

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
FEBRUARY 7, 2006

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 7, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina stated that the scheduled Closed Session meeting was cancelled. It will be rescheduled.

Openings on Boards and Commissions:

- Parks, Recreation & Cemetery Commission – 1 full term ending April 15, 2010
- Historic Preservation Review Commission – 1 unexpired term ending February 28, 2007
- Open Government Commission – 1 full term ending November 30, 2009
- Planning Commission – 1 unexpired term (due to a recent resignation)
- Human Services Fund Board – 1 term (due to a recent resignation)

APPOINTMENTS:

Mayor Messina stated that it is his intention to make appointments at the next Council meeting.

PROCLAMATIONS:

- The VOENA children's Choir performed two songs. Following the performance, Mayor Messina presented a proclamation in recognition of VOENA Children's Choir and Director Annabelle Marie.
- Celebration of Concepcion and Nikolai Day – February 18, 2006.

PRESENTATIONS:

What's Next for Public Libraries?

Ms. Joan Frye Williams, Library Consultant, reviewed a PowerPoint presentation titled 'What's Next for Public Libraries' (hard copy on file).

Solano Land Trust update of the Sky Valley – Cordelia Hills Resource Management Plan (RMP)

Ms. Sue Wickham, Solano Land Trust, reviewed a PowerPoint presentation (hard copy on file).

Council Member Whitney invited the community to take advantage of the few times that the land is opened to the public. It is legacy work that is being put into play out there. The land is spectacular. The key to this is access.

Council Member Hughes asked about the total acreage. Ms. Wickham stated that it is in the upwards of 10,000 acres. She believes Hiddenbrooke took a chunk of that, so it may be less. There is a little piece of land left that they would like to acquire. They are not currently in negotiation for that land.

Council Member Patterson stated that under the Governor's infrastructure bond idea, Senator Chesbro has attached the idea of open space, parks, and watersheds. Watersheds are covered in both infrastructure bonds for flood management and roads. If these bonds go through, it will be a new stream of funding for the watershed protection. She hopes Solano Land Trust will be able to take advantage of that.

ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, the Agenda was adopted as presented, on roll call by the following vote:

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (hard copies on file).

PUBLIC COMMENT:

1. Judy Reavis – Ms. Reavis stated that she wanted to speak on a procedural matter. On the 1/17 Council meeting, the appeal for the 120 Incline Place project was on the agenda. The appeals were withdrawn. The appellants believed they had a final settlement with the Lobdell's. It has now been three weeks and they have not received a final written settlement. She reminded Council that two letters were submitted to Council that clearly stated that a settlement had been reached. Unfortunately, it appears that Mr. Heppell was more interested in having the appeal settled than following through with the neighborhood in making good on a final written settlement. She requested Council allow the appellant to reserve the right to come back before Council to have the appeal heard if a final settlement is

