

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 18, 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 7:01 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

John Johnsen 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 reported that Council received information from Staff on both Closed Session items.

2. Openings on Boards and Commissions:

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

Building Board of Appeals: Three full terms to January 31, 2015 Open until filled

Solano Transportation Authority Pedestrian Advisory Committee: One Full Term Open Until Filled

3. **Mayor's Office Hours:**
4. **Benicia Arsenal Update: Verbal Report**

Ms. McLaughlin reported that Staff was working hard to schedule a public meeting. They have a tentative meeting scheduled with DTSC on 11/16/11. The subcommittee met last week and is continuing to have meetings with DTSC.

B. APPOINTMENTS

1. **Reappointment of John Johnsen to the Economic Development Board for a full term to July 31, 2015.**

RESOLUTION 11-124 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JOHN JOHNSEN TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

2. **Appointment of Carol Langford to the Open Government Commission for an unexpired term to January 31, 2013.**

RESOLUTION 11-125 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CAROL LANGFORD TO OPEN GOVERNMENT COMMISSION TO A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

3. **Appointment of Ann Lindsay to the Economic Development Board for a full term to July 31, 2015.**

RESOLUTION 11-126 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANN LINDSAY TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

4. **Appointment of Steve Chiabotti to the Civil Service Commission for a full term to July 31, 2015.**

RESOLUTION 11-127 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF STEVE CHIABOTTI TO CIVIL SERVICE BOARD TO A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

5. **Appointment of Karl Nielsen to the Arts and Culture Commission for an unexpired term to January 31, 2013.**

RESOLUTION 11-128 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KARL NIELSEN TO THE ARTS AND CULTURE COMMISSION TO A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

6. **Appointment of Larry Grossman to the Finance Committee for a full term ending July 31, 2015.**

RESOLUTION 11-129- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LARRY GROSSMAN TO THE FINANCE COMMITTEE FOR A FULL TERM ENDING JULY 31, 2015

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

7. **Appointment of Leanza Tupfer to the Sustainability Commission as the Student Representative for a one year term expiring July 31, 2012.**

RESOLUTION 11-130 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LEANZA TUPFER TO THE SUSTAINABILITY COMMISSION AS THE STUDENT REPRESENTATIVE FOR A ONE YEAR TERM EXPIRING JULY 31, 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. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of National Domestic Violence Awareness Month 2011

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

Mayor Patterson reviewed the two items (copies on file).

B. PUBLIC COMMENT

Stan Golovich - Mr. Golovich discussed the issue of wind energy production in the City of Benicia.

VII. CONSENT CALENDAR:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES FOR THE SPECIAL MEETING OF SEPTEMBER 28, 2011 AND THE SPECIAL AND REGULAR MEETINGS OF OCTOBER 4, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the special meeting of September 28, 2011, and the Special and Regular meetings of October 4, 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. APPOINTING REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY

RESOLUTION 11-131 - A RESOLUTION MODIFYING THE DESIGNATION OF REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 11-131, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

- C. SECOND READING OF AN ORDINANCE AMENDING SECTION 2.76.040 (MEETING TIME AND PLACE) OF CHAPTER 2.76 (PARKS, RECREATION AND CEMETERY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE TO CHANGE THE LOCATION OF THE MEETING TO BENICIA COMMUNITY CENTER**

ORDINANCE 11-11 - AN ORDINANCE AMENDING SECTION 2.76.040 (MEETING TIME AND PLACE) OF CHAPTER 2.76 (PARKS, RECREATION AND CEMETERY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE TO CHANGE THE LOCATION OF THE MEETING TO BENICIA COMMUNITY CENTER, PROGRAM ROOM 2

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 11-11, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

- D. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.336% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL POLICE MEMBERS**

ORDINANCE 11-12 - AN URGENCY ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

RESOLUTION 11-132 - A RESOLUTION AMENDING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSABLE EARNINGS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR SENIOR MANAGEMENT POLICE EMPLOYEES, AND MID MANAGEMENT POLICE EMPLOYEES, EFFECTIVE NOVEMBER 1, 2011

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

Council adopted Ordinance 11-12, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

Council adopted Resolution 11-132, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. APPROVAL OF CONSULTANT AGREEMENT FOR THE WATER SYSTEM MASTER PLAN UPDATE**

RESOLUTION 11-133 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT FOR ENGINEERING SERVICES FOR THE WATER SYSTEM MASTER PLAN UPDATE WITH NOLTE ASSOCIATES, INC. FOR A NOT-TO-EXCEED COST OF \$147,030, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Melissa Morton, City Engineer, reviewed the Staff report.

