

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
AUGUST 15, 2006

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:15 p.m. on Tuesday, August 15, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: Council Member Patterson (arrived at 6:16 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENT OF CLOSED SESSION:

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

OPPORTUNITY FOR PUBLIC COMMENT:

None

CLOSED SESSION:

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

Name of case: City of Benicia v. Benicia Harbor Corporation

**B. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**

Agency negotiators: City Manager, Human Resources Director, Bill Avery of Avery & Associates

Employee organizations: Benicia Dispatchers Association, Benicia Police Officers Association, Benicia Public Service Employees Association, Professional & Confidential / Supervisory (Local 1)

Unrepresented employees: Police Managers, Middle Management, and Senior Management

ADJOURNMENT:

Mayor Messina adjourned the meeting at 6:17 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
AUGUST 15, 2006

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:05 p.m. on Tuesday, August 15, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Patterson, and Mayor Messina

Absent: Council Members Schwartzman and Whitney (both arrived at 7:07 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken at Closed Session:

APPOINTMENTS:

RESOLUTION 06-112 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MARTHA CHRISTOPHER TO THE CIVIL SERVICE COMMISSION TO A FULL TERM ENDING AUGUST 30, 2009

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

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

Noes: None

RESOLUTION 06-113 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MICHAEL ROETZER TO THE CIVIL SERVICE COMMISSION TO A FULL TERM ENDING AUGUST 30, 2009

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

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

Noes: None

RESOLUTION 06-114 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ROY SALAZAR TO THE HUMAN SERVICES FUND BOARD TO AN UNEXPIRED TERM TO JUNE 30, 2008

Council Member Patterson stated that there was extensive discussion on the Human Services Fund Board (HSFB) appointments for the two open seats because of the mission change. The two people being appointed by Council are first rate and their credentials are outstanding. However, she was a little disappointed that there was not an appointment of a representative of the artist community. The City has been named in several publications, both economic as well as artistic, pointing out that we have a very artistic community. She is hoping that when there is another opening that we really do focus on someone representing the artistic community. Otherwise, she did not want to take away from these fine, first rate individuals.

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

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

Noes: None

RESOLUTION 06-115 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID LAGLE TO THE HUMAN SERVICES FUND BOARD TO A FULL TERM TO JUNE 30, 2010

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

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

Noes: None

RESOLUTION 06-116 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF NANCY COCKERHAM TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM TO SEPTEMBER 30, 2010

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

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

Noes: None

RESOLUTION 06-117 - A RE-APPOINTING RICHARD BORTOLAZZO TO THE PLANNING COMMISSION TO A FULL TERM ENDING SEPTEMBER 30, 2010

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

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

Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of Library Card Sign-Up Month – August 15, 2006 – September 15, 2006
- Recognition of City of Benicia Lifeguard Day – August 15, 2006
- Recognition of Athletic Achievement of Amber Purvis, Benicia High School Student/Track & Field Athlete – Amber's track coach reviewed her accomplishments

throughout her career at Benicia High School. Amber's mother said how proud she was of her daughter.

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

1. Mary Wika – Ms. Wika read a prepared statement. She wanted to continue her discussion on the Rose Center project. She has spoken with Mr. Knox since his return from vacation yesterday. She stated that she and Mr. Knox disagree on many issues. He asked her to write her concerns in detail for him. He told her it basically came down to one issue. If the new project is a substantial change from the old project. She has many more issues with the project but was not prepared to discuss them tonight. However, this was the most blatant issue she had. Mr. Fulton's new plan increased the building square footage by 40 feet. She did not know what the City turns to for clarification of this code. However, in the construction world, we turn to Caltrans. Caltrans states that an increase over 10% is a substantial change. She also called a neighboring city and a planner told her that in no uncertain terms, a change of this magnitude would have to start over for approval. Mr. Fulton's letter to the City is asking approval for the insubstantial changes shown on the new plan. Mr. Knox's letter back to Mr. Fulton states that in accordance with BMC 17.104.100 (a), the site plan changes are insubstantial, as the plan does not affect any Planning Commission condition pertaining to the uses required using permit approval. He also states the revised plan also complies with all conditions of Design Review Commission project approval granted on 8/28/03. When she called Mr. Knox before he left for vacation and pointed out that the exit on Rose Drive would affect the condition of approval from the Design Review Commission, he admitted that he made a mistake and he would write to Mr. Fulton and make him aware of this. Also, in Mr. Fulton's letter to Mr. Knox, he states more than once that the revisions do not increase the square footage of any use. She asked Staff to please look at the original plans that were approved with 23,820 sq. ft. of building space. The revised plan has an increase to 33,450 sq. ft of building space. That is an increase of approximately 40%. So, who is to clarify a substantial change in plans at the City? The code that Mr. Knox referred to does not even make reference to substantial or insubstantial changes. It does make reference to a change in development plans that would affect a condition of approval, and it states that it would be treated as a new application. Therefore, the revised plan does affect a condition of approval; #26 of design review, regarding the exit on Rose Drive, and should be treated as a new application.

