

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JANUARY 3, 2006

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:30 p.m. on Tuesday, January 3, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Patterson, Schwartzman, and Mayor Messina

Absent: Council Member Whitney (arrived at 6:31 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of Closed Session.

OPPORTUNITY FOR PUBLIC COMMENT:

1. Todd Matthews – Mr. Matthews is the President of the Benicia Firefighters Association. He stated that he hoped the negotiations would go well and that Council will agree to pay the Firefighters the average wage. BFA is looking forward to moving forward with negotiations and putting this situation behind them.

CLOSED SESSION:

- A. Conference with Labor Negotiator (Government Code Section 54957.6(a))**
Agency negotiators: City Manager, Human Resources Director, Bill Avery of Avery & Associates
Employee organization: Benicia Firefighters Association

ADJOURNMENT:

Mayor Messina adjourned the meeting at 6:34 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JANUARY 3, 2006

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 8:23 p.m. on Tuesday, January 3, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken at Closed Session:

Ms. McLaughlin stated that Council gave direction to Staff on the Firefighters negotiations, and requested that the other bargaining groups contact Staff to begin the negotiation process soon.

Openings on Boards and Commissions:

- Historic Preservation Review Commission – One term

Public Comment:

1. Jeanine Seeds – Ms. Seeds requested the public be allowed to speak publicly regarding the appointment.

Mayor Messina stated that the public was more than welcome to speak, but should fill out a card and give it to the City Clerk.

APPOINTMENTS:

Appointment to the Planning Commission – One unexpired term to October 7, 2006 – Continued from 12/20/2005 Council Meeting:

Public Comment:

1. Kitty Griffin – Ms. Griffin stated that both gentlemen listed on the agenda for the Planning Commission have excellent credentials, experience, and commitment to

- the community. However, Mr. Bortolazzo is a major property owner in Benicia. He will have to recuse himself from many of the issues that will be discussed because of that. Recusing himself will not solve the problem. There is still the discomfort of his fellow commissioners. The other candidate (Mr. Johnson) does not have the conflicts that Mr. Bortolazzo does. She discussed the issues in Pittsburg and Antioch with regards to the Seeno project where the commissioners were not able to participate for such reasons. She asked when they make the appointment, that Council to consider how Benicia will look to the rest of the Bay Area and other outsiders.
2. Susan Street – Ms. Street stated that it is the joke of the City (appointment of Mr. Bortolazzo). It is pathetic. She can't believe someone would appoint someone who can't participate, just for the sake of appointing him. She asked Council to reconsider the appointment.
 3. Jeanine Seeds – Ms. Seeds stated that as a citizen of Benicia, she is allowed to provide her input at every angle. She is not clear whether all applicants for the Planning Commission were interviewed. Council is trying to have the meetings start early, but they keep doing things that require so much public input. Council is supposed to serve the citizens.
 4. Jon Van Landschoot – Mr. Van Landschoot stated that the Planning Commission does not have a planner on it. A full time planning person is not in charge. There is a real lack of knowledge base. It would be nice to have a planner on the commission that does not have so many interests in town. He questioned whether all Council Members had interviewed all applicants. It is odd to be interviewed for a job that the Mayor has already appointed someone for. It is dishonest.

Council Member Hughes stated that he interviewed all applicants with the exception of one, whom he could not reach. Mr. Bortolazzo is very qualified, as is Mr. Johnson. He considered the fact that Mr. Bortolazzo would have to excuse himself from some issues. He does not think it will be 'most of the time' as has been said by some people. He is confident that when he does have to excuse himself, the remainder of the commission will be able to handle business. He took offense to the statement that Mr. Bortolazzo's appointment was the joke of the City. That is disrespectful. Mr. Bortolazzo wants to serve the City with integrity.

Council Member Patterson stated that she was voting no because, as she has stated before he is the right man for the wrong job. She interviewed all applicants except for one. There are other people that are qualified for the commission. Her problem with Mr. Bortolazzo is his conflicts of interest. She looks forward to having a Planning Commission that can operate with a full commission with full power.

