

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
November 22, 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 8:23 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Mayor Patterson reported that Council gave direction on the closed session item. Council will be taking action this evening based on that direction.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee: Four full terms to January 31, 2015

Civil Service Commission: Two full terms to January 31, 2015

Planning Commission: Two full terms to January 31, 2015

Parks, Recreation and Cemetery Commission: Two full terms to January 31, 2015

3. Mayor's Office Hours:

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

IV. 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, Ioakimedes

Noes: (None)

V. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One letter received (copy on file).

B. PUBLIC COMMENT

None

VI. ACTION ITEMS:

A. REPORT FROM THE ARSENAL SUBCOMMITTEE AND RECOMMENDATION FOR AWARD OF AN AGREEMENT FOR CONSULTING SERVICES FOR THE BENICIA ARSENAL PROJECT

Jim Erickson, City Manager, reviewed the staff report.

Vice Mayor Schwartzman gave a brief overview of the events that have occurred since 9/30/10. Everyone seems to be on board to keep the dialogue open, and asking DTSC to provide the City and property owners with additional time.

Mr. Mike O'Brien, and Mr. John Briscoe, ERS, discussed the company's history and qualifications. Mr. O'Brien addressed the questions raised by Ms. Dean in her written comments (copy on file).

Public Comment:

Marilyn Bardet - Ms. Bardet spoke in support of the proposed agreement with ERS. She hoped DTSC would have a parallel public process as well.

Dana Dean, representing Amports - Ms. Dean spoke in support of an agreement with ERS. She discussed concerns regarding the actual contract before Council

(questions posed in written comments). She questioned who Council's legal counsel was during the 11/22/10 closed session meeting.

Mr. O'Brien addressed some of Ms. Dean's questions on her written comments relating to the contract fees, philosophy, and approach.

Council Member Campbell and Mr. O'Brien discussed his background with insurance companies.

Phil Garrett - Mr. Garrett discussed concern regarding the City's interactions with DTSC and this issue.

Ron Myska - Mr. Myska requested copies of prior resolutions regarding this item. He inquired about the issue of the 'imminent endangerment order' from DTSC, and where ERS 'smelled blood' in this issue (government sources).

Brian Tullock - Mr. Tullock discussed the issue of residential and commercial property in the Arsenal. Council should close the door on residential in industrial areas. He discussed the effect the current situation with DTSC could have on businesses in the Arsenal and the City's budget.

Ron Myska - Mr. Myska requested assurance from Council that everything from this point forward regarding the process remains open to the businesses and property owners. It needs to be kept 'public.'

Council Members Hughes, Schwartzman, and Ioakimedes disclosed ex-parte communications.

Council Member Hughes discussed the need for clarification on a few issues with the agreement, and concern regarding making a decision on the agreement without the City Attorney present. He discussed the issue of Council doing a better job communicating with the public on this issue.

Council Member Ioakimedes discussed the possibility of including language in the agreement regarding representing the property owners. He also expressed concern regarding making a decision without the City Attorney present. He discussed the issue of lack of communication.

Vice Mayor Schwartzman discussed the need for a few clarifications in the contract. He discussed concern regarding making a decision on the contract without the City Attorney present. He discussed the issue of the regulators not knowing what approach is being taken.

Council Member Campbell discussed concern regarding making a decision on the contract without the City Attorney present.

Mayor Patterson discussed the possibility of authorizing the City to execute the contract subject to the issues being clarified at the next Council meeting. Council would like to work with ERS, subject to clarification of Council's concerns. ERS confirmed they could do the work to prepare for the 12/9 meeting, with the promise that the agreement would be agendized for the next Council meeting.

Council Member Campbell clarified that ERS attended the meetings on 11/18 and 11/19. Council and Mr. O'Brien discussed why ERS would need to continue working on the issue between now and the first Council meeting in December 2010, when the agreement could be approved.

Direction to Staff to clarify outstanding issues with the contract. Contract will be agendized on the 12/7 meeting. The subcommittee will work with the City Attorney and ERS on the contract issues so the contract would be ready on 12/7.

B. PLACING THE ARSENAL PROJECT AS A STANDING ITEM ON FUTURE CITY COUNCIL AGENDAS

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved placing updates on the Arsenal Project on future agendas, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, Ioakimedes

Noes: Campbell

Council discussed placing the Arsenal Project as a standing item on future agendas, and where to place the item for discussion.

Council Member Campbell discussed concern regarding having the item on every agenda.

Council will place updates to the Arsenal Project as a standing item on agenda (Location on the agenda to be determined by the Mayor, City Attorney, and City Manager. The item should be discussed early on the agenda.).

VII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:53 p.m.

Lisa Wolfe, City Clerk