

March 15, 2005

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

**MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
MARCH 15, 2005**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, March 15, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENT OF CLOSED SESSION:

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

ADOPTION OF AGENDA:

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

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

Noes: None

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

None

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of Case: Shari Orndorff v. City of Benicia

ADJOURNMENT:

Mayor Messina adjourned the meeting at 7:17 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
MARCH 15, 2005**

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ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina announced the action taken in closed session. Council gave direction to Staff to settle the claim (Shari Orndorff v. City of Benicia).

Mayor Messina announced openings on the Parks, Recreation and Cemetery Commission and the Human Services Fund Board.

Mayor Messina announced the City Council Priority Setting Workshop on Wednesday, April 6, 2005 at 5:30 in the Dona Benicia Room at the Library.

APPOINTMENTS:

None

Vice Mayor Patterson asked Mayor Messina when he would be making a Planning Commission appointment. She noted that the opening on the Planning Commission was not listed in the announcements. Mayor Messina stated that Council has been listing them when the positions become open. He asked if she was asking if Council should list open appointments. Vice Mayor Patterson stated that she was suggesting the Mayor make an appointment. She asked if the appointment would be on the next agenda. Mayor Messina stated that he hoped to make an appointment extremely soon.

Mayor Messina read a letter (on file) he wrote to the City Clerk regarding City Boards and Commission appointment procedures.

Council Member Campbell stated that he would like to add that 'Commission and Board Members step down after their term is up unless they are reappointed and confirmed by the Council. Mayor Messina stated that the City Attorney is looking into this and she will come back and possibly codify some things that were put in the memo. Ms. McLaughlin stated that she is currently working on this and should have something for Council to review sometime in May 2005.

PRESENTATIONS:

Update on PURE Committee Activities:

Mr. Bob Craft, Chair, presented the report.

In February, Don Cuffel (Valero Representative) gave a presentation on PURE's reuse project to the Rotary Club. The briefing was presented as a general introduction to water reclamation and how it might work for the community from the Valero perspective. A number of questions were asked and the audience appeared to view PURE's project as a positive development.

PURE's latest battery of toxicity tests produced some unexpected results with respect to some effluent constituents. For certain pollutants the results were well outside any expected range. That suggests 'interference' and may be a result of the analytic method used. To obtain reliable data, alternate means of testing the same samples are being investigated. Some effluent constituents are within acceptable limits, while others are not. Test results must be thoroughly understood and of sufficient reliability before PURE can settle on a preliminary Design. Achieving acceptable results on toxicity and concentration testing is job one if the project is to be regulatorily feasible.

Production capacity vs. cost continues to be examined. Per the agreement, Valero is committed to provide up to \$15 million for a system that will produce at least 1 MGD per day. PURE's target is for a reuse system with a 2 MGD capacity. Achieving this target is going to be a considerable challenge unless PURE can identify some additional funding, either from Valero and/or other sources. At this point, however, PURE has not modified its goal, and will not do so until it is clear they are up against an economic wall.

Siting options for system components are still being investigated. PURE's consultant (CDM) has provided their analysis and various mix and match scenarios. Valero has looked at these from their perspective and would prefer that all major treatment components be located at the City facility to minimize the risk of non-compliance at both facilities as well as reduce the total capital cost. The City will present an analysis from its perspective at PURE's meeting on 4/12/05. These will be important considerations affecting not just available real estate but perhaps more importantly capital costs, operating methodologies, and regulatory permits.

PURE has also discussed protecting the City revenue stream derived from Valero water usage when the system becomes operational. Currently Valero's annual water fees are approximately \$750,000. That amount would be expected to drop once the reuse system comes online. The revenue stream would be protected by putting into place a standby capacity charge. That means Valero would pay a premium for the ability to draw on raw water when reuse effluent is not available. This concept, a

revenue leveling technique, is used elsewhere by utilities.

A major milestone to be accomplished within the next few weeks will be to arrange and execute a meeting between selected PURE representatives, supporting personnel and Regional Water Board staff to discuss and examine all permitting factors for both Valero and the City. This meeting is key to insure that PURE has these officials on board as they go forward. The project has been discussed with them on a conceptual level but more detailed discussions are now required. The meeting will include a review of toxicity and compliance test results to date so that corresponding regulatory flexibility can be examined for the next round of NPDES permits. The City and Valero are aligned that water reclamation is a win-win and will be asking for the Regional Water Quality Control Board to use their discretion to work with PURE to find creative and defensible solutions to ensure compliant discharge into the bay.

The major actors (CDM, City representative, etc.) are satisfied PURE is moving with sufficient dispatch to meet its critical scheduled benchmarks. PURE must have a design by the end of this year if the City is to meet its permit application milestone.

The concept of the Urban Water Management Plan Task Force was discussed at the 3/8/05 meeting. Three members of the committee indicated an interest in the task force and a willingness to serve on the team.

PROCLAMATIONS:

Mayor Messina presented a proclamation to Mr. Jay Garibaldi for 25 years of volunteer service with the Benicia Fire Department. Mayor Messina listed Mr. Garibaldi's accomplishments over the past 25 years.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda.

Mr. Erickson stated that there were no changes to the agenda, however he had one announcement he needed to make. On the recent business license tax bills that went out recently, there was an error. The bills were billed at 10 times the rate that they should have been. As of 3/11/05, the Finance Department sent out postcards to all licensees notifying them of the error and instructing them on how to properly compute their business license. The Chamber of Commerce has agreed to fax the notice out to approximately half of the businesses.