Vice Mayor Schwartzman stated that he interviewed all candidates with the exception of one. He was voting yes for many reasons. He was somewhat concerned about the conflicts of interest. However, Council does not know what projects will be brought forward. Mr. Bortolazzo has lived in Benicia for a very long time. He has a lot of history in the City. He will do his best job to be a fair planning commissioner. Mr. Johnson was an excellent candidate as well, but he is fine with Mr. Bortolazzo.

Council Member Whitney interviewed Mr. Bortolazzo and found him to be an excellent candidate. He did not interview all applicants. He is confident that he will do an excellent job as a Planning Commissioner.

RESOLUTION 06-01 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RICHARD BORTOLAZZO TO THE PLANNING COMMISSION TO AN UNEXPIRED TERM ENDING OCTOBER 7, 2006

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina
Noes: Council Member Patterson

Nomination to the Planning Commission by Council Member Patterson – one unexpired term to October 7, 2006 – Chris Johnson:

No action taken.

Appointment to Solano Transportation Authority's Bicycle Advisory Committee – One three-year term – JB Davis:

RESOLUTION 06-02 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JB DAVIS TO THE SOLANO TRANSPORTATION AUTHORITY (STA) BICYCLE ADVISORY COMMITTEE FOR A THREE-YEAR TERM

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina
Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

Mr. Erickson recommended adding a Resolution to the agenda confirming and continuing a proclamation of a local emergency.

Council agreed to add the proclamation to be the first item on the Action Items portion of the agenda.

On motion of Council Member Patterson, seconded by Vice Mayor Schwartzman, the Agenda was adopted as amended, on roll call by the following vote:
Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina
Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:
WRITTEN:

Various items submitted (copies on file).

PUBLIC COMMENT:

1. Kitty Griffin – Ms. Griffin stated that before the Council changed, Council discussed a plan to have some public discussion (task force) that would resolve the 20-year old issue as to what the best use would be for the Arsenal. We have historic properties all over the City. No one else has what we have in the Arsenal. There are unusual buildings. We have to do something creative with them. Two projects that are coming down the pike are in the Arsenal area. This will certainly be a problem for Mr. Bortolazzo, as he is a property owner in the Arsenal. He urged the new Council Members not to let this issue slip between the cracks. Please develop a plan that will resolve the issue of development in the Arsenal.
2. Bill Royal – Mr. Royal stated that he has been here before to discuss the same problem. He has tried to get permission to get a building permit from the HPRC. Staff has done him in. He has been trying to get his project done for seven months. Staff keeps putting forth lies. He discussed his porch. He did not remove the porch entirely as the Staff report indicates. He discussed exterior insulation and not being able to install siding because he lacks the insulation. He stated that Staff performed an illegal search of his property. He has no code violations. He was kept off of the HPRC agenda for three months because of so-called code violations. He has been righteously screwed by the City. He, his family, and his tenants have to use a dangerous porch because the City is not allowing him to fix it. He is not getting any help from City Staff on his project.

Mayor Messina requested that Mr. Erickson address the many issues raised by Mr. Royal. He (the Mayor) has a conflict of interest and cannot participate in discussion on the issue. Mr. Royal can contact any other Council Members to discuss this issue.

Council Member Whitney discussed the ‘safety’ issues raised by Mr. Royal. Not allowing the safety issues to be resolved does not benefit anyone. He suggested Staff look into the safety issues in question.

Council Member Patterson requested Council receive a Staff report on this issue at the next Council meeting. She asked if it was possible to have a schedule of time as to when each of the issues with Mr. Royal’s project will be addressed. Ms. McLaughlin stated that Council Member Patterson’s request was acceptable. Council Member Patterson asked that the report be provided to Council electronically prior to the next Council meeting.

3. John Furtado – Mr. Furtado stated that an area at Rancho Benicia was flooded this past weekend. His mother-in-law lives at Rancho Benicia. One of Council’s priorities should be addressing the flooding issues at Rancho Benicia. Three responsibilities of the City are fire, police, and infrastructure. The flooding was so bad he was in knee-deep water. There was fear in the faces of the resident’s.

