

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
FEBRUARY 21, 2006

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 5:00 p.m. on Tuesday, February 21, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

Mayor Messina announced that Staff and Council would discuss only one of the Closed Session items this evening. The item was originally listed as item 'B' on the agenda.

ANNOUNCEMENT OF CLOSED SESSION:

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

OPPORTUNITY FOR PUBLIC COMMENT:

None

CLOSED SESSION:

Continued from the February 15, 2006 Special City Council Meeting to allow the Council to address any unfinished items.

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

Name of cases:

**City of Benicia v. Benicia Harbor Corporation and Benicia Harbor Corporation
v. City of Benicia**

Togonon v. City of Benicia

ADJOURNMENT:

Mayor Messina adjourned the meeting at 5:01 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
FEBRUARY 21, 2006

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:17 p.m. on Tuesday, February 21, 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

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).

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

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

None

PUBLIC COMMENT:

None

ACTION ITEMS:

Review of Valero's Reliability Assessment Report:

Chief Ken Hanley reviewed the Staff report for this item.

Mr. Ivor John, MRS Consulting, reviewed a PowerPoint presentation on Valero's Reliability Assessment Report (hard copy in original agenda packet).

Mr. Doug Cuomo, Valero, thanked all of the CAP members for their participation in this study. Tonight's report fulfilled a commitment Valero made two years ago to conduct an independent third party reliability assessment of the Benicia refinery. He was impressed

with the spirit of cooperation from the CAP. Valero intends to go through and achieve all of the recommendations listed in the report.

Mr. Guy Young, Technical Director, Valero, Benicia, stated that Valero not only wanted to know where any gaps were, but what they could do to improve their programs. Out of the 42 specific recommendations made, two have already been implemented. One of the six general recommendations (to hire the corrosion engineer/materials specialist position) has been completed. They are on their way to complete all of the high recommendations by year-end. Valero is committed to continuously improving its reliability and performance. To assist with that, Valero has retained Becht Engineering to assist them with formalizing its reliability management systems. Valero believes this process has been effective. They plan to continue reporting the progress of the recommendations to the CAP.

Council Member Whitney is a member of the CAP. He stated that when this issue first came on the scene, it was a delicate issue. Many different groups in the community came together on this issue. The meetings were televised. There was public participation. There were excellent questions posed by the CAP. The process worked very effectively. Becht has decades of experience and were instrumental in making the process work. Becht conducted themselves with the highest level of professionalism. The report is a clear and honest assessment. He is looking for a clear and defined action plan that can be looked at effectively. If the projects are on a work plan, they will get done. The assessment points out the areas that need to be worked on. It would be advantageous for MRS to review the work plan in the future.

Ms. Dana Dean, CAP Member, stated that this was a tremendous experience. It was an amazing collaboration between the groups involved. There was a lot of tension between the corporate entity and the public in the past. The process has changed a lot of that. All of the different groups involved listened to each other. She agrees that it is appropriate to continue this model, as well as continue an action plan. The representatives from MRS were incredible. She would like to see them participate in an annual or semi-annual review.

Mayor Messina thanked everyone who participated in this process. He agrees the City should have some review of this in the future. He suggested having the CAP discuss the issue and report back to Council with suggestions.

Council Member Whitney agreed that the CAP would be the right group to look into the review. He commended Valero for continuing to take this to the next level and make the refinery a safe place.

Council Member Patterson stated that Valero's current management team deserves a lot of credit. Was there anything in management before the end of the year, which changed, that would suggest there were some management issues that were involved in the incidents that were occurring? Mr. Cuomo stated that the study discussed management practices, policies and procedures. The study did not show anything of that sort. Council

Member Patterson asked what the difference was between ‘world class’ and ‘so-so’ operations. Mr. Johns stated that the terms were used loosely. Reputable associations issue the industry standards. They find an effective standard for other refineries to follow. The standards are changing all of the time. There is a benchmark in the industry standards, which becomes the norm. If Becht observed a practice that exceeded that standard, it would be considered a higher standard of operation. This refinery could be one of the world-class leaders. Council Member Patterson stated that when this all began two years ago, it was promised that once the reliability valuation was performed, the City would get some feedback from the CAP on an Industrial Safety Ordinance (ISO), and to what extent it would be of value, and what the nature and extent of such an ordinance should be. Also, the continuation of the CAP would be looked into. She would like to institutionalize the annual reports, as suggested by Ms. Dean.

Mayor Messina suggested those issues be discussed at the next CAP meeting. He questioned the merit, cost, and wisdom of an ISO. He suggested having the county address it. The city has limited resources to address this issue.

Council Member Patterson stated that there was an agreement on this issue and Council should stick to it. We owe it to the good faith that was established to have the questions answered.

Council Member Hughes was pleased to hear about the level of cooperation. It is the first time since he has been on the Council that a report has been received that all parties agreed on. It is important that the refinery runs safely. He was not part of Council when the issue of an ISO was discussed. He questioned the need for an ISO. If Valero continues with the current level of cooperation and safety level, it may not be needed.

Vice Mayor Schwartzman stated that having everyone on the same page was a wonderful thing. Having a report back on the progress of this issue is a good idea. The CAP should be involved in that process. The CAP should discuss whether or not it needs to be reconstituted. Regarding an ISO, it may not be needed. Valero has made some great strides in the past few years.

Council Member Whitney commended Chief Hanley for his efforts in this study. He did a fine job.

Council Member Hughes will take Council’s comments and questions back to the CAP for review.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 7:07 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
FEBRUARY 21, 2006

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:13 p.m. on Tuesday, February 21, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken at Closed Session:

Ms. McLaughlin provided an update on actions taken for the following Closed Session items:

- A. Council gave direction to negotiators
- B. Council gave direction on both cases
- C. Council received information from Staff and gave direction
- D. The item was not discussed. The item was continued to the next regular evaluation time for the City Attorney.

Openings on Boards and Commissions:

- Human Services Fund Board – 1 unexpired term to June 2009

Mayor Messina announced that the Wastewater Treatment Plant was awarded the ‘Plant of the Year’ for 2005. He congratulated the Wastewater Treatment Plant on a job well done.

Dan Schiada, Public Works Director, recognized all employees of the Wastewater Treatment Plant for their tremendous efforts.

