

**March 16, 2004**

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 16, 2004**

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:00 p.m. on Tuesday, March 16, 2004, 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.

**ADOPTION OF AGENDA:**

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

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously approved, the Agenda was adopted as presented.

**COMMUNICATIONS:**

**WRITTEN:**

None.

**PUBLIC COMMENT:**

None.

**CLOSED SESSION:**

City Clerk Lisa Wolfe made the announcement of Closed Session.

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

**Name of Case:** Gardyn v. City of Benicia

**ADJOURNMENT:**

Mayor Messina adjourned the meeting at 7:02 p.m.

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**MINUTES OF THE  
REGULAR MEETING - CITY COUNCIL  
MARCH 16, 2004**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:34 p.m. on Tuesday, March 16, 2004, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**ROLL CALL:**

**Present:** City 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 reported on the action taken in the Closed Session. Council provided direction to Staff on this issue.

**APPOINTMENTS:**

**RESOLUTION 04-33 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID CORE TO THE CITY EMPLOYEE COMPENSATION COMMITTEE**

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

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

**Noes:** None

**RESOLUTION 04-34 - A RESOLUTION CONFIRMING THE MAYORS APPOINTMENT OF MEMBERS OF THE CITY COUNCIL TO COMMITTEES**

Mayor Messina stated he was appointing Council Member Whitney to the Youth Action Task Force as a Council Representative to this group. Council Member Campbell was appointed in December 2003; however he has not been able to participate in the Task Force meetings due to scheduling conflicts.

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

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

**Noes:** None

**PRESENTATIONS:**

Update on PURE Committee:

Mr. Bob Craft reported on the PURE Committee meeting that was held on 3/9/04. At that meeting, there was a presentation on the California Water Plan. Areas discussed were: How the Regional Water Authorities interface with the State; the State's water plan vision for 2030 to wit: Adequate, reliable and sustainable quality for all beneficial uses; the objectives for the Water Plan. Mr. Craft stated that PURE fits within the framework of this plan very nicely.

Committee representatives are in the process of surveying 15 students from Benicia High School, most of whom are from the Honors Program, as candidates to participate in PURE's early pilot testing program. It is expected that two or three students will ultimately participate. The intent is to provide some practical science learning opportunities and also provide public education on the project. Carolyn Osada and Sue Wickham (Benicia High School faculty) have facilitated this endeavor.

The PURE Committee now has a firm written commitment for a \$75,000 grant from the State. This has permitted the release of the RFP for pilot testing and preliminary engineering work. This was sent to six consulting organizations. Responses are due from the organizations by April 7, 2004, and the target date for awarding the contract is 5/4/04. Work should start that same week. Mr. Craft stated that there are some crucial dates and deadlines that must be met:

- The City must apply to the Regional Water Quality Board for its' ongoing operating NPDES permit by 2/1/06.
- Valero must apply for its' NPDES permit by 6/3/07.

Since PURE methodology must be incorporated into the regular operating scheme for both the City and Valero, there is no latitude with these dates. Failure to apply on time would mean that both the City and Valero would be unable to continue routine wastewater operations. PURE must have good project definition by the end of 2005. This also means that the City must have a fully operational system which meets all permitting thresholds well before Valero's scrubber comes on line in 2009.

Due to the upcoming Easter holiday, there will not be a PURE Committee meeting in April.

Council Member Smith thanked Mr. Craft for an excellent, concise report.

**ADOPTION OF AGENDA:**

None.

**ADOPTION OF AGENDA:**

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

City Manager Jim Erickson requested that Reports from the City Manager and Reports from Council Committees be moved to the end of the Agenda. Mr. Erickson also stated that Agenda item XB did not include a Resolution. This item is a 'minute action'. Mr. Erickson suggested making a permanent change to future Agenda's so that the Reports from the City Manager and Reports from Council Committees are permanently moved to follow Business (Unfinished and New) items.

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

approved, the Agenda was adopted as amended.