Mayor Messina stated that Mr. Knox just came back from vacation on Monday. However, he is still expecting a report from Staff on the issues raised at the last Council meeting. It is not on tonight's agenda, so we cannot go into this in detail. Mr. Erickson (inaudible). He stated that Mr. Fulton had made some changes, however in Staff's view, they are not substantial. One of the jobs the Community Development director has is, under the conditions of approval as well as the code, to look at changes and decide whether the changes are substantial or insubstantial. He has made the determination that the changes are insubstantial, and he (Mr. Erickson) believes that Mr. Knox is correct. Mayor Messina stated that to the extent that there may be additional information, he would like this on the next agenda.

Council Member Hughes asked if Staff could verify or validate the increase in space as described by Ms. Wika. Mr. Knox stated that the increase in square footage was accurate (33,450 sq. ft.). The issue to consider from the site plan is the horizontal view. Basically, what they are comparing is what was a gas station and car wash. The gas station has a very large cover, but not much square footage. The drug store, which does not require a use permit review, would basically replace the same site area of two uses that did require use permit review (the gas station and car wash). It is an issue of comparing square footage to square footage, and site coverage to site coverage.

Ms. McLaughlin stated that she was not sure if Staff had a list of all of Ms. Wika's concerns. Mayor Messina asked Staff to make sure and get a list of all of Ms. Wika's concerns for review.

Council Member Patterson stated that for the future agenda item, Council should have a detailed description of what can be reviewed and the appeal process. Ms. McLaughlin stated that it depends on what is being appealed. The appeal period for decisions of the planning director's is 10 days. So that period has already passed. The appeal period for issuance of building permits is 30 days. She does not believe the building permits have been issued yet.

2. Jim Fisher – Mr. Fisher discussed the Battleship USS Iowa. He sent Council a letter last week about the efforts of Historic Ships Memorial at Pacific Square. A non-profit group has been involved with obtaining the USS Iowa for a historical museum for over ten years. He has recently become a volunteer for the group. The group recently selected Mare Island as an ideal location for the ship. Historic Ships Memorial is preparing a proposal to the Navy to obtain the ship for use as a museum on at Mare Island. The City of Stockton is also competing for the ship. Evidence of community support is essential for the application. Benicia and Vallejo both have significant military history in their backgrounds. The City of Benicia's support is key to the success of this effort. They are not asking for money, only a letter of support.
3. Constance Buetell – Ms. Buetell requested that Council start necessary action to build a new police station for Benicia. She recently had to go to the police station for the first time ever to file a police report. She was shocked at what she saw. It

is an old condemned high school. She understands that repairs to the building are underway. However, high schools are not police stations. She made a video detailing the current conditions of the police station. The video is eight minutes in length. She wanted to present the video at Council's televised session. She learned through Mr. Erickson that an individual could not do this as a personal initiative. On 7/23, she provided a copy of the video to all Council Members; along with a letter asking for its response as to what actions it would take in regards to this infrastructure problem. She would like to see this become a Council agenda item. She will be uploading the video to one or all of the popular web sites so people can see the problems we face. She thanked Council Members Patterson, Schwartzman, and Whitney for contacting her prior to her presentation. She looks forward to Council's answers as to placing this on a future agenda.

