

January 18, 2005

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.

**MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
JANUARY 18, 2005**

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 18, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Patterson, Whitney, and Mayor Messina

Absent: Council Members Campbell and Smith

ANNOUNCEMENT OF CLOSED SESSION:

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

ADOPTION OF AGENDA:

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

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

Noes: None

Absent: Council Members Campbell and Smith

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

None

CLOSED SESSION:

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

ADJOURNMENT:

Mayor Messina adjourned the meeting at 6:32 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JANUARY 18, 2005**

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 18, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Patterson, Whitney, and Mayor Messina

Absent: Council Members Campbell and Smith

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken in Closed Session:

Mayor Messina announced that Council had discussions with the City Manager regarding his annual performance evaluation.

APPOINTMENTS:

RESOLUTION 05 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MARK LOBDELL TO THE PLANNING COMMISSION TO A FULL TERM ENDING SEPTEMBER 30, 2008

Vice Mayor Patterson stated that she was clear in her evaluations that were based on the applications and purposes that the City has put forth. She looked at the education, professional and civic contributions, and the nexus that it has to the commission or board that is being considered. She and the Mayor interviewed all of the applicants, of which there were many. Another aspect on the application is the desire to have diversity of geographic representation, gender, and economic and environmental interest. The evaluation did reflect, in large measure, the need to make sure we maintain that diversity. That is the background for her evaluations.

Council Member Campbell stated that both applicants did good jobs. He did not always agree with them. He could support either one of them now. At some point in the future, he could support the other one. His bottom line is that he wants someone from the groups who are activists that has been disenfranchised. He wants Council to think about picking one of the candidates now and holding off on the other until a later date, and pick one of the other choices that are out there.

Public Comment:

1. **Ron Askham - Mr. Askham is a member of the Planning Commission. He supports the appointments of Mr. Lobdell and Mr. Railsback. He discussed their skills and qualifications. He had some concerns about a recent article in the local paper. He cautioned Council on filling boards and commissions with 'professionals'. He compared it to filling juries with attorneys.**
2. **Vinnie Moretti - Mr. Moretti supports the appointment of Mark Lobdell. He stated that Mr. Lobdell was picked by his counterparts to be the Vice Chair of the Planning Commission. Mr. Moretti discussed Mr. Lobdell's qualification. He does not understand why Council would not vote to reappoint Mr. Lobdell.**
3. **Veronica Stone - Ms. Stone is a member of the Planning Commission. She supports the appointments of Mr. Lobdell and Mr. Railsback. She wanted to speak on behalf of Mr. Lobdell. She wanted to discuss the qualifications for the appointment and reappointment process. She asked to what degree the pursuit of a degree, career or financial status nullifies ones ability and opportunity to serve. She discussed Mr. Lobdell's recent election as Vice Chair of the Planning Commission. She discussed Mr. Lobdell's qualifications. She stated that the issue of qualification, parity, and equality of appointments to the boards and commissions will be resolved by the establishment of criteria put in writing, so that everyone that has the desire to be considered or the person who is doing the voting, has a measurable tool to determine the potential successfulness of ones term as a servant to the City at large. The appointees deserve better for future consideration.**
4. **Bob Mutch - Mr. Mutch spoke on behalf of the Benicia Taxpayers Association. Mr. Mutch discussed the current appointment process, qualification of candidates and the removal of commission members. Removal of candidates should only be done with proper cause. The current rules and criteria being used is limiting the pool of candidates. Mr. Mutch asked if the current criteria were ever publicly discussed. All citizens deserve the opportunity to participate and serve.**
5. **Alan Schwartzman, Chairman, Planning Commission - Mr. Schwartzman stated that the non-confirmation of either one of the commissioners (Lobdell and Railsback) would initiate a long, drawn-out process to fill the vacancies. This would inevitably be disruptive to the work of the Planning Commission. Since October, both commissioners have been serving beyond their terms. The uncertainty of their status as a commissioner has been weighing heavily on both individuals. Any new commissioner will have to go through a learning curve. Both individuals have put four years of their lives into the commission. They want to continue to serve even though the odds are stacked against them. He encouraged Council to consider the continuity of the Commission and reappoint both individuals. Mr. Schwartzman discussed the importance of each Council Member interviewing each and every candidate for boards and commissions. He discussed the political process involved in the current appointment process. He stated that it was humiliating and hurtful for the candidates' ratings to be published in the agenda packet. He discussed having 'professional planners' on the commission could create conflict.**
6. **Marilyn Bardet - Ms. Bardet discussed her activism in the community. She stated that she was 'guarded' about the idea of looking only for 'professionals' for the boards and commissions. She supports the idea of independent questioning.**

Council Member Smith stated that an appointment to a board or commission is not an automatic license for reappointment. He discussed the report 'The Preview of Development Process and Customer Service' by the Zucker & Associates. We need more diversity of expertise on the Planning Commission. Two of the candidates that applied for the Planning Commission have Masters Degrees in planning and related work experience. He questioned why the commissioners speaking tonight would have trepidation about having that kind of expertise amongst them. A compromise is needed with these appointments. We need to ask for a greater level of expertise on the Planning Commission.