APPOINTMENTS:

Public Comment:

1. Jon Van Landschoot – Mr. Van Landschoot reviewed the requirements for becoming a Certified Local Government. The HPRC members should have a demonstrated special interest, competence, and knowledge of historic preservation. The HPRC handles the work formerly done by the Design Review Commission (DRC). The Zucker Report stated that the flaws of the former DRC by stating it only had one trained designer (architect). The HPRC should consist of trained designers. Mr. White is not an architect or historian. His résumé does not indicate a demonstrated interest or knowledge in historic preservation. His interests are in firefighting and gardening. He requested Council consider that Mr. White is not the right man for the HPRC job.

RESOLUTION 06-16 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF DAN MOITOZA TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING MARCH 31, 2010

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

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

Appointment of Michael White to the Historic Preservation Review Commission – One full term to February 28, 2007

Council Member Hughes stated that he initially shared some of the concerns expressed by Mr. Van Landschoot. There are a lot of 'or's' in the requirements. He talked with Mr. White. He found that Mr. White is definitely passionate about historic preservation. Mr. White admitted that he did not have expertise in some of the areas of historic preservation; however, he was willing to learn. He believes Mr. White will make a fine Historic Preservation Review Commissioner.

Council Member Patterson stated that she was voting no in part because of the public comment heard tonight. Also, the Zucker Report pointed out that the City had a problem with the quality and qualifications for the Planning Commission and the DRC. In this case, there needs to be the necessary background and qualifications. She was impressed by Mr. White's career, but he is not the right person for this job.

Vice Mayor Schwartzman would like to have a different representation on the HPRC. However, Mr. White has 55 years of historical experience in Benicia. Mr. White's experience could be a strong addition to the Commission. He believes Mr. White has an interest in historic preservation. He thinks he will do a good job. The thing that gave him pause was adding another contractor to the HPRC. He believes the commissions should have a broad perspective.

Council Member Whitney stated that he talked with Mr. White. Mr. White has historical reference points in Benicia that many citizens don't have. He was impressed with his

knowledge of code and technical documents. He is very active in the Benicia Fire Museum. He has done work as a contractor in the Historic District. The City should be inclusive, not exclusive with regards to the commission representation.

RESOLUTION 06-17 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL WHITE TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO AN UNEXPIRED TERM ENDING FEBRUARY 28, 2007

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

RESOLUTION 06-18 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KYLE DALEY TO THE OPEN GOVERNMENT COMMISSION TO A FULL TERM ENDING NOVEMBER 30, 2009

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

RESOLUTION 06-19 - A RESOLUTION CONFIRMING THE CITY COUNCIL'S APPOINTMENT OF CHRIS JOHNSON TO THE PLANNING COMMISSION TO AN UNEXPIRED TERM ENDING OCTOBER 7, 2007

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

PRESENTATIONS:
Overview of Human Services Fund Board:
Continued

PROCLAMATIONS:
None

ADOPTION OF AGENDA:
Staff recommended item VIII-B (West 7th Street Subdivision item) be continued.

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

OPPORTUNITY FOR PUBLIC COMMENT:
WRITTEN:

Various items submitted. Copies on file.

PUBLIC COMMENT:

1. Bill Royal – Mr. Royal apologized for his outburst at the last Council meeting. However, the public has a right to speak. He finally got his permit. He finished that particular job. The job took him two weeks to complete, but it took nine months to get the permit to do it. He discussed the issue of an illegal search of his property. He does not have any code violations. He requested, but has never received, a list of his so-called code violations. He does not have a problem with egress. The City's lack of cooperation has cost him \$10,000 loss of funds per month. He has lost almost \$90,000 because of the City's problems. He was prohibited from being able to fix his rotten staircase because of the City's mistakes.

Council Member Patterson asked Staff if it was possible for temporary sturdy stairs to be installed on Mr. Royal's property. Mr. Erickson stated that the stairs have been addressed on Mr. Royal's property. Staff has a different view of this situation.

2. Bonnie Silveria – Ms. Silveria spoke on behalf of the Historical Society. She invited Council and citizens to Robert Semple School on Sunday, 2/26 for a celebration of Robert Semple. She asked Council to consider putting the clean government ordinance further up on the agenda, as it will be discussed late in the evening.
3. Donald Rosso – Mr. Rosso discussed the issue of a clean government ordinance. He is happy with the make-up of the Council. He discussed the recent reports on campaign spending. As a voter, he has confidence that Council will do a good job. However, he was not pleased to read in the Benicia Herald about the excessive amounts of money spent on the last City Council election. There is a problem when a candidate spends almost \$40,000 and then corporations spend an additional \$50,000 supporting that candidate. He did not like reading that the candidates were 'surprised' with the corporations support. Council should put a stop to this kind of thing now. There should be rules and requirements for campaign donations/spending.

CONSENT CALENDAR:

Council pulled items VII-A, VII-F, and VII-J.

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

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

Council approved the denial of claims against the City by American Housing, April Littleton, Mary Roberson, Robert Johnson, and James Medeiros.

RESOLUTION 06-20 - A RESOLUTION APPROVING CHANGES TO THE JOB DESCRIPTION OF POLICE CAPTAIN

RESOLUTION 06-21 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR COMMUNITY SERVICES OFFICER I/II, FORMERLY KNOWN AS POLICE AIDE, AND ESTABLISH THE SALARY RANGE FOR THE LEVEL II POSITION

RESOLUTION 06-22 - A RESOLUTION APPROVING THE REVISED JOB DESCRIPTION FOR THE CLASSIFICATION OF PUBLIC WORKS MAINTENANCE SUPERINTENDENT

Council approved renaming Benicia Transit System from Benicia Transit to Benicia Breeze:

RESOLUTION 06-23 - A RESOLUTION APPROVING THE AMENDMENT OF THE CONSULTANT AGREEMENT IN THE ADDITIONAL AMOUNT OF \$30,000 WITH SHAWNA BREKKE-READ FOR PLANNING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RESOLUTION 06-24 - A RESOLUTION APPROVING THE AMENDMENT TO THE CONSULTANT AGREEMENT IN THE ADDITIONAL AMOUNT OF \$40,000 WITH BRENDA GILLARDE FOR CONSULTING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

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 January 9, 2006 and February 7, 2006:

Vice Mayor Schwartzman stated that he would like a clarification made on his statement listed in the 2/7 minutes on page VII-A-22 regarding the Planning Commission ordinance. He would like the language added stating that he had been to a conference and had conducted an informal poll as to how other cities were choosing planning commissioners.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, the minutes were approved as amended, on roll call by the following vote:

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

Second reading of 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:

Council Member Patterson she would like to see a process that is respectful of the state law that provides that City Council appoint the Planning Commission. She would like to see this Council do what other Council's are doing.

