

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 17, 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 7:20 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Jim Erickson 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.

Ms. McLaughlin stated Council gave direction to Staff on the public employee performance evaluation and the appointment of interim city manager. Due to time constraints, Council was not able to get to the conference with real property negotiator item.

2. Openings on Boards and Commissions:

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

CAP (Community Advisory Panel to Valero) One unexpired term to April 30, 2011

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

1. Reappointment of Sharon Petrellese to the Human Services Board for a full term to July 31, 2014.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-103 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF SHARON PETRELLESE TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2014

2. Reappointment of Michael Caplin to the Human Services Board for a full term to July 31, 2014.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-104 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MICHAEL CAPLIN TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2014

3. Reappointment of Charles Edward Hendricks to the Human Services Board for a full term to July 31, 2014.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-105 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF CHARLES EDWARD HENDRICKS TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2014

4. Appointment of Claire M. McFadden to the Economic Development Board for a full term to July 31, 2014.

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

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

RESOLUTION 10-106 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CLARIE M. MCFADDEN TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2014

C. PRESENTATIONS

D. PROCLAMATIONS

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)

Mr. Erickson discussed a slight change in the Americorp resolution, a revision to an ordinance on the pretreatment of waste, and the public hearing item; Staff recommended the item be pulled and discussed at a future meeting. Staff received information from a source questioning the legality of the ordinance. Staff did not have time to look into the concerns before tonight's meeting. Staff had concerns regarding the consistency of the ordinance with state law.

Mayor Patterson requested Council add an item to the agenda. The item related to the Carquinez Strait and its designation as part of the Delta National Historic Area. She would like the item to follow the consent calendar items.

Council Member Hughes said he had never seen an item added to an agenda, however, he understood the urgency. He would like to see the item right after the consent calendar.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Mayor Patterson discussed the ten additional pieces of correspondence that were submitted (copies on file).

B. PUBLIC COMMENT

Marilyn Bardet - Ms. Bardet spoke on behalf of Benicia Community Gardens, Inc. She discussed the property on East D Street. They need help with additional gardeners. She discussed their plan for a garden on the property.

Mary Wika - Ms. Wika discussed the Rose Center project. She disagreed with the outcome of her appeal (denial). She discussed concerns regarding the

parking at the Rose Center project.

Mayor Patterson asked Ms. McLaughlin to provide direction to Council on what they could discuss. McLaughlin suggested Council have Staff look into the issue and report back to Council.

Gretchen Burgess - Ms. Burgess discussed Benicia being named the fourth largest dog friendly town in the country.

Dana Dean - Ms. Dean congratulated Council for placing Ms. McFadden on the EDB.

Council Member Campbell discussed the hanging plants on First Street and the handicapped ramp at the Depot building. Staff had some information on the ramp. Staff could get back to him in a week with information on the hanging plants.

Council Member loakimedes discussed an article he read on the issue of people being cut off during public comment, and asked Staff to look into and it and follow the issue. Mayor Patterson discussed steps Council has taken in the past and possible steps it could take if someone was out of line. Council Member Campbell discussed an event that took place seven years ago when an attorney's comments were cut off.

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-F, and VII-K.

Ms. McLaughlin confirmed Council Members Campbell and loakimedes could stay at dais and did not need to recuse themselves for item VII-B, as the questions were simple clarifications.

- A. Approval of Minutes of July 20, 2010 Special Meeting, July 20, 2010 Regular Meeting and August 3, 2010 Special Meeting**
- B. SECOND READING AND ADOPTION OF ORDINANCE AMENDING CHAPTER 13.50 PRETREATMENT AND SOURCE CONTROL OF WASTE DISPOSAL OR DISCHARGE**

ORDINANCE 10-2- AN ORDINANCE AMENDING CHAPTER 13.50 (PRETREATMENT AND SOURCE CONTROL OF WASTE DISPOSAL OR

DISCHARGE) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

Council and Staff discussed the technical changes that were requested when the item was introduced.

Public Comment:

Dana Dean - Ms. Dean spoke on behalf of Amports. She discussed concerns regarding the use of the term 'users' and the language regarding being notified of violation or fine within ten days.

Staff confirmed they could delete 'industrial' from 'users' and change language regarding superintendent to read 'a request for the superintendent to reconsider the fine or applicable enforcement action within ten days of being notified of the fine or enforcement action.'

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

Ayes: Patterson, Schwartzman, Hughes

Noes: (None)

C. APPROVE THE PURCHASE OF A COMMAND VEHICLE FOR THE POLICE DEPARTMENT WITH SLESF FUNDS

RESOLUTION 10-107 - A RESOLUTION AUTHORIZING THE PURCHASE OF A WATCH COMMANDER VEHICLE FOR THE POLICE DEPARTMENT FROM MAITA CHEVROLET OF ELK GROVE IN THE AMOUNT OF \$30,098.87, AND AUTHORIZING THE ICTY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

D. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA INCLUSIONARY HOUSING ORDINANCE BASED ON A RECENT CALIFORNIA COURT OF APPEALS CASE