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

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

Noes: None

COMMUNICATIONS:

WRITTEN:

One letter (on file) was submitted (by Chief Trimble) to Council.

PUBLIC COMMENT:

1. **Bonnie Silveria - Ms. Silveria stated that she wanted to thank Mr. Bob Berman for the work he has done on the Solano Land Trust.**
2. **Council Member Smith - Council Member Smith stated that the first two people he met when he came to town were Ruth Tanner and Jay Garibaldi, two of the most dedicated people he has ever met. Council Member Smith then made the following announcements:**
 - **3/17/05 - There will be a blood drive at the First Baptist Church**
 - **3/17/05 - Chamber of Commerce Mixer at Club Pacifica**
 - **3/19 to 3/20/05 - 'Benicia in Bloom' will take place Downtown**
 - **3/19/05 - Presentation by the Downtown Asset Management Services Program will have a presentation by Douglas A. Cox at the Inn at Benicia Bay**
 - **3/19/05 - Benefit jazz concert for tsunami relief will take place at the Community Congregational Church**
 - **3/20/05 - Arts Benicia will host a reception in honor of their 'Compelled to Create' exhibit**
 - **3/20/05 - Benicia Old Timers will open their baseball season.**
 - **3/23/05 - Napa-Solano Audubon Society will have a bird watching expedition on Rush Creek in Sonoma County**
 - **3/26 - Elizabeth the 1st exhibit will be at the Library**
3. **Council Member Campbell - Council Member Campbell stated that he wanted to address the situation with Sam's Harbor. The City gave them nine months to demolish the building. That deadline expired in 10/04. They have not even applied to BCDC for permits as of yet. At some point, if the City is going to be taken seriously on its agreements, we have to be capable of dropping the hammer on situations like this. He wants to move forward with demolishing Sam's Harbor. Ms. McLaughlin confirmed that this item could be on the next agenda. She stated that there seems to be people that are interested in purchasing the property. She stated that she would be happy to go ahead with the demolition of the property. We have all the authorization needed from Council to get that ball rolling.**

Vice Mayor Patterson stated that there should be a letter of intent, otherwise we could continue going on and on with promises. This should be on the next agenda and there should be a letter of intent generated.

CONSENT CALENDAR:

Council requested items VI-A, VI-E, VI-F, and VI-G be pulled.

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, the Consent Calendar

was adopted as amended, on roll call by the following vote:

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

Noes: None

Denial of Claim against the City by Alfredo Padillo was approved and referred to the insurance carrier.

Approval of an agreement with Millstone, Peterson & Watts for legal services related to the lawsuit of Jody Togonon was approved.

RESOLUTION 05-33 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH MARKER LOVELL FOR ON-CALL INSPECTION 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 February 28, 2005 - Joint City Council/School Board meeting and March 1, 2005 Regular Council Meeting:

Council Member Smith stated that the School Board Members had only recently received copies of the 2/28/05 Joint Workshop and have not had a chance to review them. He asked that these minutes be continued until the next meeting.

On motion of Council Member Smith, seconded by Council Member Whitney, the minutes of the 3/1/05 Regular City Council Meeting were approved on roll call by the following vote:

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

Noes: None

Contract with Solano County for funding of a comprehensive plan to reduce the use of alcohol, tobacco, and other drugs and extending the sole source contract with Cecile Kazemi, Youth Action Task Force Coordinator:

Chief Trimble reviewed the Staff report on this item. He reviewed the many contributions Ms. Kazemi has made while on the Youth Action Task Force.

Council Member Smith stated that one accomplishment that was not mentioned in the Staff report was the grant she helped obtain for the School Drug and Violence Prevention Coordinator at the Middle School.

Vice Mayor Patterson stated that she would like to start up the process of having an annual program report to Council. She would like the public to fully understand the support that the program needs.

RESOLUTION 05-34 - A RESOLUTION AUTHORIZING THE CITY OF BENICIA TO PARTICIPATE IN THE

DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE PLAN TO REDUCE THE USE OF ALCOHOL, TOBACCO, AND OTHER DRUGS AMONG CHILDREN, YOUTH AND ADULTS IN SOLANO COUNTY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE EXTENDED AGREEMENT WITH CECILE KAZEMI FOR YOUTH ACTION TASK FORCE COORDINATOR SERVICES

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

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

Noes: None

Letter to the Governor, State Senate, and State Assembly supporting emergency funding for local libraries:

Council Member Smith stated that he pulled this item because he wanted to thank Jan Cox-Golovich for bringing this to the City's attention.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, Council agreed to support the letter to the Governor, State Senate and State Assembly supporting emergency funding for local libraries, on roll call by the following vote:

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

Noes: None

Emergency purchase and installation of HVAC and related work in the Police Patrol Locker Room and appropriation of funds:

Vice Mayor Patterson wanted to bring this item to the public's attention.

Chief Trimble summarized the Staff report on this item.

Vice Mayor Patterson stated that the short story is that the place is falling apart.

Council Member Smith stated that the City went through an informal bid process on this item.

