

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
December 18, 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 closed session to order at 6:00 p.m. Council Member Hughes was absent. All other Council Members were present.

II. CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9**

Storm Claims: 8

Other: 1

**B. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager, Administrative Services Director**

Employee organizations: Benicia Firefighters Association (BFA)

III. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Hughes was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Susan Street led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that Council received information from staff on all three Closed Session items.

2. Openings on Boards and Commissions:

Building Board of Appeals
1 full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
2 full terms
Open Until Filled

Community Sustainability Commission
1 full term
Application Due Date: December 21, 2012

Civil Service Commission
1 full term
Application Due Date: December 21, 2012

Finance Committee
2 full terms
Application Due Date: December 21, 2012

Human Services Board
1 full term
Application Due Date: December 21, 2012

Open Government Commission
1 full term
Application Due Date: December 21, 2012

Planning Commission
2 full terms
Application Due Date: December 21, 2012

Sky Valley Open Space
1 full term
Application Due Date: December 21, 2012

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reviewed the staff report.

B. PROCLAMATIONS

C. APPOINTMENTS

RESOLUTION 12-153 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO STANDING AD HOC AND OUTSIDE AGENCY COMMITTEES

Mayor Patterson discussed how the council appointments were traditionally made. There are certain boards/commissions the mayor usually serves on and the rest are spread out to the other council members to even out the work load. She discussed having Council Member Hughes serving as the alternate to the SCWA/SCA; however, since he was absent, she suggested continuing the appointment to the next meeting.

Vice Mayor Campbell discussed concerns regarding the reporting requirements for serving on various commissions. He was not convinced that Council needed to appoint an alternate to the SCWA. He discussed his history of serving on the Finance Committee (9 years), and was concerned he was losing his effectiveness on the committee, as he has served for so long.

Mayor Patterson suggested Council look at the council member appointments, and adjust the workload so it was spread out more evenly. She asked Vice Mayor Campbell to send her an email with his suggestions for changing the appointments.

Council Member Schwartzman asked Vice Mayor Campbell to clarify his request. He made suggestions regarding some of the boards/commissions.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council adopted Resolution 12-153, on roll call by the following vote:

Ayes: Patterson, Campbell, Schwartzman, Strawbridge

Noes: (None)

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

Mr. Kilger announced this was Chief Vurcurevich's last Council meeting, as he would be retiring soon. He thanked him for his service and wished him well.

Mayor Patterson thanked Chief Vucurevich, on behalf of the Council, for his years of service.

Anne Cardwell, Administrative Services Director, clarified there was a correction to item VII.F. The third December Council meeting falls on Christmas Eve, and would be cancelled.

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, Campbell, Schwartzman, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Mayor Patterson reviewed the 4 items submitted (copies on file).

B. PUBLIC COMMENT

Lois Requist, Poet Laureate - Ms. Requist read two poems in memory of the tragedy in Newtown Connecticut.

Constance Beutel - Ms. Beutel discussed the need for the City to take a stance and make it known that weapons of war have no place in this City. Mayor Patterson stated that the City would look around and see what other cities Benicia could join together with regarding the issue of guns/automatic rifles.

Karen Burns - Ms. Burns discussed the resignation of Lee Syracuse from the Planning Commission. He served Benicia for many years, and was known as 'Mr. Benicia.'

VII. CONSENT CALENDAR:

Council pulled item VII.A for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

A. APPROVAL OF THE MINUTES OF DECEMBER 4, 2012

Mayor Patterson discussed her request to expand on Council Member Schwartzman's comments regarding the water rate increase.

Lisa Wolfe, City Clerk, read Mayor Patterson's request for amended language.

There was no motion to approve the minutes as amended. The minutes were approved, as presented.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, The minutes of December 4, 2012 were approved, as presented, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Strawbridge

Noes: Patterson

B. APPROVAL OF MEMORANDUM OF UNDERSTANDING ON PROVISION OF ANIMAL CARE SERVICES

RESOLUTION 12-154 - A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY, VACAVILLE, AND VALLEJO WITH SOLANO COUNTY TO PROVIDE ANIMAL CARE SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

C. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2012

D. AMENDMENTS TO THE SOLTRANS JOINT POWERS AUTHORITY AGREEMENT

E. AWARD OF CONSTRUCTION CONTRACT FOR RAW WATER TRANSMISSION LINE CATHODIC PROTECTION SYSTEM REHABILITATION PROJECT

RESOLUTION 12-155 - A RESOLUTION ACCEPTING THE BIDS FOR THE RAW WATER TRANSMISSION LINE CATHODIC PROTECTION SYSTEM REHABILITATION PROJECT, AWARDED THE CONSTRUCTION CONTRACT TO CORRPRO COMPANIES, INC. OF SAN LEANDRO, IN THE AMOUNT OF \$112,395, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

F. ADOPTION OF THE 2013 CITY COUNCIL REGULAR MEETING CALENDAR

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

VIII. **BUSINESS ITEMS:**

- A. **SECOND READING AND ADOPTION OF ORDINANCES TO AMEND THE WATER AND SEWER RATES/FEES RELATED TO WATER AND SEWER SERVICE**