Rancho Benicia is at the bottom of a hill. He has talked to the Public Works Department about addressing the flooding issues.

4. Marilyn Bardet – Ms. Bardet stated that she hopes the City has an Arsenal plan as part of its goals for next year. She asked for a moratorium on development in the Arsenal. The City doesn't have a Planning Department right now. There are many reasons for a moratorium; heritage tourism and creating an economic engine for the community that will stand out in the Bay Area. The most important thing the City could do is form a task force to address this issue. She asked that Council agendize this issue in due time. This is a timely issue, as there are projects coming across the table right now.
5. Jeanine Seeds – Ms. Seeds stated that she was unsure when a Council Member should recuse themselves from issues. Should two Council Members who were supported (in the last election) by the Firefighters and Police Officers have been recused from the Closed Session where the salaries were discussed? Regarding the traffic calming, why doesn't anyone in town seem to know anything? The people in town know what to do to calm traffic. The City hires consultants too easily and quickly. We should keep the money in town rather than hire an outside consultant.

Mayor Messina suggested Ms. Seeds contact the City Attorney for information regarding when Council Members are required to recuse themselves from issues.

6. Jon Van Landschoot – Mr. Van Landschoot stated that the citizens of Vallejo gathered signatures on whether the Bordoni Ranch project should proceed. They did us a great favor in doing that. The Mayor was the deciding vote on the 3-2 vote (LAFCO) on the Bordoni Ranch project. He owes the City of Benicia an explanation as to why he voted that way.
7. John Furtado – Mr. Furtado provided some background information (statistics) on the issue of shortening the public comment at Council meetings (hard copy on file) In 2005 there were 29 City Council meetings. During those meetings there were 186 speakers that spoke during public comment, 121 of which were citizens, 61 were Council Members, and 4 were Staff members. Council spoke during public comment 32.7% of the time. The average speaking time for citizens was 4.6 minutes and for Council it was 7.3 minutes. It would be prudent to take into consideration that there is not a big problem with the issue of public comment. There also seems to be different protocols of whether or not Council responds to the public comment speakers. The rules should be more black and white.
8. Council Member Patterson stated that with regards to the storms this past weekend, the City Manager informed Council of the issues right away. She went to a few of the sites that were problems. She commended Staff for their efforts with the storm/flooding. She hopes that the City will not have such difficulties with regards to the flooding in the future.

CONSENT CALENDAR:

On motion of Council Member Whitney, seconded by Council Member Patterson, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Noes: None

The minutes of Special Meetings on December 13, 2005 and December 20, 2005 were approved.

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

None

ACTION ITEMS:

State of Local Emergency:

Mr. Erickson suggested Council vote on two separate actions. Council needs to determine there is sufficient enough emergency to warrant adopting the resolution (per the new Sunshine Ordinance) and vote on the proposed resolution.

On motion of Council Member Schwartzman, seconded by Council Member Whitney, Council agreed there was sufficient enough emergency to warrant adopting the resolution, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Noes: None

Mr. Erickson reviewed the reasons for the need to declare a state of emergency. The storms created a very difficult situation for low-lying properties. Rancho Benicia was hit pretty hard. Surrounding areas were hit hard as well. The lower part (600 block) of West I Street had a water leak that flooded some of the properties. There was some flooding in the Industrial Park. There were some trees that went down. There was some flooding at the Wastewater Treatment Plant, which caused it to be shut down for a while. There was some soil slippage in the West 7th Street area where there is a walkway (on Military West). Students use this pathway when they are walking to school. Staff is discussing the issue of alternate routes for the students to use with BUSD. Staff has had some contact with the Office of Emergency Services (EOS). He was pleased with Staff's response to the various emergencies. Staff is cleaning up a lot of debris in the community. The high tide made it difficult to totally preclude what happened at Rancho Benicia. The Marina Storm Drain Project would serve Rancho Benicia and the surrounding areas. The project is in design. There was a lawsuit with the Harbor Corp. that has since been cleared. Staff reports that the project is budgeted and will be cleared next year with Council's approval. Hopefully, it will be able to move forward before the next rainy season begins.