ORDINANCE 06-3 - 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 Whitney, seconded by Council Member Hughes, the above Ordinance was adopted, on roll call by the following vote:

Ayes: Council Members Hughes, Whitney, and Mayor Messina

Noes: Council Members Patterson and Schwartzman

Second reading of 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:

Council Member Patterson stated that Council went through the effort of an Open Government Ordinance in order to help people participate. Tonight's meeting started at 6:00 p.m. People had to rush home in hopes of catching the meeting. An earlier start time is a hardship to the public, especially to working women.

ORDINANCE 06-4 - 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 Ordinance was adopted, on roll call by the following vote:

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

Noes: Council Member Patterson

PUBLIC HEARINGS:

Denial of an appeal of Planning Commission approval of a Planned Development Plan, adoption of a mitigated negative declaration and a mitigation monitoring and reporting program, approval of a Tentative Map and introduction of a first reading of an ordinance to approve a zone change from Commercial Office (CO) to Planned Development (PD) for the Jefferson Park Villas project located at 1451 Park Road:

Ms. Brenda Gillarde, Consultant, reviewed the Staff report and a PowerPoint presentation (hard copy on file).

Proponent:

Mr. Tom Adams discussed a guest article written by Ms. Bardet in the Benicia Herald today. He researched the best way to go about doing this project. They found the best way was to do approximately 700 sq. ft. more than the current property. They wanted to introduce some type of infill that reflected the Arsenal. They are within City codes for

setbacks. Out of the four original homes, only one was set back from the street. He has received criticism that the development was too 'vanilla' and plain. Originally, the homes were military housing, which were not fancy. They tried to do something that went with the residential homes on one side of the property and the commercial buildings on the other side. They gave close consideration to the issue of access and parking.

Opponent:

Ms. Marilyn Bardet read the following prepared statement. She referenced many photographs, all of which are on file in the City Clerk's office.

I am here tonight to plead for your consideration and better judgment to override the Planning Commission's approvals for the mitigated negative declaration on impacts, for a planned development plan and a for a rezone to "planned development" that would give the green light for the "Jefferson Park Villas Project", a medium density condo subdivision for five attached two story units with two-car attached garages - one building "all under one roof"- proposed for the 1/2 acre parcel in National Register District C, currently still zoned "commercial".

This site has an existing building dating from at least the 1940's, most recently used as a preschool - a building approved for demolition, yet without full analysis of its various uses and history in the arsenal conservation plan of 1993. But I am not appealing the demolition, nor do I reject the idea of infill housing on this particular property on Officers' Row.

Under initial CEQA review, no alternative project, a smaller project, was either suggested for investigation or analysis, by staff or consultants or Historic Preservation Review Commissioners or Planning Commissioners. A reduced project, with space allowed between units would clearly be more compatible with single family detached houses and mansions on historic Jefferson Street, on prestigious "officers" row." This appeal resoundingly rejects the approval of the planned development rezone, a spot zone, in a national register Historic District of such distinction, District C comprised of seven original ranking officers' residences, all detached houses and mansions, dating from 1860, so-named "Officers' Row", and also, operations offices and support buildings, called the "officers' enclave", including the Clocktower fortress (1859), the command post (1870), and guard house (1870).

Please stop and ask yourselves - What are we doing, approving a medium density condo project for such a prominent property in a national register district? Districts A, B, C, and D were honored with great prestige in 1975, when each was pronounced a U. S. heritage "treasure" by the National Trust, and placed on the National Register of Historic Places.

District C represents the results of Abraham Lincoln's call to officers of the Benicia barracks to expand the first and only federal arsenal in the west, just before outbreak of the civil war.

Please carefully consider: This appeal is highly pertinent to council's expressed priority to develop a new comprehensive, coherent arsenal zoning plan for its "mixed use" land use designation. This plan would intend to guide all proposed infill development and also encourage visual enhancement and unity of the sub districts, while preserving the vital balance of mixed uses in the whole Arsenal Historic District.

In reviewing the villas condo project, the outside consultants and planners hired on special temporary contract, and several temporary planning directors overseeing the villas project since it was proposed, were constrained by existing guidance: the arsenal conservation plan of 1993, which has not been updated, and zoning that has not been changed to meet goals and policies of the 1999 General Plan. To date, we have no current zoning ordinances that conform to the "mixed use" designation for the largest portions of the Arsenal Historic District in the lower arsenal areas. Ms. Nancy Stoltz - one of the original authors of the 1993 arsenal conservation plan - emphasizes in her review of the villas project that the plan's guidance policies allow for "flexibility" in interpretation. This means that she could argue for a PD rezone for a medium density condo project on 1/2 acre - five attached units "under one roof" - a single building that would have the largest physical "footprint" of all the residential buildings on Officer's Row, possibly excepting the commanding officer's residence. (Commandant's House).

"Flexibility" also allowed Ms. Stoltz and Ms. Carol Roland to echo that maintaining a minimum ratio of 3:1, of new infill buildings to original buildings - would be protective of the integrity of District C. A historian with the State Office of Historic Preservation confirmed this for them:

"The proportion of non-historic buildings to historic (contributing) buildings generally does not exceed 35%, although many factors enter into the evaluation of a district's integrity and continuity, and a decision regarding district eligibility would not be based solely on a numeric ratio. In this particular case, the ratio on non-contributing to contributing buildings remains unaltered." (Letter from Carol Roland, principal, Roland-Nawi associates, dated September 16, 2005; to Pat Donahue, Chair, and Benicia Historic Preservation Review Commission.).

Maintaining this ratio is a lofty local goal, given the villas design, to make five separate units look separate simply through setbacks. If we are to preserve the real "feel" and historic sense of Jefferson Street's Officers' Row, we should question this "one roof = single building" ruse.

Dr. Knox Mellon, the director of the State Office of Historic Preservation for 25+ years - from its formation in 1975 to about 2003 - advised and advocated, in two separate letters, in 2001 — because of his concern over the Bortolazzo proposal to build 18 infill mansions on the Jefferson Ridge - that we "try to maintain a 2:1, and ideally 3:1 ratio of historic buildings to new buildings" in National Register District C. Why? Because Dr. Mellon's long statewide experience, imbedded in State Office of Preservation's general guidance, demonstrates that, the visual integrity of a heritage district can be irrevocably compromised by either loss of original buildings or by the intrusion of too many new

infill buildings.