- not reached. Mayor Messina stated that the City Attorney would take the information under advisement. Ms. Reavis then discussed the issue of height with the building at 120 Incline Place. The house goes beyond the legal limit. She was given a document from Community Development Department regarding height and a 'warped plane.' The City needs to re-evaluate and reassess what determines a 30-ft. height on a structure.
2. Kitty Griffin – Ms. Griffin discussed Council's list of its top ten priorities. She discussed Form Based Zoning as it applies to commercial property and the Arsenal. Somehow, this got put under 'the big tent.' She preferred 'the small tent' to 'the big tent.' The entire area needs to be rezoned. It looks like there is some needless research in the new plan. A couple of projects that are in the works will be approved by default. There will never be a consensus unless everyone sits down together and discusses it. She discussed an article that was written in 2000. The article discussed revisions to zoning changes. She would prefer to have Form Based Zoning citywide. Because it will preclude any ideas that come up, she requested some device be made to put the future projects on hold.
 3. Sabina Yates – Ms. Yates spoke in support of clean money ordinance. She felt the candidates won not because of the strength of their arguments, but because they had more money to spend. The recent campaign spending was excessive and obscene. What is the prize won by spending so much money? Perhaps bigger salary increases. Could salary increases ever be that big? We need to get big money out of our small town elections. She urged Council to vote for a clean money ordinance. She hopes the clean money bill passes in the Senate. She thinks Benicia could have its own ordinance regarding clean money.
 4. Marilyn Bardet – Ms. Bardet read a prepared statement (hard copy on file) regarding the need for a timely, separate Arsenal planning process using Form Based Zoning.
 5. Sherry Perkins – Ms. Perkins requested to have the Portside Village flooding issue agendaized at a future meeting. She wants to know what is being done to prevent the same type of flooding in the future. There seems to be a chronic problem with flooding in her garage. The City is technically her landlord. Mayor Messina suggested Ms. Perkins give her contact information to the City Manager so he could look into her requests and get back to her.
 6. Jeanine Seeds – Ms. Seeds stated that she still does not understand how the Incline Place project could be lifted and the utility line be moved, but Mr. Royal could not move forward with his project. It does not make sense to her. She is not clear where Council gets its opinions on priorities. The Waterfront Park is still not built, but the City is now getting a police boat. Where did it get the idea that a 7:00 p.m. start time for Council meetings were okay? When will Council listen to what the citizens want?
 7. Jon Van Landschoot – Mr. Van Landschoot presented documents to Council (hard copies on file). He wanted to discuss the issue of a clean money ordinance. He was shocked at the amount of money spent on the last election. Approximately \$10.00 per vote was spent. There are two openings on commissions. At the last Open Government Commission, the commissioners spent a lot of time looking through paperwork. He had a strong sense that some of the commissioners had not

seen the paperwork until that same day. He urged Council to conduct interviews when considering applicants for that commission. Per the Certified Local Government requirements, commissioners on the HPRC are supposed to have a professional background. Why would Council not want to put individuals that are true advocates on the commissions? Council will be taking the public's right to talk if they vote a certain way tonight. Council must have a compelling reason not to allow someone to speak publicly at a meeting. He wondered what compelling reasons Council has for limiting public comment.

CONSENT CALENDAR:

Council pulled items VII-C, VII-G, and VII-H.

Ms. McLaughlin clarified that the only minutes Council was approving tonight were the minutes of 1/17/06.

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

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

Noes: None

The Minutes of January 17, 2006 were approved.

Council approved the Denial of claims against the City by Bill Royal and referral to insurance carrier.

RESOLUTION 06-11 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AND FILE AN APPLICATION FOR FUNDING UNDER THE SURFACE TRANSPORTATION PROGRAM OF SAFETEA IN THE AMOUNT OF \$200,000 FOR THE WEST K STREET OVERLAY PROJECT AND APPROPRIATING \$26,000 FROM THE GAS TAX RESERVE FUND FOR THE LOCAL MATCH

RESOLUTION 06-12 - A RESOLUTION APPROVING THE FINAL MAP, SUBDIVISION IMPROVEMENT AGREEMENT, REIMBURSEMENT TO DEVELOPER AGREEMENT, AND CONSENT TO FORMATION OF ASSESSMENT DISTRICT FOR THE OAK HILL SUBDIVISION

Council approved the consideration of an alternative proposal for the subdivision of a parcel into two new residential lots. The property is located at former West 7th Street, between I & J Streets (APN: 89-342-140). This item is a continuation of the January 17, 2006 hearing originally considering the subdivision of the subject parcel into three lots.

RESOLUTION 06-13 - A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE SEVEN CITIES IN SOLANO COUNTY TO PROVIDE ANIMAL SHELTER SERVICES FOR THE PERIOD MARCH 1, 2006 THROUGH JUNE 30, 2013

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 an agreement with Comcast to extend the cable franchise to 2013:

Council Member Patterson stated that she wanted to bring Council's attention to the placement of the physical utility boxes. She understands that the cable and other utilities are required to put these utility boxes underground for a new development. She sees the utility units popping up all over town in existing developments. It affects the aesthetics of the neighborhoods. She would like it noted that it is a problem, and would like Staff to consider some remedies for the problem.