Mayor Messina stated that per FEMA, there is a process that has to be followed to declare a state of emergency. Council Members Hughes and Schwartzman have not been able to attend the FEMA training. He asked the City Manager to look into training for them.

Vice Mayor Schwartzman stated that he and Council Member Hughes would be attending the FEMA training in July 2006. He commended Staff's response to the emergencies. He asked how

much the Marina Storm Drain could have reduced the flooding on the East side of town. Mr. Schiada stated that Staff believes that there would still have been some flooding; it would have been kept in the streets. It would have provided an outlet for the entire area to drain quicker. The area was flooded significantly. It would address a lot of the issues that the City experienced. The Carquinez Straight extended into B Street. There was no separation. The Marina Storm Drain Project would not have resolved that.

Council Member Whitney commended Staff on their efforts. He asked Mr. Erickson if when the EOC was opened, Council could receive a report on what worked and what didn't.

Public Comment:

1. Citizen – The citizen discussed a pipe replacement that was previously done. She had understood that since that pipe replacement, there should not be any further problems. Who is responsible for the damages the citizens incurred? Her property experienced quite a lot of flooding. The drains were not cleaned. A pump was put on, but no one told the citizens what to do in the event the area flooded. No one told them to move their cars, etc.

Council Member Patterson asked if Rancho Benicia had ever conducted flood exercises. To the citizen's knowledge, they had not. Council Member Patterson suggested they look into that so that they are better prepared. She stated that Staff would work with Rancho Benicia to look into these issues.

Mr. Schiada stated that Rancho Benicia is in a hole. When there are big storms and high tides, it forces their surface water into a City pipeline. The last piece of the puzzle is the overflow system at the Yacht Club that would allow the overflow to go into the bay. That piece is not done yet. It is possible the drain could not have drained as quickly as it could have. He will be following up with the property owner, Mr. Goldstone, to go through some procedures they have at Rancho Benicia with regards to flooding. He likes the idea of Rancho Benicia going through training. Maybe a few of the citizens of Rancho Benicia could become part of BERT.

2. John Furtado – Mr. Furtado suggested doing a 'post incident review.' Regarding the citizens of Rancho Benicia being involved in training, we need to take into account the average age of the citizens there. Maybe we should look into an early warning system there, even if it was a bullhorn being used, for Rancho Benicia. BERT could become involved with this issue. The City owes it to the taxpayers at Rancho Benicia to help out. He discussed funding for the last piece of the puzzle.

Mayor Messina asked Mr. Erickson to take note of Mr. Furtado's comments and look into his suggestions.

3. Susan Street – Ms. Street asked Staff about the third portion of the drainage system. Was the plan do dump the overage into the Marina? Mayor Messina stated that when the pump is overwhelmed, it would dump the overage into the Marina. Ms. Street stated that the problem with that was that the Marina was already full. How will that help? Mr. Schiada stated that Staff is talking about the area north of the D Street. With the system in place, it could help push the water out. The water will push out and not have the backwash from

the Carquinez Straight coming back in. He believes the water would be kept in the streets at a reasonable depth.

Mayor Messina suggested Ms. Street call Mr. Schiada to discuss and view the maps of the area that is being discussed.

4. Art Schiffer (209 Walnut) – Mr. Schiffer stated that he had some photographs of the recent flood he would like to submit for the record (copy on file). He was heartened by the recent events.

RESOLUTION 06-03 - A RESOLUTION CONFIRMING AND CONTINUING THE PROCLAMATION OF A LOCAL EMERGENCY

On motion of Vice Mayor Schwartzman, seconded by Council Member Whitney, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Noes: None

First reading of an ordinance amending Section 2.04.010 (Meeting Time and Place) of Chapter 2.04 (City Council) of Title 2 (Administration and Personnel) of the Benicia Municipal Code – Continued from December 20, 2005 City Council Meeting:

Heather McLaughlin, City Attorney, reviewed the Staff report.