ORDINANCE 12-8 - AN ORDINANCE AMENDING CHAPTER 13.12 (WATER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

ORDINANCE 12-9 - AN ORDINANCE AMENDING CHAPTER 13.52 (SEWER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

ORDINANCE 12-10 - AN ORDINANCE AMENDING SECTIONS 13.56.030 (PAYMENT-RETURNED CHECKS), 13.56.050 (DELINQUENT ACCOUNTS), 13.56.070 (DELINQUENCY OF SERVICE-DISCONTINUATION OF SERVICE) AND CHAPTER 13.56.080 (DISCONTINUATION OF SERVICE-UNAUTHORIZED USE) OF CHAPTER 13.56 (SEWER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 12-11 - AN ORDINANCE AMENDING SECTIONS 13.08.040 (WATER USE WITHOUT APPLICATION) AND 13.08.050 (DEPOSIT) OF CHAPTER 13.08 (WATER SERVICE) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 12-12 - AN ORDINANCE AMENDING SECTIONS 13.16.040 (PAYMENT-RETURNED CHECKS), 3.16.060 (DELINQUENT ACCOUNTS), 13.16.080 (DELINQUENCY - DISCONTINUATION OF SERVICE), 13.16.090 (TAMPERING – UNAUTHORIZED USE), AND 13.16.110 (INSPECTIONS) OF CHAPTER 13.16 (WATER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE)

Brad Kilger, City Manager, introduced the item.

Melissa Morton, Acting Public Works Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed when the last rate increase was done prior to 2006 (There had been increases every year prior to that).

Council Member Schwartzman and Staff discussed Prop 218, and why the City is doing what it is regarding the water rates. Council Member Schwartzman

asked Staff to look into whether there was another way to handle the votes/protests.

Public Comment:

1. Chris Sorentino - Mr. Sorentino spoke in support of the proposed ordinances.
2. Karen Burns - Ms. Burns spoke in opposition to the proposed ordinances.
3. Constance Beutel - Ms. Beutel spoke in support of the proposed ordinances. She discussed some funding available (via rebates) she was made aware of through the CSC (low flow toilets, shower heads, etc.). She discussed Valero/Good Neighbor Steering Committee funds that could be used for water conservation.

Vice Mayor Campbell and Staff discussed how the increase would affect the average family's water bill.

Council Member Schwartzman discussed his previous no-vote on this item at the 12/4/12 meeting. He would be supporting this tonight because 1) Council Member Hughes was absent, and 2) the current budget is upside down by \$1 million. Due to the combination of the negative operating cost of the water/sewer, if this rate increase is not put into place, the City would be upside down \$2.4 million/year. If that happened, the General Fund would have to be used to cover the shortfall, which means less money for roads, parks, public safety, etc.

Vice Mayor Campbell stated he still had concerns and preferred option #2, and felt that this was too soft of an option with the budget situation; however he would be voting for this tonight.

Mayor Patterson asked Staff to look into a program where they could inform/encourage people who are not in need of the senior discount to opt out.

Council Member Strawbridge discussed concerns regarding the senior discount issue. As the economy comes back, the City's budget could start coming back as well.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 12-8, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Ordinance 12-9, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge

Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 12-10, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 12-11, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: (None)

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

B. REVIEW AND UPDATE OF FINANCIAL POLICIES

Karan Reid, Finance Director, reviewed the staff report.

Vice Mayor and Staff discussed the issue of a central purchasing policy.

Council Member Schwartzman and Staff discussed the issue of centralized purchasing. He discussed various ways where centralized purchasing could save the City money.

Council Member Strawbridge and Staff discussed the issue of local purchasing, and whether it should be included in this document.

Mayor Patterson discussed the need to recognize the individual department savings, possibly through a competition. She suggested a language change regarding meals.

Council Member Schwartzman and Staff discussed concern regarding raising the threshold of purchasing to \$2,500 (it was previously \$1,000) to purchase items.

Public Comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Strawbridge, Council reviewed and approved staff recommendations for administratively approved policies, and provided direction on proposed changes to the Purchasing and Travel policies, on roll call by the following vote:

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

C. APPROVE THE 2012-2014 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BENICIA AND THE BENICIA FIREFIGHTERS ASSOCIATION (BFA)

RESOLUTION 12-156 - A RESOLUTION APPROVING THE JULY 1, 2012 TO JUNE 30, 2014 AMENDMENTS TO THE LABOR AGREEMENT WITH BENICIA FIREFIGHTERS ASSOCIATION (BFA)

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment

None

On motion of Council Member Strawbridge, seconded by Council Member Campbell, Council adopted Resolution 12-156, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: (None)

D. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 19, 2012**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: January 25, 2013**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: January 24, 2013**

8. **Solano Transportation Authority (STA).** <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: January 9, 2013
9. **Solano Water Authority-Solano County Water Agency and Delta Committee.** <http://www.scwa2.com/>(Mayor Patterson) Next Meeting Date: January 10, 2013
10. **Traffic, Pedestrian and Bicycle Safety Committee.** (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 17, 2013
11. **Tri-City and County Regional Parks and Open Space.** (Mayor Patterson) Next Meeting Date: TBD
12. **Valero Community Advisory Panel (CAP).** (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD
13. **Youth Action Coalition.** (Council Member Hughes and Council Member Strawbridge) Next Meeting Date: TBD
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: December 20, 2012

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:57 p.m. in memory of the slain students, teachers, and mother in New Town Connecticut.

Lisa Wolfe, City Clerk