

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 21, 2012

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

Larry Fullington 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:

Interview dates with the City Council subcommittee are currently being finalized for early September. The City will continue to accept applications for boards and commissions until those interview dates are set. If you have questions, please contact the City Manager's Office at (707) 746-4200.

Building Board of Appeals
2 full terms
Open Until Filled

SolTrans Public Advisory Committee
1 full term
Open Until Filled

Benicia Community Sustainability Commission
1 unexpired term
Open Until Filled

Open Government Commission
1 unexpired term
Open Until Filled

Benicia Human Services Board
1 unexpired term
3 full terms
Open Until Filled

Economic Development Board
2 full terms
Open Until Filled

Benicia Housing Authority Board of Commissioners
1 full term
Open Until Filled

Historic Preservation Review Commission
2 full terms
Open Until Filled

Library Board of Trustees
1 full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

Planning Commission
1 Full Term
The City is inviting applications for the Planning Commission until August 31, 2012, which will be considered along with the current active applications on file for this commission.

3. Mayor's Office Hours

4. Benicia Arsenal Update:

Ms. McLaughlin reported that Staff was working on the insurance and setting up the working group.

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of Muscular Dystrophy Association “Fill the Boot Day”

V. ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Agenda, as presented, on roll call by the following vote:

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Five items received (all relating to the California Desert Protection Act of 2011 – copies on file).

B. PUBLIC COMMENT

1. Ellen Kolowich - Ms. Kolowich discussed concerns regarding the recent announcement of the closure of Mike & Gayle’s restaurant. She discussed concerns regarding the landlord of the Southampton Shopping Center, and urged citizens to write letters to Weingarten Realty Management Company to state their concerns.
2. Leanne Cawley - Ms. Cawley discussed the upcoming Relay for Life event. She urged citizens to participate.
3. Larry Fullington - Mr. Fullington suggested the City look into using the underground tunnels along First Street as a tourism draw. He will work with the Historical Society and provide Council with a future update.
4. Marilyn Bardet - Ms. Bardet discussed a recent article written on Benicia. She discussed concerns regarding the recent fire at the Chevron refinery, and concerns regarding the need for an adequate air monitoring system in the City.
5. Constance Beutel – Ms. Beutel encouraged citizens to get involved and write

letters to the landlords of the Southampton Shopping Center, she discussed the success of National Night Out, and announced the upcoming symposium being sponsored by the Community Sustainability Commission

6. Elizabeth d'Huart – Ms. d'Huart announced the current and upcoming exhibits at the Benicia Historical Museum.

VII. CONSENT CALENDAR:

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

A. APPROVAL OF MINUTES OF THE REGULAR MEETINGS OF JUNE 26, 2012, JULY 17, 2012 AND JULY 24, 2012

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the minutes of June 26, 2012, July 17, 2012, and July 24, 2012, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

B. AMENDING THE CITY'S CONFLICT OF INTEREST CODE

RESOLUTION 12-97 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-97, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

C. APPROVE THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION

RESOLUTION 12-98 - A RESOLUTION APPROVING THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION AND AMENDING THE CITY'S CLASSIFICATION PLAN TO ADD THE POSITION

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-98, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

D. APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP

RESOLUTION 12-99 - A RESOLUTION APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$50,000 WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-99, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

E. AUTHORIZE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS

RESOLUTION 12-100 - A RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS UTILIZING EQUIPMENT REPLACEMENT FUNDS

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-100, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

F. SECOND READING OF AN ORDINANCE AMENDING SECTION 2.108.060 (MEETING TIME AND PLACE) OF CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 12-3 - AN ORDINANCE AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 12-3, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

- G. APPROVE THE EXTENSION TO THE NOVEMBER 1, 2011 TO OCTOBER 31, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT**

RESOLUTION 12-101 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENT TO THE JULY 1, 2010 TO OCTOBER 30, 2012 AGREEMENT WITH BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-101, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

- H. APPROVAL OF AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF WASTEWATER TREATMENT PLANT SLUDGE**

RESOLUTION 12-102 - A RESOLUTION ACCEPTING A PROPOSAL FOR TRANSPORTATION AND DISPOSAL OF SLUDGE FROM THE WASTEWATER TREATMENT PLANT, APPROVING THE AGREEMENT WITH RECOLOGY VACAVILLE SOLANO IN THE AMOUNT OF \$75 PER TON, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-102, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

- I. AUTHORIZE PURCHASE OF MICROSOFT OFFICE 2010 FOR CITYWIDE UPGRADE**

RESOLUTION 12-103 - A RESOLUTION APPROVING THE PURCHASE OF MICROSOFT OFFICE 2010 FOR A CITY-WIDE UPGRADE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-103, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR MISCELLANEOUS EMPLOYEES TO PROVIDE SECTION 21353 (2% AT 60 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION).**

ORDINANCE 12-4 - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 12-4, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

- B. AMENDING THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES**

RESOLUTION 12-104 - A RESOLUTION AUTHORIZING THE AMENDMENT OF THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES

Council Member Hughes and Staff discussed who was currently paying the fees (commercial occupancy – majority by business in the Industrial Park) and how many permits are issued on an annual basis (approximately 500).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-104, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

C. APPROVAL OF REVISIONS TO A DONOR AGREEMENT BETWEEN THE CITY OF BENICIA AND THE STATE OF CALIFORNIA TO SUPPORT KEY SERVICES AT THE BENICIA STATE RECREATION AREA

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

Public Comment:

1. Bob Berman – Mr. Berman discussed the staff recommendations. He supported Staff's recommendations. He discussed concerns regarding the park being abandoned, the recent fire, and the lack of cleanup in the park. He asked that City Staff ensure that the park is maintained by the State of California staff the way they are required to maintain it.

