

July 5, 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
REGULAR MEETING - CITY COUNCIL
JULY 5, 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, July 5, 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.

ANNOUNCEMENTS/APPOINTMENTS

PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- **Planning Commission: 1 term to September 30, 2008**
- **Human Services Fund Board: 1 term to June 30, 2009**

APPOINTMENTS:

None

PRESENTATIONS:

Status of the IT Panoche Facility Closure - Semi-Annual Report:

Mr. Ray Leclerc, DTSC, Ms. Kitty Hammer, City Consultant, reviewed the Staff report and presentation.

Council Member Campbell asked Mr. Leclerc what the magnitude of the pumping level is currently at. Mr. Leclerc stated that it is currently pumping at 14-15 gallons per minute out of the central area. Council Member Campbell asked if the water was coming back cleaner. Mr. Leclerc stated that most of the water is saline water. There are some levels of heavy metals and contaminants in the water.

Vice Mayor Patterson asked if it is that they are keeping the water table lower to avoid the contact with the upslope contaminant. Mr. Leclerc stated that the DTSC's immediate concern is to prevent any movement off site. She asked if there were any more surprises that the DTSC has encountered during the wet winter. Mr. Leclerc stated that as soon as it started raining there was some water going up in

some of the wells. That indicated that there were some areas that were not properly capped (immediate infiltration occurred). IT will look at those areas. There were also some areas they thought would produce a lot of water but did not. Vice Mayor Patterson clarified that the next report DTSC provides would include the update with the student's research, looking at the capacity, and the water infiltration issue. Mr. Leclerc confirmed that was correct.

Council Member Whitney asked Mr. Leclerc about responsible parties. He asked if the contaminated materials were still there a thousand years down the road, is there a way to hold the responsible parties accountable. Mr. Leclerc stated that they are in communications on this issue, but they may need to take stronger action later down the road. It is better to try and negotiate at this point. How and when the 'heat is turned up' is discussed on a regular basis.

Mayor Messina asked Mr. Leclerc when he was scheduled to return with another report for Council. He is due to return in six months. Council agreed that having reports on this issue every six months is appropriate.

Recognition of the heroism of Joe Miller and Ed Muscolino - Presentation of award by Benicia Firefighters Association and Benicia Fire Department:

Mayor Messina read the commendations for Mr. Miller and Mr. Muscolino. He presented them with framed commendations from the City of Benicia. Mr. Muscolino and Mr. Miller assisted in the rescue of a person sail boarding that had suffered a life-threatening medical emergency.

Mr. Muscolino accepted the commendation. He also discussed the need for the availability of a quick, easily accessible watercraft that could be used in future such emergencies.

PROCLAMATIONS:

Mayor Messina presented the following proclamation:

- Parks & Recreation Month - July 2005 - Ms. Annie Lloyd, Parks, Recreation and Cemetery Commissioner, accepted the proclamation.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, 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:

PUBLIC COMMENT:

1. Bob Mutch - Mr. Mutch read the following prepared statement: "I'm here tonight to call attention to an event which occurred at the special council meeting last Tuesday evening involving Dan Smith. What caught my ear and disturbed me greatly was the exception Mr.

Smith took to a proposed funding increase of 3% requested on behalf of the Youth Action Task Force, a group which Mr. Smith used to herald as one of his proud civic affiliations.

Now, although Mr. Smith would predictably take cover under the proposition that he was merely doing his due diligence as fiscal watchdog, recent and past events would cast doubt on such an assertion. Given the facts, Mr. Smith's blatantly transparent questioning of funding and the benefit that the task force contributes to this community reveals yet another reason why he should be replaced on November 8.

This community deserves much better than the vengeful battles that Mr. Smith is now waging against the Youth Action Task Force and the positive and selfless work by Cecile Kazemi, the task force chairwoman. Quoting our esteemed council member, "Frankly this grant seems disproportionate to the benefit of the community, to the community benefit from that committee." At first, I was surprised at the quote of Mr. Smith, but now I understand why it was uttered in these chambers last Tuesday evening. It's personal. But I'll get to that in a minute. Let's talk about what the YATF offers in return for the funding provided through our tax dollars.

