

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
May 18, 2010

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

I. CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Present: Council Members Patterson, Schwartzman, Campbell, Hughes,  
and Ioakimedes  
Absent: None

B. PLEDGE OF ALLEGIANCE:

Jim Erickson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC:

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Open Government Commission:  
One full term to January 31, 2014

Finance, Audit and Budget Committee:  
One unexpired term to January 31, 2013

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

B. APPOINTMENTS:

C. PRESENTATIONS :

D. PROCLAMATIONS :

1. In Recognition of National Public Works Week
2. In Recognition of National Safe Boating Week
3. In Recognition of Older Americans Month
4. In Recognition of Relay for Life Days

V. ADOPTION OF AGENDA:

Mr. Erickson noted the budget balancing update item was last on the agenda. He reminded citizens that the item might be presented late. The City is facing a structural deficit. The City needs to be proactive.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Agenda as presented, on roll call by the following vote:  
Ayes: Council Members Patterson, Schwartzman, Campbell, Hughes, loakimedes  
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT:

Various items were submitted (copies on file).

B. PUBLIC COMMENT:

- . Robert Moore, Affordable Housing Affiliation - Mr. Moore invited the public to an upcoming neighborhood meeting on 5/20/10 at the Benicia Public Library, regarding property at the corner of East L Street and East Fourth Street.
- !. Kathy Kerridge - Ms. Kerridge discussed Proposition 16. She stated that the Sustainability Commission requested Council agendaize the issue in the future. Council and Staff discussed the sensitive timing of the issue.

VII. CONSENT CALENDAR:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council approved the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Council Members Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Council requested items VII-B and VII-C be pulled for discussion. Council Member Hughes noted he had a conflict of interest on item VII-B, as it relates to the position in the Finance Department.

- A. Approval of Minutes for March 24, 2010, April 27, 2010 and May 4, 2010:
- B. Approval of modifications to the allocation of positions in the Benicia Fire Department, the Human Resources Division of the City Manager's Office, and the Finance Department:

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the Resolution as amended (without encompassing the Senior Account Clerk position), on roll call by the following vote:

Ayes: Council Members Patterson, Schwartzman, Hughes, loakimedes

Noes: Council Member Campbell

RESOLUTION 10-60 - A RESOLUTION APPROVING MODIFICATIONS TO THE ALLOCATION OF POSITIONS AND ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2009-2011, AND APPROVING THE POSITION DESCRIPTIONS AND SALARY RANGES FOR FIRE MARSHAL AND HUMAN RESOURCES TECHNICIAN

Council Member Campbell and Staff discussed concern regarding the proposed budgetary and operational costs, and the City's operational deficit.

Vice Mayor Schwartzman and Staff discussed upcoming budget changes and possibly being able to close the gap on the proposed costs, and the proposed changes in the Fire Department.

Mayor Patterson clarified that the issue being discussed was an equal pay for equal work issue.

Vice Mayor Schwartzman and Staff discussed the proposed changes in the Finance Department and Human Resources Department.

Council Member loakimedes and Staff discussed concern regarding inflating the positions, clarification on the money the City has saved by the current frozen positions, support for equal pay for equal work, how this issue would be addressed with all other positions within the City, how the reviews are initiated,

and how job description changes are handled.

Council Member Hughes and Staff discussed support for paying employees what they deserve, and being fiscally responsible.

Council Member Campbell thanked the department heads for their efforts, the need for a balanced budget, the need to reduce expenditures, and the City's budget shortfall.

Mayor Patterson and Staff discussed the need to pay people for the work they are doing, employees working harder and more efficiently, the need to be fair, and addressing the budget issue across the board with all of the salary structures.

On motion of Council Member Ioakimedes, seconded by Vice Mayor Schwartzman, Council adopted a Resolution approving the Account Clerk being reallocated to a Senior Account Clerk, on roll call by the following vote:  
Ayes: Council Members Patterson, Schwartzman, Ioakimedes  
Noes: Council Member Campbell

RESOLUTION 10-61 - A RESOLUTION APPROVING MODIFICATIONS TO THE ALLOCATION OF POSITIONS AND ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2009-2011 FOR A SENIOR ACCOUNT CLERK

- C. Authorization to File a Grant Application for Planning Funds through the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84):

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council adopted the Resolution, on roll call by the following vote:  
Ayes: Council Members Patterson, Schwartzman, Campbell, Hughes, Ioakimedes  
Noes: (None)

RESOLUTION 10-62 - A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)

Vice Mayor Schwartzman and Staff discussed the definition of mixed use within the context of this item.