Council Member Whitney discussed the Mayor's appointment powers/abilities/process. He agrees that diversity is important. He stated that all individuals that applied to the commission have met the requirements of education, experience and willingness to serve. It is important that we not start or create opportunities to separate and put a gap between the Council. He stated that it is not his place to judge the applicants the way they are being judged tonight in a public fashion.

Council Member Campbell stated that both applicants did a good job on the Planning Commission. However, he wants at least one activist on the Planning Commission. It does not matter what group they come from, but it has to be from one of the local activists groups. He will support one applicant or the other, but not both.

Mayor Messina stated that the qualifications for the boards and commissions should be simple. You should be a registered voter in Benicia. We should welcome all, not distinguishing between race, gender or education. If you are a registered voter, you should feel free to apply. He is opposed to setting up barriers to the applicants. It is not in the spirit of where we want to go. He appreciates the Vice Mayors hard work with the interviews and rankings. The Vice Mayor, in her rankings, did not say that either of the applicants were not qualified or should not serve. She may have said that there were others that fit the job better (in her view). It is important for those who do not support the appointments to state specifically what their concerns are. He encouraged anyone interested to apply to the boards and commissions.

Vice Mayor Patterson stated that the evaluations were based on the applications that were adopted by Council in January 2004. Council wanted to see a nexus to the greatest extent possible in one or more areas, which are education, professional experience, or civic engagement. We were extremely blessed with two applicants that had all three requirements. That was the basis for the evaluations. The evaluations clearly spell out the strengths of the applicants. The applications may need to be revised to take some of the points that have been suggested. Her vote is not for or against Mr. Lobdell; it is a vote for a better balance she is seeking on the Planning Commission.

The above Resolution was not approved on roll call by the following vote:

Ayes: Council Member Whitney and Mayor Messina

Noes: Council Members Campbell, Patterson and Smith

RESOLUTION 05-04 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF FRED RAILSBACK TO THE PLANNING COMMISSION TO A FULL TERM ENDING SEPTEMBER 30, 2008

The above Resolution was approved on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: Council Member Campbell and Smith

PRESENTATIONS:

Update on Pure Committee Activities: Mr. Bob Craft

Late November and early December activities involving the Joint City/Valero Water Reuse Project centered on:

- Toxicity tests at the City facility
- Other still preliminary studies dealing with project component siting
- How flow equalization storage will be accomplished
- Studies of power requirements/supply

The toxicity tests conducted to date have utilized two species of fish and have not provided any major surprises. A zeolite media technique has been used primarily as an ammonia control mechanism. Based on the first series of tests, it is reasonably clear that for the acute toxicity category there were not significant differences in survival between the two species except at a level of 100% effluent concentration. Toxicity limits must be tightly monitored and controlled so as to not adversely affect the City's NPDES permit.

In the mineral data analysis feature of the tests, it was determined that major ion concentrations do not appear to be of concern. Another testy category involved chronic toxicity.

Current effluent from the treatment plant was compared to effluent using an RO concentrate similar to what might be expected when the PURE project comes on-line. Results from these tests fell within acceptable parameters. Toxicity testing for Valero effluent will be conducted in mid-January.

No decisions or recommendations have been made for component siting, i.e.: what will be located at the City facility and what will be at Valero. This analysis should be completed by the consultant and presented to the committee in February. The recommendations based on this analysis will be the primary drivers for power and space requirements at the ultimate location(s). The current projection is that a conceptual design report will be available in late March and it is anticipated that the committee will be able to review that and present their thoughts in the April/May timeframe.

Other recent discussions have concerned public relations possibilities and how the proposed Sunshine Ordinance might affect the committees' operandi. At this point, the committee consensus is that with some fairly minor modifications, they will be able to operate within the spirit of the draft ordinance.

The PURE Committee will not have a regular meeting in January 2005. The next scheduled meeting will be 2/8/05.

PROCLAMATIONS:

None.

ADOPTION OF AGENDA:

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

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

COMMUNICATIONS:

WRITTEN:

One letter on file from Leanne Taagepera.

PUBLIC COMMENT:

1. Marilyn Bardet - Ms. Bardet discussed the recent meeting of the BUSD. She had some concerns regarding the discussion of how to finance the school district and its problems. She stated that if you live near a school that is proposed be closed; the residents in the area need to get involved in the discussions. She was surprised to hear that the 7-11 Committee suggested the school district property be sold. An EIR may be necessary for this to take place due to the toxic waste sight buried under the schoolyard. There are also historic buildings on that property. She is concerned that a discussion of a community center be open to the public.
2. Bob Mutch - Mr. Mutch stated that he attended the 1/7 Audit and Finance Committee meeting. The woeful financial situation of the Marina was discussed. The marina is not an asset to the community, but a liability to the tune of \$394,000 in 2004-2005, and an estimated \$2.125 million between now and 2028, when the marina loan will be paid off. The City's general fund was decreased by almost \$400,000 last year. That money that should have been used for City services for youth, seniors and other worthy recipients. He stated that Council and citizens should step up to the plate and develop plans to make the Marina a self-sustaining enterprise so that our tax dollars can be spent on all citizens, not just the ones that use the Marina. This problem needs to be solved quickly.
3. Council Member Smith announced the following upcoming events:
 - Southbound I-680 will be closed a few nights this week. Traffic will be detoured accordingly.
 - Solano County Health Promotion and Education Bureau, BYATF, and the Benicia Youth Activity Center will be co-sponsoring a smoking cessation class starting 1/20, every Thursday, from 6:30-8:30 p.m. at the Youth Activity Center.
 - Benicia Chamber of Commerce has a few upcoming events: 1/20 - Business after hour's mixer at Help-U-Sell, 1/28 - Annual Installation Dinner at the Clocktower.
 - 1/22 - Art of Spanish Guitar - Benicia Historical Museum
 - 1/22-1/23 - Annual Flyway Festival
 - 1/22 - Lions Club Crab Feed

- 1/29 - Stingrays Swim Club Crab Feed

CONSENT CALENDAR:

Mayor Messina stated that items VI-A and VI-C would be pulled for discussion.

On motion of Council Member Whitney, seconded by Council Member Smith and unanimously the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Denial of claim and referral to insurance carrier (Bajalia) was approved.

RESOLUTION 05-05 - A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE AND DELIVER THE REVISED CORE NATURAL GAS SALES AND AGGREGATION AGREEMENT

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of November 4, 2004(workshop) and January 4, 2005:

Vice Mayor Patterson requested that the 11/4 workshop minutes be continued and the minutes for 1/4/05 be approved. On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council continued the 11/4/04 workshop minutes and approved the minutes of 1/4/5, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Confirm direction to the Sidewalk Administrator to take steps to complete the replacement of the sidewalk at 733-739 First Street:

Mayor Messina and Council Member Council excused themselves due to a conflict of interest. Vice Mayor Patterson chaired this portion of the meeting.

Vice Mayor Patterson stated that she pulled this item because of the possible determination of the trees being removed. In the report there was a discussion of the trees having a possible root problem. There was a possibility of putting some barriers down. In the Staff recommendations it is stated that there is a possibility that the trees may be removed. Vice Mayor Patterson would like this issue brought back to Council for discussion if Staff makes the determination that the trees should be removed.

On motion of Council Member Whitney, seconded by Council member Smith, Council confirmed the direction to the Sidewalk Administrator to take steps for the replacement of the sidewalk at 733-739 First Street, with the exception that, if the determination is made by Staff that the trees be removed, it comes back to Council for discussion, on roll call by the following vote:

Ayes: Council Members Patterson, Smith and Whitney

Noes: None

Abstain: Council Members Campbell and Mayor Messina

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

Consideration of amendments to the appeal provisions of Title 17 (zoning):

Heather McLaughlin, City Attorney, reviewed the Staff report.

Mayor Messina stated that he wants the language to be more specific and more focused. He is not sure if we captured the full spirit of the changes requested at the last meeting.

Vice Mayor Patterson stated that she feels the changes that have been made are adequate and she is prepared to make a motion to accept/approve the revised ordinances.

Council Member Whitney asked Ms. McLaughlin if it is her feeling that the document would reflect lined-out sections. He wanted to make sure the community has a clear understanding about what we are taking out and what we are putting in. Ms. McLaughlin stated that sometimes it is done like that and sometimes it is not. If Council wants to approve her budget to purchase a proper comparative program that will allow her to compare the information as requested, she would be glad to do it that way.

Council Member Smith stated that the nature of this action is compatible to the 'sunshine' that we have been bringing to the procedures at City Hall. This changes appeals such that you are not limited to the evidence that was presented at the initial hearing, but you can introduce any relevant evidence.

ORDINANCE 05-03 - AN ORDINANCE MODIFYING TITLE 17 (ZONING_ OF THE BENICIA MUNICIPAL CODE BY AMENDING CHAPTER 17.124 (APPEALS AND CALLS FOR REVIEW) TO PROVIDE FOR DE NOVO APPEAL HEARINGS; AMENDING SECTIONS 17.54.030 (LAND USE AND DEVELOPMENT REGULATIONS), 17.100.060 (ENVIRONMENTAL REVIEW) AND 17.120.060 (RESULT OF PLANNING COMMISSION DENIAL) TO REFERENCE THE APPEAL PROCESS SET FORTH IN CHAPTER 17.124; AND AMENDING SECTION 17.100.060 (ENVIRONMENTAL REVIEW) TO REFER TO THE CITY OF BENICIA ENVIRONMENTAL GUIDELINES

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Ordinance was vadopted on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Mayor Messina stated that he would still like to look at the wording and possibly bring it back to Council for review in the future.

ORDINANCE 05- - AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY AMENDING SUBSECTIONS A.2 (DETERMINATION OF LEAD AGENCY) OF SECTION 17.100.060 (ENVIRONMENTAL REVIEW)

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the introduction and first reading of the above Ordinance was approved, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Vice Mayor Patterson stated that she wanted to second Council Member Whitney's suggestion about having the redline/strikeout function for the City Attorney to use. We desperately need that function. She hopes we have a solution for this soon.