One only need spend five minutes talking to the chairperson or any member of the task force to find out what benefit the task force brings to the community. As mentioned last week by Chief Trimble, intervention to mitigate and stem alcohol, tobacco and other drug in school-age youth is one program. At-risk youth intervention programs such as "2nd Step" and "Too Good for Drugs" are others. Providing direction and guidance to our youngest citizens through the "First 5" is yet another. Finally, can anyone, even Mr. Smith, question the value of the assistance provided our kids through the "Little Liberty" program which helps teen mothers and their children? But if it's just about the money as Mr. Smith would imply, who can find fault with the additional \$89,000 that the task force plans to bring in from Solano County to subsidize the programs aimed at giving OUR kids a leg up when they need it or a nudge back toward a better path when it's necessary?

Is it fiscal stewardship or something more personal that motivated Mr. Smith to question the funding and what he called a "substantial" 3% increase in 2006-07 funding? Well, given the fact that Mr. Smith was recently asked to step down from the task force because of the hostile work environment he caused through his personal actions, one might assume finances are secondary to his actual cause of bringing pain to those he claims have victimized him. Is it possible? Would an elected official stoop so low as to besmirch others' reputations to justify their own self-pitying and hurtful behavior? Well, yes. I believe that there's a lawsuit pending against Mr. Smith and the city for just such a spiteful act performed just a couple of months ago. In fact, a second lawsuit may involve Mr. Smith and our city as co-defendants if another victim decides to bring suit.

Being asked to leave the YATF was not the first time Mr. Smith has made himself unwelcome on a community board or committee. Speaking from personal experience, in December of 2002, I felt compelled to ask Mr. Smith to cease and desist all public speaking and other involvement regarding X-Park Benicia due to his inability to work productively as a member of our team. After several instances of rogue comments made without consulting his team members and following several reasonable requests from me to change his tactics, Mr. Smith was told his "support" could be taken elsewhere. His response, as expected, was an angry e-mail exhibiting his childishness and complete state of

denial of the behavior he exhibited over time to merit such action from a volunteer, youth-oriented committee. Sad, but true.

There is at least one more such example of Mr. Smith's unhealthy approach to helping the community, but I'm out of time. At this point I would only urge Mr. Smith to look good and hard in the mirror and ask whether so many people around him could have so many problems, or whether it might just be his own behavior that causes others around him to react harshly to his actions, attitudes and attacks. Assuming introspection is not his thing, I look forward to November 8 and his much needed replacement.

2. Council Member Smith announced the following upcoming events:

- Farmers Market is held on Thursdays from 4-8 p.m.
- 7/8 - Movie Night at the Gazebo - 'Harry Potter and the Prisoner of Azkaban' will be playing in the City Park.
- 7/9 - Friends of the Library Book Sale
- 7/9 - BOTTG rummage sale fundraiser
- 7/12 - Vallejo City Council Meeting - They will discuss certifying the EIR for the Bordoni Ranch Project
- 7/15-7/24 - Solano County Fair opens
- 7/15 - BPAF will hold a concert at the Inn at Benicia Bay featuring The Delbert Bump Trio and Steve Homan (jazz)

Council Member Smith stated that the last public speaker was inaccurate. There are no lawsuits pending against the City with regards to him (Council Member Smith).

CONSENT CALENDAR:

Council pulled items VII-D

On motion of Council Member Whitney, seconded by Council Member Smith, 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

The Minutes of the June Budget Workshops (6/1, 6/10, 6/17, and 6/20) were approved.

Denial of claim by Benicia Harbor Corporation against the City and referral to insurance carrier was approved.

