

February 1, 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
REGULAR MEETING - CITY COUNCIL
FEBRUARY 1, 2005**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, February 1, 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, Smith, Whitney, and Mayor Messina

Absent: Council Member Campbell (arrived at 7:32 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina expressed heartfelt condolences and appreciation on behalf of Staff and Council to the family of Marine First Lieutenant Dustin Shumney who recently died in Iraq. First Lieutenant Shumney was a former Benicia resident and graduate of Benicia High School. Mayor Messina expressed condolences to all of the families and loved ones of the Marines that lost their lives in the recent helicopter crash in Iraq. He thanked all of the servicemen and women currently serving our interests overseas. He asked everyone to join him in a moment of silence.

Mayor Messina announced one full-term opening on the Planning Commission.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

Mayor Messina presented the Spirit of Solano Award to Nationwide Auction Systems. Mr. Rely Pio Roda accepted the proclamation on behalf of Nationwide Auction Systems.

ADOPTION OF AGENDA:

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, 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:

Council received a letter (on file) from the Chairman of the Audit and Finance Committee.

PUBLIC COMMENT:

1. Council Member Dan Smith stated he is disappointed that Council is not making an appointment to the Planning Commission tonight. One of the Commissioner's terms has been expired since last October. This is a political appointment and a political process. It is a situation that calls for compromise. There are numerous applicants for this position. He hopes the Mayor will not abuse the process by allowing a commissioner who is not reappointed continue to serve indefinitely. Especially since the Mayor himself has a project currently undergoing planning approval by the City. Council Member Smith congratulated Nationwide Auction Systems. He then thanked City Clerk Lisa Wolfe for an excellent, thorough set of minutes from the 1/18/05 Council Meeting. Council Member Smith discussed the proposal for consultant facilitation of a community discourse on the Benicia Business Park. He stated that Benicia's Municipal Services Review has established that Benicia would need a third Fire Station to service the business park. Council Member Smith proposed that this project include an assessment district of some kind that will finance construction of not only a third fire station, but more appropriately a public safety building on the north end of town. Many of the shortcomings of our current Police Station could be met with a substation in this building. It is appropriate for new development to pay its way by financing the majority of such a building.

Council Member Smith announced the following upcoming events:

- 2/2/05 - The Napa Solano Audubon Society will have a Field Trip in Vacaville.
 - 2/4/05 - First Friday on First will be held downtown. As part of this event, First Street Roasting Company will host an art exhibition in honor of Black History Month.
 - 2/4/05 - Benicia Historical Museum will host a concert by 'Men of Worth.'
 - 2/5/05 - Arts Benicia will host its Fourth Annual Benicia Appreciation Night.
 - 2/10/05 - Solano Peace and Justice Coalition will host a lecture on Preservation and Protection of Native American Sacred Sites.
 - 2/11 and 2/21 - City Hall will be closed in recognition of two holidays.
 - 2/12/05 - Friends of the Library will be having their monthly book sale.
2. Council Member Whitney asked his colleagues to support his call to assign duty to create an ongoing pictorial history by the HPRC. He wants to have a discussion on this at the Council level. Mayor Messina suggested discussing it when Council sets their priorities, in terms of

allocating funds for that. Council Member Whitney stated that would be fine, but wanted to ensure it did not get lost in the shuffle like it did the last time.

3. Council Member Campbell stated that he wanted to recognize Collette Meunier, Community Development Director, as she has announced her upcoming retirement. He stated that she did a good job and wished her best.

CONSENT CALENDAR:

Council Member Smith requested item VI-B be pulled.

On motion of Council Member Smith, seconded by Council Member Whitney, 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

The Minutes of January 5, 2005 and January 18, 2005 were approved.