RESOLUTION 06-14 - A RESOLUTION APPROVING THE NON-EXCLUSIVE CABLE FRANCHISE EXTENSION AGREEMENT WITH COMCAST AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

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

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

Noes: None

Introduction of a proposed ordinance amending Section 4.08.090 (Public testimony at regular and special meetings) of Chapter 4.08 (Public access to meetings) of Title 4 (Open Government) of the Benicia Municipal Code:

Council Member Patterson stated that she clearly has a problem with the proposed changes. The proposed changes do not advance the purpose and goals of the ordinance.

Mayor Messina reviewed the current practices of many of the commissions that he is currently serving on. The proposed changes fall in line with current practices of many commissions.

Council Member Whitney asked if the changes were in conflict with the Brown Act. Ms. McLaughlin stated that the proposed changes are in full compliance with the Brown Act.

ORDINANCE 06- - AN ORDINANCE AMENDING SECTION 4.08.090 (PUBLIC TESTIMONY AT REGULAR AND SPECIAL MEETINGS) OF CHAPTER 4.08 (PUBLIC ACCESS TO MEETINGS) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE)

On motion of Council Member Whitney, seconded by Council Member Hughes, the above introduction and first reading of an ordinance was adopted, on roll call by the following vote:

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

Noes: Council Member Patterson

Introduction of proposed ordinance amending Section 2.52.010 (Establishment – Membership) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code:

Council Member Patterson stated that she was glad the Mayor brought up the current practices of appointing commissioners. She would also like to be guided by the practices of other cities' for appointing Planning Commissioners. There are various processes of making Planning Commission appointments as demonstrated by the research and news article in the Benicia Herald. What is suggested in this proposed ordinance is almost patriarchal. Council needs to provide more guidance. Appointing Planning Commissioners is important and the process should be considered carefully and based on what works in other communities. She would like this item to be delayed and for Staff to provide survey information for future Council review and discussion. Council has not done its homework.

Vice Mayor Schwartzman discussed the proposed ordinance. Out of 22 cities, only one other one does what this Council does with Planning Commission appointments. He attended a conference in January with other new council members and mayors and did an informal poll as to how other cities chose their planning commissioners. He was flabbergasted. He thought what was being proposed was in the majority with respect to how other cities are handling Planning Commission appointments. The obvious consensus out there is for it to be a more open process. He advocated for the Mayor to appoint a subcommittee of two Council Members. Those two Council Members would interview all candidates and make a recommendation to Council. The current proposed process would give the opportunity for the Mayor to appoint someone and that someone could be voted down. His proposed format would open things up and provide an opportunity for a little more broad representation of the community. The Mayor would have the appointment power as to who would be on the subcommittee.

Mayor Messina stated that Council voted on this process. Tonight's item is a result of that vote.

Council Member Hughes stated that he was looking for a more streamlined approach to commission appointments. He clarified the meaning of the word 'appoint'. It means to nominate. The proposed approach is a good one. He likes the flexibility it offers. The Mayor does not have to just go to the Vice Mayor. He reviewed the proposed appointment process. He strongly encouraged all Council members to interview all applicants.

Council Member Whitney reaffirmed his desire to wait on this until Council gets an answer from the Attorney General. He is prepared to support tonight's proposal. If the Attorney General's opinion does not support that, he would support changing the process.

ORDINANCE 06- - AN ORDINANCE AMENDING SECTION 2.52.010 (ESTABLISHMENT – MEMBERSHIP) OF CHAPTER 2.52 (PLANNING COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

On motion of Council Member Hughes, seconded by Council Member Whitney, the above introduction and first reading of an ordinance was adopted, on roll call by the following vote:

Ayes: Council Members Hughes, Whitney, and Mayor Messina

Noes: Council Members Patterson and Schwartzman

PUBLIC HEARINGS:

None

Public Comment:

1. Bill Royal – Mr. Royal asked to speak on his agenda item (VII-B). Mayor Messina informed Mr. Royal that his item had already been voted on. Mr. Royal stated that he had a right to speak. Council agreed to let Mr. Royal speak for five minutes. Mr. Royal became angry and vocal.