RESOLUTION 05-107- A RESOLUTION ACCEPTING THE WEST 9TH STREET LAUNCH RAMP IMPROVEMENTS AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-108 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT, INCLUDING THE BID ALTERNATE, IN THE AMOUNT OF \$470,254.52 TO EVANS GRADING AND PAVING CO. OF FOREST HILL, CA FOR THE 2005 STREET RESURFACING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

RESOLUTION 05-109 - A RESOLUTION ACCEPTING THE YEAR 2004 STREET OVERLAY PROJECT, APPROVING CONTRACT CHANGE ORDER NUMBER 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-110 - A RESOLUTION ACCEPTING THE WEST I STREET IMPROVEMENT PROJECT, APPROVING CONTRACT CHANGE ORDER NUMBER 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-111 - A RESOLUTION SETTING THE 2005-06 SECURED TAX RATES FOR THE 1997 SEWER BONDS

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Apply for Transportation Development Account (TDA) Funding for the Military East Bike Lane Project:

Vice Mayor Patterson stated that the City needs to link its transportation, including bicycle and pedestrian paths, as well as roads and highways to land use. That is a goal that the Metropolitan Transportation Commission (MTC) and Solano Transportation Authority (STA) both have. She would like the Resolution to be inclusive of the 'whereas' in terms of the General Plan. However, she was informed by the City Manager that doing so might upset the process because it would change the model resolution. She would like to ask, through the motion, that Staff communicate with MTC and STA that the standard 'whereas' be consistent with the General Plan (GP), Capital Improvement Plan (CIP), and the Transportation for Livable Communities (TLC) (either adopted or future plan). In the finding #5 that is attached to the Resolution - if we ever get money or if have a state responsible agency participate in this; the referenced attachments would need to be filed with the State Clearing House. We need to let the MTC and STA know that. She asked where the Benicia environmental document for this particular project is.

Mr. Erickson stated that it was his understanding that the environmental document was not needed at this stage. Mr. Schiada stated that the process of the MTC and STA is to file the application ahead of time and the environmental documentation will not proceed until funding is secured.

Vice Mayor Patterson stated that since there is no environmental document even though the

resolution states that there is, this would confuse the public. Ms. McLaughlin clarified the attachments in question. Staff can pass a recommendation to have a choice and so that we can be accurate in our actions. Vice Mayor Patterson would like to see that in order to be accurate with Council's action.

Vice Mayor Patterson stated that her motion would be to amend the Resolution by directing STA to amend its standard form include compliance with the GP and the CIP and the TLC Plan. Also to amend the standard findings to provide the options for either an existing CEQA process or a future CEQA process document. Also, the form should be filed with the State Clearing House. Vice Mayor Patterson clarified for Mr. Erickson that the CEQA process document would be consistent with the existing or future TLC Plans.

Council Member Smith asked Ms. McLaughlin to verify that he is not conflicted out on this issue. Ms. McLaughlin stated that he does not have a conflict with the trail in question.

RESOLUTION 05-112 - A RESOLUTION REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE FISCAL YEAR 2005/2006 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE FUNDING FOR THE MILITARY EAST BIKE LANE PROJECT

On motion of Vice Mayor Patterson, seconded by Council Member Smith, 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

PUBLIC HEARINGS:

City of Benicia Landscaping and Lighting District FY 2005-06 Assessments and Maintenance:

Dan Schiada, Public Works Director, Rob Sousa, Finance Director, and David Golick, Interim Community Development Director, reviewed the Staff report.

Council Member Smith asked if each of the 5 districts would be consolidated. Mr. Sousa verified that they would be consolidated.

Council Member Campbell asked the consultants from Muni Financial to speak on their experience with employees and contractors in other districts. Mr. Bill Moses, Muni Financial, stated that their experience was handling/preparing the charges each year following methodology laid out in the report for charging each parcel. They do not have experience in handling contractors.

Mayor Messina asked Staff to explain what Council needs to do to raise the assessments to cover our costs. Mr. Moses stated that with Prop 218 in order to increase an assessment above its maximum, you have to ballot the property owners within the district. The ballot is based on each parcel in the district and the parcel's ballot is weighted by its assessment for that district. Mr. Sousa commented on the balancing of the budget within the districts. This year the expenditures are exceeding the revenues. That serious issue cannot continue for more than a one-year period. We need six months worth to carry us through until we receive the first property taxes coming in. They hope to balance

the budget in the future and replenish the funds. They are also planning on meeting with the stakeholders in the future.