RESOLUTION 05-06 - A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF POLYALUMINUM CHLORIDE FROM JENCHEM INC. AT AN AMOUNT NOT TO EXCEED \$57,600 FOR THE PRE-TREATMENT OF WATER AT THE WATER TREATMENT PLANT DURING THE WINTER MONTHS

ORDINANCE 05-04 - 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)

RESOLUTION 05-07 - A RESOLUTION APPROVING CHANGES TO THE JOB DESCRIPTION FOR FIELD UTILITIES AND STREETS APPRENTICE

RESOLUTION 05-08 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF PARKS SUPERVISOR AND AMENDING THE CLASSIFICATION PLAN

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Council Member Smith stated that he pulled these items because the claims are from two Benicia residents that sustained damages as a result of City projects. He stated that Staff believes that the contractors are liable. He stated that the City Attorney has assured him that Council does not have to reject the claim at tonight's meeting, but could continue the item. Council Member Smith stated that he would like to continue the item to follow up further and ensure the contractors are going to bear their responsibility. Ms. McLaughlin stated that this item could realistically be continued to the next meeting or the meeting after that.

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

Implementation of Downtown Parking Improvements including angled street parking for First Street as recommended by the Traffic, Pedestrian and Bicycle Safety Committee:

Mayor Messina stated that he would be excusing himself due to a conflict of interest because he has ownership interest at 221 First Street, West F Street and 506 First Street.

Council Member Campbell stated that he would be excusing himself due to a conflict of interest because he owns property at 164 East H Street.

Dan Schiada reviewed the Staff report.

Council Member Whitney asked how long had the communities that we surveyed had angled parking in place. Mr. Schiada stated that there were some that had the angled parking recently installed and some had it for up to 75 years. Council Member Whitney asked if the streets in the other communities were all the same width. Mr. Schiada stated that they were not all the same width, which is why it made the comparisons difficult. Mr. Schiada stated that Benicia's street widths fit somewhere in the mid-range. Council Member Whitney asked what would happen if the angled parking were installed and it turned out not to work as we hoped it would. How would we go about unwinding it? Mr. Schiada stated that the bulb-out improvements would be a viable part of whatever parking arrangement we want. It would be basically re-striping and re-signing if that was to occur. Council Member Whitney asked what type of grants they are working on. Mr. Schiada stated that they are working on a \$200,000 grant at this time. The initial estimate for the bulb-outs is approximately \$800,000-\$1 million dollars. Council Member Whitney asked if there were any recommended changes to the vehicle code with the suggested changes. Both Mr. Schiada and Chief Trimble verified that there would not be changes to the vehicle code with the angled parking.

Vice Mayor Patterson commended Staff for recommending a CEQA review. She stated that Staff initially called it a CEQA assessment and then jumped to an initial study and negative declaration. The good thing about a negative declaration is that it really nails down the specifics of the improvements so you don't have future mitigation measures that you turn to. You actually have it secured within the negative declaration. Mr. Schiada stated that he believes we have to start with an initial checklist process that will help determine what items or issues we will need to focus on in the environmental review. Vice Mayor Patterson stated that in general, she favors negative declarations because they are a much stronger document. The problem we have in this case is that it does not require a discussion of alternatives. She would want, as a commitment from Staff, that if in their judgment the appropriate document is a negative declaration, there is a comprehensive discussion of alternatives. She would also like to see the reasons why, in the initial study, the alternatives did not rise to the level of requiring an EIR. Vice Mayor Patterson then asked Staff about the potential impact to historic resources. She is a little fuzzy about the exact CEQA requirements. She wants to make sure we are very comprehensive in looking at CEQA process and not trip up.

Public Comment:

- 1. Bonnie Silveria - Ms. Silveria read a prepared statement (on file). She stated that the Historical Society is concerned with the changes under consideration to First Street's parking and streetscape that were proposed in the Benicia Downtown Parking Study. The Goal of the Historical Society is to preserve the history and heritage of our City for future generations. She stated that the proposed plan is well intended, but regrettably in many instances these formulas have diluted the historic flavor of other communities. While the Historical Society supports the implementation of the Benicia Downtown Parking Study's short-term improvements, they must stress the need to retain the historic street grid and alignment.**

Vice Mayor Patterson asked Ms. Silveria to describe, for the record, what the Historical Society does, to establish expertise. Ms. Silveria stated that the Historical Society is a membership driven organization. They were established in 1973. They work toward the preservation of not just Downtown historical preservation, but for the whole community.