Mayor Messina called for a 5-minute break at 8:53 p.m.

The meeting resumed at 9:00 p.m.

ACTION ITEMS:

Review of draft Joint Use Agreement with Benicia Unified School District (BUSD). (Parks & Community Services Director, City Attorney & City Manager) – Continued from January 17, 2006 City Council meeting

Jim Erickson, City Manager, reviewed the Staff report.

Mayor Messina stated at a previous joint meeting, BUSD and Council reached agreement on various items. He does not feel comfortable changing those agreements. Regarding ‘with rooms’ - now is the time to put the specifics in with regards to space. With regards to the listed exhibits A and B, those need to be more specific. Regarding capital costs, BUSD agreed to an amortization period. Regarding the scheduling of facilities, BUSD specifically agreed that the City would control the scheduling of the facilities after-hours.

Council Member Patterson stated that there are two new Council Members. Staff and Council should bring them up to speed and get their input on the issues with the JUA.

Mr. Erickson stated that when the issue of scheduling was discussed, he thought Council ultimately directed Staff that City staff would schedule its own use and BUSD would schedule its own use. Mayor Messina stated that it was decided that the City would control the schedule after hours.

Mr. Alvarez stated that he did not want to argue the point of recollecting the decisions made at the meeting in question. He wanted to discuss the practicality of the scheduling. Staff has discussed this issue with staff at the schools. Because of the amount of facilities, it would be virtually impossible and less efficient to maintain a schedule for their uses. Staff wants to make the agreement work. Staff has established a very effective priority scheduling and master use schedule. There is a very effective sports board right now, and it can handle scheduling. He does not believe a ‘one-stop-shop’ would work. He

recommended maintaining the current proposed language. BUSD has agreed to the current language. The primary uses would be the gymnasium, cafeteria, and multi-purpose rooms. The City may want to use the auto shop or wood shops for woodworking classes, etc. He is more concerned that BUSD is more familiar with their sites, availability, etc.

Council Member Whitney stated that most people that have worked with BUSD have found it difficult to navigate through the process. He asked if Staff felt that the joint committee would change that. Mr. Alvarez stated that the joint committee would meet on a quarterly basis to deal with, among other things, conflict management, and resolution management. He is a member of the committee. They are aware that there will be bumpy roads that will need to be dealt with. Council Member Whitney asked Mr. Alvarez how they would handle confusion with scheduling. Council Member Whitney stated that time is of the essence. He does not want citizens to get stuck in a procedural quagmire.

Council Member Hughes stated that there seems to be some agreement with City Staff and BUSD on this issue. He does not want to drag this out any longer. If what is proposed does not work, it can be revisited.

Council Member Whitney suggested Staff come back to Council in six months to review how the proposed agreement is working. Mr. Alvarez stated that the current JUA does not work because it does not have the support of the School Board. One thing Staff needs to ask BUSD for is a copy of an established process that a citizen could go through to secure a building. That would put them on notice that they would be responsible for managing the schedules at their facilities. The success of the agreement is both staff's working together.

Vice Mayor Schwartzman asked about the lack of support by BUSD for the agreement. Mr. Alvarez stated that there is no accountability or process with BUSD's staff. He believes that the success of the JUA is the support by both elected boards to make sure the agreement will follow in place. The City would also have a citizens committee that would be dealing with this on a daily basis. Vice Mayor Schwartzman asked about the use of alcohol on school property. Mr. Alvarez stated that alcohol couldn't be served on school property.