Mayor Messina called for a 5-minute break at 8:42 p.m.

The meeting resumed at 8:48 p.m.

NEW BUSINESS:

Presentation from David Okita, General Manager of Solano County Water Agency (SCWA) on the Integrated Regional Water Management and Strategic Plan:

Mr. Okita reviewed a PowerPoint presentation (copy on file) of SCWA's Integrated Regional Water Management and Strategic Plan.

Council Member Smith asked Mr. Okita to explain the term 'conjunctive use' of water. Mr. Okita stated that the conjunctive use is traditionally talked about in terms of ground water and surface water.

Council Member Whitney stated that with regards to security, it did not seem that there was much attention paid to it in the document. He had concerns that the issue of the safety of our water supply may become an ongoing issue. Mr. Okita stated that the Federal Government controls our Lake Berryessa supply. They have a safety and security program that they work with them on. In the analysis it was determined that the oversight by the Federal Government was effective as of now. It is something that they will be watching. The State has a security program dealing with the State water project supplies. Decentralized, the cities all have security programs in terms of their jurisdictions. It was downplayed in the report because people seem to be satisfied with the level of security going on right now. Council Member Whitney asked why we were the only city participating in the Mojave Desert Program (the exchange agreement). Mr. Okita stated that one reason was because it is very expensive. They are encouraging other cities to participate. Mr. Okita explained the 2 to 1 program and how it works. Council Member Whitney asked if there was a push from the stakeholders for a better way to manage our water supplies. The conclusion was that the way we are doing it now seems to work. Council Member Whitney asked Mr. Okita to explain the development and implementation of federal and lobbying funding strategy. Mr. Okita explained that they do not currently have a federal lobbyist, just a State lobbyist. It was a question about whether they should aggressively go after federal funding. It was a higher priority to keep the State funding going than to try and seek federal funding. Council Member Whitney asked Mr. Okita to verify where the alternate North Bay Aqueduct

intake would be. Mr. Okita stated that would be located on the Sacramento River near Courtland. It is currently in Barker Slough, which is west of Rio Vista. Council Member Whitney asked Mr. Okita about the recommendation to 'improve safety and security of Monticello Dam.' Mr. Okita stated that since 9/11, the Federal Government does security analysis on all of their facilities, including Monticello Dam. They have a secret report that tells them what needs to be done, such as fencing, lighting, etc. They rely on the Federal Government to give them guidance on those types of security issues. Mr. Okita verified that there was an inundation study that was available for review if anyone was interested.

Vice Mayor Patterson stated for the record that she was not commenting on the North Bay Aqueduct or the State Water Project Contracts including the water exchange with Mojave. She wants to comment on some other things. She asked Mr. Okita to explain why this report is important to the public and why they should know the information in it. Mr. Okita explained that there were two public meetings on this. He could count on one hand the number of people that attended the meeting. There is not a lot of interest in water supply in Solano County. But, things are changing with our water supply. People are comfortable now, but it is something that we need to monitor more closely and react to the changes. Vice Mayor Patterson stated that she was disappointed that there was not more participation. We have not succeeded in getting the public's attention engaged. She asked Mr. Okita to explain what the 'area of origin' means and why it was important for Solano County to go after that, and what the future bodes. Mr. Okita stated that when the deal was cut to do the State and Federal water projects, politically, if the areas of the State where the water originates ever need a water supply in the future, they would have that water supply and the water that is being used in the San Joaquin Valley and Southern California would be given back if necessary. There was a guarantee made when they built those projects that Northern California would have enough water in the future. We are in the area of origin for the Sacramento system. They used that law to submit a filing with the State to claim that water right. They reached a settlement with the State that gave them what they were asking for, without having to go through the application process. That is a permanent water supply. They are paying the standard State charge for the water supply. They avoided a potentially contentious State process and litigation. What they got is a new water supply that has a higher priority than the exporters. It is an integral part of our overall water supply in Solano County. It is a huge success story. Some of the people that might have sued are the folks that are using the water in the export areas, such as San Joaquin Valley, Southern California, and maybe even the Bay Area, probably about 23 million people. Vice Mayor Patterson stated that as Northern California grows, those areas have a claim to the area of origin as well. There is going to be a tremendous demand on water that is already being delivered under contract to other regions of the State. The importance of what SCWA is doing with this plan is to bring to the public's attention the fact that we need to husband our water supplies and use them because they will be very competitive in the future. Vice Mayor Patterson reviewed her list of comments/concerns regarding the report. Some of the comments are technical in nature. The comments were as follows:

1. It should be noted that Proposition 50's Chapter 8 intent is to encourage integrated regional water management by providing competitive grants for projects to:
 - Protect communities from drought
 - Protect and improve water quality