Right now, we have only a few infill sites left in the arsenal for new development. What we permit on any of these developable sites is meant to enhance the visual character and preserve our Arsenal Historic Districts for beneficial and diverse uses, including heritage tourism.

I am concerned right now, that our National Register Districts could be transformed and jeopardized, by precedent of the villas condo project, allowed by “planned development” zoning. The character of the Arsenal Historic District is marked by spatial relations of buildings to the topography and natural and landscaped settings - some buildings and settings surviving from the arsenal’s earliest days. These let us know our history by “feel” as much as by fact. This is how we can feel “the touch of history,” connecting us to the past, when working or visiting the variety of places in the old arsenal areas.

And to conclude my general statements - A zoning designation of “mixed use” would include, but not be exclusive to “residential.” The General Plan calls on us to enhance prospects for heritage tourism in our Historic Districts - heritage tourism being a long-range, potentially sustaining economic benefit to the city and community as a whole.

As the project proponent, Mr. Adams, has said repeatedly: our General Plan acknowledges the need for more medium density residential - but this fact, applicable city-wide, does not necessarily confer legitimacy on the particular “villas project” as proposed and approved by the Planning Commission, slated for Officers’ Row in our National Register District.

Now I will address specifics - Photos will help make my points more clearly. No visuals were provided by the project applicant that contextualized the claim, made in the Mitigated Negative Declaration, that the project, as revised, would not have any significant impacts to the aesthetic or cultural character of Historic District C’s Officers’ Row.

The property proposed for the medium density condo project is located at the most visually prominent and trafficked corner in national register Historic District C, the intersection of quiet, residential Jefferson Street - Officers’ Row - and busy Park Road, which runs north/south, leading to and from the upper arsenal area (camel barns, powder magazine, etc.) and Industrial Park down to Lower Arsenal and Port Area.

- Park Road traffic includes cars, trucks and tractor trailers
- Users include Valero, Unico Machine Shop, Auto Auction, and people on lunch breaks coming downtown from Industrial park, and Ampports.

Photo #1 - The existing building at the site is considered an “eyesore” by the arsenal conservation plan, requiring some sort of “screening,” if it were to remain. Imagine a 5-unit two story residential subdivision at the bottom of a blind “s” curve. Looking south on Park Road. From this vantage point, coming from the upper Arsenal Historic Districts, a

visitor would see the mass of the roof of two story “5-unit attached” structure “under one roof”, which has a footprint totaling 8,350+ sq feet.

Photo #2 - Coming up from the lower arsenal on park rd, the condo project will be the first and only thing you see marking the intersection within Historic District C.

Photo #3 - Looking west along Jefferson Street, to first adjacent single family detached house - infill” that echoes original 4 houses.

Photo #4 - Looking west again, this time from Jefferson Street near Officers’ Duplex’s adjacent lot.

Photo #5 - Project site seen from Jefferson Ridge, a potential developable site, or park. What you might see? Condos.

Photo #6 - View of project site from spot across park rd: you could see only a massing of condos - the pink condos on Hospital Road looming above Jefferson Street residences and the proposed villas condos.

Page 2 - Photos of existing building slated for demolition. The proposed villas project would occupy equal square footage as the existing building, according to project proponents, although it would be configured differently, with five 2-car garages along alley.

Page 3 - Views of adjacent residences.

Photo #1 - Potential visual massing and blending of two separate condo subdivisions, one on Hospital Road looms over the project site and the rest of lower Jefferson Street homes.

Photos #2 and #3 - Officers’ Duplex seen from Park Road and close up, from Jefferson Street the footprint of the Officer’s Duplex (1874) is 3,200 sq ft.

Photos #4 and #5 - Looking east on Jefferson Street, toward intersection and project site, with adjacent infill house. The roofline at the gable, for the villas project, will be two feet higher than the adjacent residence. Jefferson Street curves upward, west to east. At the highest point, at the intersection, the condos project will be a most prominent structure. The massive building’s roofline will not be visually diminished in height, but will closely align with adjacent residence.

Page 4: Character of historic and “infill” houses on lower Jefferson Street.

Photos #1, #2, and #3 - Show two of the original junior officers’ residences. They are modest, symmetric, unified by porches and dormer windows, and have varied setbacks with front lawns.

Photos #3 and #5 - Infill houses from the 1970's, one hundred years later. Each house has gardened space around it: e.g., gardened spaces mark intervals and "restful places" that comprise the residential streetscape of Officers' Row.

Page 5 - Landscaping and gardened spaces on Officers' Row. A variety of landscaping treatments between houses creates spatial intervals that charm and rest the eye. Varied yet complementary, these gardened spaces create an intimate, particular, and gracious streetscape, with over-arching canopy of mature trees unifying the street.

Photos #2 and #3 - Show side yard seen from front and also from behind, in alley, of the existing building on project site and its adjacent family residence.

Photo #6 - Shows view across the project site's front yard space to gardened ridge and distant view of strait.

Page 6 - Character of upper Jefferson Street: gracious, dignified, and serene.

Photos #1 and #2 - Showing view down Jefferson Street looking east toward officers' Duplex, from Park Road intersection, with close up of Officers' Duplex facade. Again, Officers' Duplex has footprint of 3,200 sq ft. (compare to villas "one building" at 8,350+ sq. ft.).

Photos #4 and #5 - Lieutenant's Quarters (1861), now called "the Jefferson Street Mansion"; and looking east down Jefferson Lane, toward Commanding Officer's Residence (Commandant's House) and Clocktower (1859).

Page 7 - Views across national register Historic District C.

Photos show that the district's unity is partly a result of preservation of the spaces and landscaping of the ridge, spacing and abundance of mature trees, and district wide views that lead the eye outward to the strait, encompassing "early California views", such as shown in photos #3, 4, 5, and 6.

Page 8 - Visual compatibility issues become aesthetic issues.

Photo #1- Loss of mature tree recently, in front of project site, damages the canopy and "screens" such a tree provides to soften effects of buildings in the district.

Photos #2 and #5 - Show how residents wanted to block out the condos looming above them. They planted rows of redwood trees that someday will also block the condos views to the strait.

Photo #6 - Cypress trees used as hedge at the Jefferson Street mansion, to screen views of neglect of neighboring Officers' Duplex, and also the anomalous commercial building in "Grecian" style, right behind on north side.

Page 9 - Park Road traffic hazards.

Photos demonstrate the dangers inherent in siting a residential medium density housing project at the bottom of a blind “s” curve.

Photo #1 - Tractor-trailer truck going up Park Road, at midday.