ORDINANCE 10- - AN ORDINANCE AMENDING SUBSECTIONS C. (DEFINITIONS), D. (GENERAL REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENTS), AND E. (INCLUSIONARY UNIT REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENTS) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO AMEND THE APPLICATION OF THE REQUIREMENTS TO CERTAIN PROJECTS

E. AWARD OF CONTRACTS FOR THE WASTEWATER TREATMENT PLANT EFFLUENT PIPELINE IMPROVEMENT PROJECT

RESOLUTION 10-108 - A RESOLUTION ACCEPTING THE BIDS FOR THE

EFFLUENT PIPELINE IMPROVEMENT PROJECT; AWARDING THE CONSTRUCTION CONTRACT FOR THE EFFLUENT PIPELINE IMPROVEMENT PROJECT TO TIDELANDS CONSTRUCTION COMPANY OF BRENTWOOD IN THE AMOUNT OF %545,000; APPROVING A CONTRACT FOR CONSTRUCTION MANAGEMENT/ENGINEERING SUPPORT SERVICES FOR THE EFFLUENT PIPELINE IMPROVEMENT PROJECT WITH CAMP DRESSER & MCKEE, INC. FOR A NOT -TO-EXCEED COST OF \$99,848; AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

F. REDUCTION IN CITY COUNCIL COMPENSATION

RESOLUTION 10-114 - A RESOLUTION APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR THE CITY COUNCIL

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed how this would affect future Council Members.

Public Comment:

None

Council Member loakimedes clarified that this was not a leadership move. This was a respectful gesture of solidarity. Their leadership would come in future actions.

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

G. PURCHASE OF CRUSHED AGGREGATE ROCK FOR FISCAL YEAR 2010-2011

RESOLUTION 10-109- A RESOLUTION AUTHORIZING THE PURCHASE OF CRUSHED AGGREGATE ROCK FOR FISCAL YEAR 2010-2011 FROM SYAR INDUSTRIES INC. OF VALLEJO, CALIFORNIA, FOR A NOT T-TO-EXCEED COST OF \$25,000

H. PURCHASE OF FITTINGS AND HARDWARE FOR FISCAL YEAR 2010-2011

RESOLUTION 10-110 - A RESOLUTION AUTHORIZING THE PURCHASE OF WATER DISTRIBUTION PIPELINE FITTINGS AND HARDWARE FOR FISCAL YEAR 2010-2011 FROM ROBERTS & BRUNE CO. OF OAKLEY, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$75,000

I. RECOMMENDATION FOR CITY COUNCIL TO AUTHORIZE \$16,000 FOR AMERICORPS VOLUNTEER PROGRAM AND AUTHORIZE THE PUBLIC WORKS & COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

RESOLUTION 10-111 - A RESOLUTION AUTHORIZING \$16,000 IN MATCHING FUNDS FROM THE VALERO IMPROVEMENT PROJECT (VIP) SETTLEMENT AGREEMENT FUND FOR AN AMERICORPS VOLUNTEER TO SUPPORT CITYWIDE GREENHOUSE GAS (GHG) REDUCTION AND CLIMATE ACTION EFFORTS AND AUTHORIZING THE PUBLIC WORKS & COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY

J. APPOINTMENT OF THE INTERIM CITY MANAGER

RESOLUTION 10-112 - A RESOLUTION HIRING JIM ERICKSON AS THE INTERIM CITY MANAGER

K. RECOMMENDATION TO APPROVE A CONTRACT AMENDMENT WITH CATERPILLAR PUPPETS FOR THE EARLY WATER CONSERVATION EDUCATION PROGRAM

RESOLUTION 10-115 - A RESOLUTION TO APPROVE A CONTRACT AMENDMENT WITH JOE & RONNA LEON OF CATERPILLAR PUPPETS FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE EARLY WATER CONSERVATION EDUCATION PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT ON BEHALF OF THE CITY

Council Member Campbell discussed concerns regarding the cost of the program.

Council Member Hughes discussed his support for the program.

Mayor Patterson discussed her support for the program.

Public Comment:

Dana Dean - Ms. Dean spoke in support of the program.

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

L. DESIGNATING THE CITY OF BENICIA FIRE STATIONS AS SAFE

SURRENDER SITES

RESOLUTION 10-113 - A RESOLUTION REQUESTING SOLANO COUNTY BOARD OF SUPERVISORS TO DESIGNATE THE CITY OF BENICIA FIRE STATIONS AS SAFE SURRENDER SITES

- M. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**
- N. Letter in support of the Carquinez Strait and its designation as part of the Delta National Historic Area**

Heather McLaughlin, City Attorney reviewed the letter received regarding the Carquinez Strait and its designation as part of the Delta National Historic Area.

Ms. Bonnie Silveria, Chair, Carquinez Trust - Ms. Silveria discussed the Carquinez Trust and how it was formed. They are trying to get the City of Vallejo and the City of Benicia to send letters in support of making the Carquinez Strait part of the Delta National Historic Area. There are currently no heritage areas in the Western United States.