- Improve local water security by reducing dependence on imported water
 - 2. The Solano IRWMP should be integrated and coordinated with ABAG for a comprehensive regional planning approach.
 - 3. In general the IRWMP provides the foundation for accomplishing the first two bullets above. Below are suggestions for strengthening the document.
 - a. While the stakeholder process is positive, it is not as broad as it might be. There should be far greater outreach, education and inter-regional study and planning.
 - b. Certain terminology is out of date and use and should be replaced:
 - "Flood control" should be represented by flood management which includes flood structures and floodplain management (see California General Plan Guidelines 2002).
 - "Firm yield" should be expressed as water reliability, contracted water, or water years as appropriate.
 - "Average" should be avoided and a range of percentage of water supply (contractual or hydrologic cycles) so that critically dry years have a range of water supply reliability and each other water year type. A single average disguises the problem of planning to the near worst case of water supply.
 - c. At 1.3 the following changes should be considered:
 - Replace with "Managed supply for constrained demand."
 - Replace with "Measure, monitor, manage and maintain the County's groundwater resources"
 - "Meet" instead of "improve"
 - "Manage flooding through floodplain management including flood structures."
 - replace "control" with "management"
 - "Protect and..."
 - Incorporate California Water Plan criteria and strategies.
 - d. At 1.4, this discussion should begin with a watershed boundaries discussion and then brief description of hydrologic boundaries.
- UPage 2-1, Section 2: When will the planning team hold a second public meeting to solicit comments on this draft plan?
- e. At 2.3.5 add last bullet: "Comprehensive: incorporates regional and state criteria.

- f. **Section 3: Supply and Demand. This whole section should be in the context of watersheds and hydrologic units. This is the section that establishes water portfolio (see Water Plan, bulletin 160) and links to future demand through land use.**
- g. **Page 3-1; add at "Reclamation holds the state water rights . . ."**
- h. **Pg. 3-2, "fir yield" is not a suitable term.**
- i. **Ibid: The SWP has no water rights on the San Joaquin River systems.**
- j. **Page 3-3, See comment about average water supplies and change to reflect water year reliability to be consistent with state Water Supply reports.**
- k. **Page 3-6, there is no discussion here of the water quality of these lake supplies. There should be a cross reference for the water quality discussion.**
- l. **Ibid, third paragraph, after "land ownership," insert "adjacent to water streams . . ."**
- m. **Last paragraph, there is a wealth of information about climate change and a suggestion that looking at a 200 year (rather than 100 year) occurrence would enable policy and decision makers to provide for uncertainties. (see Jeff Mount, UCD).**
- n. **At 3.3 this summary lacks a perspective that through constrained demand including changes in land use patterns would change projections for water supply needs. This should be added to the conclusion.**
- o. **At 3.4, again the terminology of "excess of supply" and "full supplies" should be replaced with water portfolio and water budget terminology as appropriate.**
- p. **At pg. 4-5, flood maps should map "reasonably foreseeable flooding" and should incorporate the Floodplain Management Task Force report.**
- q. **At pg. 4-6, it should be noted that the Delta levees have a 2-3 % chance of failure in a 50-year period.**
- r. **At 5-4, #2. see Water Plan protocols for assumptions to provide standardization.**
- s. **At 5-5, please provide Environmental Justice discussion as required by state law.**
- t. **At 6-5, link flood management and storm runoff with 6.1.12.**
- u. **At 6-7, include "reasonable foreseeable" and "build out" mapping for FEMA FIRM maps.**
- v. **At 6-9, 6.2.5, add land use patterns.**
- w. **At 6-12, update would be good in order to add floodplain management and agricultural land stewardship strategies.**
- x. **At 6-16, 6.3.11, reduce O and M costs by using floodplain management. And include terminology at 6.3.13 for "multi-objectives."**

Vice Mayor Patterson asked Mr. Okita when the planning team would hold its second public meeting to solicit public comments on the draft plan. Mr. Okita stated that based on the turnout of the other two public meetings, there was not much interest in another one. When the board adopts the plan, it will be a public meeting where people can comment. Vice Mayor Patterson stated that she pulled the Metropolitan Water District (MWD) of Southern California's integrated water resource plan, 2003 update. It is very readable. It has a lot of information densely presented in it. She stated that SCWA should take a look at MWD's plan. It is important to have a robust regional outreach effort for Solano. What has been done so far is excellent. It is a great first start. She is hoping that they can rethink how to engage the public in a better way. Vice Mayor Patterson asked why there was no discussion on power and how it relates to water delivery. Power is a big issue and should be discussed in the plan. Mr. Okita stated that was an issue that was not discussed due to the decentralized nature. Their power to do pumping at Barker Slough is relatively small compared to the rest of the State project. The conclusion was that the power issues were not an issue for them. Vice Mayor Patterson stated that she thinks we need to recognize that power is going to become more costly and expensive. Vice Mayor Patterson wanted a letter written by ABAG dated 4/7/04, commenting on Prop. 50 and chapter 8 to be integrated by reference into her comments. She looks forward to greater participation in the next phase of this plan.

Council Member Campbell asked what would happen if someone blew up the Cordelia pumping plant, or if there was an earthquake that affected the plant. He asked where we would get our water supply. Schiada stated that we would get our backup from the Lake Herman Reservoir, which would get us through approximately a 30-day supply. Council Member Campbell stated that security needs to be a higher priority. Mr. Okita stated that there are State requirements that require for the cities and districts to do vulnerability assessments to address security issues.

