 10%). Staff was issuing approximately 1-2 solar permits per week.

Mayor Patterson discussed a recycling program she previously worked on. She discussed the need to move this issue forward.

Council Member Campbell and Staff discussed the possibility of waiting for a period of time so Staff could gather some data to prove the proposed amendments would be effective.

Mayor Patterson suggested replacing the word 'required' with shall, but it would not be effective for six months. Council discussed concern regarding missing the construction period. Staff suggested clarifying the language to read 'the work shall constitute at least 2%.' Council discussed not making it effective for a year, as not to miss the construction calendar.

Vice Mayor Schwartzman discussed support for waiting for a full year to see if Staff could gather data on the permits to see how successful this would be. In the interim, he would like to continue the education on the issue.

Mayor Patterson clarified that the motion she was looking for was approval of the first reading of the ordinance, with the modified language change 'the work shall constitute at least 2%' for a period of 9 months. It would be subject to review. Upon that review on the data that is collected, reconsideration for modifying the language to 'required.'

Staff asked for a clarification on the motion. Mayor Patterson clarified that the motion would be to adopt the ordinance and its effectiveness, which would be embedded in the resolution, it would become effective in nine months, and then there was the language change from 'required' to 'shall.' At the end of a year, there shall be a mandatory review of the program, and reconsideration of changing from 'shall' to 'required' based on data that the building department would collect.

Staff clarified that it would become effective in nine months, it operates for a year, and Council has directed Staff to return with the ordinance at the end of the year for review. The regular timing for the introduction and the second reading of the ordinance would be followed.

Council discussed the issue of whether a current council could bind a future council.

Staff suggested Council adopted the ordinance, make it effective nine months from now, give staff direction to take the list of eleven items, make a checklist out of it, have Staff check on each project, and they would be able to report to Council what occurred during that ten months (extra 30 days because of the 30-

day effective day of the ordinance). Then once it's effective, they will have that data, and they could compare it to the year's worth of data.

Vice Mayor Schwartzman discussed the difference between 'encouraged' and 'shall.' He supported using the word 'encouraged.'

Mayor Patterson clarified that the current motion was to adopt the ordinance as presented, but it would not be effective for nine months. During that time, there would be a program to assess the effectiveness of the list (of eleven items). That report would come back to Council prior to the effectiveness of the ordinance, and Council would have a decision whether to move forward with the ordinance as adopted (and as written tonight), or not.

Council Member loakimedes clarified Council Member Campbell's substitute motion to change the word to encourage, enact the ordinance tonight, study the data for the next nine months, and then in nine months, the future council would have the opportunity to review the data and make any appropriate changes (or not).

Staff clarified that there was not a substitute motion on the floor. Mayor Patterson clarified that if Council wanted to go with Council Member Campbell's 'encourage, nine months, review' motion, it would need a second.

Council Member loakimedes stated that he would second Council Member Campbell's motion to change the word 'required' to 'encourage', move forward with the first reading of the ordinance, direct staff to collect data on the implementation of the items on the list. It is a voluntary ordinance, with a report back to Council in nine months on the effectiveness of that voluntary ordinance.

On motion of Council Member Campbell, seconded by Council Member loakimedes, Council approved the Introduction and First Reading of the Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, loakimedes

Noes: Schwartzman

- D. APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$50,000 TO PERFORM TOURISM AND MARKETING SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**RESOLUTION 11-93 - A RESOLUTION AWARDING THE TOURISM MARKETING CONSULTANT CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$50,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON**

## **BEHALF OF THE CITY**

Brad Kilger, City Manager, discussed possible modifications to the scope of work.

Mario Giuliani, Acting Economic Development Manager, reviewed the staff report.

Council Member Campbell and Staff discussed transient occupancy tax and sales tax.

Vice Mayor Schwartzman and Staff discussed the need to continue the program, however, he wondered what could be as effective as the Sunset Magazine article, with the proposed budget (as the article cost \$50,000, and the proposed contract is \$50,000.). They discussed the transition between Wolf Communications and Staff.

Council Member loakimedes and Staff discussed data relating to the Valero turnaround. He discussed concern regarding Benicia Main Street being required to provide a lot more quantitative analysis than Wolf Communications.