Council Member Smith asked Ms. Silveria if the letter was meant as a cautionary request, not a policy request. Ms. Silveria stated that the Historical Society opposes angled parking.

Council Member Whitney asked Ms. Silveria if the Historical Society was for or against the bulb-outs. Ms. Silveria stated that they had not yet discussed the bulb-outs, but it was her opinion that the bulb-outs should not be done.

- 2. Greg Davis - Mr. Davis distributed a petition that he had circulated to some of the First Street merchants. He stated that in one afternoon he obtained 34 signatures opposing the angled parking. He stated that this should give Council pause to reconsider this issue. He stated that an Insurance Agent told him that he experiences many accident claims that have to do with angled parking accidents. He stated that when this item was voted on, there was no discussion. He stated that the City spent \$37,000 on a parking study that states that we have sufficient parking spaces. We would be going against the study that we paid for. He stated that the discussion has moved towards modulating the speed on First Street. He questioned whether or not there is a speeding problem on First Street.**
- 3. Jerry Hayes - Mr. Hayes stated that Council needs to slow down and pause to think about this issue. How this got from a complaint about parking to an expenditure of almost \$2 million dollar project is beyond him. He questioned the validity of a speeding problem on First Street. He stated that the reason he hears we are doing this project is to calm traffic. What is being proposed will constipate, not calm the traffic. He stated that the Historical Society strongly feels that any changes that would change the historic character of Downtown will be a detriment. He stated that the streetscape plan did not propose bulb-outs for the length of the entire street. Bulb-outs will change the character of the street. He stated that bulb-outs are not a historical change. They are simply a 'boutiquing' measure. Bulb-outs are used in malls. This would change the character of our City and make us more like Fairfield or Antioch. If we are going to spend money on improvements to the street, we should do some of the things,**

like the street lamps, like we said we would do years ago. Staff clarified that the speed limit on First Street is 25 mph.

4. Jeanine Seeds - Ms. Seeds stated that she is concerned that the report contains incorrect information. Every meeting on this issue is started with incorrect information. The report lists an incorrect speed limit (30 mph) and an incorrect number of U-Turn signs on First Street. She stated that citizens do not want to spend \$2 million on bulb-outs. It is grossly overlooked that the citizens do not know what is going on with this issue. Council should ask the citizens what they feel about such projects. Council Member Smith stated that this item has been agendaized 5 times prior to tonight's meeting.

Vice Mayor Patterson asked Staff to clarify the \$2 million cost. Mr. Schiada stated that the bulb-outs were not included in the written documents adopted by Council. They had done a test block between C and D Streets that included bulb-outs and floating tree islands. That was done as a test case to see how it would look. Staff is recommending going forward with doing the rest of the corners along First Street to match the test block. He stated that Staff is asking for Council to give them the opportunity to apply for grant monies and to look for other funding sources to at least get a portion of the improvements done. They would go back to Council in May and report to Council where they believe they can move forward with this.

5. Mike Ioakimedes - Mr. Ioakimedes discussed his experience as Chairman of the Historic Preservation Advisory Commission. He discussed the poor condition of the historic properties at that time. If this is a historic preservation issue, it only comes about through economic revitalization. He stated that Pleasant Hill and Walnut Creek do 4 and 5 times the business we do downtown. We have to be able to change and offer an area people feel comfortable shopping in. We are performing at less than 50% of the State average (per the feasibility study). He stated that it might be easier to look at off-street parking, which would cost \$700,000. However, we do not have that money available. The money the City is seeking for this project is through grants.

Council Member Whitney asked Mr. Ioakimedes how important the bulb-outs were to him. Mr. Ioakimedes stated that the bulb-outs are more important to him than the angled parking. Currently, the street is not pedestrian-friendly. Council Member Whitney asked how he felt about doing a 2-block test strip. Chief Trimble clarified that might be confusing for drivers. The only thing that the test strip would test is how people like angled parking.