Vice Mayor Patterson suggested amending the Resolution with language changes to #10 (VII-A-6) - stakeholder working group, cost reduced, index funding, and future improvements and other district matters. Ms. McLaughlin stated that Vice Mayor Patterson's language changes were okay.

RESOLUTION 05-113 - A RESOLUTION ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2005-06

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

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

Noes: Mayor Messina

Introduction and First Reading of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts:

Continued to a future Council meeting.

Proposed Rezoning from Medium Density Residential (RM) to Planned Development (PD), and a subdivision to allow development at 608 Military East Street:

Continued to the 7/19/05 City Council meeting.

UNFINISHED BUSINESS:

Second Reading and Adoption of the Sunshine Ordinance:

Heather McLaughlin, City Attorney, reviewed the Staff report.

ORDINANCE 05-6 - AN ORDINANCE ADDING A NEW TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE REGARDING PUBLIC ACCESS TO MEETINGS AND PUBLIC RECORDS, PUBLIC ETHICS AND ESTABLISHMENT OF AN OPEN GOVERNMENT COMMISSION

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

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

Noes: Mayor Messina

Review of City of Vallejo Bordoni Ranch Project:

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

Council Member Campbell wanted to discuss the 'fair share' responsibility for cleaning up the corner of Rose Drive and Columbus Parkway. Mr. Schiada stated that the condition is worded such that the Bordoni Ranch developer will be responsible for installing four through lanes of traffic, median island, sidewalk curb, gutter, drainage improvement and bike lanes along the entire length of Columbus

Parkway between Benicia Road and the Rose Drive intersection. The reason for the caveat 'fair share' is because the City of Benicia has an approved project (Fulton) at the corner of Rose Drive and Columbus Parkway. That particular project will be responsible for the improvements. It is a matter of what development goes first. If the Bordoni Project goes first, there would be reimbursement for the work they do by the Fulton project. Council Member Campbell asked what would be done with the intersection itself. Mr. Schiada discussed the two lanes coming from Vallejo. Those will line up with the two existing lanes. Those are the two critical approaches to the intersection. Council Member Campbell asked about 140 houses that they say need to be built before the project is completed. Mr. Schiada stated that the improvements need to be in place before the building permits are issued. Mr. Schiada stated that he was happy with the way the conditions are worded.

Vice Mayor Patterson complimented Staff for getting this agreement. She asked about the lanes/roadway - is there a landscaped median isle? Mr. Schiada stated that it would be a median island along the entire length of the roadway. Vice Mayor Patterson noted that CEQA does not require the final EIR to respond to additional comments in writing, but the record will show this once the EIR is accepted. If we are unhappy about the responses to the comments Council made, we would then need to proceed with litigation. Her favorite comment that the LSA Consultants made was regarding a traffic circle/round-about at the intersection/traffic signal. She noted that they said the roundabout would not meet the 45 mph traffic flow, but that they were proposing signals which stop traffic. You can maintain or increase capacity. Their (Vallejo's) response was outrageous. She discussed the issue she had with the discussion on agricultural lands/historic vineyard. LSA's response was inaccurate. There are available mitigation measures, but it was dismissed. Regarding the comment on IX-C-35 - there is a Carquines Strait Management Plan. Their response to Council's comments was dismissive. The response is lacking and dismissive. Items that Council requested be addressed were dismissed. Council asked for some discussion on the MTC principles and linking land use with transportation and the idea of smart growth. They were again dismissed. Mr. Hughes told her that Benicia citizens did not think much of Council because they are not addressing the issues with Vallejo because they feel Council does not care. Council does care. She discussed information Mr. Hughes provided on a community discussion in Vallejo. She suggested notifying the Benicia citizens of the public meeting in Vallejo on 7/26. She wants Staff to get notices regarding the meeting out to the Benicia citizens. She suggested a joint meeting with Vallejo to discuss the project. There are serious traffic problems that need to be dealt with. She also suggested an ad-hoc meeting with Vallejo.