Mayor Patterson summarized by stating that closure of the park was not an option. She directed Staff to further define 'termination' in the agreement (to be negotiated with the State. She clarified that it had been noted previously that it is touch and go with the issue of the State's management and maintenance of the recreation area (The issues of trash, watering, etc. need to be clarified with the State).

Mr. Kilger discussed the issues of maintenance of the park. Staff will look into the issues further and will get back to Council and advise accordingly.

Council Member Strawbridge discussed the need to have a long-term solution for the park. She discussed the need to form a task force to address the long-term issues.

Mayor Patterson clarified that not all the money found by the State could be used for the parks. Some of the funds were restricted. However, she fully supported the League's audit of the funds. She wanted to ensure that a portion of the available \$20 million would be made available for the two State Parks in Benicia.

Mayor Patterson and Staff discussed the makeup of the ad-hoc committee that was being proposed.

Council Member Schwartzman made a motion to approve the revisions to the agreement, as amended (further definition of the term 'termination'). Ms. McLaughlin requested that Council add 'authorize the City Manager to execute the agreement, subject to the minor changes approved by the City Attorney.' Council confirmed that was acceptable.

Mayor Patterson clarified that the direction to Council was consideration of establishing an ad-hoc subcommittee consisting of the mayor and a council member. Council Member Strawbridge volunteered to serve on the committee with Mayor Patterson.

Vice Mayor Campbell inquired whether there would be a local subcommittee and a regional subcommittee. Mr. Kilger clarified that Council previously encouraged regional involvement. It has been clear from our legislators that the City gets as much regional support as it could. This was not just about Benicia, but also about Solano County. Two council members would work directly with Staff to develop an approach to getting regional support.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the revisions to a donor agreement between the City of Benicia and the State of California to support key services at the Benicia State Recreation Area, as amended, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

D. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson clarified that Staff and Council supported resolution #'s 1, 2, and 5. She suggested voting on support for those resolutions, then discussing and voting on resolutions 3 and 4.

Public Comment:

None

Mr. Kilger reviewed resolution #4 (California Desert Protection Act).

Mayor Patterson discussed property she owned in Desert Hot Springs. She asked Ms. McLaughlin if she had a conflict of interest on this item. After clarification, Ms. McLaughlin confirmed she was not conflicted out on this item.

Council Member Schwartzman and Staff clarified that Staff was supporting the opposition to the California Dessert Protection Act.

Mayor Patterson discussed the additional handouts that were received on the California Desert Protection Act, and wondered if it should be considered as additional substantial materials, and whether the item should be continued. Council confirmed they all had a chance to read through the handouts, and did not need to continue the item.

Council Member Hughes discussed concern regarding the California Desert Protection Act being overreaching.

Council Member Schwartzman discussed whether a 'no position' would be a better way to go with this resolution.

Public Comment:

1. Constance Beutel – Ms. Beutel expressed concern regarding not protecting the dessert resources. Mayor Patterson clarified what the intent of the resolution was.

Vice Mayor Campbell and Mayor Patterson discussed the water bank in the desert.

Council Member Strawbridge discussed concern regarding the proponent of the resolution (Needles, CA.), and the list of supporters of the resolution. She was concerned the resolution was political in nature. She was not sure it was something the City of Benicia needed to get involved with.

Vice Mayor Campbell made a motion to take 'no position' on this item, which was seconded by Council Member Schwartzman.

Council Member Schwartzman discussed his support for not taking a position on this item. There is not enough information on this item.

Mr. Kilger reviewed resolution #5 (AB32).

Public Comment:

1. Constance Beutel – Ms. Beutel recommended the City oppose the resolution to undo AB32.

Mayor Patterson discussed support opposing the resolution.

Council Member Hughes discussed support for taking 'no position' on this resolution.

Council Member Strawbridge discussed support for taking 'no position' on this item.

Mayor Patterson asked for a motion to oppose this resolution. Vice Mayor Campbell made a motion to oppose this resolution, which was seconded by Mayor Patterson.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council voted to support League of California Cities resolution #'s 1, 2, and 5, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council voted to take 'no position' on League of California Cities resolution #3, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Mayor Patterson, Council voted to oppose League of California Cities resolution #4, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell
Noes: Hughes, Strawbridge

E. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: September 19, 2012**
- 2. Association of Bay Area Governments
(ABAG) <http://www.abag.ca.gov/>.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: Fall Assembly - October 18, 2012**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member
Strawbridge) Next Meeting Date: August 24, 2012**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor
Campbell) Next Meeting Date: Annual Conference - September 5-7,
2012**
- 5. School Liaison Committee. (Council Members Strawbridge and
Council Member Hughes) Next Meeting Date: September 13, 2012**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and
Council Member Schwartzman) Next Meeting Date: November 7,
2012**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council
Member Strawbridge) Next Meeting Date: September 19, 2012**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman) Next
Meeting Date: September 12, 2012**
- 9. Solano Water Authority-Solano County Water Agency and Delta
Committee. <http://www.scwa2.com/>(Mayor Patterson and Council**

Member Schwartzman) Next Meeting Date: September 13, 2012

- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: October 18, 2012**
- 11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Hughes) Next Meeting Date: September 10, 2012**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: October 10, 2012**
- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 22, 2012**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
- 15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: August 16, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:51 p.m.

Lisa Wolfe, City Clerk