Photo #2 - the alley behind the project site is nearly invisible.

Photo #6 - Shows speed limit sign “when children are present.” But what about when residents are making left hand turns across a southbound lane of traffic at peak hours, including morning, noon and evening commute times? Five new 2-car garages will be attached and close to the alley entry. Is this an adequate alley space for two-way traffic entering and exiting the alley that serves all Jefferson Street and several Hospital Road private residences?

Page 10 - Dangers for children along Park Road.

Photo #1 - There is no stop sign for Park Road traffic approaching intersection at Jefferson Street; traffic heading down Park Road to lower arsenal - very often industrial users - have preference over drivers or pedestrians on Jefferson Street.

Photos #2, 4, 5, 6 - Show pipelines running behind Jefferson Street and Hospital Road lead to refinery port: property is off limits, no trespassing. A definite hazard.

Photo #3 - Entrance to Jefferson Street alley: no place to play, with added congestion - five new 2-car garages closest to Park Road entrance/exit. There are no sidewalks past the project site on either side of Park Road.

Page 11 - No public park - children play where they can.

Photo #1 - Project site front yard will be small. There would be small back yards for each of five units, but each one will not exceed 400 sq ft.

Photos #2, 3, 4, 5, 6 - Show that young boys on bikes will be boys: they have created a racing course, with dirt piles and narrow “chutes” onto the course from Jefferson Street. Mr. Richard Bortolazzo owns the property. You can see in photo #6, the danger of a rough concrete barrier - essentially a concrete “wall” - which sits right next to the boys’ steep racing chute. One miss or skid, and a child on a bike could be severely injured.

In 2001, the public, with 3,200 qualifying signatures, had a referendum “waiting to go” to preserve the Jefferson Ridge for an arsenal park. That dream, that could benefit and enhance the Arsenal Historic District for its current stakeholders of all stripes, and also for heritage tourists, is still a dream waiting to be fulfilled. This requires Council

leadership, besides public will. Until there is commitment to create a park, I can see no reason to add more “family residential” in the lower arsenal.

Public Hearing Opened.

Public Comment:

1. Mitchell Chernock – Mr. Chernock discussed ‘commerce.’ He discussed the issue of parks. Without commerce, the Arsenal will fade away. The Arsenal was supposed to be a place of commerce. A historic residence has no value if no one wants to go there. The building on the property in question was supposed to be torn down 27 years ago. We need momentum in the Arsenal. The Arsenal could be taken care of through additional taxes or commerce. The opponent’s pictures show the degradation of the Arsenal. The Arsenal is a mixed-use area. The proposed buildings are not condominiums. They are detached homes. He wants to see some positive changes in the Arsenal. Approving the project will pave the way for more work to be done in the Arsenal. The Arsenal could be a great place with great buildings.
2. Dan Clark – Mr. Clark read a prepared statement on behalf of Ms. Belinda Smith (hard copy on file). She requested Council approve the appeal of the Jefferson Park Villas project. By approving the appeal, the City would have the opportunity to properly evaluate the structure located on the property and establish a process that will be the model for evaluating all potentially historic structures that may be subject to demolition. It is in the best interest of our historic community to have a process that is consistent and standardized in order to protect historic resources that are important to our community values and economic vitality.
3. Karen Burns – Ms. Burns stated that the only reason that the non-commissioned Officer’s Club was not on the historic survey was that the person who did the survey did only what she could at the time in the limited time she had. She was not paid. It was her intent to go back and include the Officer’s Club and other buildings, but health and time did not allow it. She believed in her heart of hearts that what she accomplished would help save the entire area from non-conforming, non-historic appearing buildings. She believed the City would appreciate and protect the jewel that it had. She felt she laid the groundwork that Council is now working upon. That person gave the City of Benicia a gift.
4. Kitty Griffin – Ms. Griffin supports the project. She is interested in the appearance of the area. Council’s job is not to corroborate what has happened in the past. The current Council could reevaluate decisions made by prior councils. She listed the following General Plan policies and goals: Policies 2.5.1, 3.1.2, 3.1.4, and Goal 2.11, and stated reasons whether or not the project meets those particular goals. This project is only spottily consistent with the General Plan. She thinks Council has grounds to deny the PD residential rezoning because the General Plan has been used far more selectively than it should have been for a project in such a sensitive area.
5. Mike Wilson – Mr. Wilson is the architect for the project. He has provided visual images of what the project would look like. The area in question will be landscaped. There used to be four old homes in poor condition in the area. Today,

- there are beautiful homes, landscaping, etc. They are proposing beautiful homes with beautiful yards that will enhance the area. They looked at what the best use for the owner, neighbors, and the Arsenal. This project will best accommodate everyone. There will be less traffic than a commercial building would have. It will be a great addition to the area.
6. Thomas Wood – Mr. Wood stated that it seems it is a fairly well designed project. The problem is the density. He is concerned about the roads. The traffic flow coming off of Park Road into the alleyway via the s-curve will be dangerous. The traffic issue should be looked into further. Having only 50-feet of stopping space for heavy trucks is not enough.
 7. Barbara Jones – Ms. Jones lives next door to the proposed project. She thanked Council and Staff for their careful consideration of the project. Having the pre-school there was a big nightmare. She is glad it might be residential. Everyone should stop and use common sense. Tonight's vote should be delayed so more time can be spent looking into whether or not it is the best use of the historic land. She is concerned about the demolition of the current building and possible asbestos coming into her property. Council needs to look at the big picture for the Arsenal. Five buildings in the small area are too many. There is an issue with the traffic. She would love to see two houses or a duplex (matching the Officer's Quarters) there. She would like to see Council visit the site to visualize what five homes would look like.
 8. Jon Van Landschoot – Mr. Van Landschoot stated that a planned development is spot zoning and will be a deal for the owner. PD can harm the historical nature of the area. The neighbors are stuck with conforming to the historic plan. There are two other plans coming down the road. This project will set a precedent for those plans. There are three main aspects to smart growth 1) infill, 2) is it located near transportation hubs? , 3) is it located near services? He is not sure this is smart growth. He thinks that if deals are given to certain people and denied to others, Council is being unfair.
 9. Doug McHargue – Mr. McHargue loves all the homes on Jefferson Street. He can appreciate the previous speaker's comments about commerce. There was general agreement about overall improvement of the property. There was not general agreement about the density. The density is what concerns the neighbors. Council should think seriously about the density of the project. If each home has two cars, there will be more traffic. The density of the project should be reduced.
 10. Norm Koerner – Mr. Koerner discussed the issue of traffic. There will be less traffic than when the pre-school was there. Between the drop-offs, bus pick-ups and parent pick-ups, there was a lot of traffic. In all that time, there has not been an accident at the corner. It is erroneous to say there is a problem on the left side. They are going to widen the area.