Mayor Patterson and Staff discussed the personnel qualifications needed for the plan update (qualifications were not available in-house), water supply, and confirmation that the entitlement statement would be corrected.

Council Member loakimedes and Staff discussed the need for a document that would give the City the ability to recruit businesses that might require a large amount of water usage.

Council Member Campbell and Staff discussed various past water agreements, why it was necessary to move forward with the agreement for the water master plan update needed to be done at this time, and the aging water infrastructure issue.

Council Member Hughes discussed the need to move forward and not take risks with the City's water.

Public Comment:

None

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

Council adopted Resolution 11-133, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. REVIEW OF RECENT REVENUE AND EXPENDITURE CHANGES AND THE IMPACT ON THE FISCAL YEAR'S 2010-11, 2011-12 AND 2012-13 MUNICIPAL BUDGETS

Rob Sousa, Finance Director, reviewed the staff report.

Mayor Patterson expressed support for the \$4,300 for CAC.

Council Member Ioakimedes discussed the 90-day review being an 'interim' step. He thought all the money coming out of the Intermodal Fund would be a loan. Staff clarified how the Intermodal Fund load would work (the report should have said 'could be a loan', rather than 'would be a loan.'). Council Member Ioakimedes and Staff discussed the letter Mr. Lowry submitted (copy on file).

Council Member Campbell and Staff discussed the issue of there not really being a \$250,000 surplus; rather it is less of a deficit than there was before. Council Member Campbell and Staff discussed the operational surplus deficit, and the different budget numbers listed by Staff and Mr. Lowry. Staff clarified the final deficit number for the year ending 2011 (\$2.5 million), and why Staff's numbers were different from Mr. Lowry's (Staff has not had a chance to review Mr. Lowry's document yet).

Council Member Hughes and Staff discussed the issue of workers compensation. He did not like that the numbers were a surprise. They discussed the possibility of changing the vehicle replacement criteria. Council Member Hughes supported approving the \$4,300 for the CAC. He inquired whether the budget needed to be adopted tonight (the \$4,300 for CAC, and the \$750 for Tula Sister City needed to be addressed.).

Mayor Patterson suggested Council give direction to revisit the contingencies.

Council Member Hughes and Staff discussed the need for Council to understand what occurred during 2010-2011 prior to accepting the budget presented tonight. Staff suggested they take a look at a way to open up the budget formulation process more, at an earlier stage.

Vice Mayor Schwartzman and Staff discussed wanting to wait until the next quarter to make adjustments. He expressed support for the \$4,300 for CAC.

Council discussed whether the information provided (handout from Mr. Lowry - copy on file) after the agenda was prepared should be considered as substantial. Council majority (per the vote below) did not feel it was substantial, however, the public did not have a chance to review the information prior to the meeting.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed the handout he gave to Council.
2. Dan Smith - Mr. Smith discussed the information provided by Mr. Lowry.
3. Robert Langston - Mr. Langston did not think the information provided by Mr. Lowry was substantial.

Council Member loakimedes discussed the need to have a document that was easily understood, so the public could understand what was going on.

Council Member Campbell asked to have the 19 budget adjustments listed on page VIII.B.19 discussed in detail. Staff suggested continuing the meeting to another time if they needed that level of detail.

Council Member Hughes stated that he would make a motion to continue the full budget review item to a future meeting, with the exception of the two items discussed (\$750 for the Tula Sister City, and \$4,300 for the CAC).

Council found the information provided by Mr. Lowry was not substantial enough to continue the agenda item, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes

Noes: loakimedes, Patterson

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved continuing the full budget review item to a future meeting, with the exception of the two items discussed (\$750 for the Tula Sister City, and \$4,300 for the CAC), on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, loakimedes

Noes: Campbell

C. Council Member Committee Reports

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: October 19, 2011**
2. **Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: October 28, 2011**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: TBD**
5. **School Liaison Committee. (Council Members loakimedes and Hughes) Next Meeting Date: December 15, 2011**
6. **Sky Valley Open Space Committee. (Council Members Campbell and Hughes) Next Meeting Date: November 2, 2011**

7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: October 20, 2011**
8. **Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes) Next Meeting Date: November 9, 2011- STA's 14th Annual Awards**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: November 10, 2011**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and Ioakimedes) Next Meeting Date: October 20, 2011**
11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: December 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: October 26, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: December 5, 2011**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:15 p.m.

Lisa Wolfe, City Clerk