

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 02, 2014

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 Closed Session to order at 6:00 p.m.

All Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager, Assistant City Manager and Senior Human Resources Analyst
Employee organizations: Senior Managers, Middle Management, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:06 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larry Whitney led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Mayor Patterson discussed the recent earthquake, and encouraged citizens to

consider contacting the American Red Cross to donate \$10 for Napa County. They should notate that the donation is for disaster relief for Napa and Vallejo.

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

Heather McLaughlin, City Attorney, reported that Council gave direction to Staff.

2. Openings on Boards and Commissions:

We are currently in the process of interviewing for Board and Commission recommendations for appointment.

3. Boards and Commissions - Council Subcommittee Recommendations:

Subcommittee recommendation to Mayor of Phyllis McKeever to the Benicia Housing Authority Board of Commissioners for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Sean Finn to the Economic Development Board for an unexpired term ending July 31, 2016

Subcommittee recommendation to Mayor of Claire McFadden to the Economic Development Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Duane Oliveria to the Economic Development Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Trevor Macenski to the Historic Preservation Review Commission for an unexpired term ending July 31, 2016

Subcommittee recommendation to Mayor of John Potter to the Finance Committee for an unexpired term ending January 31, 2015

Subcommittee recommendation to Mayor of Mike Caplin to the Human Services Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Sharon Petrellese to the Human Services Board for a full term ending July 31, 2018

Additional Board and Commission Applications

4. Mayor's Office Hours:

5. Benicia Arsenal Update

Update from City Attorney

Ms. McLaughlin reported that Staff met with some of the property owners and members of the public. They are currently pursuing other meetings. Staff is working on a public participation plan and working on pursuing a communications plan. If anyone is interested in being part of the public participation team, they should contact the City Attorney's office.

B. PROCLAMATIONS

- 1. IN RECOGNITION OF NATIONAL PREPAREDNESS MONTH - SEPTEMBER 2014**
- 2. IN RECOGNITION OF BENICIA OLDTIMERS WINNING THE 2014 NORTHERN CALIFORNIA OLDTIMERS BASEBALL ASSOCIATION CHAMPIONSHIP**

C. APPOINTMENTS

D. PRESENTATIONS

- 1. Presentation on Enterprise Resource Planning (ERP) Assessment by NexLevel Information Technology, Inc.**
- 2. Solano State Parks Committee Update**
- 3. Jack Wolf of Wolf Communications will provide annual update on Tourism and Marketing Program**

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, noted that Staff added a resolution proclaiming the existence of a local emergency due to the Napa earthquake. The item would follow Consent Calendar item VII.D.

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

7 items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

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

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

Ayes: Patterson, Strawbridge, Campbell, Schwartzman, Hughes

Noes: (None)

A. APPROVAL OF THE MINUTES OF THE AUGUST 19, 2014 CITY COUNCIL MEETING

Mayor Patterson discussed concern that the minutes did not accurately reflect the action taken by Council.

Heather McLaughlin, City Attorney, clarified that the resolution was amended by adding the following "Be it further resolved that 'Cardno shall be asked to review and provide recommendations on an alternative approach including an integrated water management approach to see if this could work for the St. Augustine drainage basin, so long as such review does not cost additional money or delay the project."

Council Member Hughes asked to clarify that the additional scope of work was not changed and that no additional funds were approved.

The minutes would be amended to reflect the above comments.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the August 19, 2014 City Council meeting minutes, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Schwartzman, Hughes

Noes: (None)

- B. AWARD OF CONSTRUCTION CONTRACT FOR THE EAST SECOND STREET OVERLAY PROJECT TO MCK SERVICES, INC. IN THE AMOUNT OF \$582,216.90 TO BE FUNDED PRIMARILY WITH A FEDERAL GRANT**

RESOLUTION 14-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REJECTING ALL BIDS SUBMITTED FOR THE JUNE 12, 2014 BID OPENING FOR THE EAST SECOND STREET OVERLAY PROJECT, ACCEPTING BIDS FOR AUGUST 14, 2014 BID OPENING FOR THE SAME, AWARDING THE CONSTRUCTION CONTRACT TO MCK SERVICES, INC. IN THE AMOUNT OF \$582,216.90, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Vice Mayor Campbell stated that he had to recuse himself from voting on this item due to a conflict of interest.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 14-99, on roll call by the following vote:

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

- C. RESPONSE TO 2013-2014 GRAND JURY REPORT "GEOGRAPHICAL INFORMATION SYSTEM (GIS)"**
- D. APPROVE THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND SENIOR MANAGERS, MID MANAGERS, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION, LOCAL ONE, BENICIA DISPATCH ASSOCIATION AND AMENDMENTS VIA RESOLUTION FOR CITY MANAGER, CITY ATTORNEY AND UNREPRESENTED EMPLOYEES**

RESOLUTION 14-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND SENIOR MANAGERS, MID MANAGERS, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION, LOCAL ONE, BENICIA DISPATCH ASSOCIATION AND AMENDMENTS TO AGREEMENTS FOR CITY MANAGER, CITY ATTORNEY AND RESOLUTIONS FOR UNREPRESENTED EMPLOYEES

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY**

RESOLUTION 14-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF BENICIA PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY

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

VIII. **BUSINESS ITEMS:**

A. **CANDIDATE FORUM 2014 AND REVIEW OF BENICIA MUNICIPAL CODE 1.42.110 (CANDIDATE FORUM)**

Heather McLaughlin, City Attorney, reviewed the staff report.

Public Comment:

1. Larry Fullington - Mr. Fullington spoke in support of combining the Open Government Forum with the League of Women Voters Forum for the 11/4/14 election.
2. Susan Duhow - Ms. Duhow spoke in support of combining the Open Government Forum with the League of Women Voters Forum for the 11/4/14 election. She requested the League not be charged for the forum.

Council Member Schwartzman discussed concerns regarding hit pieces. The current format may need to remain the same because of that issue. He was also concerned about Measure B and Measure C, and whether both sides would be equally represented, and concerns regarding the perception of the City's 'involvement' in the forum.

Council Member Hughes discussed cancelling the candidate's forum because the two candidates are running unopposed. He could support a forum for the measures, as well as combining the forums.

Vice Mayor Campbell and Staff discussed the original intent of the forums and the issue of hit pieces.

Mayor Patterson discussed the issue of giving the citizens an opportunity to become engaged in the process. She discussed the issue of vote-by-mail ballots and when people actually vote. She discussed the possibility of amending the ordinance.

Council Member Schwartzman discussed the issue of both council members running unopposed. The forums should focus on the measures. He did not feel the current ordinance needed to be changed. The question is what should be done this year. In the future, the League could have theirs first, and the Open Government Commission could have theirs right before the election to address any hit pieces.

Mayor Patterson discussed the need to revisit the ordinance. She suggested combining the forums this year, with or without the candidates, and have a report back from the Commission and the League about what might work in the future with regards to forums.

Public Comment:

1. Susan Street - Ms. Street discussed how difficult it would be to run a forum for candidates who are unopposed. She discussed putting on a forum to include Measures B and C, the water surcharge, school board candidates, etc. The League of Women Voters would be happy to combine forums with the Open Government Commission.

Mayor Patterson and Staff discussed the issue of combining forums without the council candidate's involvement.

Ms. McLaughlin clarified that the motion would be directing the Open Government Commission to combine efforts with the League of Women Voters for the debate on the local ballot measures, the water bond, and the school district candidates, all while maintaining an impartial stance. The City would pick up the cost for the taping and the room rental for the forum. Staff would report back after the forum to see how it worked. The arrangement would be for this year (2014) only.

Mayor Patterson clarified that the motion would be to have the Open Government Commission and League of Women Voters conduct a debate for non-council candidates (school board candidates), ballot measures, and some State propositions. It would be a one-time arrangement, and Staff would report back on the process.

Council Member Schwartzman asked for clarification on which State measures would be discussed. Ms. McLaughlin noted that it would only be the water bond measure and the two local measures.

Vice Mayor Campbell suggested contacting the Benicia Chamber of Commerce to see if they want to get involved.

After the vote was taken, Council Members Schwartzman and Hughes confirmed they did not feel it was necessary to be involved in the forum, as they were running unopposed, and should not need to deal with any hit pieces.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved having the Open Government Commission and League of Women Voters conduct a debate for non-council candidates (school board candidates), ballot measures, and some State propositions. It would be a one-time arrangement, and Staff would report back on the process on roll call by the following vote:

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

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:28 p.m.