Council Member Patterson stated that she wants to take advantage of the experience and talent of both staff's in the process. The process is the Joint Use Management group. That allows them to have the hands-on fine-tuning that is necessary. There have been some changes of the School Board and she does not want to be mired in past decisions if there is now agreement. She would like to make sure BUSD can see the major areas of the JUA that have been changed. There needs to be a joint meeting sooner than later so this does not drag on into 2007.

Public Comment:

Marilyn Bardet – Ms. Bardet discussed the lack of personnel at BUSD. There is good will with the new School Board. She was appointed to the 7-11 Committee. She is interested

in the issue of security and custodial care of the facilities. BUSD can barely take care of the sites as it is. It is uncharted territory. Mr. Alvarez stated that when one of the facilities is rented, the cost of the custodial care is included in the rental fees.

Vice Mayor Schwartzman asked about the Mills site. He discussed the 'annual report' and the need for a time period for the report. He asked for clarification on 'construct/not construct' issue on page IX-A-9. Mr. Alvarez clarified the issue. On page X-A-111b, he had questions on the rooms in question. In his mind, we need to be able to increase after school activities for kids. The most logical place is the classroom. Mr. Alvarez clarified that the rooms would be made available as long as they (the rooms) were not being occupied for school use. On page IX-A-14, Vice Mayor Schwartzman had questions on the 2005 water credit. Mr. Sousa stated that the 2004-2005 water credit would be a reimbursement of \$104,000 from the General Fund to the Water fund to cover what the City anticipates to be the utilities for the field irrigation. On page IX-A-14c with regards to funding, why has it not been done, how long will it take to get done, etc? Ms. McLaughlin stated that it would be possible to do this if we do the AB1600 study. The current study does not cover this. It has been established that the Finance Department would do the study, but it has not been established how long that study would take. There will be a meeting tomorrow where that issue would be discussed. On page IX-A-16, paragraph 4, it discusses insurance. He wanted to discuss the issue of primary coverage. Ms. McLaughlin reviewed the issue of primary coverage and 'alleged incident.' On page IX-A-18, the language 'by the district' was added. He asked if the last sentence in paragraph b should also reflect 'by the district.' Ms. McLaughlin verified that it should.

Council Member Whitney asked Mr. Alvarez about the after school programs the City offers. The rooms are critical for improving the logistics of that program (currently all children are transported from schools to Youth Center. It would reduce the City's transportation liability. The City would never ask for a room that was being used for educational purposes. The amortization is fair, just, and reasonable. Council Member Whitney asked about issues of conflict and how they would be handled.

Council Member Hughes had questions on page IX-A-8 regarding the million dollars for capital improvements. If there were an agreement tomorrow, how fast would it take to spend the million dollars? Staff confirmed that it would be two or three years. The first approach would be the High School, which has the most needs. It would take two to three years for completion. The expense would be mostly for improvements to irrigation and fields. The fields will be maintained and safe. Council Member Hughes asked if, regarding the capital improvements and BUSD's current plans for improvement it would reduce the City's expense. Mr. Alvarez believes BUSD's improvements were not for fields, they were for the fence, etc, not for turf or irrigation. Council Member Hughes stated that on page IX-A-10, there are inconsistencies with language in days/time that need to be cleaned up. On page IX-A-18d, it discusses the issue regarding if a facility is sold. Would the entire agreement terminate? Mayor Messina reviewed the prior discussion with regards to termination of the agreement. Council Member Hughes is encouraged to hear the agreement is getting close. He would like a joint meeting soon.

Vice Mayor Schwartzman asked if regarding the field conditions, Staff wants to make it a Cadillac or 'working condition'. Mr. Alvarez stated that Staff wants the school sites to be at the same standards as the City facilities.

Council Member Patterson discussed the termination issue. She agrees with the proposed termination clauses. It has taken two years to get this far. She is hoping for a joint meeting soon. She would like to see what the next step is and how Council can move forward.

The joint meeting (BUSD/Council) is scheduled for 2/16 at 5:30 p.m. Council Members Hughes, Patterson and Schwartzman stated that one hour was not enough time. Council decided to keep the meeting and see how far it could get, and schedule a second meeting if necessary.