Council Member Smith stated that Vallejo's dismissive response to Council's comments is alarming. Many responses to the comments were 'no response required.' He discussed State Park Road bridge. We need to press them on this issue. The Bordoni Ranch Project will impact the bridge. Vallejo is not taking our comments seriously. He agrees there should be a joint meeting. He asked Staff about the 7/26 meeting in Vallejo. Mr. Schiada stated that he had contacted Vallejo staff earlier today and the meeting has been rescheduled for 7/26. Council Member Smith stated that we should be very concerned with the impact this project will have on Benicia.

Council Member Whitney asked about the traffic signals and lighting. Mr. Schiada stated that the new sensors would be installed when the intersection is changed. Council Member Whitney discussed the busy thoroughfare that Columbus Drive has become. It would behoove Council to have some dialogue

with Vallejo about our concerns about the project.

Council Member Smith asked what Council had to gain by supporting TRANS-6. Mr. Schiada stated that the EIR and the lead agency have responded to the City's comments. It is up to Council to decide whether the response is appropriate. The decision is up to Vallejo's City Council. The report that Staff gave to Council was that they did go the necessary steps to minimally address the traffic impacts.

Council Member Campbell asked Mr. Golick what Concord and Pleasant Hill had done in this type of scenario. Mr. Golick stated that the way this project is being dealt with is common. The more difficult theory is dealing with specific land use issues. He recommended the City do everything possible to get the grading situation improved. Some of the remedies discussed (ad-hoc meeting) could be very positive. It would also be helpful if Benicia citizens could provide uses and examples of projects, they could show Vallejo with regards to ridgeline projects.

Mayor Messina stated that the Vallejo Planning Commission has met and made a decision on the EIR for this project. The Vallejo City Council will meet to make a final decision on 7/26. Mayor Messina stated it would be a good idea to send out notices regarding this meeting to the Benicia citizens. He discussed the proposal that Mr. Schiada gave to Council. It is consistent with the General Plan. Mayor Messina stated that a joint meeting with Vallejo is not realistic, in terms of getting it scheduled before 7/26. He also has concerns telling Vallejo Planning Commission and departments what to do. He is not sure we will get satisfaction for the amount of energy and expense that will need to be put into this.

Council Member Campbell agreed a joint meeting with Vallejo and Council is not realistic. He suggested a forming and sending a subcommittee to meet with Vallejo.

Vice Mayor Patterson stated that we owe it to our citizens to show that we do care about the effects of this project. We need to see what can be worked out with Vallejo. We have an abundant amount of time - 20 days. She asked Ms. McLaughlin if Council could set up an ad-hoc committee to work with Vallejo, and it could be done by motion tonight. Ms. McLaughlin verified that could be done.

Mr. Erickson stated that it would be helpful to narrow the focus of issues. Vice Mayor Patterson reiterated the reasons a meeting is needed.

Council Member Smith discussed the cultural and aesthetic loss of the orchard. They also need to address smart growth and transit oriented principles. We have a stronger case in arguing the development impact on the intersection on the bridge and State Park Road. We have a right to be concerned about building on ridgelines. The visual and traffic impacts are the two main concerns the ad-hoc committee should address.

Vice Mayor Patterson made a motion to establish an ad-hoc committee. The Mayor and Vice Mayor should meet with the elected officials in Vallejo to discuss the adequacy of the responses to the environmental document, collaborative planning, some specific transportation issues, and some of the visual impacts prior to the 7/26 meeting

Council Member Campbell asked Mayor Messina if he was going to support this issue. Mayor Messina stated that he had an issue with telling Vallejo what to do. He is not sure that this course of action will persuade Vallejo to change their decisions. He suggested the Vice Mayor and City Manager attend the Vallejo City Council Meeting as individuals to present their concerns. He would prefer not to be part of the group that goes to meet with Vallejo.

Council Member Campbell stated that traffic is a big issue for him. Vallejo will need to figure out how to allocate that in the future. He discussed the issue of them building on the ridgeline. He suggested the Vice Mayor, City Manager, and the Interim Community Development Director attend the ad-hoc meeting.