Council Member Patterson asked Mr. Erickson about the issue of 'personal initiatives' not being allowed for a presentation. Mr. Erickson stated that he is not familiar with that term. He had suggested that this would be more appropriate for this to come under business from the floor or public communications rather than a presentation. Staff further thought this item should be taken under consideration when Council reviews all of its priorities later this fall. Council Member Patterson stated that we have had presentations on plastics, birds, etc. She was confused as to why this could not be under presentations. Mayor Messina stated that normally, a Council Member would 'adopt' the issue and bring a presentation forward. There are now major renovations underway at the police station. A lot of the items shown on the video have been torn out and are no longer there. The thinking is that it would be more appropriate to talk about changes under Council's upcoming priorities sessions. Ms. Buetell is suggesting building a whole new police station. If we want to address that, it should be done in the priority sessions. If one of the Council Members thinks there is some value to be gained by this, they can bring it forward. That is how all items are placed on the agenda – they go through the Council Members. That is why we encourage all citizens to contact all Council Members any time. Council Member Patterson stated that was a good suggestion; however it seemed that there was miscommunication by Mr. Erickson regarding the presentation. Mr. Erickson stated that Staff manages the agenda along with the Mayor's office. When such presentations are presented, Staff tries to present alternatives. In this case, Staff made the call that something alternative would be preferable. He agreed that the police station is a high priority.

Vice Mayor Schwartzman stated that the police station is a high priority. It is unfortunate that things happened how they have over the past years. He wondered if it was not a good thing to do that when an agenda is at an appropriate length, have the video played under presentations. It would not hurt to have it on the agenda when time allows.

Council Member Whitney suggested that Ms. Buetell talk to the City Manager about channel 27. She could possibly have the video played on channel 27, which would give it some visibility right away.

Council Member Patterson stated that she liked Vice Mayor Schwartzman's idea about the police station topic coming often and early. She will work with Dr. Buetell on this issue to see what can be done to help update the video for future presentation.

4. Bill Stevens – Mr. Stevens is the Executive Vice President of Historic Ships International. He requested Council's endorsement of the national campaign regarding a national trust. The ship is now available as a historic museum. The City of Vallejo asked for a fair competition in obtaining the ship. Numerous organizations and cities back this effort. We have an opportunity to bring a national asset to the waterfront. This memorial represents an outstanding value to the community. This would be a critical educational tool for the community. The USS Iowa has been designated by the Roosevelt family as a presidential site. This would be the first floating presidential memorial within mere miles of Benicia. This would be a firm economic interest to the City. He projected that approximately 400,000 people would visit the ship annually. This would be a one of a kind asset for the whole Bay Area. It would be a cultural asset for the North Bay.

Vice Mayor Schwartzman urged Council to support this issue.

5. Jeanine Seeds – Ms. Seeds stated that she was still concerned about the changes to the Rose Center Project. She is not sure at what point in the project that the citizens are given notice that this is going to happen. Changing from having a gas station to a Longs Drug Store is substantial. The citizens were not notified about the impacts. She does not understand what goes on here at the City. Why are inexperienced people allowed to take positions? Real estate is not the same thing as planning. Does everyone have the same access to Mr. Knox? Why is the public never given this information? No one ever knows the answers. This is just like the Incline Place issue. No one knew what was going on. Who is the ultimate person the public should rely on for information? Can anybody tell her?

Mr. Knox stated his phone number. Mayor Messina stated that anyone could contact Mr. Knox, the City Manager, or Council at any time. She should contact the City Manager for assistance in identifying what the appropriate department would be for various concerns.

6. Leslie Ingalls – Ms. Ingalls stated that one of the things that attracted her to Benicia was the low crime rate. That could be contributed to the efforts of the police force. The police deserve an updated police station. If you are at the police station and you are a victim, there is no separate space for you to be in. She has seen police officers in action and has the utmost respect for them. However, she is disappointed and embarrassed that the City has not made it a priority to build an updated police station. She understands money is hard to come by. It says a lot about what we think about our community and police force by the type of building they have. She is glad that repairs are being done on it. However, it is like our roads, we have a lot of holes and keep patching them up. Our police station should be a sense of pride for the community. She saw the Fairfield police station and was blown away by how nice it was. She wants to know how to get

this back on the agenda and what can be done by individuals in the community to make this happen.