**COMMUNICATIONS:**

**WRITTEN:** Council received a letter from a citizen.

**PUBLIC COMMENT:**

1. Marilyn Bardet invited Council and citizens to a lecture to help us understand energy issues. The lecture will be held on March 29, 2004. The speaker will be Julian Darley. Ms. Bardet discussed Mr. Darley's background and expertise. She was excited to have someone of such prominence come to our community to speak on such an important issue. She presented a copy of the book 'The Party is Over, Oil, War, and the Fate of Industrial Society' to Council Member Whitney. She discussed the book and what it is about.
2. Vice Mayor Patterson clarified the dates, times, and locations for Julian Darley and Celine Darley's lectures. The lecture by Julian Darley will be 3/29/04 from 7:00 to 9:00 p.m. at the Benicia Public Library. The title of the lecture will be 'Blacking Out the Great Power Denial'. The workshop given by Celine Darley will be held on Sunday, 3/28/04 from 1:00 to 3:30 p.m., and is titled 'Eating Down the Food Web; Working together to Grow Local Food'. Vice Mayor Patterson briefly described what would be discussed in this workshop.
3. Bob Craft - Mr. Craft discussed the Port Tax issue. He encouraged Council to move forward with finding out if this is a viable issue. Mr. Craft said there needs to be a change in the City's policy regarding notifying citizens when there is an issue at Valero. Mr. Craft discussed the need for the City to put the CAP information on its website.
4. Council Member Smith made the following announcements:
  - Congratulated Judy West, a dispatcher for the City's Public Safety Department for 19 years, on her retirement.
  - The Mid-Life Mommies will be performing at the Majestic on 3/27/04 at 8:00 p.m. For tickets call 747-0182.
  - Benicia PAL Inline Hockey will be hosting their annual Casino Night. This year's theme will be 'disco'. The event will be held on Friday, 4/2/04 at 7:00 p.m. at the Clocktower. For tickets call 747-4780.
  - The City will be hosting a community forum on 'downtown parking' on 4/5/04 in the Dona Benicia Room at the Library. For information, contact the Community Development Department at 746-4280.
  - The Benicia Performing Arts Foundation will be having its grand opening Spring Music Festival at the Jefferson Street Mansion on 5/2/04. For tickets call 746-1762.
  - The City will be hosting a few Computer Recycling Events on 5/14/04 and 5/15/04 at the First Street Green.

- This has not been a good month for our town. There were two prominent news stories this month. First, a young woman overdosed on heroin. Council Member Smith expressed his sympathy to the Juni family; second, a developer knocked down a building that the City decided was not historic. This was a senseless mistake made by a prior City Council. The only reason any part of the Pink Palace (Anderson Hotel) was saved was due to the eleventh hour efforts of Bill Thomason, Jane Lauder, and Karen Majors. He thanked them for their efforts. He does not want to encounter another month where the destruction of a late 19th or early 20th century building is what the world or the Bay Area hears about Benicia. Let's get our historic inventory and plans together, protect them, and not let this happen again.

5. Council Member Whitney stated that he saw Benicia High School's production of '42nd Street', which was phenomenal. He urged the community to go and see the production. He listed the remaining dates the play will be running: March 18th, 19th, 20th, 21st, 27th, and the 28th. Tickets are \$6-\$7 each.

**CONSENT CALENDAR:**

Mayor Messina asked if there were any items to be pulled from the Consent Calendar.

Council Member Smith requested item V-E be pulled.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, the Consent Calendar was approved as amended.

The minutes of February 21, 2004 and March 2, 2004 were approved.

**RESOLUTION 04-35 - A RESOLUTION AWARDING THE CONTRACT IN THE AMOUNT OF \$163,720 TO CARBON ACTIVATED CORPORATION FOR REPLACEMENT OF WATER FILTER MEDIA AT THE WATER TREATMENT PLANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**RESOLUTION 04-36 - A RESOLUTION ACCEPTING THE SOUTHAMPTON ROAD BUS STOP RELOCATION PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

**RESOLUTION 04-37 - A RESOLUTION ACCEPTING THE YEAR 2003 SLURRY SEAL PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE FO COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