Mayor Messina stated that the Council looks forward to seeing their comments incorporated into the plan.

REPORTS FROM CITY MANAGER:

Presentation on the status of improvement to the Commandant's Residence:

Mike Alvarez, Parks and Community Services Director, reviewed the Staff report.

Mr. Charlie Duncan, Carey & Co. Inc. reviewed a PowerPoint presentation on the project. He reviewed the five options that Council has to choose from (options are listed in the letter from Carey & Co. Inc. that is in the agenda packet). Mr. Duncan stated that it is their (Carey & Co. Inc.) recommendation that Council go with option #4 which is listed as 'Selected exterior rehabilitation with new building systems.'

Council Member Campbell asked Mr. Duncan how many square feet could be occupied in option #5. Mr. Duncan stated that approximately 1,000 square feet could be occupied. Council Member Campbell asked if Staff knew the odds were on renting the space out if we went with option #5. Council Member Campbell was trying to figure out if option #5 would show a payback for the extra few hundred thousand dollars that would need to be spent getting it to the point where it could be rented out. Mr. Alvarez stated that he was not prepared to answer that question and did not want to

guess at the answer.

Council Member Smith stated that the only con listed on option #5 was that it was over budget. He asked if there were other repairs that would need to be done. Mr. Duncan said that there were other repairs that would need to be done, in a cosmetic way at the very least. That would be a temporary solution.

Vice Mayor Patterson asked Mr. Duncan if, on the idea of the use of the building, if there were existing reuse studies that had been done. Mr. Duncan said that he was not sure, but he could look into that. Vice Mayor Patterson stated that would be very important for Council to understand the appropriate uses for that building. Mr. Duncan stated that since the Commandants Residence is a cultural resource they are obligated by CEQA to adhere to the Secretary of Interior Standards for rehabilitation of historic buildings, and that includes reuse. One of the standards says that the building shall be reused in a use that is compatible for the building itself. Carey & Co. could do a reuse study. Mr. Duncan stated that if he had to give an estimate on how much they would charge for a reuse study, he would guess around \$6,000 or \$7,000.

Council Member Whitney asked Mr. Duncan for the total square footage of the building. Mr. Duncan stated that the building was approximately 5,000 sq. ft. Council Member Whitney asked if they went with option #4, if the seismic upgrades would be affected. Mr. Duncan stated that the little bit of seismic upgrades that would be done in option #4 would not affect any future work. Council Member Whitney asked if they went with option #4, how much would he estimate it would take to get the project to completion. Mr. Duncan stated that the cost for the total project is estimated at \$1.3 million. He reminded Council to be mindful that they are experiencing 25% escalation, so it should not be delayed for too long.

Council Member Smith stated that one of his pet peeves with this building is that it retains a misnomer of a name. We never had a commandant in the arsenal. We had Commanding Officers. It used to be called the Commanding Officer's Quarters. He asked Mr. Duncan if Staff had directed him to retain the name for the project. Mr. Duncan stated that the issue never came up. He was not aware of the misnomer. He stated that buildings sometimes acquire names that have nothing to do with what they are. It is possible that that was the name that was used in the description in the listing for historic register.

Council Member Whitney asked if the \$1.3 million included drainage issues, moving water from the house and landscaping issues. Mr. Duncan stated that the estimate was pretty complete, but it only included minor landscaping.

Mayor Messina stated that we have waited too long to rehabilitate this property. The longer we wait the more expensive it will get. Now is the time to do it. We have a grant that will cover some of the costs. Council should have Mr. Erickson figure out a way to come up with the rest of the money. One of the reasons we lost out on the money we applied for is that we did not provide accessibility. He is willing to spend the full \$1.3 million to complete the project now. He thinks the building should be open to the public.

Council Member Whitney stated that option #4 should be implemented. He is supportive of finding other funds to finish the project. The project should be given high priority when Council discusses their strategic planning.

Council Member Campbell asked how inflation would be dealt with. Mr. Duncan stated that inflation will happen and that is why the project needs to be dealt with.

Council Member Smith wanted to clarify what option the Mayor was endorsing. Mayor Messina stated that he was endorsing option #2, which is the 'Rehabilitation for Immediate Use' estimated at \$1.3 million. Council Member Smith stated that he also endorses option #2 with the condition that Council makes that a part of their budget discussions.

Mr. Alvarez asked Mr. Duncan if we were to proceed with option #4, and then applied for a second round, picking up the balance of option #2, would that work? Mr. Duncan stated that they could begin with option #4, call it a phase project, and finish up with the balance of option #2.

Vice Mayor Patterson supports getting started right away with option #4 and Council could then consider on their priorities project, finishing the job with the remainder of option #2. She wanted to emphasize the need for the reuse study. It will stimulate the imagination of what the building could be used for. It will also help us understand that we can maintain public access, but we could also have some kind of private and public partnership on this.