6. Libby McKendry- Ms. McKendry spoke on behalf of the Benicia Main Street Board. They are in agreement with the project as it is presented tonight. The bulb-outs are very important to the nature of the street. Many historic towns have used angled parking to slow down traffic. We need to do more than a 2-block test area. We need to do at least 4 blocks at a time. She stated that this project needs to move forward.
7. Donnell Rubay - Ms. Rubay stated that she has been following the parking issue for over a year now. Less than a week ago the issue changed from a \$37,000 proposal, which would affect some change, to a \$2 million dollar proposal. We are looking at \$1 million dollars that would impact the streets (the bulb-outs and striping). Only the smaller proposal was discussed at any of the meetings she attended. The bulb-outs were not publicly discussed. She walks

First Street a lot. She has never experienced cars going too fast down First Street. There was no mention in the report as to how many parking spaces this project would add. She feels like the voices of the non-business owners are being ignored. She is worried that people will not come down First Street if this goes forward. If this does not work, and we have to 'rewind' the project, we will have paid close to \$1 million to lose parking spaces on First Street.

8. Stan Houston - Mr. Houston congratulated Staff on a job well done on this project. The most important thing is to bring a sense of place to First Street. He stated that it appears that safety and history have become the most important issues with this project. He stated that Staff has addressed the issue of Safety. If history is an issue, maybe we should bring in an expert on history.
9. Bob Mutch - Mr. Mutch stated that he does not understand how angled parking and bulb-outs would diminish the historic character of Downtown. He stated that bulb-outs are a good idea. He stated that he thinks Staff will aggressively seek grant funds so that we will not see the whole \$2 million out of the City's funds.
10. John Van Landschoot - Mr. Van Landschoot stated that the Historical Society is concerned about safety. The curbs are not very high and cars could jump the curbs. In the parking study it is stated that there is ample parking downtown. The report also says to do something about the B and E Street parking lots. He does not have a problem with doing test blocks. He stated that signage is an issue downtown. What is not in the report is angled parking for the length of the entire street. He stated that the 'flip-flopping' is not safe. He stated that the bulb-outs are not mentioned in the report either. First Street is a checkerboard pattern. Bulb-outs would destroy the historic nature of the street. He wants to see more public input. The City needs to talk to the merchants. This issue should be put on hold until the people have a chance to participate.

Vice Mayor Patterson stated that this process is not working and that she was frustrated. She believes in engaging the public. We are not getting closer to agreement. She suggested considering some kind of dialogue process. We need to have a community conversation. She is frustrated that during the General Plan preparation, they spent one quarter of the meetings discussing the need for traffic calming, its purposes and how to go about implementing it. We have a disconnect. The CEQA process speaks to the need of an EIR. We need to talk about the whole of the project in the project description. She believes in angled parking. She has confidence that in a proper assessment we will see that historic towns do very well with angled parking, and that the safety is not as great as people have been attesting to. If we were doing a CEQA notice of preparation these comments would be important to consider. She is hopeful that we have at least one, if not two conversations with the public on this issue.

Council Member Smith stated that Mr. Schiada referenced widespread participation in the development of this proposal. Council Member Smith stated that for the most part is true, with the exception of the bulb-outs. He asked that this be brought back to the EDB as well as the Traffic, Pedestrian and Bicycle Safety Committee. He remains concerned that angled parking would create more accidents than parallel parking. The petition Mr. Davis presented tells him that the First Street merchants are divided. He believes this project could be a good thing. It could slow traffic down. It

would improve commercial viability. The reason he was previously in favor of doing a test section, but is no longer in favor, is because he agrees with Staff's position. It will be difficult to judge the effects. He is in favor of more community conversation. He is in favor of going ahead and studying the results of the existing bulb-out, the other proposed changes including the additional bulb-outs, and the impact on the historical integrity of our downtown.

Council Member Whitney asked how many parking spaces we would lose due to the bulb-outs. Mr. Schiada stated that the bulb-outs would affect a few, but not a significant number of parking spaces. The bulb-outs also provide us with designated loading zones.

Vice Mayor Patterson noted members of the community speaking tonight raised the issue of SUV's and trucks. One idea would be to pull back the parking spaces away from the corner. SUV's were not around at the turn of the century. This is a modern problem that we need to deal with.