Council Member Whitney asked Mr. Alvarez if Staff would be addressing the health and safety issues first. Mr. Alvarez confirmed that the health and safety issues would be addressed first (most of which are at the High School) and then they would work their way down the list.

Vice Mayor Schwartzman suggested Council decide on the termination issue, as it seems to be the main sticking point. It is prudent for the City to protect itself. Council majority decided to present the agreement as is. Ms. McLaughlin stated that if it is agendized properly, Council could vote on the agreement the night of the joint meeting.

Consideration of changes to the Balanced Budget Policy and the Fund Balance Reserve Policy

Rob Sousa, Finance Director, reviewed the Staff report. All 'one-time' references were replaced with non-recurring' language (red-line copy of revised resolution on file).

RESOLUTION 06-15 - A RESOLUTION APPROVING CHANGES TO THE BALANCED BUDGET POLICY AND THE FUND BALANCE RESERVE POLICY

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

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

INFORMATIONAL ITEMS:

Reports from the City Manager:

Update on storm damages:

Jim Erickson, City Manager, stated that Solano County has been named one of the counties that was designated a federal disaster area from the 12/31 storm. That means that dollars will be freed up for public and private damages. Staff will be finding out the magnitude of funds within the next few days. City Staff has been invited to FEMA to attend a meeting to be clued in on how the City will apply for the damage that occurred to public facilities. He listed the phone number, (800) 621-3362 and website

www.FEMA.gov for citizens to use for FEMA claims. The City did incur damages to public facilities, and would most likely be filing claims.

Council Member Patterson asked if FEMA has criteria to assist in deciding if a citizen qualifies for assistance. If so, it would be helpful for the City to provide that information to the citizens. Staff will look into that.

Reports on Council Priority Projects:

Jim Erickson, City Manager, reviewed the Staff report. Mr. Erickson was assisted by the Department Manager's for updates on various projects.

- Clocktower/Commandant's Residence:

Vice Mayor Schwartzman asked for clarification on the timing of Phase 1 for the Commandant's Residence. Mr. Alvarez confirmed it would be a year from the 60 days + 60 days + 30 days + 30 days + 60 days.

Council Member Hughes stated that when the priorities were first discussed, the Commandant's Residence and Clocktower projects were separate. Somewhere along the way, the projects were combined as a number one priority. He did not have it written down that way. He fully supports the upgrades and repairs to the Commandant's Residence. He is not sure Council fully identified the need for spending this much money for the downstairs improvements at the Clocktower. It's not that he does not support it, but if Council were talking about spending a million dollars on it, he would prefer it be done with grant money. He would rather spend the million dollars finishing the Commandant's Residence or even doing something else. It snuck in there as a tagalong with the Commandant's Residence. Mr. Alvarez stated that they are two separate projects, which is why he presented the updates to the projects separately. Mr. Alvarez explained how the grants work. Mayor Messina reminded Council Member Hughes about Council's discussion about using the funds that were earmarked for the Community Center for improvements to the downstairs area of the Clocktower so it could be used for the Scouts, among other things.

Council Member Patterson discussed the deterioration of the sandstone at the Clocktower. She stated that it might not be prudent to wait the six months for the grant as sandstone deteriorates quickly. Mr. Alvarez stated that he would discuss that issue with the consultant to find out what they recommend and report back to Council.

- 911 Center/Jail Upgrade:

Vice Mayor Schwartzman asked why, if the project is fully funded, it is on the priority list. Mayor Messina stated that it is because Council wants to ensure it gets completed. Mr. Erickson stated that at the time the priorities were discussed, Council had not approved the funding. It has since been approved, but the project is not yet completed.