ORDINANCE 06- - AN ORDINANCE AMENDING SECTION 2.04.010 (MEETING TIME AND PLACE) OF CHAPTER 2.04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL OF THE BENICIA MUNICIPAL CODE

On motion of Council Member Whitney, seconded by Vice Mayor Schwartzman, the above Introduction and First Reading of an Ordinance was approved, on roll call by the following vote:

Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina

Noes: Council Member Patterson

First reading of an ordinance amending Section 2.52.030 (Members – Term of Office) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code - Continued from December 20, 2005 City Council Meeting:

Heather McLaughlin, City Attorney, reviewed the Staff report.

Public Comment:

1. Jon Van Landschoot – Mr. Van Landschoot stated that Council is taking away the citizens rights. There are people in this town that are very good about petitions. Council should be concerned about that. He discussed the issue of the Mayor's failed attempt to appoint Mark Lobdell to the Planning Commission. One person should not be given to appoint/not appoint people to boards/commissions. There should be term limits. When a person is done with their four years, they should have to go before Council for a vote.

ORDINANCE 06- - AN ORDINANCE AMENDING SECTION 2.52.030 (MEMBERS – TERM OF OFFICE) OF CHAPTER 2.52 (PLANNING COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

On motion of Council Member Whitney, seconded by Mayor Messina, the above Introduction and First Reading of an Ordinance was approved, on roll call by the following vote:

Ayes: Council Members Hughes, Whitney, and Mayor Messina

Noes: Council Members Patterson and Schwartzman

Award of Citywide Traffic Calming Program:

Dan Schiada, Public Works Director, reviewed the Staff report.

Council Member Hughes asked what was prompting this program and why do we need a consultant for this? Why can't we just partner with another city on this? He was uncertain what benefit the City would be getting for spending the money.

Mr. Schiada stated that the City has received a significant number of complaints and concerns with safety and speeding on neighborhood streets. Some issues have been addressed through stop sign enforcement, etc. This will address creative solutions to the issues. This issue went through Council's priorities process. Staff believes it is more appropriate to have the more in depth analysis done by someone who has the expertise to do it. Mr. Erickson stated that there was also an issue of Staff time. The Public Works Department does not have the time to take this project on.

Mayor Messina stated that Mr. Schiada is a traffic engineer. Council can adjust the priorities if need be. He asked if this issue could be delayed until Council discussed the priorities next week. Mr. Schiada stated that this could be delayed, but it is something that is important. He has indicated to the Traffic, Pedestrian and Bicycle Safety Committee that this was a priority.

Council Member Hughes stated that he did not want to delay this; he just wanted it clarified whether it was an issue of time, expertise, resources, etc. It sounds more like it is an issue of Staff time, since the City has the expertise on Staff.

Council Member Patterson discussed safety issues overall. Per the General Plan, it is a stated goal to have traffic calming measures in place. The budget for the money is from the money she was able to get from Pacific Bay Builders. She was able to get \$250,000 to be used towards traffic calming. She would be extremely disappointed if this item were to be delayed. The community has been asking for this and needs this. She urged Council to proceed with this.

Public Comment:

1. Kitty Griffin – Ms. Griffin stated that it was a great coup for Council Member Patterson to get the City the \$250,000 that is dedicated towards traffic calming. A lot of the direction for what might be done will come from the community. She has been looking at traffic calming for ten years. There is a creativity angle to this

issue. Speed bumps and enforcement are not new or creative. The money should not be spent on enforcement, etc. It should be spent on trying something new. Landscape strips make people feel safer. There is nothing on West 7th street to protect the pedestrians. It is not about speed bumps or speeding. It is about making pedestrians feel safer.

Vice Mayor Schwartzman stated that citizens voiced concerns about speeding during his campaign efforts. He stated that there are a lot of ideas out there. He does not want to see the consultants come back with the typical stuff. Council moves forward with the consultants, he wants to see some new ideas. The City should start looking for Staff that can do this type of thing. It would be money well worth spending.