Council Member Patterson asked Mr. Koerner to clarify whether he was a partner in this project. Mr. Koerner confirmed that he has owned the property for over 20 years. He clarified that he sold the property to the partnership last year. He has never heard of an accident in the area. They are going to widen the area, which will make it better.

11. Barbara Jones – Council allowed Ms. Jones to speak for her remaining 38 seconds. She discussed the stones that were removed from the Clocktower to build the retaining wall in the alleyway. She is also concerned about the trees in the alleyway being removed.

Rebuttal (by opponent):

Ms. Bardet stated that the retaining wall was made from sandstone. She discussed the intersection of Park Road heading south. There is not a stop sign there. Trucks have speed coming out of a blind curve. Industrial use can take precedent over residential use. She discussed the need for a park in the Arsenal. The area needs to be made safer for children to play.

Rebuttal (by proponent):

Mr. Adams discussed the issue of play areas and liability. Ms. Bardet talked about an area in the Arsenal that children are playing in. He heard a good argument for the property owner (Mr. Bortolazzo) to chain off the area and prohibit trespassing to keep people from being harmed. The opponents have claimed that the 1451 Park Road property is the last physically surviving Civil War Officers Housing Enclave, and one of the five Arsenals' commissioned by President Abraham Lincoln. They ignored the inconvenient fact that Benicia was selected in 1851 as an Arsenal site. In the spring of 1852, the Army named the new installation one of five permanent Arsenals' in the United States. However, Lincoln was not elected President until November 1860, which makes that argument a little hard. He discussed the Arsenal in Augusta, Georgia. Benicia needs development in the Arsenal to adjust the degradation of the buildings and streets. Years and years of empty buildings and weed-strewn lots are not going to draw tourists to view its shabby buildings. All over America, historic districts and buildings are incorporated with new buildings in mixed-use harmony. Why not Benicia? He discussed the Denver, Colorado's use of 'chocolate chip planning scheme.'

Public Hearing Closed.

Vice Mayor Schwartzman asked Staff for a perspective on the traffic issue? Mr. Schiada stated that at a peak hour, there would be less than 4% traffic increase. Regarding the safety concerns, the frontage improvements would need to be consistent with the future plans for Park Road. There are grant funds available that will allow Park Road to be widened and a bike lane installed. The s-curve will not be able to be eliminated. The area could be widened. There are grant funds available for sidewalk improvements that would go from the project up to the Benicia Martinez Bridge and ultimately to the Camel Barns. No Street in the Arsenal is perfect. There are some challenges. This is not something that he believes makes or breaks the project. Vice Mayor Schwartzman asked about page VII-A-28 #17. He thought the construction improvement work hours were only allowed Monday through Saturday. That issue needs to be corrected in the plan.

Council Member Patterson clarified the issue in question was the Noise Ordinance code for construction. The wording in the plan needs to restrict the time, and currently it does not.

Vice Mayor Schwartzman suggested making the time limit a condition of the project. Regarding page VIII-A-32, #7, he asked who would be monitoring the working conditions (water trucks, etc.). If the conditions are not being met, how does the City monitor that and take care of the breaches? Mr. Schiada stated that Staff would address the issues when and if they are brought to their attention. He asked how violations of construction work being done on the exterior on Sundays would be addressed. Mr. Schiada stated that issue was a challenge. Staff needs to deal with that issue in the future. Vice Mayor Schwartzman asked about page VII-A-41 with regards to trees, who is responsible for the maintenance of the tree. Staff stated that typically, trees that are adjacent to private property are the responsibility of the property owner. The issue would be making sure the adjacent property owner would maintain the tree.

Council Member Whitney asked Staff about the s-curve. What is the timeframe for the sidewalks and bike lanes? Mr. Schiada stated that the sidewalks should be done in 1 or 2 years. The walkway portion should be about 3 or 4 years. The grant money would be used for both items. The bike lane project is looking good. The walkway looks fairly good, but it's not guaranteed. If the grant funds don't come through, the City has monies that could be used (traffic mitigation funds, etc.). Council Member Whitney stated that there have only been two reported accidents in the area in the past 10 years. Are there any other options to aid in slowing traffic down around the area? Mr. Schiada stated that the City is going through a citywide Traffic Calming Program. There are other innovative possibilities that could occur. Council Member Whitney stated that if Council approves this project, he would definitely want this area looked at with regards to traffic calming measures. He asked if this development would be a safer situation (with regards to traffic) than the pre-school was. Mr. Schiada confirmed it was. Council Member Whitney discussed the issue of traffic enforcement. Mr. Schiada stated that the City has worked with the local business to encourage them not to use Park Road for truck access. Council Member Whitney asked Ms. Gillarde about Ms. Belinda Smith's letter implying that Council has not done a thorough job checking out the historical aspect of the property. He asked if Ms. Gillarde could review the credentials of Ms. Stoltz. (Licensed Architect, Planner, with a Specialty in Historic Planning) credentials.

Ms. Nancy Stoltz detailed her credentials. Regarding Ms. Smith's letter; when the Downtown Conservation Plan and the Arsenal Historic Conservation Plans were prepared, she was the Principal Planner and Sally Woodbridge served as the Architectural Historian. Ms. Woodbridge conducted field surveys for the plans. She does not believe the building at 1451 Park Road meets the historical requirements. The building would have problems with the integrity requirements. It is not one single building. It is an amalgam of several bits and pieces of buildings.