- Community Center:

Vice Mayor Schwartzman stated that he wanted to tie together the Clocktower project with the Community Center project. The Community Park does not appear to be the most appropriate site. We may need to look at alternative sites. It is unfortunate that so much money was spent on construction drawings. Mills might be a useable site, but may not be available to the City, which leaves the Clocktower. The downstairs area of the Clocktower may be appropriate because of 4 reasons: 1) we need a community center, 2) we need a scout house, 3) we are able to put money into a community resource and historic asset in the Arsenal area, and 4) by doing the improvements and allowing the Scouts and the community to use the space, it will become apparent that the Arsenal area needs to have money put out there for improvements. An economic infusion of money out there is needed if people are going out there. There is parking out there. It ties together a lot of the things the community wants. The down side is that it is far out in the Industrial Park. But, it's not much further than the Mills site. On the money side of it, if we already have \$1.17 million available, we have almost paid for what Staff estimates redoing the downstairs of the Clocktower will cost.

Council Member Hughes stated that he agreed with some of Vice Mayor Schwartzman's points. He does not know if the Clocktower is the best site for the Community Center. Funding is a big issue. He suggested contacting BUSD regarding the Mills site. He prefers the location of Mills to the Community Park or the Clocktower.

Council Member Patterson likes the Mills site. It is located in a central area of town. The down side is the uncertainty of the district's willingness to make the site available. She suggested directing Staff to get more definition on that from the district. However, the Clocktower offers a lot of history. It is a possibility she had not thought about until Staff brought it up last month. Council should explore that a little further. She suggested getting more definition from the Scouts on whether the Clocktower would meet their needs. She would like a report back from Staff in a month regarding the Mills site.

Vice Mayor Schwartzman stated that Mills is a good site. He is not sure if the district will allow the City to use the site (basically) forever. He would like Staff to get some feeling from BUSD on the issue. It might not be a bad idea to get a definitive idea on what it would take to convert the Clocktower.

Council Member Whitney discussed a prior Council's promise to build a Community Center at the Community Park. It does not seem like it will be going out there now. Now would be a good time to consider other options. He could go with either location (Mills or the Clocktower). Council Member Patterson's approach might be the most reasonable.

Mayor Messina stated that if there is no support for building the Community Center at the Community Park, the City should stop spending money on it. If Council is not serious about building it in the future, they should stop spending money and Staff resources on it. Why waste the time and energy if there is no support for it. The design may be dusted off and used later, but it sounds like the project has been zapped off the priority list.

Council Member Patterson clarified that there is a need for the Community Center. She supports stopping work and 'stopping the bleeding' however, there is support for working on one of the two suggested alternative locations.

Mayor Messina stated that regarding BUSD, if the Mills site were used, the City would be paying ongoing lease payments. He is not thrilled with that idea. If the City were to purchase the property, he understood that any money the district gains would have to go back to the State for grants or bonds it receives. There is no financial incentive for the district to sell the property. Staff does not have information on the appraisal for the property. Mayor Messina stated that Council would need that information before a purchase/lease could be pursued. He will contact the President of the School Board to discuss the issue.

Council Member Hughes stated that it would be prudent to discuss this with BUSD. It has to be relayed to BUSD that there is some sense of urgency regarding the issue.

Council Member Patterson stated that it would be prudent for Staff to discuss the issues of property value, what the district would have to give back to the state if the property was sold, etc. with the Superintendent. Mr. Alvarez stated that Council might want consider the Liaison Committee getting involved in the discussion as well.

Public Comment:

1. Marilyn Bardet – Ms. Bardet discussed the 7-11 committee. She stated that going to the School Board on this issue would be a good idea. A long-term lease may be a good idea.

Mr. Erickson asked for clarification on the issue of the Community Center site. Is Council telling Staff that it wants to abandon the idea all together? Or, does Council just want to investigate other options.

Mayor Messina stated that Council has re-jiggled the priorities. If there were an opportunity to do something at the Mills site, Council would move that up the list of priorities. It would be number one or two. The Commandant's Residence and Clocktower would be the first and second priorities. The Community Center would be number three. It is far enough down Council's list of priorities that it does not make sense to expend additional dollars on it. In terms of abandoning the project, he is not sure that is being done. It is being put on the table at this time.