Public Comment:

1. Alan Schwartzman - Mr. Schwartzman stated that he is concerned about the overpass and the traffic safety issues this project would cause. He asked Staff about the traffic studies that had been done. Mr. Schiada stated that the traffic analysis indicated that with the widening of the four lanes and the widening of the intersection, it would accommodate the additional number of vehicles that would be going through. Mr. Schwartzman discussed coming off I-780 going to Vallejo. There is a big backup at the traffic light. The project will make the backup increase. Is that being addressed? Mr. Schiada stated that there is a condition that says that there needs to be an additional turn lane for one additional approach lane. Vallejo (Bordoni contractor) would be responsible for that.
2. Mary Frances Kelly-Poh - Ms. Kelly-Poh stated that she is concerned that it is dangerous when going over the overpass to go straight to Rose Drive and trying to turn right or left. Mr. Schiada stated that the upgrades to the intersection to be done by the City of Benicia, along with the upgrades that will be done as a result of the Bordoni Ranch Project would address those issues. There needs to be separate left turn arrows, as it is dangerous. Ms. Kelly-Poh discussed the barrier on each side of the City limits between Benicia and Vallejo that would prevent building. Council Member Campbell stated that what Ms. Kelly-Poh was referring to was the 'buffer zone.' They are not building in the buffer zone. Ms. Kelly-Poh asked if there were plans for a linear park in that area. Staff stated that there were no plans for a park.

Council Member Whitney asked Staff about the Fulton project and its responsibility for widening the lanes. Mr. Schiada stated that it depends on which project goes first.

3. Greg Gartrell - Mr. Gartrell stated that right now is the best time for the City to use the leverage it has. He discussed the EIR and the inadequacy of Vallejo's responses to Council's comments. He stated that Council should put their concerns regarding Vallejo's responses in writing.
4. Steve Goetz - Mr. Goetz commented on comments made by various Council Members regarding the risk of going to Vallejo's council. He is heartened to know that some Council members are not settling and not satisfied with Vallejo's response to Benicia's comments. He hopes the Council majority is willing to put their reputations on the line to address this. He hopes Council supports the Vice Mayor's proposed motion.

5. **John Van Landschoot - Mr. Van Landschoot stated that Council should want to go to Vallejo's meetings. Council represents the public. Now is the time to address this and represent the Benicia citizens on this issue.**

Vice Mayor Patterson stated that Contra Costa County is a good example of how regional cooperation works. She cited Briones Regional Park as an example.

Council Member Campbell attempted to get the Mayor's support for the motion and the overall idea of meeting with Vallejo regarding the project.

Mayor Messina stated that talking with Vallejo about the adequacy/inadequacy of the intersection is a good idea. In terms of the ridgeline, he has concerns that it will impact Benicia, and that issue should be raised. In terms of limiting discussion to those two items, he would support it. In terms of addressing Vallejo's Council, there would need to be a number of meetings. A presence at their council meetings would be a good idea. In terms of forming an ad-hoc committee, if Council majority votes for it, so be it. If that were the case, Vice Mayor Patterson, it would be very appropriate to have her on the committee. It is important Council cement itself on the issues that are important to them.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council gave direction to Staff to establish an ad-hoc council committee (2- Council and Staff) for the purpose of working with Vallejo to address issues of transportation, bridge expansion, collaborative planning, and ridges (visual) with the City of Vallejo regarding the Bordon Ranch Project, prior to Vallejo's 7/26 meeting, on roll call by the following vote:

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

Noes: None

Council Member Smith and Vice Mayor Patterson expressed interest in being on the ad-hoc committee.

Mayor Messina called for a 5-minute break at 9:34 p.m.

The meeting resumed at 9:43 p.m.

Mayor Messina asked the City Clerk to read back what had been voted on with regards to the broadness of the ad-hoc committee's issues to address. He then stated that he would appoint himself and Vice Mayor Patterson as the Council members for the ad-hoc committee.