- D. Review and Acceptance of the Investment Report for the Quarter Ended

March 2010:

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

VIII. PUBLIC HEARINGS:

- A. Appeal of the Rose Center Use Permit for Reduced Parking – continued from the April 20, 2010 City Council Meeting:

On motion of Council Member Hughes, seconded by Council Member Campbell, Council 1) determined that the proposed parking reduction request for Rose Center is a Class 5 and a Class 32 Categorical Exemption from the CEQA Guidelines, based on the findings, 2) adopted an addendum to the Western Gateway Environmental Impact Report as adequate for the consideration of the proposed project, based on the findings in the environmental documentation, and 3) approved the Resolution, as amended, on roll call by the following vote:  
Ayes: Council Members Patterson, Schwartzman, Campbell, Hughes, Ioakimedes  
Noes: (None)

RESOLUTION 10-63 - A RESOLUTION DENYING THE APPEAL REQUEST OF MS. MARY WIKA AND APPROVING A USE PERMIT FOR PARKING REDUCTION AT ROSE CENTER LOCATED AT 2100-2158 COLUMBUS PARKWAY (09PLN-95)

Mark Rhoades, Land Use & Engineering Planner, reviewed the staff report. He discussed the parking capacity and demand in the Rose Center. He discussed revising the conditions of approval as presented in the agenda packet, Staff's review of the written comments submitted by various individuals to date, and updating some dates listed in the proposed resolution.

Mr. Rhoades discussed the California Natural Resource Agency's deleting parking as an initial study checklist item in CEQA, and Staff's recommendation to add an introductory statement under the CEQA findings on the first page of the proposed resolution (copy of recommended change on file).

Council Member Campbell and Staff discussed the decisions made to date on this appeal by the appellate court, whether CEQA requires an addendum with substantial changes to parking, and the connection to the City's Climate Action Plan and reduced parking.

Public Hearing Opened.

Appellant: William Kopper - Mr. Kopper discussed the City's process for appeals. He discussed the City's lack of a site plan, concern regarding the proposed 40-

space parking buffer, concerns raised in Mr. Smith's letter, concerns raised in Ms. Wika's letter, Ms. Wika's victories in the courts, the lack of an example for such a code exemption for parking, concerns regarding the environmental review exemptions, and the developer building the project with inadequate parking.

Council Member Campbell and Mr. Kopper discussed what Mr. Kopper thought could be done at this point (possibly build a parking structure).

Applicant: Mr. Carey discussed the appellant's accusations of bias, the process his client has gone through, the need for Council to look at the facts and the testimony from the tenants and users, and the need to come up with a practical solution.

Dirk Fulton - Mr. Fulton discussed the Rose Center Project, the lack of a parking problem at Rose Center, parking studies that have been done, concerns raised by others regarding special privileges granted by the City, and past public hearings that were conducted by the City.

Rebuttal by appellant: None

Public Comment:

Margie Ives - Ms. Ives spoke in opposition of the appeal. She discussed the lack of a parking problem at the center.

Michael Warren - Mr. Warren spoke in opposition of the appeal. He discussed the lack of a parking problem at the center.

Bill Keegan - Mr. Keegan spoke in opposition of the appeal. He discussed the lack of a parking problem at the center.

Andre Stewart - Mr. Stewart discussed the lack of a parking problem at the center.

Mary Wika - Ms. Wika discussed the need for clarity on all of the information going around. She discussed the order of the appellant court. She discussed the letter she recently submitted to the City (copy on file), and concerns she had with the City's staff report.

Collette Meunier - Ms. Meunier discussed the issue being one of density (rather than a parking reduction), the issue of adequate long-term parking, the economy's effect on the center, and the letter she recently submitted to the City (copy on file).

Council Member Campbell and Ms. Meunier discussed what was considered an 'urban use.' Mr. Rhoades clarified that a freeway was a transportation facility.

Mayor Patterson agreed with that statement.

Rufus Bunch - Mr. Bunch discussed concerns regarding remedies suggested by the appellant's attorney. He spoke in favor of approving the application in its original form.

Hope Hua - Ms. Hua discussed the lack of a parking problem at the center.

Steve Gibbs - Mr. Gibbs discussed the lack of a parking problem at the center.

Public Hearing Closed

Applicant Rebuttal: Mr. Carey asked Council to base its decision on common sense, and the parking surveys that had been completed. He discussed the CEQA analysis that was completed. He discussed the issue of a change in use.

Mayor Patterson and Mr. Carey discussed the issue of existing urban, and the 40-space reduction. He discussed possible remedies.

Council Member Campbell, Mr. Fulton, and Mr. Carey discussed the parking/businesses/sq. ft. at the Parkway Plaza and Rose Drive, and the center's retail maturity.

Appellant Rebuttal: Mr. Kopper clarified the number of parking spaces at the Parkway Plaza. He discussed the issue of the Rose Center not being an infill project, the issue of urban use, categorical exemptions, what is required by the City's code, the lack of figures for the businesses that are currently there, and the appellant's possible course of action if the City approves the 40-space reduction.

Council Member Ioakimedes and Staff discussed the issue of the site plan and the loading space, re-striping in the parking lot, the issue of the 40-space buffer, and the oversupply of parking at Rose Center.

Mayor Patterson and Staff discussed the court's ruling, and the 40-space buffer. They discussed the form-based code for the Downtown area (with regards to parking standards), making the Rose Center more walkable, suggestions regarding parking meters and bicycle racks.