RESOLUTION 05-35 - A RESOLUTION APPROVING THE EMERGENCY PURCHASE AND INSTALLATION OF HEATING AND AIR CONDITIONING UNITS AND RELATED CLEAN UP FOR THE PATROL OFFICER LOCKER ROOM IN THE POLICE DEPARTMENT AND APPROPRIATING THE FUNDS FROM THE GENERAL FUND RESERVE

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

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

Noes: None

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

Approval of a lease agreement with the Benicia Housing Authority (BHA) for the Casa de Vilarrasa Senior Housing Project:

Heather McLaughlin, City Attorney, reviewed the Staff report.

Council Member Campbell stated that it sounds like we are making a lease with ourselves since we appoint members to the Housing Authority Board. Ms. McLaughlin stated that actually the City and Housing Authority are two separate entities. We are both on the same side but she does not want to waste money on litigation in the future. That is why the City is trying to correct the problems that existed in the past.

Council Member Smith stated that he is concerned that there is a clause in the lease agreement that allows the Housing Authority to do projects up to \$100,000 without Council approval. He would prefer that number to be lower.

Vice Mayor Patterson stated that she would like the time for this agreement to be brought back to Council shortened to 6 months. Council agreed that this request was appropriate.

RESOLUTION 05-36 - A RESOLUTION APPROVING TWO LEASE AGREEMENTS WITH THE BENICIA HOUSING AUTHORITY FOR THE CASA DE VILARRASA PROJECT AND AUTHORIZING THE ACCEPTANCE AND RECORDATION OF RELATED DOCUMENTS

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

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

Noes: None

Proposed Downtown Parking Improvements: Consider implementation of 1) sign changes, 2) increased enforcement, and 3) provide further direction on the requested study on angled parking/traffic calming improvements for First Street:

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

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

Vice Mayor Patterson stated that she wanted to summarize the parking standards used by Staff. She stated that the City's criteria for location of the 30-minute is based on 1) being on the corners, 2) being proximate to the bus stops, 3) being close to the safety exits, and 4) the concerns of the merchants. Mr. Schiada confirmed that that summary was correct.

Public Comment:

- 1. Jerry Hayes - Mr. Hayes stated that he lives downtown. He has unlimited parking in front of his home. Visitors, merchants, etc. use that parking. What Staff is proposing is a solution without a problem. This parking issue turned into a forced decision. There are lots of things**

that come up that should have caused them to question the project. If Council decides to move forward with this, he would like to voice his objections to some elements of the project. He does not think 30-minute parking is appropriate and necessary under the current circumstances. He is in the restaurant business, which is a hospitality business. Having an enforcement vehicle and 30-minute enforced parking is not something the hospitality business welcomes. If this goes into effect, the merchants will be complaining more than they are now. He questioned why the City would need 30-minute parking in front of the Vet's Hall (1100 block of First Street). Is that proposed simply for uniformity? It is not necessary. He questioned why handicapped parking was put off on side streets and why the 30-minute parking is being put on the main street. He urged putting this project on hold. There are higher priority issues (school issues, etc.) that need to be addressed right now.

Vice Mayor Patterson asked Staff to address the handicapped parking issues. Mr. Schiada stated that the handicapped parking was on the corners of the side streets. The concept is that the person parking in the handicapped stalls can use the wheelchair ramps on the corners. There are over 50 handicapped parking spaces in the downtown area adjacent to the First Street corridor.

Council Member Smith asked Mr. Schiada to address the 30-minute parking in the 1100 block of First Street in front of the Vet's Hall. Mr. Schiada stated that was done for a consistency approach. If Council decides that this area should not be addressed at this time, it can be left alone and addressed at a later date.

Council Member Whitney asked Mr. Schiada if he had spoken with other communities that have implemented 30-minute parking in their downtown areas, and if so, what were their results? Mr. Schiada stated that he had worked with Martinez, who has done this, and it is working out fine. He stated that what is being proposed is appropriate for the First Street corridor.

2. Roger Britt, Chairman, Board of Directors, Benicia Main Street - Mr. Britt stated that he thinks there is a parking problem downtown. People park with no consideration of who will be parking in front or behind them. We need to have some increased traffic management. Benicia Main Street's Board of Directors asked Mr. Britt to recommend that the Council follow Staff's recommendations.
3. Greg Davis - Mr. Davis stated that he is pleased that there will be a public process and chance for the public to be involved. There has only been one pedestrian accident downtown in the past 12 months. We have a relatively safe First Street. He suggested the City lower the speed limit on First Street to 20 mph. He suggested signage in the downtown area should not be standard. The City could have brightly colored murals for signage (speed limit, Farmer's Market, shopping, etc.) Vice Mayor Patterson asked Mr. Davis to hold those thoughts and bring them to the workshops.
4. Manuel Lopes - Mr. Lopes stated that the City does have a parking problem. Staff has done an excellent job on this project. He encouraged Council to support Staff's recommendations.
5. Marcus Byrne - Mr. Byrne stated he is concerned that parking restrictions will force patrons to park in the residential neighborhoods. He asked if there was a plan to implement permit parking for the residential areas off First Street.

Vice Mayor Patterson stated that permit parking has come up a few times in the past and asked Staff to address this issue. Mr. Schiada stated that this issue is a challenge. Permit parking would require a comprehensive parking program. For a city of our size it would require an additional employee to manage that program. He stated that in the parking study, it was determined that the busiest times downtown were between 11:00 a.m. and 2:00 p.m. It was decided that it is best to leave it as shared parking arrangement.

Mr. Byrne stated that in the last four years, he has noticed an increase in the parking problems for the residential areas.