Council Member Campbell stated that he would go with option #4, but he does not want to go with the reuse study.

Vice Mayor Patterson stated they need to have a rational study for possible uses for the building. It will be money well invested.

Mayor Messina asked Mr. Duncan if the outcome of the reuse study would influence the scope of the work that would be carried out in option #2. Mr. Duncan stated that the reuse study would probably not change the scope of work. Mayor Messina stated that he is anxious to get to the point where the building can be used. Mayor Messina stated that if they go ahead with option #4, he would like to include the full design set that would be needed to take us all the way through option #2.

Vice Mayor Patterson made a motion to proceed with option #4, to include the cost proposal for completion of option #2, and include the cost proposal for a reuse study.

Council Member Campbell asked Mr. Duncan when the two options could be started. Mr. Duncan stated that they could begin option #4 in early July 2005.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council approved proceeding with option #4, and having Carey & Co. Inc. include a cost proposal for completion of option #2, and also include a cost proposal for a reuse study, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Mayor Messina stated that he wanted to qualify his vote by stating that he would like Carey & Co. Inc. to look at their schedule and expedite the project. He asked Mr. Alvarez to expedite the bidding process as well.

ABAG Projections for Benicia and Solano County:

Jim Erickson, City Manager, reviewed the Staff report. Mr. Erickson stated that it might be a good idea for someone from ABAG to come and do a presentation for Council as well.

Mayor Messina stated that he found the information presented in the report quite clear.

Vice Mayor Patterson stated that there were several points that Staff made in the presentation that were important for Council to understand: transit oriented development, when you do it, investments in transit, and the need for the kind of investment for economic development and how it relates to the job/housing fixture for Solano. 'Projections 2005' gave her some clear ideas that Benicia has been pretty focused on what its doing.

Mayor Messina stated that maybe Council should ask ABAG to come and make a presentation to Council and all the boards and commissions, as well as be open to the public.

Council Member Smith stated that he would like ABAG's presentation to be specific to Benicia. He would like to see how the growth of Solano County is going to impact Benicia and how we can link transportation planning to land use planning.

Council gave direction to staff to approach ABAG and set up a time when they can give a presentation to Council and all boards and commissions on this issue.

REPORTS FROM CITY COUNCIL COMMITTEES:

- 1. Mayors' Committee Meeting - Mayor Messina - Next meeting date: 1/19/05**
- 2. Arsenal Restoration Advisory Board - Council Member Campbell - Next meeting date: 3/16/05**
- 3. Association of Bay Area Governments (ABAG) - Vice Mayor Patterson - Next meeting date: 4/28/05**
- 4. Audit & Finance Committee - Council Members Campbell and Patterson - Next meeting date: 2/04/05**

Council Member Campbell stated that the committee might bring to Council a way to approach our portfolio a little differently.

- 5. Carquinez Strait Preservation Trust - Council Member Smith - Next meeting date: Currently inactive.**

6. City Employee Compensation Committee - Council Members Campbell and Whitney - Next meeting date: No further meetings scheduled.
7. First Street Revitalization Committee - Council Members Campbell and Smith - Next meeting date: 1/26/05
8. League of California Cities - Council Member Smith - Next meeting date: 2/03/05
9. Police Station and Civic Center Restoration Committee - Mayor Messina and Council Member Smith - Next meeting date: Not scheduled.

Reaffirm, by minute order, the on-going project of selective seismic upgrades to the 911 center and the 911 equipment area of the police building and the security and safety upgrades to the prisoner uploading, loading and holding area:

Direct Staff to stop the design process for the new police facility and civic center restoration until Staff can identify a funding source:

Council Member Campbell stated that he does not agree with directing Staff to stop the design process for the new police facility and civic center restoration until staff can identify a funding source.

Mayor Messina stated that it was decided at the last meeting the committee had, that the needs of the facility that the police department has set cost a certain level. The community is not willing to go to that level. The short-term approach is to continue doing improvements to the existing structure and carry out the seismic retrofit activities, the cell issue, restroom issue, etc.

Council Member Smith stated that the committee and the Chief felt it was prudent to go ahead with the \$640,000 improvements to the existing building. He does not feel it would be a good use of funds to continue with the design process. We may not stick with this site. The design process is bound to the site choice. The project could be impacted by the development of the Benicia Business Park.

Council Member Campbell stated that the longer we put this off, the bigger the cost will be. We have spent \$2 million dollars on this thing that we may just be throwing away. We need to continue along with this regardless of what will happen with the School District or the Seeno property. We can't make contingencies on things we are not sure will happen.

Mr. Erickson stated that it was not in Staff's best interest to pursue the full project right now. It is in our best interest to try and pursue the all important safety improvements.

Vice Mayor Patterson stated that the public's appetite would be hungry for what is known as a 'green building' that uses less electricity, recycled water, etc. That is part of what the public will respond to. The building also needs to fit within the historic setting. Regarding location, as long as she is on the Council and the next term, the police stations will stay around the civic center. It is bad medicine to have police stations far removed from civic centers. We need to explore the possibilities of a joint election because of the school situation so the public can see what it is that they are all benefiting from. There would be less of the pulling apart and more of coming together.