**RESOLUTION 04-38 - A RESOLUTION REVIEWING THE CITY'S INVESTMENT POLICY AND GUIDELINES AND CONFIRMING ITS ADOPTION**

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

**(END OF CONSENT CALENDAR)**

Council took the following actions:

**RESOLUTION 04-39- A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT CONTRACT WITH THE CHILDREN'S NETWORK OF SOLANO COUNTY TO ESTABLISH A FAMILY RESOURCE CENTER (FRC) AS PART OF THE BENICIA POLICE DEPARTMENT'S FAMILY AND CHILDREN RESOURCE SERVICES DIVISION**

Council Member Smith stated that he pulled this item because he thinks it will be a big challenge for the City's Police Department. He stated that he wants to make sure that the hiring process for the open position will be an open and fair process. Chief Trimble stated that as soon as the contract is awarded for this program, he would talk to the Human Resources Director to initiate the hiring process. Chief Trimble stated that all normal procedures would be followed. Council Member Smith stated that if the position would not be listed, he would not support this. Chief Trimble clarified that he would be contacting the Human Resources Director to initiate the hiring process. They currently have two volunteers working on this program that are unpaid. Council Member Smith stated that he is concerned about some conflicts of interest. He stated that if the City does not list the position, we might not get the quality of person that this job requires. Council Member Smith asked if the City has a job description for this position. He would like the job description to come back to Council for review. City Attorney Heather McLaughlin stated that the position would need to go through the usual recruitment process, which involves an open application process. However, a job description will need to be developed first. Council Member Smith stated that he could support this issue as long as the job description will come before Council for review.

Vice Mayor Patterson stated that she shares Council Member Smith's concerns. She asked where the program would be housed. Chief Trimble stated that the Administrative office would be housed in the Police Department, and they would have outreach offices in the Library, CAC, Parks and Community Services, and the School District. Vice Mayor Patterson stated she was concerned that an intervention program would be housed at the Police Department. She was concerned that a young person would need to go into the Police Station for assistance. Chief Trimble clarified that this was not an intervention program. It is a family support program. The staff would need to go where the families are. It will be a coordination of services. The staff would not be providing counseling. If someone needs counseling services, they will be referred to the Catholic Social Services. It is not an intervention or counseling program. What this is about is an advocate that is supporting the families' needs. Vice Mayor Patterson asked if there was ever a time where the families would need to go to the Police Station for assistance. Chief Trimble clarified that they would only need to come to the Police Station if they wanted to. Vice Mayor Patterson stated that she trusts that the Council would be provided with a 'how we are doing' sort of report on the program. Preferably, this would be reported on more frequently than every six months. She wished Chief Trimble well.

Council Member Whitney acknowledged Chief Trimble's efforts, and the efforts of his volunteer staff. He asked Chief Trimble to share why he thinks the Benicia Police Departments Family Children Resource Service Unit is a good fit with the Family Resource Center (FRC). Chief Trimble stated that typically, Police Department is the first to see the families in crisis or in need. They have the ability to divert such people out of the criminal justice system, and surround them with the social service

systems that are available. The families that are in need typically don't have the resources they need. Chief Trimble stated that for too long, the City has been focusing on assisting youth, and they need to start focusing on families. The FRC will move the City in that direction.

Council Member Whitney made a motion to adopt the resolution, with the change that the Council Member Smith requested, requiring the job description is brought to Council for review prior to hiring for the open position. City Attorney Heather McLaughlin stated that a 'be it further resolved' could be added incorporating the change.

On motion of Council Member Whitney, seconded by Council Member Campbell, and unanimously approved, the Resolution was adopted as amended on roll call by the following vote:

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

Noes: None

#### **PUBLIC HEARINGS:**

**INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.36.030 (LAND USE REGULATIONS) OF CHAPTER 17.36 (OS OPEN SPACE DISTRICT) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO INCORPORATE MEASURE K**

Brenda Gillarde reviewed the Staff report on this item, bringing Council up to date on the events that have taken place to date on this issue.

#### **Public Comment:**

None.