Vice Mayor Patterson stated that the City has heard these complaints a number of times. She stated that she wanted Staff to contact cities that are similar in size to Benicia, not San Francisco, to see how they are handling permit parking. She stated that we might be able to get some answers on this issue by the time the workshops start. She asked Mr. Byrne if Staff could put his name on the list for special notification of the workshops times/dates. Mr. Byrne stated that was okay.

Karen Majors, Assistant City Manager, stated that the City would be looking at a certain number of parking spaces in the East E Street lot as they move forward with that mixed use development. That may help relieve some of the side streets from use by employees.

6. Ann Lindsay - Ms. Lindsay read a letter she submitted to Council regarding requests and concerns with parking. She requested having one 30-minute parking space in front of Lindsay Art Glass (109 East F Street). She stated that limiting the other spaces directly in front of her business to 3-hour parking would benefit all of the nearby merchants and businesses. She stated that she was in favor of any parking enhancement to the First Street area. She supports the proposed angled parking plan. More parking means more business.

Vice Mayor Patterson stated that Council should direct Staff to take a look at Ms. Lindsay's request. She stated that it sounded feasible. Staff should coordinate the request with the surrounding businesses. Mr. Schiada stated that he would refer this specific request to the Bicycle, Pedestrian, and Traffic Safety Committee. There are challenges out there because it would involve removing some of the restrictions that are currently there. However, they will take a look at the request. Vice Mayor Patterson stated that she would like to see this item on the April agenda for the Bicycle, Pedestrian, and Traffic Safety Committee.

7. Leah Shelhorn - Ms. Shelhorn stated she is in agreement with the proposed changes. She submitted letters from two businesses (whose representatives could not be present tonight) that were also in agreement with the proposed changes. We need a traffic-calming, pedestrian-friendly district in the downtown area.
8. Pat Lopes - Ms. Lopes stated that as a businessperson, she sees the benefits of the proposed changes. As a schoolteacher, she sees that the changes would benefit future field trips for schools. She is in favor of the proposal.
9. Stan Houston - Mr. Houston stated that we need to look to the future. He discussed a study that was done that found our sales tax base being well below average. He asked Council to

look seriously at the problems the City has today, but look at what the problems can be a few years from now.

10. Mike Ioakimedes - Mr. Ioakimedes stated that it has been 11 years since the City has made any meaningful changes (by Public Works) to the downtown area. For him, the issue is not so much parking, but change. We need to maintain viability downtown. He discussed changes that Martinez is currently working on. We are not performing anywhere near to how we should be performing.

Council Member Smith wanted to clarify Mr. Ioakimedes statement about not spending any money on the downtown area in the past 11 years. Mr. Ioakimedes stated he was saying that there have not been any meaningful Public Works projects in the past 11 years. Council Member Smith discussed the improvements of the First Street Green and the Depot. Mr. Ioakimedes stated that he was referring to Public Works projects. Council Member Smith stated that Mr. Ioakimedes was being selective in what improvements he was putting in that group. There have been improvements. Mr. Ioakimedes discussed the sidewalks, streetlights, lack of a uniform bench program and uniform trash can program, etc.

Council Member Whitney stated that it makes sense to put this project into play and see what happens. He discussed Mr. Houston's comments on the City's sales tax base being below average. If the 30-minute parking does not work, we can make adjustments. He supports items 1, 2, and 3 listed on the agenda. Regarding hiring consultants, it is important that we have public discussions on this issue.

Council Member Smith stated that he supports items 1 and 2, but not item 3 (provide further direction on the requested study on angled parking/traffic calming improvements for First Street). He is not strongly in favor of hiring the consultants. There is division among the merchants on this issue. He initially favored the public discussions, but he is not sure we can ever come to agreement on this issue. Rather than support spending \$20,000-\$25,000 on consultants and two more meetings, he would prefer to go with the original recommendation and try out a test block.

Vice Mayor Patterson discussed the Benicia Downtown Streetscape Design Plan. It is the comprehensive plan for First Street. It predates a lot of Council's knowledge about traffic calming. Neither this plan nor the General Plan actually provides a level of detail that is particularly useful to the City. It has been Council's intention for over a year to have a workshop that introduces the community to traffic calming. Traffic Calming is not just for First Street. It is for residential areas too. The intention is to bring a full day of exposure of information of places to go see where these have been put into place. One workshop is absolutely essential. The advantage of the second workshop is clear that if we are going to go far with this program we are going to have to have CEQA. We might as well do the potential historic impacts up front rather than wait until we have the reactive process that occurs with the California Environmental Quality ACT. The purpose of the second workshop (which would not be a full day) is to allow the community to have, in a friendly environment, the ability to exchange information to find out what the impacts are to our historic resources. For those reasons, she urged Council Member Smith to support the workshops. The community has been ill served by the forums that have taken place up to this point. She does not want to deny the public this opportunity.

Council Member Whitney stated that, with regards to the angled parking, he was ready to go forward with angled parking. He agrees that there should be a facilitated dialogue.