Council Member Patterson stated that she and Vice Mayor Schwartzman would prefer to put it on the ‘shelf’ not the table.

- Planning for Commercial Area:

Mayor Messina stated that it appeared that this item might take more time than Council has (due to the late hour). He suggested taking comments from the public and then continuing this topic to a future meeting.

Council Member Patterson suggested Council hear from the public on this issue. She suggested giving direction to Staff to proceed on task (a) (on purple handout) ‘Research/Presentation on Form Based Zoning.’

Council Member Hughes discussed a Master Plan for the Arsenal. It looks like the scope has been expanded. There is not an Arsenal Master Plan yet. Council has agreed on a process and completed a number of steps (including public hearings) but Council is not where it needs to be. He would like to see Council get back to developing a Master Plan for the Arsenal. Maybe that should be the first priority for this project.

Vice Mayor Schwartzman stated that it was his understanding that Council was trying. It is unfortunate that so much money was spent on construction drawings to get this in line with the General Plan. He thought Council was developing Form Based Codes for both areas (Arsenal and Downtown). If this could be done in a year, he would love it. He agreed with Council Member Patterson about getting the Form Based Zoning because that is easy.

Council Member Patterson discussed the Master Plan process. Traditionally the City has done Master Plans. At the end of the Master Plan period, there is a general land use designation. Design guidelines are done later. That is one problem since one of the major issues with the Arsenal is design. The other problem is that the Master Plan process is a very long and agonizing process. Form Based Code has evolved out of frustration with how long it takes to do a Master Plan and get community agreement on the land use. By going through the Form Based Code, one can articulate design and use issues in form (height, view, walkability, proximity, etc.), and have a product at the end of the process that can be used right away. Form Base Code accomplishes what a Master Plan seeks, but it is done much faster.

Council Member Hughes clarified his point. He suggested Council move forward in order of priority in implementing this process with the Arsenal.

Council Member Whitney would like to have this move forward. It will resolve a lot of issues in many neighborhoods. Form Based Zoning could be the ‘magic pill.’

Public Comment:

1. Kitty Griffin – Ms. Griffin discussed her vision for Form Based Zoning. She suggested having the following individuals included in a decision-making stakeholder process: 2 Planning Commissioners, 2 Historic Preservation Review Commissioners, 2 landowners with vacant property to be developed, 2 property owners who own large buildings now rented to artists, 2 live-work residents, 2 homeowners outside the district (Jefferson Street and Southampton), 2 interested industries, 2 non-industrial commercial owners, 2 Arsenal historical preservation advocates, 4 tourism advocates, and 2 revenue enhancement .
2. Marilyn Bardet – Ms. Bardet stated that the Arsenal deserves a high level of focus. She believes a stakeholder process would work. She finds the use of the describing geographical areas as ‘commercial areas’ confusing. She hopes Council will continue to tweak this issue. It is off to a great start.
3. Mike Ioakimedes – Mr. Ioakimedes is concerned that Council is not approaching the primary problems first. Form Based Zoning does not address the issue of what the City is trying to get out of the areas. He is not sure why we are not learning from past mistakes.
4. Belinda Smith – Ms. Smith reiterated the comments by the previous speakers. A Stakeholder process will save time. It will help identify community values. She is anxious for this to get started.

Mayor Messina stated that Council would proceed with scheduling a presentation on Form Based Zoning and what is involved. The rest will come back to Council for consideration.

At 11:19 p.m., on motion of Council Member Whitney, seconded by Council Member Hughes, Council agreed to adjourn and continue all remaining agenda items to the next Council meeting, on roll call by the following vote:

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

Noes: None

COMMENTS FROM COUNCIL MEMBERS:

Request for reconsideration of City Council committee membership:

Continued

Review of an ordinance addressing campaign expenditure limits, request to review a Clean Campaign Ordinance and request for support of related state legislation:

Continued

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:19 p.m.

Lisa Wolfe, City Clerk