Council Member Whitney asked Chief Trimble if we are currently ticketing vehicles that are in violation on First Street. Chief Trimble stated that they are issuing citations on a by-complaint-basis. Also, if it is noticed during patrol, they will ticket at that time as well. He stated that the new parking enforcement vehicle would be debuting on 2/3/05. Council Member Whitney stated that he is in favor of angled parking. He favors having a 4-block test section. He does not see the value of rushing into putting the bulb-outs in. He thinks getting an expert in, as Mr. Houston suggested, to tell us what affect the bulb-outs and angled parking would have on the historical nature of the street could be a good idea.

Vice Mayor Patterson asked Staff how long the City has been considering angled parking on First Street. Chief Trimble estimated that it has been approximately 5 years. She stated that she wanted to give a suggestion that could be part of a motion. We need to have a dialogue with a couple of experts, one being a historic expert and one traffic-calming expert. She asked Mr. Schiada what happened to Council's prior request to have Dan Burden come in and host a traffic-calming workshop. Mr. Schiada stated that they are currently working on getting someone in to do a traffic-calming program. He still needs to follow up on this. However, he cannot pick one particular consultant because he has to go through the RFP process. His concept is to develop a citywide traffic-calming program. Vice Mayor Patterson stated that the specific request was to have Dan Burden come in and do a 1-day workshop. Having the community be able to participate in the 1-day workshop with Dan Burden is essential. She suggested we move forward with that. We need to do that before we nail down the project description and CEQA. We need to have these two dialogues before we move forward.

Council Member Whitney asked if Staff knew of any other historic communities that have bulb-outs. Mr. Schiada stated that Sonoma, Healdsburg, Petaluma and many other towns have bulb-outs. Council Member Whitney stated that we need to be aligned as a community on this. The bulb-outs seem to have some divisiveness attached to them. He is in favor of angled parking. He is open to the Vice Mayor's suggestion of a 1-day workshop.

Heather McLaughlin, City Attorney, cautioned Council that the City has trouble sole-sourcing agreements with professionals. We will have to go through the bidding process. It is going to depend

on the amount of money the people want to do a 1-day seminar. Vice Mayor Patterson stated that Mr. Burden has a standard rate of \$1,000 per day. Ms. McLaughlin stated that if a contract is less than \$50,000 we have to get proposals or quotes from at least two people. Vice Mayor Patterson suggested proposing we have something along appending to the proposed Resolution and amending it by adding 'authorizing Staff to organize two community dialogues; 1) addressing historic character and the effects of parking and traffic calming and 2) doing the Dan Burden traffic calming workshop, scheduled prior to the RFP for the final design and the CEQA process.' This should be added to the resolution after 'Downtown parking improvements'. The rest of the Resolution should stay the same. She stated that we need to be able to tie in the traffic calming. It should state 'prior to City authorization of preceding with the CEQA documentation, it needs to go through the Traffic, Pedestrian and Bicycle Safety Committee for a public hearing.'

Council Member Smith stated that we do not need either of the Resolutions. We just need to proceed with a motion for Staff to come back with a proposal for a workshop on the impact of traffic calming on the historic district.

Mr. Erickson asked for clarification on the direction to Staff. Vice Mayor Patterson clarified that she wanted a full-day workshop for the traffic calming issue. She stated that the workshop dealing with the historic issues might not need to be a full day. We need to have some proposals that will deal with the arrangement of parking and the effect of traffic calming. She was sure there are experts in the Bay Area that can assist the City with this process.

Mr. Schiada stated that we might need to get some help dealing with the historic discussion/workshop. That means we will need to hire another consultant. He suggested using a portion of the previously approved \$37,000 to pay for the two workshops.

On motion of Council Member Smith, seconded by Council Member Whitney, Council gave direction to Staff to reallocate a portion of the \$37,000 towards the cost of the workshops and have Staff come back to Council with an update and specifics on the scope of work and cost, on roll call by the following vote:

Ayes: Council Members Paterson, Smith, and Whitney

Noes: None

Abstain: Council Member Campbell and Mayor Messina.