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved sending letter to the Solano County Board of Supervisors in support of the Carquinez Strait being designated as part of the Delta National Historic Area, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

VIII. PUBLIC HEARINGS:

A. INTRODUCTION OF AN ORDINANCE TO AMEND THE DEVELOPMENT AGREEMENT ORDINANCE

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved continuing this item to the first meeting in October 2010, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Item was continued per adoption of the agenda. This was continued to the first meeting in October 2010.

Public Comment:

None

IX. ACTION ITEMS:

A. REQUEST COUNCIL SUPPORT AND GIVE DIRECTION TO BEGIN FORMAL DISCUSSIONS WITH THE CITY OF VALLEJO TO PREPARE A PROPOSAL AND CONTRACT FOR 24/7 MUNICIPAL FIRE DISPATCHING SERVICES

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)

RESOLUTION 10-116 - A RESOLUTION AUTHORIZING CITY STAFF TO BEGIN FORMAL DISCUSSIONS WITH THE CITY OF VALLEJO TO SUBMIT A PROPOSAL AND PREPARE A CONTRACT TO PROVIDE 24/7 MUNICIPAL FIRE DISPATCHING SERVICES

Jim Erickson, City Manager, and Chief Spagnoli, introduced the item.

Lieutenant Mike Daley reviewed the staff report, and a PowerPoint presentation (copy on file).

Council Member loakimedes and Staff discussed the amount of calls that come in during an emergency, what is done when the system is overloaded, and how dispatchers prioritize calls in such events.

Vice Mayor Schwartzman and Staff discussed the alarm calls the police and fire personnel respond to.

Mayor Patterson and Staff discussed how call transfers would take place, the cost of the next step (no cost at this time), taking the City of Vallejo's bankruptcy status into consideration, what the likelihood is of them paying the bills for these services.

Council Member Campbell and Staff discussed what the \$42,000 would be used for (computers and technology), and what percentage of calls the City of Benicia would be taking for the City of Vallejo.

Council Member Hughes and Staff discussed the dispatcher's support of the proposal, staffing levels, and the need to educate the public on what the dispatchers do.

Vice Mayor Schwartzman and Staff discussed what would happen if the City of Vallejo did not pay their contract fees (that would be addressed in the contract).

Mayor Patterson requested Staff provide Council with a list of the other

jurisdictions where the dispatch services are shared.

Public Comment:

Larry Fullington - Mr. Fullington discussed the issue of seeking payment in advance to address the concerns of non-payment. Mayor Patterson stated Staff would take that into consideration when negotiating the contract.

Rick Ernst - Mr. Ernst discussed separating the medical calls from the fire calls. Staff explained how medical and fire calls were addressed.

Council Member Campbell discussed the need for a good termination clause in the agreement.

B. SB 435 (PAVELY) MOTORCYCLE EXHAUST SYSTEM FEDERAL NOISE LABEL

Mayor Patterson introduced the item.

Public Comment:

None

Mayor Patterson stated the direction to Staff was to prepare a short letter saying this was not good enough, that something needed to be done regarding the issue, and that Council would like to see something better.

X. INFORMATIONAL ITEMS:

A. City Manager Reports

1. BUDGET STUDY SESSION – AUGUST 24, 2010

Jim Erickson, City Manager, discussed the 8/24/10 budget study session. There will be some difficult, but necessary recommendations made by Staff.

Public Comment:

None

B. Council Member Committee Reports

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

1. **Mayor's Committee Meeting. (Mayor Patterson)**
Next meeting date: August 18, 2010
2. **Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Ioakimedes)**
Next meeting date: Fall General Assembly is Thursday, October 21, 2010.
3. **Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell)**
Next meeting date: August 27, 2010.

Council Member Campbell discussed recommendations the committee has made regarding name, make up, etc.

Mayor Patterson stated she had discussed this with Mr. Erickson, and the issue would be agendaized in the future. Mr. Erickson verified it would be discussed on 9/7/10.

4. **League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman)**
Next meeting date: Annual Conference and Expo September 15-17 2010
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: November 3, 2010
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell)**
Next meeting date: September 23, 2010
8. **Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes)**
Next Meeting date: September 8, 2010,

Mayor Patterson discussed actions taken at recent STA meetings.

9. **Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman)**
Next meeting date: September 9, 2010

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes)**
Next meeting date: October 21, 2010
11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes)**
Next meeting date: TBD
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 25, 2010
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson)**
Next meeting date: September 27, 2010

XI. COUNCIL MEMBER REPORTS

A. Request to agendize Port Fees

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Council Member Campbell reviewed his request. He briefly reviewed the history of the port, and why port fees are necessary.

Mayor Patterson asked, if this item comes back, if Staff could bring forward the past work that had been done on this issue.

Public Comment:

Dana Dean, representing Amports - Ms. Dean discussed concerns with the accuracy of some of Council Member Campbell's comments.

Larry Fullington - Mr. Fullington spoke in support for bringing this item back for exploration and discussion.

Council Member loakimedes expressed support for re-examining this issue. He discussed why the EDB passed on the issue a few years ago - it was not a slam-

dunk.

Vice Mayor Schwartzman expressed support for re-examining the issue and looking at all options.

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:39 p.m.