On Motion of Vice Mayor Patterson, seconded by Council Member Smith, and unanimously approved, the above Introduction and First Reading of an Ordinance was unanimously approved.

#### **UNFINISHED BUSINESS:**

None.

#### **NEW BUSINESS:**

**2003-2004 Municipal Budget Midyear Overview and proposed budget adjustments:**

#### **RESOLUTION 04-40 - A RESOLUTION AMENDING THE 2003-2004 MUNICIPAL BUDGET**

Finance Director Rob Sousa gave Council Members a handout detailing the Revenue and Expenditure Summary. Mr. Sousa discussed in detail, the report on the 2003-2004 Municipal Budget.

Mayor Messina had some questions on the Revenue and Expenditure Summary handout. He clarified that the City now has generated a surplus on the operational expenditures, but it is worse off on the one-time transactions. Mr. Sousa clarified these numbers.

Council Member Smith had questions regarding a \$77,000 adjustment for street sweeping. Dan Schiada, Director of Public Works, stated that this was to account for the change in the revised contract with Pleasant Hill Bayshore. This was not caught in the original 2-year budget. Council had approved this earlier. Council Member Smith had questions for Staff on purchasing software for an on-line request system for the website. City Manager Jim Erickson stated that the City had received a grant for this. The public will be able to go to the website to see what services are available through the City. It is called 'Request Partner'. Council Member Smith stated it sounds like a good program, but the budgeted costs may not cover the total costs for recommendations that the Sunshine Committee may come up with. Council Member Smith asked if the dollars budgeted for televising other Committee meetings was totally necessary. He asked if the Committee meetings in question could be held in Council Chambers, where the services were already available, to reduce costs.

Council Member Campbell asked the status of the Panoche Wells IT issue. City Attorney Heather McLaughlin brought Council up to date on this issue. This issue had been brought to Council for approval in the past year.

Vice Mayor Patterson had question on the part of the report that addressed the removal or pruning of trees, which posed a threat or high risk to pedestrian and vehicular traffic. Mr. Sousa and Mayor Messina clarified that this was in regards to some complaints of trees that were overgrown and posed a risk to pedestrians or vehicles. The City had received some complaints from citizens that put this in motion.

Council Member Campbell stated that he would rather hold off recognizing the VLF. Mr. Sousa clarified the status of the VLF. Mr. Sousa suggested taking the designated dollars and putting them into a reserve account, not included as part of the undesignated funds.

Council Member Whitney made a motion to approve the Resolution, incorporating the changes suggested by Council Member Campbell and Rob Sousa.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously approved, 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

Agreements authorizing a shared Benicia/Vallejo Transit Operation Center to reduce costs and improve services:

Finance Director Rob Sousa reviewed the Staff Report summary on this item. He stated that this project was the brainchild of John Siragusa, Vice President of MB Transportation. The City expects to save approximately \$53,000 per year by consolidating the administrative costs for operating the transit system, along with the City of Vallejo Para Transit Services. Benicia would share a facility between the two agencies, as well as share storage yard, management, dispatch, and mechanics. The site that would work best is located in Vallejo. Mr. Sousa asked Council to approve, via minute order,

the agreement authorizing a shared Benicia/Vallejo Transit Operation Center. The sharing of dispatch services would assist in getting customers from Vallejo to Benicia and vice versa.

Mr. John Siragusa discussed, in detail, the importance, and benefits of this agreement.

Council Member Smith stated that this has the potential to be very useful. He questioned if the changes in dispatch would have a negative effect on service. Mr. Siragusa stated that Benicia currently has two dispatchers working full time. When the services are combined, there will be seven dispatchers working full time. He stated he is fairly certain the dispatch services will improve.

Vice Mayor Patterson stated that she agrees that combining the services may improve service. When the City talks about putting the savings back into the Transportation system, she wants to make sure that we come up with a way to measure the level of service. She asked if we would combine study along with the Solano Transportation Authority (STA). Mr. Siragusa stated that they would measure the level of service on all aspects, on-time service, etc. and use the information to improve service on an ongoing basis.