Mayor Messina stated that Council's hands were tied by the citizens. This issue was brought up six years ago as the number one priority for Council. Architects were hired; public outreach was conducted, etc. The plans were presented to the public. The Chief reached out to the citizens to make them aware of the situation. The public said no. As a Council, they are perplexed. The public told us once that they would not support a bond measure to build a new police station. Ms. Ingalls asked what else could be done. Mayor Messina stated the time to talk about this is at Council's priority setting sessions. He urged Ms. Ingalls to attend those meetings. Mr. Erickson stated that Staff is recommending Council start the priority sessions in the fall.

7. Karen Posey – Ms. Posey stated that she spoke at the Planning Commission meeting and past Council meetings regarding the Rose Center Project. Safety is a concern with this project. The overpass (State Park Road Bridge) is used often by students. If anyone gets injured, it could be a class action lawsuit. She would like the City's definition of 'insubstantial' and 'substantial' changes within the City of Benicia. This is a substantial change. She asked what the rule was for questions posed by the public during public comment at Council meetings. Could Council respond? Sometimes they respond to people and sometimes they don't. Mayor Messina stated that Council could give brief responses. She asked him to provide the City's definition of substantial and insubstantial. Council decided as a group that this issue would be addressed soon – tentatively at the next Council meeting. Ms. McLaughlin stated that it would depend on how soon Staff received the list of concerns from Ms. Wika. Ms. Ingalls asked if other citizens could submit concerns as well. Mayor Messina stated that concerns should be sent to Mr. Erickson.

Council Member Patterson asked Staff to clarify the timing of the agenda packet. Mr. Erickson stated that the information needs to be in the City Manager's office by noon on the Friday, two weeks before a meeting. Ms. Ingalls asked if everyone could speak on this issue during public comment.

Mr. Erickson stated that Staff feels this project is even safer than the original project. Mayor Messina stated that further discussion on this should wait until this item is agendaized.

CONSENT CALENDAR:

Council pulled items VII-A, VII-I, and VII-L.

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

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

Noes: None

RESOLUTION 06-118 -RESOLUTION ACCEPTING THE BIDS FOR THE PARK ROAD BIKE LANE PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO J.A. GONSALVES & SON CONSTRUCTION IN THE AMOUNT OF \$349,095, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 06-119 - A RESOLUTION ACCEPTING THE BID FOR THE EAST 2ND STREET OVERLAY PROJECT, AWARDING THE CONSTRUCTION CONTRACT INCLUDING BID ALTERNATE TO EVANS GRADING AND PAVING, IN THE AMOUNT OF \$345,208.25, APPROPRIATING \$209,600 FROM THE TRAFFIC MITIGATION FUND RESERVES FOR THE CONSTRUCTION OF THE PROJECT, AND AWARDING TASK ORDER NO. 8 IN THE AMOUNT OF \$2,000 TO PAKPOUR CONSULTING GROUP

RESOLUTION 06-120 - A RESOLUTION ACCEPTING THE BID FOR THE EAST 5TH STREET OVERLAY PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO EVANS GRADING AND PAVING IN THE AMOUNT OF \$226,988, APPROPRIATING \$125,700 FROM THE TRAFFIC MITIGATION FUND RESERVES FOR THE CONSTRUCTION OF THE PROJECT, AND AWARDING TASK ORDER NO. 7 IN THE AMOUNT OF \$2,000 TO PAKPOUR CONSULTING GROUP

RESOLUTION 06-121 – A RESOLUTION ACCEPTING THE BID FOR THE EAST H STREET OVERLAY PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO EVANS GRADING AND PAVING IN THE AMOUNT OF \$146,412.25 AND AWARDING TASK ORDER NO. 6 IN THE AMOUNT OF \$2,000 TO PAKPOUR CONSULTING GROUP

RESOLUTION 06-122 - A RESOLUTION ACCEPTING THE BID FOR THE MILLS AREA WALKWAY IMPROVEMENTS, AWARDING THE CONSTRUCTION CONTRACT TO PFISTER EXCAVATING IN THE AMOUNT OF \$88,959, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 06-123 - A RESOLUTION AUTHORIZING A THREE-YEAR RENEWAL AGREEMENT WITH INTER-TEL LEASING INC. FOR TELECOMMUNICATIONS AND VOICEMAIL EQUIPMENT