Council approved the Mayor's appointment of himself (Mayor Messina) and Vice Mayor Patterson to the ad-hoc committee for the purpose of working with Vallejo to address issues of transportation, bridge expansion, collaborative planning, and ridges (visual) with the City of Vallejo regarding the Bordon Ranch Project, prior to Vallejo's 7/26 meeting, on roll call by the following vote:

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

Noes: None

Proposed Revisions to Tree Resolution No. 05-76:

Trisha Togonon, Parks and Community Services Management Assistant, reviewed the Staff report.

Mayor Messina questioned whether the revisions had gone to the Parks, Recreation and Cemetery Commission for approval. Ms. Togonon verified that it had not. Mayor Messina stated not having it go to the Commission is a disservice to the Commission. Mayor Messina suggested waiting until the 7/13 Parks, Recreation and Cemetery Commission meeting so it can review the proposed revisions.

Vice Mayor Patterson stated that we would be doing a disservice to a committee (Tree Subcommittee) that has been meeting for over one year on this issue. They had unanimous support for the resolution that was introduced. We are asking them to fix an error that Council made. She wants to hear from the public to hear what they have to say. The Mayor could then see that they are in support of the revision. She does not know how Council got away with adopting material that was presented at the last minute. This is not being fair to a citizens committee that has worked on this for over one year.

Mayor Messina stated that he goes to all meetings with an open mind. In terms of a citizen coming to Council to offer comments, he is open to that.

Vice Mayor Patterson read part of the BMC (that was adopted tonight) regarding the Sunshine Ordinance. On page IX-A-12 #B-6 regarding new material introduced at the Council meeting and that Council should take time to read it or continue the item. She stated that the public should have a chance to review the new material. She quoted the code that applies to this issue. She stated that Council erred in how they handled this issue. The committee dutifully met and reviewed the resolution. They have submitted the revisions. She encouraged Council to allow Staff to continue with the Staff report and to hear from the citizens on this matter.

Council Member Whitney stated that the buck stops with Council and they have the right to make changes to the Resolutions. Council has the final say. Vice Mayor Patterson stated that the changes made to the Resolution were done hastily. In reviewing the minutes, they do not reflect what she thought Council agreed on.

Mayor Messina suggested giving the Resolution back to the Parks, Recreation and Cemetery Commission to review the changes Council made (via Resolution 05-76) and the changes suggested by the tree subcommittee to see what they come up with. He did not think that another two weeks would be a big problem.

Staff confirmed that they could get this item on the Parks, Recreation and Cemetery Commission agenda for the 7/13 meeting.

Allison Fleck, Tree Subcommittee member, stated that the Mayor's suggestion is fine. The actions by the Council regarding this resolution were a disservice to the citizens on the subcommittee. She would like some assurances if/when it will be on the Council agenda, rather than spend hours waiting for something to occur. They still have the ordinance and educational program to work on. They would like to see it on the agenda in 2 weeks to take action on it.

Council had discussion on whether or not they should hear the remainder of the Staff report or wait

until the Parks, Recreation and Cemetery Commission reviews the revision.

On motion of Mayor Messina, seconded by Council Member Whitney, Council agreed to send the resolution back to the Parks, Recreation and Cemetery Commission for review, and bring the Commission's comments back to Council at the 7/19 Council meeting, on roll call by the following vote:

Ayes: Council Members Smith, Whitney, and Mayor Messina

Noes: Council Members Campbell and Patterson

NEW BUSINESS:

Review of the Benicia Transit Short Range Transit Plan (SRTP) for Fiscal Years 2005-2010:

Rob Sousa, Finance Director, reviewed the Staff report.

Doug Langille, Transit Consultant, Nelson/Nygaard Consulting Associates, reviewed a PowerPoint presentation on the 'City of Benicia Short Range Transit Plan Final Report' (hard copy on file).