On motion of Council Member Whitney, seconded by Council Members Smith, Council agreed to move forward with recommendation numbers 1 and 2, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, and Whitney

Noes: None

Abstain: Council Member Campbell and Mayor Messina

Council Member Smith stated that for item #3, he does not see how consultant led meetings will change people's minds. It is not a good investment with money being as tight as it is. Vice Mayor Patterson asked if that is the case, why even bother with having conversations on this. Council Member Smith stated that having conversations does not cost \$25,000. Vice Mayor Patterson stated that we would still have to do the impact assessment. We can gather the information now. The single most important question is the impact on the historic integrity of downtown. The first workshop for the traffic calming measures is funded. The second workshop is for the historic assessment. Some of this money is money that would have to be spent on CEQA. Council Member Smith stated that he does not think that the workshops are not going to be constructive. It would be more constructive to spend the money on the test block. Vice Mayor Patterson stated it would be more fair to let the community render their opinion. Council Member Smith stated that there have been a lot of opinions already rendered on this issue. Vice Mayor Patterson stated that she does not want opinions, but expertise is what we need to hear. Council Member Smith stated that he has made his decision on this item based on a lot of information. Vice Mayor Patterson stated that if the City is going to move forward with traffic calming in this community, we need to begin an educational process. Otherwise, Council will be sitting here hour after hour on every project. We will be no further 5 years from now than we are tonight. Council Member Smith stated that this is a big expenditure. It should go on Council's budget discussions. He is not ready to move on it right now. Council has authorized an expenditure on this project for \$37,000.

Mr. Schiada stated that to date, Staff has spent a few thousand dollars of the \$37,000. Vice Mayor Patterson asked Mr. Schiada of the \$250,000 that the City got for traffic calming, can Council spend some of that money on a workshop dealing with traffic calming? Mr. Schiada stated that could be done. They could use some of that for the traffic calming workshop. Council could use a portion of the \$37,000 for the historic workshop. The \$250,000 was a payment for the closeout agreement with Pacific Bay Homes.

Vice Mayor Patterson asked Mr. Erickson how this could be done. Can the money be split to come from the two different funds? Ms. McLaughlin stated that it could be done. Vice Mayor Patterson clarified that the traffic calming workshop could come from the \$250,000, but the CEQA assessment still has to be done. There will be CEQA value in the second workshop. This would need to come from the \$37,000. Mr. Schiada stated that the cost for the second workshop would be approximately \$10,000 - \$12,500. Vice Mayor Patterson asked if Council could advertise that as the scoping session for the required EIR dealing with the historic issues. Mr. Schiada stated that sounded like a great

approach.

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, Council agreed to support the workshop concept and use a part of the \$250,000 to fund the first workshop and the second workshop dealing with CEQA would be funded by a portion of the \$37,000, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, and Whitney

Noes: None

Abstain: Council Member Campbell and Mayor Messina

Vice Mayor Patterson gave direction to Staff to come up with a schedule and a budget for the Benicia Downtown Streetscape Design Plan and bring it back to Council for review.

Vice Mayor Patterson called for a 5-minute break at 9:37 p.m.

The meeting resumed at 9:43 p.m.

Mayor Messina stated that when the 'Downtown Parking Improvements' item was discussed, there was discussion on redirecting funds from a general city-wide fund to a specific project that excluded Council Members Council and himself. The issue Mayor Messina raised was that there are subsets of Council Members at the dais at certain times and technically they could have taken all the money in the budget, pushed it into one section, and spent it all. He questions whether this is appropriate. He wants to look at the policy when a Council Member is excluded. He wants to look at how Council deals with issues that have a greater impact on the City, its finances, and budget when one of them is excluded. He suggested Ms. McLaughlin send a letter to the FPPC to inquire how to handle this in the future. Council Member Smith suggested inquiring about 'targeted' funds when sending the letter to the FPPC.

Five-year update to the City's Urban Water Management Plan (UWMP):

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

Council Member Campbell posed many questions regarding the cost of this project. He was concerned about the cost of the consultants. Mr. Schiada discussed Staff's involvement and time in managing a formal task force. Mr. Schiada reviewed what 'homework' the consultants would need to do to prepare for the proposed meetings. Council Member Smith noted that per Mr. Craft's report, three PURE Commissioners were interested in serving on the task force. He asked Mr. Schiada what the response was from the Planning Commissioners. Mr. Schiada stated that the Planning Commission recommended two Commissioners to serve on the task force.

Vice Mayor Patterson stated that there was considerable support for this issue at the Planning Commission meetings. She clarified that the statutory requirements for this are 'public participation' not 'public meetings.' You need to demonstrate how you have public participation. We have seen the results of traditional engineer-run workshops. The result is a lack of knowledge by the Council Members and the community that we have a Water Management Plan. Part of the purpose is to engage the public early on. Generically, when you have a meeting run by consultants, the rule of

thumb is 6-8 hours of preparation for working with a committee, then you have the meeting itself, which is generally 2 hours, and then you have the debriefing which can range from 4-8 hours. Staff's proposal is actually fairly conservative. She asked Mr. Schiada to remind council of the source of funds for this project. Mr. Schiada stated that source of funding for the preparation of this plan is coming out of the Water Enterprise Fund.

Council Member Smith asked if the minimum amount of workshops and meetings to accommodate the task force was 4 meetings. He asked if the cost would go down incrementally if the number of meetings were lessened. Mr. Schiada stated that Staff felt that the 4+1 is the option they were most comfortable with.

Mayor Messina had questions on the cost difference listed in the report of \$15,580 (page VII-C-8) and \$8,797. Where does the difference in cost come from? Chris Tomasik, Assistant Public Works Director, stated that the consultant put additional hours in other tasks related to the public participation effort. Their total public total participation cost is the \$15,580 listed. Mayor Messina stated that he likes the idea of public participation. However, he does not want to spend additional money. There could be more staff input, shortcuts taken, etc. He would like to see more public participation that what has been envisioned. He would like to draft some citizens that are willing to participate as well.