Vice Mayor Patterson called for a 5-minute break at 9:45 p.m.

The meeting resumed at 9:53 p.m.

Resolution approving the Scope of Services with Moore Iacofano and Goltsman, Inc. (MIG):

Karen Majors, Assistant City Manager, reviewed the Staff report.

Mayor Messina asked if the \$16,290 cost is appropriate for the three community meetings, and if Seeno would be reimbursing the City for those costs. Ms. Majors stated that Seeno would not be reimbursing the City for the costs. This was something that Council decided to do on their own at the 12/7/04 meeting.

Vice Mayor Patterson stated that she would like to see Seeno reimburse the City for the costs. Mr. Erickson stated that Staff never received direction from Council to approach Seeno about being reimbursed for the costs. It was clear that this was a City process, not a Seeno driven process.

Council Member Campbell stated that he has a problem with consultants. The hourly charges seem high. He will vote against this for that very reason.

Mayor Messina stated that he is not opposed to the process but is concerned about the cost of consultants. He is not opposed to the community process, but has trouble supporting the dollar amounts. He would prefer Seeno to come forward and offer to pay for the costs. He is willing to spend Staff time, but not City money.

Vice Mayor Patterson stated that Seeno was very clear that they would not be a part of the community dialogue. They thought it would be taken care of through the CEQA process. We are playing with the future of Benicia. One way or the other, Seeno will pay. She very much supports this issue. Seeno was adverse to participate in the community dialogue. They wanted to go directly to the EIR. The EIR impact is like a straight jacket in terms of looking at alternatives, and they understand that. They are manipulating the process to get their way. It is far better for us to err on the side of getting assistance from the community through that dialogue with professionals than it is to stand on our principals (of having the developer pay) and regret it for the rest of our lives.

Council Member Campbell wanted to approach Seeno again about reimbursing the City for the costs.

RESOLUTION 05-09 - A RESOLUTION APPROVING THE SCOPE OF SERVICES WITH MOORE IACOFANO AND GOLTSMAN, INC. (MIG) FOR CONSULTANT SERVICES TO SUPPORT THE COMMUNITY CONVERSATION PROCESS REGARDING THE BENICIA BUSINESS PARK PROJECT (DISCOVERY BUILDERS/SEENO) FOR AN AMOUNT NOT-TO-EXCEED \$16,300

On motion of Council Member Smith, seconded by Vice Mayor Patterson, Council amended the Resolution to include direction to Staff to approach the developer to inquire if they are willing to pay for the costs of the community conversation process. If the developer does not agree to pay for costs, the City will go ahead with the process and pay for the costs, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, and Whitney

Noes: Council Members Campbell and Mayor Messina

NEW BUSINESS:

Resolution directing the preparation of a gateway entrance overlay district and conceptual street designs and establishing an annual livability awards program:

Collette Meunier, Community Development Director, reviewed the Staff report.

Mayor Messina stated that he questions whether or not we are going in the right direction. He is concerned that we are increasingly adding overlay districts onto the zoning. It is making it extremely complex for the average citizen to go through our zoning. He would prefer something more far-reaching and more inclusive. We should look at delineating those areas as what they are and

providing comprehensive zoning as they are.

Vice Mayor Patterson stated that the reason you would want to use design guidelines rather than zoning is that zoning is too technical. Our zoning standards are very rigid, not flexible, and they are very limiting. Most planners are trying to get away from the rigidity of zoning. In order to deal with zoning, if you have a constraint, you have to do a variance. Variances are very difficult to do because you can only do them for physical reasons, not because they are inconvenient. Design guidelines allows the community to visualize what an area will look like. We don't have mixed use zoning right now because it exploded and the process broke down. Other communities have experienced that and they have found that if they go through a design guideline process that precedes the mixed use zoning, which is the current trend, they can allay a lot of the concerns that the community has. The frustration with the process we have in Benicia for quite some time is that because we don't have mixed-use zoning, we are using planned development in inappropriate ways. We need to have a mechanism that works. Until we get that mixed-use zoning we are stuck. One of the aspects about the Staff report is that they inquired with consulting firms, some of which are the most expensive in the Bay Area. We did not get a sense of what they could offer from one of the contacts. They can offer the ability to work with citizen planners. We had offers from speakers that approached the Council requesting that we tap the resources in Benicia and have the direction with the planner. She encourages this in the mix for the priorities. It could be a whole lot less than the \$75,000-\$125,000 quoted. To engage the community planners we have who have the expertise and can put the design guidelines in a package. She suggested we do this as a template for East Second Street as it allows us to see how it works. We need to consider this.