Council Member Whitney had questions on Vallejo's current services. Mr. Siragusa described Vallejo's current transportation services. Mr. Siragusa stated Vallejo does not currently have a dial-a-ride program. Mr. Siragusa described how getting passengers to and from Benicia/Vallejo would work. There would be a level of cooperation that would be beneficial. There are currently 11 vehicles in Vallejo, and 9 vehicles in Benicia.

Mayor Messina asked if the same dispatchers would be dispatching the transit as well as dial-a-ride services. Mr. Siragusa stated this was indeed the case. He stated that he does not anticipate any staff layoffs. If the agreement was approved tonight, Mr. Siragusa estimated that the combined operations would begin 5/1/04. Mayor Messina asked Mr. Siragusa how long after the startup takes place does he anticipate things would settle down. Mr. Siragusa stated that he does not anticipate any major hurdles. He has been involved in over 40 start-ups, and he is very familiar with the process.

Upon motion of Vice Mayor Patterson, seconded by Council Member Whitney, and unanimously approved, the Agreement authorizing a shared Benicia/Vallejo Transit Operation Center to reduce costs and improve services was approved, via minute action, on roll call by the following vote:

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

Noes: None

Vice Mayor Patterson stated that she wanted to make clear that Council is approving the relocation of the Benicia Transit Center Operation Center to 5th and Bennett Street in Vallejo, and authorizing the City Manager to execute a lease agreement with the property owner, and a joint use agreement with the City of Vallejo.

Relocation incentive proposal with Insight Glass:

**RESOLUTION 04-41 - A RESOLUTION APPROVING THE RELOCATION INCENTIVE PROPOSAL WITH**

**INSIGHT GLASS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT THAT ENCOMPASSES THE PROPOSAL**

Assistant City Manager Karen Majors reviewed the summary section of the Staff report on this item. If Insight Glass were unable to relocate in Benicia, the City would stand to lose \$237,848 per year. The development fees would be approximately \$104,000.

Council Member Smith asked the representatives from Insight Glass what their company does for the community. Insight Glass stated they were involved in Habitat for Humanity, Battered Women's, Adobe, Youth Sports, Schools, and other worthy organizations.

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

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

Noes: None

Mayor Messina called for a 5-minute break at 9:29 p.m.

Meeting resumed at 9:35 p.m.

**REPORTS FROM CITY MANAGER:**

**Information on the City's ability to levy a Port Tax:**

Assistant City Manager Karen Majors reviewed the summary of the Staff report on this item.

Vice Mayor Patterson stated it is her understanding that Benicia is the only City with a port in California that receives nothing from the port. All other jurisdictions that have ports get something. Vice Mayor Patterson stated that it is her understanding that the land underlying the waters under the pier are public trust land that were granted to the City of Benicia for management for public trust resources. If the City goes forward, she emphasized the need to find a firm that has the expertise on this specific type of issue.

Council Member Campbell stated that there is a lack of information as to what the port tax dollars can and cannot be used for. He stated that a large percentage of the gasoline in California goes through Benicia's port. He stated that it has been said that port tax dollars can only be used for port use. He cannot confirm if this is a true statement. There have been a lot of misconceptions regarding port tax dollar usage. Council Member Campbell said he would lean towards using port tax revenue for port security.

Mayor Messina asked City Attorney Heather McLaughlin how much it would cost to look into the possibility of having a port tax. Ms. McLaughlin stated that it would be very expensive, as it would require specialized attorneys that charge approximately \$400/hour. The initial estimate for the legal study was \$50,000. It may sound like a lot, but if the port tax went forward, it could be worth it.

City Manager Jim Erickson stated that he hoped that if and when Council gets the green light to move forward with the possibility of a port tax they should proceed with in the context of what is actually needed. They should then start up some sort of community dialogue as well.

Vice Mayor Patterson stated that the investigation should be done in phases. She addressed the issue of where the port tax revenue dollars could be used. She discussed the Public Trust Uses and Resources. She spoke about Long Beach, California's experience with this issue. They found that at least some of the port tax revenue had to be used for port issues.