RESOLUTION 06-124 - A RESOLUTION APPROVING A RESIDENTIAL LEASE AGREEMENT FOR 356 EAST I STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

RESOLUTION 06-125 - A RESOLUTION MODIFYING THE DESIGNATION OF REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY

RESOLUTION 06-126 - A RESOLUTION AUTHORIZING EXAMINATION OF SALES, USE, AND TRANSACTIONS TAX RECORDS BY CERTAIN STAFF AND CONSULTANTS

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of July 18, 2006 and August 1, 2006:

Council Members Hughes and Schwartzman were absent from the 7/18/06 Council meeting and needed to abstain from voting on the approval of the minutes from the meeting. Council Member Whitney was absent from the 8/1/06 Council meeting and needed to abstain from voting on the approval of the minutes from that meeting.

On motion of Council Member Whitney, seconded by Council Member Patterson, Council approved the Minutes of July 18, 2006, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: None

Abstain: Council Members Hughes and Schwartzman.

On motion of Vice Mayor Schwartzman, seconded by Council Member Patterson, Council approved the Minutes of August 1, 2006, on roll call by the following vote:

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

Noes: None

Abstain: Council Member Whitney

Approval of an extension to the current agreement with the workers' compensation third party administrator:

Council Member Hughes asked for clarification about how many employees and retirees the City has on workers' compensation. Ms. O'Connell stated that roughly 45 people (including retirees and current employees) were on workers' compensation. Council Member Hughes asked for Ms. O'Connell about her sense on the trend with SB899 over the past few years. Ms. O'Connell stated that SB899 was tremendous for us, especially with the medical expenses. In the City's case, the increase in cost was due to the extensive reporting that has to be done. There are additional steps the employee can take if they are not happy with the medical treatment they are receiving. There is a lot of additional paperwork with SB899. It is all administrative costs.

RESOLUTION 06-127 - A RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS (ICS) FOR ADMINISTRATION OF THE CITY'S WORKERS' COMPENSATION CLAIMS

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

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

Noes: None

Appropriation of an additional \$150,000 from the City's general fund reserves to the Police Department's Emergency Selective Seismic and Security Upgrade Project:

Council Member Patterson stated that she was utterly convinced that the more the public hears about the condition of the police station and the costs that we are incurring in order to do patchwork solutions to the building's problems, the more we will garner support for a future bond. She wanted to point out that she and many others in the community were disturbed about the design of the police station. It needs to be clear that the vote was not against the police or the need for a police station, as much as it was reluctance about the cost and design. What troubles her about this report is that the need for the \$150,000 – since we have an old building, the architect should be aware of the technical gaps and the age of the wiring; we took a chance on a contingency plan that was insufficient; we are nickel and diming our way through getting this work done. We have not been within the budget. We are fortunate with the increased sources of revenue funds this year allowing us to finish this. This success is through fine work by Staff, including the City Manager and Chief of Police. She is less impressed with the architect. She supports the increase, but wants to be clear that we think about and remember the two major objections in the police station bond election– design and cost.

Council Member Hughes stated he was a little confused after reading the Staff report, what the \$150,000 was for. Mr. Erickson stated that it was for plumbing, electrical, and air conditioning. Staff briefed Council when the project was approved that they felt the amount of money that was initially budgeted was sufficient to take care of the items that needed to be taken care of. At that time, Staff said that there were certain things they might run into that they could not sufficiently anticipate so that the door was not closed. The overall global problem that they are running into is that it is an old building that is being opened up. They are seeing things that they could not anticipate that need to be taken care of.

Mayor Messina stated that one of the objectives was upgrade the facility, but the second one was the recognition that the maintenance on this building had been deferred for some time.

Council Member Hughes stated that it seemed like some of the things such as an adequate power supply for sufficient lighting and air conditioning should have been recognized by the contractor early on. Chief Trimble stated that the electrical piece is the biggest piece of the additional funds. The police department has no separate electrical service for the department itself. It is run off of City Hall's electrical service. Staff knew going into this that not one more amp could be taken off of the main service to City Hall. What has happened is that Staff had the opportunity to fix and upgrade the 911-dispatch equipment. The City had \$225,000 from the State to upgrade our systems. That started the ball rolling. When Staff went in, we started having the IS technicians look at that. Staff found that all of the equipment was being maintained inside the department. It is supposed to be maintained in an isolated environment, and be air-conditioned. There was not enough electrical power to install air conditioning. The City will now have the

opportunity to have a modern up to date dispatch center that will be able to handle the technology upgrades that are coming; such as being able to dial 911 from your cell phone and be connected to the police station as opposed to CHP. The CAD mainframe needs to maintain a particular temperature. The Police Department probably uses more power than City Hall does. He is feeling very fortunate that we have a new modern system. It was more costly than he thought.