Council Member Whitney stated that we need to go back and make this work. It is an important safety issue in our community. If we continue to delay this, the costs will continue to increase. We need to continue to discuss this with the public. He agreed with the Vice Mayor regarding the location of the police station.

Mayor Messina asked who on the Council was willing to make a motion to go to the public and ask for \$10-15 million dollars for a new police building. Council member Campbell stated that he was comfortable making a motion to go to the public in November 2005 and asking them to vote for spending \$9 -9.5 million. Mayor Messina stated that if they vote on too low of a number, he is fairly certain that they would have to go back and ask for more because \$9.5 million would not be enough.

Mr. Erickson stated that \$9.5 million would not be enough to build a building that meets all the functional requirements needed. We would not get the enthusiasm and support needed.

Vice Mayor Patterson suggested this be scheduled for future discussion so that proper information could be provided for review. She asked what happened to Beverly Prior not doing a design to \$9.5 million dollars. Didn't the notes say that someone else would come in and do something else and it would not be Beverly Prior? We need to have more discussion and clarification on this. Chief Trimble stated that Beverly Prior is still under contract. Her contract is down to about \$7,000. Vice Mayor Patterson stated that Council does not have all the information. It is difficult to give direction when all the information is not readily available.

Mayor Messina stated that he is fairly certain that any new project they come up with will be in the area of \$10-15 million dollars.

Council Member Whitney stated that there is a large general consensus that something needs to be done with the police station. Costs are not going to go down. It is important that we build a police station that meets our needs. He would like to have some more discussion on this to find out what the appetite of the Council and community is.

Council Member Smith stated that one of the recommendations of the committee was to consider enlisting a new architect, and that has not been done. He stated that the civic center is no longer the geographic center of our town. The Municipal Service Review identified that the Benicia Business Park is going to necessitate a new fire station to service that area. He can imagine that City could make that a public safety facility. We could attach the needs to a project that would have to pay its own way. He wondered if forcing the \$9.5 million issue might inhibit the port tax issue in the future.

On motion of Council Member Smith, seconded by Mayor Messina and unanimously approved, Council reaffirmed, by minute order, the on-going project of selective seismic upgrades to the 911 center and the 911 equipment area of the police building and the security and safety upgrades to the prisoner unloading, loading and holding area, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

On motion of Council Member Smith, seconded by Mayor Messina, Council did not approve the direction to Staff to stop the design process for the new police facility and civic center restoration until Staff can identify a funding source, on roll call by the following vote:

Ayes: Council Members Smith and Mayor Messina

Noes: Council Members Campbell, Patterson, and Whitney

Vice Mayor Patterson stated that she would like to make motion directing Staff to provide Council with a report from Staff and committee members to explain the process, the information learned and the reason for the recommendation.

- 10. School District Liaison - Council Members Smith and Whitney - Next meeting date: 1/20/05**
Council Member Smith stated that on the next agenda, the committee will be considering the proposed cooperation by the school district and The Spot dances. They will be considering a recommendation from Staff to expand the scope of the port tax committee to other revenue sources. The meeting will be at 8:30 a.m.

Mayor Messina asked when a joint meeting between the Council and the School Board meeting would be taking place. He is anxious to discuss the cooperation on field improvement and maintenance. Council Member Smith stated that very issue is on the 1/20 agenda. The scheduling of the joint meeting is also on the 1/20 agenda.

Council Member Campbell stated that he is softening his view after last Tuesday's School Board Meeting. Council is going to need to do something to help them out.

- 11. Sky Valley Area Open Space - Council Members Patterson and Smith - Next meeting date: 1/24/05**
- 12. Solano EDC Board of Directors - Vice Mayor Patterson - Next meeting date: 1/20/05**
- 13. Solano Transportation Authority (STA) - Mayor Messina - Next meeting date: 2/9/05**
- 14. Solano Water Authority/Solano County Water Agency - Mayor Messina - Next meeting date: 2/10/05**
- 15. Sunshine Committee - Council Members Campbell and Patterson - Next meeting date: 1/25/05**
- 16. Traffic, Pedestrian and Bicycle Safety Committee - Council Members Campbell and Patterson - Next meeting date: 1/20/05**

Vice Mayor Patterson stated that the committee will be reviewing the City's noise regulations relating to transportation. They will also be considering the proposed angled parking layouts for the 100 blocks for D Street, F Street and H Street.

- 17. Tri-City and County Regional Parks and Open Space - Council Member Whitney - Next meeting date: To be determined**

Council Member Whitney stated that the Board of Supervisors voted 3-2 to make a non-recommendation to go forward with the Regional Park process. This will have to be revisited.

18. Valero Citizens Advisory Panel (CAP) - Council Member Whitney - Next meeting date: 1/27/05

Council Member Whitney stated that the draft report on the Cold Eye (third party) Review should be available soon.

19. Youth Action Task Force - Council Members Smith and Whitney - Next meeting date: 1/26/05

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:06 p.m.

Lisa Wolfe, City Clerk