Council Member Smith asked if the port tax issue would require a public vote. City Attorney Heather McLaughlin confirmed that this would require a public vote. Council Member Smith questioned whether the port tax revenue dollars could be used for the Schools. He supports investing the \$50,000 into investigating the possibility of a port tax.

Council Member Campbell asked exactly what and how much information we would get for \$50,000. He stated that the amount of money we could potentially bring in with a port tax is in the millions/year range. He believes it would be fair to implement a port tax. He also supports the business license tax.

Mayor Messina stated that he has reservations about investing \$50,000 into the study on port tax. He also stated that he has reservations about going after businesses for additional tax dollars simply because they can afford it. He stated that Valero donates a lot of money to local charities, causes, and the community overall. He is concerned that if we go after the Valero's and Amports (big businesses), they will cut back in other charitable areas.

Council Member Campbell stated that he had a problem with the Mayor's logic. The City needs to look at all sources of revenue.

Vice Mayor Patterson encouraged splitting the investigation into port tax in phases. She stated that having a community forum on this issue is essential. She stated that we have a community that will respond to information.

Council Member Whitney stated that it is prudent for Council to look at what sources of revenue are out there. He discussed the amount of charitable contributions that Valero makes. He agrees that opening a community dialogue on this issue is a good idea. He is not excited about spending \$50,000 on attorney fees.

Council Member Campbell compared the amount of property taxes that Valero pays and how much they contribute to charitable causes vs. how much Amports pays and how much they contribute.

Mayor Messina gave direction to City Manager Jim Erickson that Staff was to take some initial steps, come back, and report to Council. Mr. Erickson clarified that Staff would take one step at a time and discuss each step with Council before proceeding.

**Verbal update on the Seeno project:**

**City Manager Jim Erickson discussed this item. This project has been around for a while. Seeno has recently come back to the City's planning department with a renewed interest in pursuing the development application. Staff met with Albert Seeno III a few weeks ago. Regarding the City's future financial well being, it is his (Mr. Erickson's) sense that the City in general may well see the property as playing a significant role in the economy and well being of the city in terms of generating property taxes. Staff wanted to meet with Seeno get a feel for their degree of interest and find out where they are with this project. Seeno expressed to Staff that they are very interested in this project. They will be submitting an application some time in April. They have been working on some of the issues that proved to be problematic in the past. Staff made it clear that nothing less than a high quality approach that is sensitive to the land was acceptable. Seeno was clear on this issue. This is a significant development opportunity for the City.**

**Vice Mayor Patterson stated that she was surprised about the City Manager's report about Seeno, in light of what she heard as a rumor that the property was for sale.**

**Council Member Smith stated that this is a very important project for Council. The positive thing about this project is the number of jobs it will generate. He stated that he wants Seeno to consider commute patterns, and the impact it could have on the City's roads and streets. He encouraged staff to contact the Department of Fish and Games, since this was one of the project's critics in the past.**

**Mayor Messina stated that this project would have a significant impact on our community. It will affect traffic, roads, and in a positive light, jobs. He would hate to see this project get away.**

**Council Member Whitney stated he would like to see the commercial component of this project discussed. He would be open to more commercial opportunities out there.**

**Update on requests from the Valero Community Advisory Panel:**

**Chief Hanley presented this item. He discussed the request from the CAP to use the CAN system to alert the community when excess flaring and/or other visible signs occur during non-threatening incidents in Contra Costa County refineries. Chief Hanley stated that this could be done, however, if Council wants to add this notification for residents, a new protocol and message will need to be developed. Dispatchers will have the added task to issue the broadcast when they are alerted by the EDIS system. Due to the infrequency of such incidents, the impact on the dispatch center should not be a problem. It could be done.**

**Regarding the issue of accessing information (provided by Valero) regarding the CAP on the City's web page: Research indicated that the City's policy regarding information on the web page is fairly restrictive. A change of policy would be required if this is approved. City Manager Jim Erickson stated that one of the problems could be that if we provided the links to Valero's web page, it could open our website to other speakers beyond the City's government. This could be problematic.**

Council Member Whitney stated that it is Council's challenge to continue to find different ways to get information out to the public. He asked City Attorney Heather McLaughlin to clarify the problems that may be caused by putting the CAP information on the City's website. She stated that one way to solve this issue would be to make the CAP a City group, which would afford them a space on the City's web page.