Council Member Patterson asked Ms. Stoltz to elaborate on the conditions that would allow a building becoming a historic interest, besides structural integrity and distinctive architectural design. Ms. Stoltz stated that if a structure does not have integrity, it couldn't meet any other requirements for a historic resource. Council Member Patterson gave the example of the United States pulling buildings together during wartime. Would that qualify because they represent a particular era? Ms. Stoltz stated that integrity is an

overarching requirement. Something that does not possess integrity cannot qualify as a historic resource. Council Member Patterson commended Staff for the organization of the Staff report. She did not have any significant ex-parte communications with the proponent or the opponent. She is friends with both individuals. She wanted to be clear that she couldn't support the project because of a very flawed process, regardless of the merits of the project. The City is on a slippery slope with the Arsenal. The Staff report cites other PD's that were used in the City. The logic is flawed. There is an existing land use designation of mixed use. The City has no standard of review established for what constitutes mixed use. In the General Plan, the description of the lower Arsenal focuses on mixed-use, not residential. She had concerns with the inadequacies of the CEQA review. She discussed sustainable development as discussed in the General Plan. There are no criteria for determining sustainability. Council heard fair arguments tonight that there are inadequacies with the CEQA document. She stated that if the project goes forward, the Council should clearly state that the project might not be used as a precedent for future projects. Council could mitigate this project in terms of traffic with a requirement of developing a traffic calming approach and program for that stretch of property. The applicant could be responsible for traffic calming measures. There should also be a mitigation measure for the construction time. She has made numerous requests over the years for an application that includes perspectives. A perspective should be a standard operating requirement. The document that was presented to Council by Ms. Bardet is a type of perspective. Council can't judge what the effect the project has on the Arsenal if they don't have a visual presentation of how it fits within the streetscape and surrounding properties.

Council Member Hughes stated that he had ex-parte conversations with Ms. Bardet. He went on a tour of the Arsenal with Ms. Bardet. Regarding the traffic issue, he was in the neighborhood on a Monday morning. He would not want his children running around the neighborhood. There was a lot of traffic. He concurred that the issue of traffic calming should be looked into. Regarding the lack of parks, he is concerned about that as well. There is not a park in close proximity to the proposed town homes. There should be a Master Plan for the Arsenal. He would prefer to put two or three detached homes that would match the current homes on Jefferson Street. He is not sure what is best for the community. Council indicated that a Master Plan for the Arsenal was a top priority. The HPRC and Planning Commission have approved the project. It meets the requirement of the City codes. He is not sure if it is fair to make the proponent continue to wait. If approved, the project should not be used as a precedent. He cannot support the appeal at this time.

Vice Mayor Schwartzman stated, that in 1999 the General Plan depicted that there was supposed to be mixed uses in the Arsenal and Downtown. Since then, three Council's have not been able to make that happen, which troubles him. It is hard for him to stop the application on this particular project. He does not know if Council has any other alternative. This project is not his ideal project. It is hard for him to say anything negative about it. There are no commercial projects coming forward. The project is on the edge of an area. It is a pretty nice project that will blend in. He has driven and walked the area. He does not want anyone to believe that any project that comes forward is good. He does

not want the project to be used as a precedent for any other projects. He is inclined to deny the appeal.

Council Member Whitney stated that he has not had any ex-parte communications with the opponent or proponent. The project is not perfect. He supports denying the appeal.

Council Member Patterson suggested adding language stating that the use of the project's PD zone could not be used as a precedent for future projects in the Arsenal. Ms. McLaughlin suggested adding the language into each of the two resolutions listed below.

RESOLUTION 06-25 - A RESOLUTION DENYING AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF A PLANNED DEVELOPMENT PLAN FOR THE JEFFERSON PARK VILLAS PROJECT LOCATED AT 1451 PARK ROAD (APN: 0080-222-010) (PLN: 2005-50, 51, 52, 53)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, the above Resolution was adopted as amended, on roll call by the following vote:
Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina
Noes: Council Member Patterson

Council Member Patterson suggested amending the resolution below to reflect a Monday through Saturday 7:00 a.m. to 6:00 p.m. construction work time. Mr. Schiada suggested incorporating the traffic calming measures to the frontage improvements required by the applicant. Council Member Patterson stated that the record would show that Council made a finding that there was a fair argument made that there was a potential for a significant impact in traffic. Therefore, Council made a finding that a mitigation measure would be added to mitigate that fair argument (significant impact to less than significant) by incorporating traffic mitigation measures. Council Member Patterson stated Council could state that a fair argument has been made that there may be significant cumulative impacts with regards to planned development. Therefore, to mitigate that, the City has embarked on developing a Form Based Code. If the City is clear that they are doing a program, it could pass the test for doing mitigations.

Vice Mayor Schwartzman asked what the suggested language would mean to future applicants. Council Member Patterson stated that future applicants would know that they would need to do certain things to conform to Form Based Code.

Council Member Whitney added the reference to Form Based Code to his motion.

Public Comment:

1. Kathleen Olson – Ms. Olson spoke out of turn. She stated that she had been referred to in the third party. It is a very vague issue that Council Member Patterson laid on the table. She hoped Council would ask a few more clarifying questions before it takes that position. Mayor Messina informed Ms. Olson that she missed her opportunity for public comment.

Ms. McLaughlin stated that the stance the City would be taking would not bind other applicants. Mayor Messina stated that it is not binding it is simply a statement. The mitigation measures have no teeth. However, if there is not complete comfort or if there is any hesitation, it should be removed from the motion.

Vice Mayor Schwartzman stated that he is not completely comfortable with the statement.

Council Member Whitney removed the reference to Form Based Code from his motion.

Council Member Patterson discussed the issue of parks. Introducing residential to the Arsenal might create a problem.

Mayor Messina discussed the Parklands Dedication Fund.

Council Member Patterson stated that the issue of parks is a significant issue that needs to be mitigated. Fair arguments for this issue have been made and the City is on thin ice. Mr. Brown stated that the fees that have been proposed by the applicant are reasonable to mitigate the issue. Ms. McLaughlin referred to page VIII-A-172 – ‘impacts less than significant’. She stated that Council Member Patterson was basically suggesting beefing that language up. Regarding the parkland fee, it is sufficient to cover the mitigation if necessary.

Ms. McLaughlin clarified that the changes that will be made to the Resolution are: 1) to the condition in the Planning Commission Resolution with regards to noise and working Monday through Saturday, and 2) adding a mitigation measure related to traffic calming.

Mr. Adams confirmed that he was agreeable with the proposed changes.

RESOLUTION 06-26 - A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A TENTATIVE MAP FOR THE JEFFERSON PARK VILLAS PROJECT LOCATED AT 1451 PARK ROAD

Council Member Patterson wanted the record to reflect that she is considered a CEQA expert, and has served in that capacity. She cannot approve the mitigated negative declaration because fair arguments have been made that Council has not mitigated.