Vice Mayor Schwartzman and Staff discussed the lack of a parking problem, the 40-space buffer, and how to monitor the compliance and change in use if the 40-space buffer were approved.

Council Member Hughes and Staff discussed the letter submitted by Ms. Meunier on 5-17-10, setting precedent, and disclosure requirements for future

tenants.

Council Member Campbell and Staff discussed the issue of setting precedent.

Vice Mayor Schwartzman and Staff discussed the issue of the denovo hearing.

Council Member Campbell and Staff discussed the number the parking spaces and overall square footage for Parkway Plaza and Rose Center, and the issue of achieving overall demand capacity.

Council Member Hughes discussed support for the use permit and the denial of the appeal.

Ms. Coleson discussed suggested changes to the resolution (copy on file) regarding the elimination of 'parking capacity' as an environmental factor under CEQA, on the first page of the resolution note there was a Council meeting and the item was first on the agenda for 1/5/2010, on the whereas where it reads 4/20/2010 - it should be 5/18/10, add class 5 categorical exemption after class 32 exemption.

Council Member Ioakimedes and Staff discussed the addition of the class 5 exemption. Council Member Ioakimedes discussed the impact Ms. Wika's letter had on him.

Vice Mayor Schwartzman asked Council and the applicant about amending the motion to include the recordation of the conditions of the use permit (as long as the Solano County Recorder allows it). The motioner and seconder agreed.

Vice Mayor Schwartzman discussed the issue of a mature retail center.

Council Member Campbell discussed the maturation of Rose Center, and possibly adding a condition to do another parking survey in 2-5 years to ensure it does not get to the 10% capacity level (If it reached that level, it would go to the Planning Commission for remedial action.).

Council Member Hughes and Staff discussed the above concerns already being addressed in the current conditions of approval.

Mayor Patterson and Staff discussed the issue of a review by the Planning Commission.

Mike Durkee, representing applicant, raised concern regarding adding additional conditions after the public hearing had been closed.

Staff discussed concern regarding adding another level of use permit review by

the Planning Commission.

Mayor Patterson discussed the processes that the appellant, applicant, and City had gone through with the project.

B. Motion to continue meeting past 11:00 p.m.

On motion of Council Member Campbell, seconded by Vice Mayor Schwartzman, Council did not approve continuing the meeting to hear the remaining agenda items, on roll call by the following vote:

Ayes: Council Member Campbell

Noes: Council Members Patterson, Schwartzman, Hughes, loakimedes

At 11:11 p.m., Council and Staff discussed whether to continue the meeting and hear item X-A-1. Staff confirmed discussion on the item could wait until the next scheduled Council meeting.

IX. ACTION ITEMS:

A. None

X. INFORMATIONAL ITEMS:

A. City Manager Reports:

1. Budget Balancing Update:

Item continued.

B. Council Member Committee Reports:

1. Mayor's Committee Meeting.

(Mayor Patterson)

Next Meeting Date: May 19, 2010

2. Association of Bay Area Governments (ABAG).

(Mayor Patterson and Council Member loakimedes)

Next Meeting Date: TBD

3. Finance, Audit and Budget Committee.

(Vice Mayor Schwartzman and Council Member Campbell)

Next Meeting Date: May 28, 2010

4. League of California Cities.

(Mayor Patterson and Vice Mayor Schwartzman)

Next Meeting Date: July 29, 2010

5. School Liaison Committee.  
(Council Members Ioakimedes and Hughes)  
Next Meeting Date: August 7, 2010
6. Sky Valley Open Space Committee.  
(Council Members Campbell and Hughes)  
Next Meeting Date: August 4, 2010
7. Solano EDC Board of Directors.  
(Mayor Patterson and Council Member Campbell)  
Next Meeting Date: May 27, 2010
8. Solano Transportation Authority (STA).  
(Mayor Patterson and Council Member Ioakimedes)  
Next Meeting Date: June 9, 2010
9. Solano Water Authority-Solano County Water Agency and Delta Committee.  
(Mayor Patterson and Vice Mayor Schwartzman)  
Next Meeting Date: June 10, 2010
10. Traffic, Pedestrian and Bicycle Safety Committee.  
(Council Members Hughes and Ioakimedes)  
Next Meeting Date: May 20, 2010
11. Tri-City and County Regional Parks and Open Space.  
(Council Members Campbell and Hughes)  
Next Meeting Date: TBD
12. Valero Community Advisory Panel (CAP).  
(Council Member Hughes)  
Next Meeting Date: July 15, 2010
13. Youth Action Coalition.  
(Vice Mayor Schwartzman and Council Member Campbell)  
Next Meeting Date: May 26, 2010
14. ABAG-CAL FED Task Force-Bay Area Water Forum.  
(Mayor Patterson)  
Next Meeting Date: June 28, 2010

XI. COUNCIL MEMBER REPORTS:

- A. Request to agendaize 127 First Street - The Tannery Building.

Item continued.

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:14 p.m.

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Lisa Wolfe, City Clerk