Council Member Smith asked why coordination with Fairfield's Route 40 was not incorporated in the plan. Mr. Langille stated that it would increase the travel time for the people riding down from Fairfield because the sites for the Intermodal Transportation Station were so far off from the highway. He discussed the issue of a potential park-and-ride underneath the overpass on I-680 by the storage facility. He stated that they felt that from a Benician's commute perspective it was a poor location. It would increase their travel time and distance. It is also a very unfriendly location. It would not encourage a park-and-ride type of arrangement with Route 40. There is reference to this in the report.

John Andoh, Transit Service Manager, discussed the status of the park and ride lot and Route 40. He is working with Fairfield Suisun Transit on this issue. They are working on possibly getting the Route 40 to stop at the corner of Park Road and Industrial Way. He is working with MTC to see if they can draw down RM2 funds for this. He is trying to see if we can at least get a sign up and start using that corner as soon as August.

Council Member Smith discussed why ferry service was not referenced. Mr. Andoh stated that it was because this is a short-range plan, and that is something that is more long range.

Mayor Messina stated that in terms of the tie-ins, STA is working on the longer multi-city routes. In terms of Benicians and where will they be able to access that system - where are the points where we want the busses to stop and where the citizens can gather to catch the busses? Mr. Langille stated that the one that showed the most local promise was the church parking lot on West Military and Southampton Road. That could essentially serve the Southampton folks. The second site that was looked at was the Cal-Trans yard. Mr. Schiada clarified that the best choice for pick up/drop off would be Solano Square. That would be a great bus stop area.

Vice Mayor Patterson stated that she read the report cover-to-cover. It was interesting, well prepared, and instructive. She had five suggestions. 1) It would be useful to add an appendix that summarizes the GP goals and policies. In terms of Appendix B, it should include the resolution that

was adopted by Benicia in 2004. 2) On executive summary page 6, recommendation #21 - the appendix has an excellent discussion of the station. But, she would like to have the fact that there is a resolution in existence establishing certain criteria. 3) She is unclear on the map on figure 1-3, 'bus stops outside Benicia' she considers I-780 and Military West as part of Benicia. Why is it labeled 'outside Benicia'? Mr. Langille stated that was just an error that will be fixed. She suggested also fixing the one by the State Park. 4) On page 2-4, she asked him to explain why Major Employers doesn't include the government - such as the City and the Schools. Mr. Schiada stated that it was an oversight by Staff that can be fixed. 5) On page 7-1, there is a discussion of the City of Benicia's Mission Statement. The overarching General Plan goal of sustainable development should be included. Prior to the Mission Statement, should be the GP. She wants to hear from the stakeholders. She concurs with a lot of the recommendations. There is a possibility of increasing the ridership on Amtrak if there was transit service. She would like to know if there is a possibility of increasing ridership on Amtrak going east if there was more transit service. The only way to get to the Suisun (Amtrak) station is by car. Vice Mayor Patterson suggested that when Staff sets the stakeholder meetings, that they interview the Amtrak riders to get that information.

Council Member Smith asked if there was consideration on the impact of these recommendations on the Middle School. Benicia added a route to the Middle School when BUSD cancelled bus service. Mr. Andoh stated that the school loops are proposed to be in the flex route schedules. He explained how the flex routes work. It is a hybrid service. The students can call for a deviation or they can go to the scheduled bus stop to be picked up.

Mayor Messina commented on the stakeholders. He would like Mr. Langille to come back with numbers for Council to see. He has concerns about the flex route with regards to seniors and disabled persons. The door-to-door service would not be available. In terms of the community discussions on this, he has concerns. He also has concerns with taxi service as a backup. It is difficult to get a taxi as it is. He wants Mr. Langille to hit those points at the community discussions and get back to Council.

John Andoh, Transit Service Manager, reviewed a PowerPoint presentation on the proposed changes (hard copy on file).

The SRTP will be revisited at the first Council meeting in September 2005.

Vice Mayor Patterson asked if it was possible to do an interactive questionnaire on the City's website. Mr. Sousa will discuss that with the HR Director to see if that is possible.

REPORTS FROM CITY MANAGER:

None

REPORTS FROM CITY COUNCIL COMMITTEES:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:20 p.m.

Lisa Wolfe, City Clerk