On motion of Council Member Whitney, seconded by Vice Mayor Schwartzman, the above Resolution was adopted as amended, on roll call by the following vote:
Ayes: Council Members Hughes, Schwartzman, Whitney, and Mayor Messina
Noes: Council Member Patterson

ORDINANCE 06- - AN ORDINANCE APPROVING A ZONE CHANGE FROM COMMERCIAL OFFICE (CO) TO PLANNED DEVELOPMENT (PD) FOR APN: 0080-222-010 LOCATED AT 1451 PARK ROAD

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

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

Noes: Council Member Patterson

Review of a revised parcel map for the former West 7th Street from I to J – Continued from February 7, 2006 City Council Meeting:

Per Staff's recommendation, this item was continued.

ACTION ITEMS:

Approval of Traffic Relief and Safety Plan for the Solano County ½ Cent Sales Tax Measure:

Darryl Hall, STIA, reviewed a PowerPoint presentation (hard copy on file).

Council Member Hughes asked about the other money (other than the \$27.8 million) that could be accessed. Mr. Hall stated that the monies are being decided on by key safety projects. The guaranteed money is for the two main categories. For the others, cities would have to submit a proposal to the STIA. Mr. Hall stated that Benicia would be eligible for some safety funds. Council Member Hughes stated that the bulk of the dollars are outside Benicia. Mr. Hall stated that the benefits are the local benefits and the countywide benefits (highway and transit improvements). This will allow the whole commuter system to expand. Without this local measure, we will not be allowed to expand transit services.

Council Member Whitney asked about the return to source process. The only strings attached are that it be used for transit services, and that Council has to adopt how they want the monies to be used through a public process. The initial intent is to push the money out on an annual basis. Council Member Whitney asked about the ferry service. Council has talked about Vallejo extending the ferry service to Benicia. Mr. Erickson stated that Benicia and Vallejo Staff have discussed this in the past few months.

Council Member Hughes wants to see STA's commitment to extend the ferry service from Vallejo to Benicia.

Council Member Patterson stated that she keeps looking forward for a way to support this. She appreciates the STA's willingness to work on this. She attended the 4 C's meeting in Fairfield earlier today. In general, there seems to be support for the expenditure plan. One of the efforts to link transportation to land use is for renewing the orderly growth initiative. It seems to be that everyone is headed in the direction that everyone supports Transportation for Livable Community (TLC), and how that works with the return to source. If you add up the percentages in the expenditure plan, 40% of the tax money goes back to the local sources. Some of it is more controlled than others. There is 10% that could be given more direction in the expenditure plan and have consistency with TLC. It was stated publicly today at the 4 C's meeting that there was support for having TLC projects. How that will be done has not been agreed on. There

was discussion on Highway 12 and how not to have the improvements to the highway be growth inducing. There was a discussion on the interest funding for mass transit. To some agreement, it looks like we can track and accelerate the HOV lane. That would be a major benefit. The last sticky part was on the Regional Park District. The document that was presented at today's meeting is only one side of the story. It is still in the process of being negotiated. The intent of the proposed MOU is to have portions, where appropriate, amend the adopting resolution ordinance so that it does not affect the expenditure plan. In an ideal world, she would like Council to go on record that in principal it supports this. The problem is that there is no time to have the dialogue. Council just received the information today. She thinks there is a genuine effort to endorse the orderly growth initiative process.

Vice Mayor Schwartzman asked Mr. Hall to address how some of the money could be used for the Intermodal Transportation Station (ITS)? Mr. Hall stated that there were capital funds that could be accessed. The local return to source could be used as well.

Public Comment:

None

RESOLUTION 06-27 - A RESOLUTION APPROVING THE SOLANO COUNTY EXPENDITURE PLAN TITLED "TRAFFIC RELIEF AND SAFETY PLAN FOR SOLANO COUNTY"

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

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

Noes: Council Member Patterson

Mr. Erickson stated that there were some consultants at tonight's meeting that were available to discuss pension obligation bonds, if Council wished to discuss that particular item.

Council Member Patterson requested Council have another meeting to accommodate the remaining agenda items.

Mayor Messina stated that he thought the next meeting would be able to accommodate the continued items from tonight's agenda. He stated that if the continued items were placed first on the next agenda's action items, it would be fine.

Public Comment:

1. Robert Moore – Mr. Moore is the President of the Affordable Housing Affiliation. He stated that he understood why the remaining agenda items were continued to the next meeting. The postponement was wise due to the late hour.

At 11:39 p.m., Council agreed to continue all remaining agenda items to the next Council meeting.

Consideration of issuing pension obligation bonds:
Continued to the next Council meeting.

INFORMATIONAL ITEMS:

Report on Council Priority Projects – Continued from February 7, 2006 City Council Meeting:

Continued to the next Council meeting.

Reports from City Manager

Continued to the next Council meeting.

Council Member Committee Reports:

1. Mayors' Committee Meeting (Mayor Messina) - Next Meeting Date: March 15, 2006.
2. Association of Bay Area Governments (ABAG) (Mayor Messina) - Next Meeting Date: April 20, 2006.
3. Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes) - Next Meeting Date: March 10, 2006.
4. League of California Cities (Mayor Messina) - Next Meeting Date: May 25, 2006.
5. School District Liaison (Council Members Whitney and Hughes) - Next Meeting Date: May 18, 2006.
6. Sky Valley Area Open Space (Council Members Patterson and Whitney) - Next Meeting Date: To be determined.
7. Solano EDC Board of Directors (Mayor Messina) - Next Meeting Date: March 23, 2006.
8. Solano Transportation Authority (STA) (Mayor Messina) - Next Meeting Date: March 8, 2006.
9. Solano Water Authority/Solano County Water Agency (Mayor Messina) - Next Meeting Date: March 9, 2006.
10. Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes) - Next Meeting Date: April 20, 2006.
11. Tri-City and County Regional Parks and Open Space (Council Member Whitney) - Next Meeting Dates: Governing Board – March 13, 2006; Citizen's Advisory Committee – May 2006.
12. Valero Community Advisory Panel (CAP) (Council Member Hughes) - Next Meeting Date: March 23, 2006.
13. Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney) - Next Meeting Date: February 22, 2006.

ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson) - Next Meeting Date: February 27, 2006.

COMMENTS FROM COUNCIL MEMBERS:

Request for reconsideration of City Council committee membership - Continued from February 7, 2006 City Council Meeting:

Continued to the next Council meeting.

Review of an ordinance addressing campaign expenditure limits, request to review a Clean Campaign Ordinance and request for support of related state legislation -Continued from February 7, 2006 City Council Meeting:

Continued to the next Council meeting.

Consideration of a City property, situated at East 4th and L Streets, for affordable housing:

Continued to the next Council meeting.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:39 p.m.

Lisa Wolfe, City Clerk