Council Member Whitney stated that the building kind of reminds him of the catacombs. It is not surprising that these things are coming up. It is an old building. It was not built to be a police station. It is going to continue to cost us a lot of money. The costs will continue to rise. The new police station that was proposed will be more expensive than originally quoted due to rising costs. What was proposed at \$9 million will probably be somewhere around \$15 million. As a community, we need to start thinking about that.

RESOLUTION 06-128 - A RESOLUTION APPROVING THE APPROPRIATION OF AN ADDITIONAL \$150,000 FROM THE CITY'S GENERAL FUND RESERVES TO THE POLICE DEPARTMENT'S EMERGENCY SELECTIVE SEISMIC AND SECURITY UPGRADE PROJECT

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

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

Noes: None

PUBLIC HEARINGS:

Introduction of an ordinance amending the Benicia Municipal Code Regulations for proposed zoning text amendment to change regulations for reduced lot width in the Single Family Residential (RS) zoning district:

Charlie Knox, Community Development Director, reviewed the Staff report.

Council Member Patterson stated that she contacted the City Manager and Community Development Director about some changes to the proposed ordinance. There was a typo on page VIII-A-5 – paragraph 3 – ‘the applicant must show that his land falls naturally’. Ms. McLaughlin stated that would be corrected by changing it to his’s/hers’s/everybody. Council Member Patterson stated that the more substantial change was on page VIII-A-6 - she would like to have some criteria listed in this section. The terms listed are general. Mr. Knox stated that ‘to ensure adequate distance between driveways’. It would be appropriate to add a sentence or two to clarify that issue.

Public Hearing Opened

Public Hearing Closed

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.24.030 (RS, RM AND RH DISTRICTS- PROPERTY DEVELOPMENT REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL

DISTRICTS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY AMENDING SUBSECTION R (REDUCTION OF LOT WIDTH)

On motion of Council Member Patterson, seconded by Council Member Whitney, the above Introduction and First Reading of an Ordinance was approved as amended, on roll call by the following vote:

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

Introduction of an ordinance amending the Benicia Municipal Code to allow flag lots in the Single Family Residential (RS) Zoning District:

Charlie Knox, Community Development Director, reviewed the Staff report.

Public Hearing Opened

Public Hearing Closed

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.24.030 (RS, RM AND RH DISTRICTS- PROPERTY DEVELOPMENT REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SUBSECTION S (FLAG LOTS)

On motion of Council Member Patterson, seconded by Vice Mayor Schwartzman, the above Introduction and First Reading of an Ordinance was approved, on roll call by the following vote:

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

Introduction of an ordinance to update Benicia Municipal Code development standards and regulations for wireless communication facilities:

Charlie Knox, Community Development Director, reviewed the Staff report.

Council Member Patterson had questions on putting the types of proposed equipment being discussed on corners and public right of ways. She is concerned that we will have mushrooming boxes throughout the City. There is a reference in the staff report about design controls on other telecommunication equipment. Does the ordinance apply to those? Mr. Knox stated that the ordinance does apply and it does a good job of ensuring that they are as visually unobtrusive as possible. It is important to retain use permit review at the Planning Commission to try and coordinate as few as those locations as possible. There is a lot of language about co-locations being a possibility. Council Member Patterson stated that she did not see any reference to them being required to put the equipment in vaults. Mr. Knox stated that there is a requirement about all wires and cables being underground. He stated that on page VIII-C-9 paragraph 5 - it requires equipment to be placed underground or screened from public view. If Council wants to make that more restrictive, that is the place to do it. Council Member Patterson stated that she would like Council to discuss making this section more restrictive. She thought there

were some subdivisions in Southampton that prohibits such equipment. Mayor Messina stated that he thought he has seen such equipment in Southampton. Council Member Patterson stated that there are some bad examples around town. It is a shame when such equipment is put in historic districts. Ms. McLaughlin stated that Council should go back and look at this more. The ordinance applies to the wireless facilities. We have had concerns in the past with cable TV fixtures. Mr. Knox stated that on page VIII-C-6 under exemptions, it notes that we are not trying to regulate things other than wireless communication facilities. Ms. McLaughlin stated that what she was saying that the regulation of both types of facilities should be the same. To her it makes no sense to have it different. Mayor Messina suggested making an amendment and voting on this.