Council Member Smith stated that he does not agree with Staff's position on either request from the CAP. He supports the requests made by the CAP.

Vice Mayor Patterson stated that there is direction to Staff to provide notification of incidents that are visible from Contra Costa County that face the Carquinez Strait. The second direction to Staff is to look at ways that the City could have the information from the CAP on the City's web page, including looking at the revisions of the section of the Ordinance.

Vice Mayor Patterson had a question for the City Manager. She stated that the Benicia Performing Arts Foundation will be performing at the Jefferson Street Mansion. There is apparently a restriction of the existing zoning to allow the performances on an ongoing basis. She stated that in speaking with the City Attorney, she was told that addressing this issue would take more than 15 minutes (allotted time). Vice Mayor Patterson asked Council to approve the time it would take for the City Attorney to look into this issue. City Attorney Heather McLaughlin stated this might take approximately one hour or so. Vice Mayor Patterson suggested an amendment to the commercial zoning that would include entertainment. This could buy staff more time to look at the ultimate goal of changing the zoning. There are some remedies that are available.

#### **REPORTS FROM CITY COUNCIL COMMITTEES:**

- 1. Mayors Committee meeting - What is contained in the packet consistently tells the story.**
- 2. Arsenal Restoration Advisory Board - The next meeting is scheduled for 4/21/04.**
- 3. Association of Bay Area Governments (ABAG) - The next meeting is scheduled for 4/29/04 from 8:30 to 2:30 at the Oakland Marriott, City Center.**
- 4. Audit and Finance Committee - They had a presentation on a new audit report at their last meeting. The next meeting will be 3/26/04.**
- 5. Carquinez Strait Preservation Trust - This Committee is not active.**
- 6. City Employee Compensation Committee - There were concerns at the last meeting with regards to what they were doing. It was made clear that they were not there to negotiate. They have some speakers lined up for upcoming meetings.**
- 7. Police Station and Civic Center Restoration Committee - The Committee unanimously concluded that any new police facility should be included on the campus. Decisions have not been made yet regarding size or function. The decisions will be made at the meetings in April and May.**

8. **First Street Revitalization Committee** - The Committee met on 3/3/04. There was a presentation on Business License Tax. Next meeting is scheduled for 4/2/04.
9. **League of California Cities** - Committee has not met since 1/22/04.
10. **People Using Resources Efficiently (PURE)** - Mr. Bob Craft presented this report earlier in the Council Meeting.
11. **School District Liaison** - Next meeting is scheduled for 5/25/04. They may need to meet sooner. Council may have a joint meeting with the School Board in the near future.
12. **Sky Valley Area Open Space** - The next meeting is scheduled for 3/24/04 from 7-9 p.m.
13. **Solano EDC Board of Directors** - The next meeting is scheduled for 3/25/04 at the Jelly Belly Factory.
14. **Solano Transportation Authority** - What is contained in the packet consistently tells the story.
15. **Solano Water Authority/Solano County Water Agency** - What is contained in the packet consistently tells the story.
16. **Sunshine Committee** - The next scheduled meeting is 4/7/04.
17. **Traffic, Pedestrian and Bicycle Safety Committee** - There will be a drive/walk-about on 4/1/04 at 4:30 p.m.
18. **Tri-City and County Regional Parks and Open Space** - Next meeting scheduled for 3/29/04.
19. **Youth Action Task Force** - The next scheduled meeting is scheduled for 4/14/04. The program 'Every 15 minutes' will be presented on 3/30 and 3/31 at Benicia High School.
20. **Valero Citizens Advisory Panel (CAP)** - Next scheduled meetings is 3/25/04. The discussion will center on the scoping of the independent audit.

**ADJOURNMENT:**

Mayor Messina adjourned the meeting 11:08 p.m.

Lisa Wolfe, City Clerk