Mr. Erickson reiterated that Staff has a lot on their plate right now. He listed the current projects and responsibilities that Staff is involved in. He urged Council to keep that in mind.

Council Member Campbell reiterated his concerns with the cost of the consultants and the cost per meeting for those consultants. It seems like it is frontloaded with costs to accommodate the learning curve.

Vice Mayor Patterson stated that she kind of agrees with Council Member Campbell's comments in the sense that we are using an engineering firm with high costs. The problem is that we are using this engineering firm because they are very good at what they are doing for the data collection and the assessment, etc. She agrees about the increasing cost of having more meetings. The meetings are actually task force meetings. She thinks that they (the task force meetings) reduce the cost because it is the members of the task force who are doing the work with the public. If there is a way we can convince the consultants that we want those kinds of public meetings and have our task force add value to the process and reduce the cost, she is very supportive of that.

Council Member Campbell stated that was pretty much the only way he will go along with this.

Mayor Messina asked what Mr. Schiada's thoughts were on this. Mr. Schiada stated that he disagrees with that. When we conduct formal committee, commission or task force, it requires an additional level of effort that could typically be handled by Staff. Right now, the Public Works department cannot accommodate this right now due to the current workload. Mayor Messina stated that it sounded like what Mr. Schiada is saying is that the committees will drive the process. They may want to go in another direction and expand the scope of some of the issues that come up in discussion, and this in itself will generate extra work for Staff.

Vice Mayor Patterson stated that this is a fee-supported effort because it is the Water Enterprise money. It is one of the few things that the citizens have a direct payment into and a direct benefit from. We are trying to do water management. We are trying to educate the public about things they need to be aware of. She agrees about the budget. Staff is paying the consultant to be the arm of staff. The problem with that is that we are paying an engineering firm with high costs. The only other way she could think about having something like this is to get rid of the arm of staff function and hire somebody less expensive. They would be the intermediary. That would be a burden to staff because they (Staff) wind up having to supervise two consultants (the engineering firm and the arm of staff consultant).

Council Member Whitney asked the consultant, Camp, Dresser, & McKee to address Council. Paul Meyerhofer, Consultant, Camp, Dresser & McKee, reviewed the background history that has taken place up to this point. He reviewed past experiences with public meetings vs. task force meetings. He reviewed how Camp, Dresser & McKee arrived at the quote for services.

Council Member Whitney asked if Mr. Meyerhofer felt fewer meetings (3) would work. Mr. Meyerhofer stated that it is driven by what the overall goals and purpose of the task force is. Three meetings would not achieve the same level of interaction and participation as they are seeing with task forces that meet more frequently.

Council Member Campbell asked Mr. Meyerhofer if the Urban Water Management Plan could be modified at a later date if Council so chooses to do so. Staff could do it on the City's own time when Staff is not so busy, since it is a 5-year plan. Mr. Schiada stated that there is a deadline that the plan has to be completed and submitted by the end of this year. It is a plan that needs to incorporate the vision for Benicia with regards to our water. Typically the plans are updated every 5 years. Once the plan is completed it is submitted to the board and put in their files.

Vice Mayor Patterson stated that the legislature is trying to link the water planning with land use. This Urban Water Management Plan that is due in 2005 is a new process. The original plan that began in the 80's required less information. The last amendment to the state authorizing statute emphasized public participation; linkages to land use, and require cities and water districts to document their implementation of water conservation plans. The use of the plan is for the statewide water managers to be able to identify water portfolios and give better real time estimates on water use in the state. Most of the information that has to be gathered is what City staff has already. Most of what we are paying for is the preparation of the report because we don't have the staff to put this together. This UWMP is important and we have run out of staff time. In this case, we have a funding mechanism that is a direct benefit and direct fee. She thinks Council can tweak some of the proposed amounts, which she would be in favor of. She would not want to throttle back the number of meetings, as it makes it as useless as the workshops. We need to have a useful public process.

Council Member Smith asked if it would be cheaper if the proposed 9-member task force were lessened to a 6 or 7-member task force. Mr. Meyerhofer stated that they put together an estimate based on their experiences. At the end of the day, there will still be the same number of questions

and issues that come up at the meetings that will need to be addressed. He stressed that they (Camp, Dresser & McKee) will only spend what is necessary to get the job done. If it requires less effort than quoted, then they will spend less effort.

Council Member Smith suggested revising the Resolution so that the task force is lessened to 6 members and limits the cost to a maximum of \$90,000.

Vice Mayor Patterson suggested it be a 7-member task force.

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

Ayes: Council Members Patterson, Smith, and Whitney

Noes: Council Members Campbell and Mayor Messina

NEW BUSINESS:

Recommendation of the City Council/School District Liaison Committee to develop revenue alternatives:

Jim Erickson, City Manager reviewed the Staff report.

Council Member Campbell asked if Staff had discussed the Port Tax issue with Chamber of Commerce or BIPA. Mr. Erickson stated that Staff has gotten feedback from both groups. Council Member Campbell stated that the current chairman of BIPA is the head of AMPORTS, so they of course would not be in favor of a port tax because they would be hit the hardest.