Council Member Campbell stated that he was willing to give this a shot. He will look at the numbers when they come in.

Council Member Smith stated that if we do that, Council would need to put that into its work program. He stated that there is a need for some kind of a gateway zoning or district. He did not think Council could authorize any spending until they view this in the context of the entire work program. He will not be voting to approve any more projects within particularly the East Second Street Gateway until Council considers the area in a whole.

Council Member Whitney stated that this issue came up a few meetings ago. He was supportive of it then and is supportive of it now. At the time, there was a suggestion that we have some Grad students that could do the work for free. He would like to see if that option is still available.

Public Comment:

1. Belinda Smith - Ms. Smith the City's current practice of spot-zoning has resulted in a spotty mixture of stores, houses, houses converted to stores, and parking lots backing up to yards of nearby residents. A couple of months ago Council voted for the development on East Second Street because they felt it was unfair to the developer. What was unfair was the process the applicant went through. Design standards make it easier for the applicants and the design review. It is easier and much more fair. She was opposed to the East Second Street project

because it continued the piece meal process of approving applications. It is time to get something done. It is much better to have a city by design than by chance.

Vice Mayor Patterson requested that Council give direction to Staff to further inquire from Randall Fleming, who was the person who worked for us from UC Davis on the General Plan, and develop sufficient information for Council to see what kind of project this might look like under his type of approach. He has a lot of experience and is comfortable working with citizen planners. She thinks we can get a different proposal to demonstrate that we are talking about a lot less money. Council agreed that this direction to Staff was appropriate. Vice Mayor Patterson stated that the criteria require us to be consistent with law and with plan. Our General Plan is clear about what our land-use designation is. The General Plan also calls for citywide design guidelines. We are not using the planning process. Council, Staff and the Commissions do not have the tools we need for this.

Presentation of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2004, and recognition of previous year's Certificate of Achievement for Excellence in Financial Reporting:

John Woods, Chairman, Audit and Finance Committee reviewed the written report (on file) regarding the CAFR.

Rob Sousa, Finance Director, reviewed the Staff report.

Mayor Messina asked that the Audit and Finance Committee consider, as one of its options, to present to Council an option that requires no subsidy from the General Fund to operate the Marina.

Vice Mayor Patterson stated that the auditors did a fine job. The Audit and Finance Committee was concerned about the assessment districts and they hoped for some direction from Council on what they could explore at the subcommittee and come back to Council with some recommendations with guidance from Staff. On the Marina, they felt they had gone far enough on their discussions. They need to have direction from Council to continue the discussion. She believes they are in agreement that subsidies are not a good way to go with the Marina. They are looking at developing policies for the reserve. They are looking at integrating the financial planning with some of the other aspects of the General Plan.

Council Member Smith stated that with regards to the financial planning, he would like to hear something perhaps during the budget hearings, about the future impacts of the utility users tax and a potential sunset of that tax.

Council Member Campbell asked Mr. Sousa to clarify some specifics on financial figures in the report. Mr. Sousa clarified all of the costs in question to Council Member Campbell.