Mayor Patterson discussed the need for standardized reporting.

Council Member loakimedes discussed the need to see more of the data on the City's internet presence.

Council Member Campbell discussed the need to retool how effective the program is.

Mayor Patterson discussed the need for consistent advertising, the need for a better description on the task and responsibilities, and the need for it to be inclusive. She would like to see how to get the right analog to pop up on Google more often. She wanted to keep going steady, and support the Tourism Marketing Program. In 60-90 days, Staff should come back with a more defined approach, Staff participation, and address the issue of standardized reporting.

Staff discussed the assessment of the 2007 Economic Development Strategy (which is the need for the 60-90 days). Staff was not just focusing on tourism on First Street, but on the Industrial Park, etc. Staff would be refining the scope of work, and look to see how much could be shifted to Staff.

### **Public Comment:**

Karen Burns - Ms. Burns requested the City include the downtown State Park buildings in their tourism advertisements.

Duane Oliveria - Mr. Oliveria discussed the need to not have a gap in momentum of the tourism program. He clarified that the Sunset Magazine article did not cost \$50,000, as it was basically free. He discussed the benefits of the article.

Christina Strawbridge - Ms. Strawbridge discussed the benefits of the Sunset Magazine article.

Jon Van Landschoot - Mr. Van Landschoot suggested the scope of work include talking to the people at Rossmoor, car clubs, theater clubs, etc. to schedule tours.

Mayor Patterson directed staff to take Mr. Van Landschoot's and Ms. Burns' comments into consideration.

Leah Shellhorn - Ms. Shellhorn discussed the success of the recent bus tour. She suggested staff contact the concierges at the various developments.

End of Public Comment

Council Member loakimedes and Staff discussed the issue of addressing the Industrial Park with regards to economic development.

Mayor Patterson asked that the comments be limited to the purposes of approving the contract, and having Staff come back in a month or so with a refined work plan.

Vice Mayor Schwartzman discussed the sales tax generated by the Industrial Park vs. the sales tax generated in the Downtown Area. He made a motion to approve the resolution, with the notion that Staff would come back in 60-90 days with some refinement on the strategies, and to look to see if there are ways of making the monies that the City is spending more efficient so it gets a better return overall on the \$50,000, along with the revisions on the reporting.

Council Member Campbell and Staff discussed the issue of a business improvement district (BID).

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

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**E. APPROVE 2011-2012 CONTRACT SERVICES AGREEMENT AND LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET**

Mayor Patterson noted that that this item would only deal with the lease agreement, but not with the service agreement.

Mario Giuliani, Acting Economic Development Manager, reviewed the staff report.

Public Comment:

None

Council and Staff discussed the terms of the lease, and the issue of a holding over clause in the contract. Staff indicated they were comfortable with a 30-day period.

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved the lease agreement between the City of Benicia and Benicia Main Street, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved continuing the 2011-2012 Contract Services Agreement to the August 16, 2011 City Council meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**F. REQUEST FOR POSITION ON ASSEMBLY BILL 1178 (MA)**

Mayor Patterson reviewed the staff report.

Council Member loakimedes discussed the League of California Cities' position on the issue.

Public Comment:

None

On motion of Council Member loakimedes, Seconded by Council Member Campbell, Council approved having Staff write a letter of opposition on Assembly Bill 1178 (MA), on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

## **G. Council Member Committee Reports**

1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: July 20, 2011
2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Ioakimedes) Next Meeting Date: Fall Assembly - October 13, 2011
3. Finance Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: July 22, 2011
4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 28, 2011
5. School Liaison Committee. (Council Members Ioakimedes and Hughes) Next Meeting Date: TBD
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 Ioakimedes) Next Meeting Date: September 14, 2011
9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: August 11, 2011
10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and Ioakimedes) Next Meeting Date: July 21, 2011
11. Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: September 12, 2011
12. Valero Community Advisory Panel (CAP). (Council Member Hughes) Next Meeting Date: TBD
13. Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: August 31, 2011
14. ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: September 26, 2011

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 10:41 p.m.

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Lisa Wolfe, City Clerk