Council Member Smith stated that with the progress towards a Joint Use Agreement the need for this committee has grown. With the issues the committee would address, the scope of work would be quite large. It would include a parcel tax and some of the solutions that the City Staff has offered by way of absorbing the deficit created by the Joint Use Agreement. It is important that there is representation from the business community on the committee. The guiding mission of the committee should be the plight of the school district. He would like to serve on the committee.

Council Member Campbell asked for clarification on what fields the Joint Use Agreement addressed. Mr. Alvarez stated that the fields at the High School, Joe Henderson, Robert Semple, and Liberty were included in the agreement. Regardless of what school is closed, all fields in the agreement will continue to be maintained per the agreement. Council Member Campbell asked if the School District could step into this in phases.

Mayor Messina stated that he would rather go full speed ahead with all of the fields. They are community assets. Regarding the revenue committee, it bothers him that Council is talking about raising money without identifying what the specific needs are.

Council Member Campbell stated that with maintaining the fields would cost the City money. If we don't come up with a way to pay for that, we may have to take money away from other important projects to pay for it. We need to come up with revenue to pay for those costs.

Council Member Smith stated that we have identified needs and we have quantified them. If Mills closes, the fields can still be used for community purposes. As far as developing revenue sources, we are already seeing resistance. It will take a lot of work on the part of this committee to see what can be done. Every part of the community will need to pull its weight the best it can.

Vice Mayor Patterson stated that it takes a long time to build support for going to the people and asking them to approve a tax. She supports getting a revenue committee together to begin looking at the possibilities. We need to start now.

Public Comment:

1. **Mike Ioakimedes - Mr. Ioakimedes discussed the Utility Users Tax, how it came about, and how it became a permanent part of our funding mechanism. Then when the BLT increase came about, the business community wanted proof as to the need for the additional funds. Council has succeeded in spending the entire amount that the City will receive as a result of the increase in the BLT on something that was never on the table when it was originally proposed. He urged Council to not create a situation where it pits the business community against the schools.**

Council Member Smith stated that the revenue flow from the Utility Users Tax was changed drastically from Exxon's resistance to the tax. A settlement ended up capping their contributions.

Vice Mayor Patterson stated that it is hard for the City to have an annual budget when the government does not appropriate the funds we need for transportation, water, waste water, streets, VLF, etc. We are staring down a pretty desperate situation. She hopes the citizens of Benicia are realizing what is happening.

Council Member Campbell stated that he agrees with Mr. Ioakimedes. The money from the BLT was supposed to go to the roads, etc. and now it's going to the schools. Council made a promise to the business community that at least some of the money would be used for infrastructure improvements.

2. **Bob Mutch - Mr. Mutch stated that raising the taxes of the citizens should be a last resort. It is not mandatory that the City spend money from its coffers to aid the school district. Although, as a parent, he appreciates the effort.**

Mayor Messina stated that it sounds like the majority of the Council does want to proceed with this committee. He suggested anyone interested should contact him and he will appoint them at the next meeting. There should be two Council Members on the committee, and then have them work with the City Manager and School Board to come up with a framework.

Mr. Erickson suggested that Council bring this back and look at the charge of the committee. It needs to be clear what the mission and the role of the committee will be.

Ms. McLaughlin stated that when the sub-committee comes back it needs to be clear what the role of the new committee will be so that there is not a problem with the Brown Act overlap.

Council agreed that Council Members Smith and Whitney would represent Council on the committee.

Council Member Smith suggested Council direct the City and District Staff develop a document that the committee could then improve on, such as a mission statement. It should go to the School District Liaison meeting before it comes back to Council.

Vice Mayor Patterson stated that she would like to see the School District Liaison Committee develop a resolution that stipulates what they are going to be doing, the members that make it up, schedule, etc. She does not wish to be on the committee.

Recommendation from Audit and Finance Committee to resolve Benicia Marina financial issues:
Rob Sousa, Finance Director, reviewed the Staff report.

Council Member Campbell stated that it seems like we are not creating any new money, we are just reallocating it.

Mayor Messina stated that the issue of the Marina seems to be that we took over an obligation to carry out the dredging on an annual basis and we have never had a funding mechanism for it. We have a hole in the Marina Fund that is primarily caused by dredging. We need to come up with a funding mechanism to compensate the City for those additional costs. It should be directed at those that receive benefit. In terms of moving the entries around, it does not do a lot of good. In terms of renegotiating the Cal Boating Loan, we should make another attempt at making that work. Maybe we can find a new twist that we have not thought of before. He has concerns with Staff's recommendation #3, since Yuba is privately held. He is not sure we can force development there. In terms of the Ferry Landing, he is okay with that.

Council Member Campbell stated that the Cal Boating Loan was based on the idea that the foot of First Street was part of the commercial property that would eventually service the Cal Boating Loan. If we change the area of the Marina, we can go to Cal Boating and say the circumstances have drastically changed and maybe we can extend the length of the loan out there.

Vice Mayor Patterson stated that what was discussed was having further discussions on partnerships that can be made. Partnerships get better loans than private interest. There has also been talk about continuing dialogue about redevelopment in that area so that the incremental taxes would come back to the City rather than the state. There are a lot of benefits that could occur with a partnership.

Mayor Messina questioned whether the EDB should be involved in this. He suggested it might be something Staff should work on instead.

Council Member Campbell stated this is a project that we should have the EDB, Planning Commission, and Staff should all look at.

Vice Mayor Patterson stated that it would be a tremendous benefit having the EDB, Staff, and Planning Commission involved. We should see what we can get started with this. With the Staff that

we have and the makeup of the EDB, it seems like a natural thing that should happen. We are looking out of the box for solutions to this problem.