Mayor Messina stated that he was persuaded by some of the speakers who said they would like to see the money spent on something 'hard.' He would like to see more of the money going into the hard stuff such as fixed assets rather than spending it on the consultants.

Council Member Patterson stated that it is a challenge for the community to accept and understand these new techniques. There isn't always the confidence that median strips or landscapes will solve the problem. Therefore, a workshop describing traffic calming and some of the issues raised would be very beneficial to help allay the concerns. Delaying this would be a crime and an insult to what the community has been looking for for a very long time.

Council Member Whitney stated that he supports the resolution, however, he asked Council to consider the issue of enforcement. The City could take advantage of a program that the Vallejo Police Department has set up with regards to bikes (motorcycle). He urged Council to consider the programs that Vallejo already has in place.

RESOLUTION 06-04 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH FEHR & PEERS FOR PROFESSIONAL SERVICES FOR THE TRAFFIC CALMING PROGRAM, APPROVING TASK ORDER NO. 1 IN THE AMOUNT OF \$60,810, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT AND TASK ORDER ON BEHALF OF THE CITY

On motion of Council Member Patterson, seconded by Vice Mayor Schwartzman, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, and Whitney

Noes: Mayor Messina

Award of contract for environmental services for the Water Reuse Project:

Dan Schiada, Public Works Director, reviewed the Staff report.

RESOLUTION 06-05 - A RESOLUTION AWARDING A CONSULTANT AGREEMENT AND TASK ORDER NO. 1 FOR ENVIRONMENTAL SERVICES TO ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR A COST NOT-TO-

EXCEED \$125,350 FOR THE WATER REUSE PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

On motion of Mayor Messina, seconded by Vice Mayor Schwartzman, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina
Noes: None

INFORMATIONAL ITEMS:

Report from the City Manager:

Jim Erickson, City Manager, stated that Council would hold a priorities meeting on 1/9/06 at 6:30 p.m. in Council Chambers. He discussed the new Economic Development Manager that was recently hired.

COMMENTS FROM COUNCIL MEMBERS:

Ms. McLaughlin stated the rules for reconsidering items that were discussed within the past twelve months.

Request for reconsideration of the Open Government provisions regarding public comment on agendized items during general public comment section – continued from December 20, 2005 City Council meeting:

On motion of Council Member Whitney, seconded by Council Member Hughes, Council agreed to agendize this item, on roll call by the following vote:

Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina
Noes: Council Member Patterson

Request for reconsideration of the ordinance amending Section 2.52.010 (Establishment – Membership) of the Benicia Municipal Code provisions regarding appointment of Planning Commissioners:

Ms. McLaughlin briefly discussed why this item is being brought back for Council's consideration.

Public Comment:

1. Jon Van Landschoot – Mr. Van Landschoot discussed the recent issues with appointments. What if the Mayor does not appoint someone? The Mayor's recent response when asked when someone would be appointed to the Planning Commission was 'soon' for many months. The Mayor simply does not need to make an appointment, which would block Council from making another appointment. Council should consider that issue.

Ms. McLaughlin clarified that for appointments to the Planning Commission, any member of Council can nominate someone for the commission, and then Council will vote on that name.

On motion of Council Member Whitney, seconded by Council Member Hughes, Council agreed to agendize this item, on roll call by the following vote:

Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina

Noes: Council Member Patterson

Request for reconsideration of Resolution No. 05-179 amending the Master Fee Schedule to reduce the appeal fee to \$150:

Ms. McLaughlin reviewed the reason for bringing this item back for review. Council had not been following the Rules of Procedures too carefully on reconsideration of items that had been decided on in the past twelve months. Ms. McLaughlin noted that there was a letter Council received from Ms. Leann Taagepera, who was not able to attend and speak at tonight's meeting.

On motion of Vice Mayor Schwartzman, seconded by Council Member Patterson, Council agreed to agendaize this item, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Noes: None

Ms. McLaughlin stated that this item might not be on Council's agenda until February, as the agendas are very full at this time.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 10:28 p.m.

Lisa Wolfe, City Clerk