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously approved, Council accepted the CAFR report and authorized Staff to distribute the document to recipient agencies, on roll call by the following vote:

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

Noes: None

Resolution authorizing application for Solano Transportation Authority's Transportation for Livable Communities (TLC) Community Design Program for the Benicia Intermodal Transportation Station Location Study Project:

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

Vice Mayor Patterson stated that Mr. Schiada had a solution to a series of concerns that she had previously raised. Mr. Schiada stated that most of the concerns were changes to the meat of the application. If we are successful in receiving the grant, all of the changes could be incorporated into the scope of work. Vice Mayor Patterson stated that we need to be clear that the Intermodal Transportation Station would serve well with bus service until a train would be available (if ever). We need to make sure that the number of parking spaces are consistent with what Council talked about which would be around 300, not 500 spaces. We also need to be clear in our discussion on CEQA that we have adopted a resolution of avoiding significant environmental impacts. She suggested we define community-based organizations that go beyond what was listed. She also suggested that we establish methodology protocols for determining the estimates of thousands of vehicle trips that would be reduced. She stated that we need to be sure that we talk about express bus service to existing train service in Suisun, Martinez and the Ferry.

RESOLUTION 05-10 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT A GRANT APPLICATION TO THE SOLANO TRANSPORTATION AUTHORITY'S TRANSPORTATION FOR LIVABLE COMMUNITIES (TLC) PROGRAM FOR FUNDING THE BENICIA INTERMODAL TRANSPORTATION STATION (ITS) FINAL LOCATION STUDY

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

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

Noes: None

Discussion of the evaluation process used by Vice Mayor Patterson for Planning Commission appointments and discussion of a similar process for the Historic Preservation Review Commission: Vice Mayor Patterson reviewed the evaluation process that is currently followed. She asked if Council wanted anything done differently.

Mayor Messina stated that a number of individuals have approached him with concerns regarding the rating system and the fact that it is being published. He would like each Council Member to interview and speak with all of the applicants.

Council Member Whitney stated that he has some questions about a publicized rating system. That is a system that should remain confidential. The number one requirement should be that they live in the City of Benicia. The publicized rating system will discourage people from applying to the commissions.

Public Comment:

- 1. Bob Mutch - Mr. Mutch read a prepared statement regarding the appointment process. He stated that all citizens should be afforded the opportunity to serve the City. Exclusionary**

qualification criteria and grading systems fly in the face of open government and discourage citizen volunteerism.

2. **John Van Landschoot - Mr. Van Landschoot stated that he does not see how this process is discouraging citizens from applying. Nine people have submitted applications for the HPRC. There have also been many applications for the Planning Commission.**

Council Member Smith stated that the Vice Mayor's efforts were well intended. However, Council has heard testimony that the process has proved embarrassing to some people. We should just issue narrative qualifications, not quantified numbers.

Council Member Campbell stated that he liked the rational approach that was taken. It was a good attempt.

Vice Mayor Patterson stated that she would like to add a fourth category to the application. You can divide it up and get a sense of what kind of balance you are looking for on the commission. The scoring might not be as useful. You could set up a matrix without the scoring, but the matrix would be very clearly based on the four categories on the application. The Zucker Report indicated that for the community that we are, we are not as blessed on our commissions with the level expertise that we should have. We need to take that to heart.

Mayor Messina stated asked Mr. Erickson if, due to the late hour, the Reports from City Manager could wait until the next meeting. Mr. Erickson said they could wait, but the report would be quick.

Council Member Whitney made a motion to continue the Reports from City Manager be continued to the next meeting. The motion was not seconded.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, Council agreed to move forward with the meeting at 11:40 p.m., and hear the Reports from City Manager, on roll call by the following vote:

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

Noes: Council Member Whitney

REPORTS FROM CITY COUNCIL COMMITTEES:

Information regarding plans for the discussion of Council Priority Setting Workshops and setting a date for a second meeting in Early April:

Karen Majors, Assistant City Manager reviewed the Staff report.

Mayor Messina stated that he prefers to have one meeting that discusses the operating expenses and one meeting that discusses the capital expenses. He would like to have both meetings in March.

Vice Mayor Patterson stated that she is concerned about doing this in a timely manner. She would also like to have both meetings in March. She encouraged everyone to find time for the meetings. She asked if Council would consider scheduling the meetings on Saturdays or Sundays. Council agreed that weekend meetings would be acceptable. Council asked Staff to look at Saturday dates and try to get the meetings scheduled.

REPORTS FROM CITY COUNCIL COMMITTEES:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:54 p.m.

Lisa Wolfe, City Clerk