Council Member Smith stated that this seems like a fully appropriate task.

Mayor Messina stated that if the majority of the Council wants to give this a try, then so be it. He then clarified the direction to Staff. On recommendation #1, Staff is to look at some accounting changes and come back to Council with some recommendations. On recommendation #2, Staff is to meet again with Cal Boating and try to work out some alternatives. On recommendation #3, the EDB is to look at some of the potentials for Yuba, the Ferry Landing and nearby areas to replace lost commercial revenues within the Marina Area.

Review and approval of Solano Transportation Authority's proposed 2005 Comprehensive Transportation Plan:

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

Mayor Messina asked if Council does or does not approve the plan, what impact would it have on the funding the City would receive through STA. Mr. Schiada stated that what he is looking for is support of the plan, not approval of the plan. It helps to get the support of the council on the list of priority projects that have been submitted to the STA. It helps Staff to work closely with the STA when they go for their grant applications. Mayor Messina stated that Council needs to give its approval on the list of items submitted by Benicia.

Vice Mayor Patterson stated that she had some questions on the priorities. She asked about the priorities on the CIP's (Capital Improvement Plans). Mr. Schiada stated that projects that specifically affect the City of Benicia are on the CIP's. Some of the other projects that do not directly affect Benicia are not on the CIP's. Vice Mayor Patterson asked for clarification on what an 'auxiliary lane' is. Mr. Schiada explained what an auxiliary lane is. Vice Mayor Patterson asked why improving the I-680 and Lake Herman Road Interchange was on the list. She stated that if they were going to approve this interchange at all, it would be to accommodate the Seeno project, so it should not be on the list at this time. Mr. Schiada stated that it helps on the routes with regional significance to identify major projects that are beyond the scope of our own local CIP so that with federal or state money out there, it may help to get some outside funding sources. He agreed that if we were looking to widening the bridge at the Lake Herman Road Interchange, we would be looking to the Seeno development to address it. The list is not prioritized; it is a random listing of priority projects. We have a little bit of time to get this back to STA. It is not due for preliminary approval until May and final approval in June.

Vice Mayor Patterson asked for clarification on agenda page IX-C-5. Regarding the transit element, are we specifically going after the express bus route 40? It is not listed. She commended Staff for the number of times that the ferry service was referred to in the report. Mayor Messina stated that Staff is having discussions with Fairfield on the express bus route 40.

Public Comment:

1. **Brent Schoradt - Mr. Schoradt represents the Greenbelt Alliance. He urged Council to communicate a message to the STA with regards to the direction of a future transportation sales tax in Solano County. Greenbelt is working with 'Fair and Safe Traffic Solutions' in Solano County. Benicia was the only Council to reject Measure A at the last election. It is Fair and Safe's goal to go back to the drawing board to come up with a transportation plan, which is laid out in the platform laid out in the letter (on file) sent to STA by Fair and Safe Traffic Solutions. He urged Council to communicate to the STA that Fair and Safe Traffic Solutions platform should be incorporated in any future transportation sales tax.**
2. **Bob Mutch - Mr. Mutch discussed Benicia Taxpayers Association's decision last year not to support Measure A. We should be doing everything we can to find the dollars that exist today to help pay for these sort of projects. He discussed the failure of past Measures A and E.**

Vice Mayor Patterson stated that if Council approves its portion of STA's plan, that the platform be attached. Ms. McLaughlin stated that this could be done by minute action. Mayor Messina stated clarified that what Council would be doing is by minute action, approve Council's portion of the plan, and by minute action ask Mr. Schiada to draft a letter to STA stating that Council supports Fair and Safe's platform.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council approved Fair and Safe Traffic Solutions platform, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, and Smith

Noes: Council Member Whitney and Mayor Messina

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council directed Dan Schiada to send the 4-page letter to STA, on roll call by the following vote:

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

Noes: None

On motion of Council Member Whitney, seconded by Council Member Smith, Council voted, at 11:50 p.m. to continue all remaining agenda items with the exception of item XI-A-10, on roll call by the following vote:

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

Noes: None

REPORTS FROM CITY MANAGER:

All reports from the City Manager were continued to the next meeting.

REPORTS FROM CITY COUNCIL COMMITTEES:

All reports, with the exception of XI-A-10 were continued to the next meeting

Sky Valley Area Open Space Committee - Next meeting date: 3/16/05.

Mayor Messina stated that at the last LAFCO meeting there was some discussion about amending Benicia's Sphere of Influence. The owner of a property outside of our Sphere of Influence has looked

at our Measure K - Urban Growth Limit. They feel that they would like to develop the property sooner. They have contacted the City of Vallejo. The City of Vallejo is contacting LAFCO with regards to changing our Sphere of Influence. He does not know the property in question. He would like the Sky Valley Open Space Committee to look into this and protect our Sphere of Influence.

Mayor Messina stated that his second concern is with Syar Industries. Syar is working on a portable batch plant. Staff drafted a memo (on file) regarding this issue. He asked that the Sky Valley Open Space Committee review the memo and follow up on the permit that is being processed through the County.

Council Member Campbell went back to the discussion on the Sphere of Influence agreement we have with LAFCO. Ms. McLaughlin stated that this extensive of a discussion needs to be agendized. She asked Council to refrain from further discussion on this.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:58 p.m.

Lisa Wolfe, City Clerk