Public Hearing Opened
Public Hearing Closed

Council Member Patterson clarified that her motion would be to approve the Introduction and First Reading of the Ordinance with the amendment to require the equipment be placed underground to the greatest extent possible or screened. The modifications would be to page VIII-C-9.

She then requested Staff prepare another ordinance that amends comparable ordinances so that they comport exactly with the newly adopted ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA
AMENDING SECTION 17.12.030 (DEFINITIONS) AND SECTION 17.70.250
(SATELLITE ANTENNAS AND MICROWAVE EQUIPMENT) OF CHAPTER 17.70
(SITE REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL
CODE TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS FOR
WIRELESS COMMUNICATION FACILITIES

On motion of Council Member Patterson, seconded by Council Member Hughes, the above Introduction and First Reading of an Ordinance was approved as amended, on roll call by the following vote:

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

Approval of Grantee Performance Report for the City's Housing Rehabilitation
Revolving Loan Account:

Charlie Knox, Community Development Director, reviewed the Staff report.

Council Member Hughes asked why this particular service is being used. Mr. Knox stated this was an organization that the City is familiar with. Mr. Patrick Talbot at HCD thought this was a good organization to use. They have a good track record. If Council wants, he can get stats on what they have done in the past.

Vice Mayor Schwartzman stated that he was aware of the organization and they have been around for quite a while. They have a very good reputation.

Council Member Patterson asked if Staff could elaborate on the value of having existing homes painted and repaired with the block grant money. Mr. Knox stated that there is no question that when you walk down First Street and you see a building that is in disrepair, the block grant could make that happen. Council Member Patterson asked if she heard correctly that the City would be eligible for an additional \$1 million dollars. Mr. Knox stated that it is not guaranteed that we would get the money. He was told by HCD there was up to \$1 million available. It has the same limitations; we would have to loan it out, it has to revolve, etc. He does not think it was just limited to rehabilitation. Right now, we are not eligible for any of it because we are not making loans. Council Member Patterson asked what he meant when he discussed economic development. Mr. Knox stated that we would have to find properties that would qualify. Along First Street, there are structures that just need a facelift. You could also use it for businesses.

Vice Mayor Schwartzman stated that once the funds come back to the City, could we do what we want with it as long as it is affordable housing. Mr. Knox stated that it has to be rehabilitation because the reuse plan limits us to that. It is federal money, but it is really the state's money. If we want to use it for anything other than rehabilitation, we would have to re-submit our reuse plan. Vice Mayor Schwartzman stated that he was talking about other affordable housing and measures, such as silent seconds. Mr. Knox stated that he asked about down payment assistance. Mr. Talbot told him that other eligible program items could be approved. Again, we would have to re-submit our reuse plan. Other opportunities would be gap financing, down payment assistance, infrastructure, or payment of fees. He does not know how long the process would take to change the reuse plan.

Public Hearing Opened

Robert Moore – Mr. Moore read the following prepared statement: ‘The Affordable Housing Affiliation comes before you this evening to again propose the reuse of the Revolving Loan Fund. While we have made this formal request on three separate occasions since April of 2005, we feel the timeliness for the Council to address this issue has never been greater.

As you know, the Revolving Loan Fund evolved from the original CDBG grant to the City to provide low interest loans to low-income households to make repairs to their homes. The two factors: the absence of staff to support the program, and the availability of competitive low interest loans from the private market. While the City's consultant has apparently identified a few possible candidates, the demonstrated need is still significantly less than in the program's heyday.

HCD regulations regarding the use of these funds changes once the funds have been returned to the City in the form of loan repayment. The Revolving Loan Fund, the product of such repayments, may be altered to suit the needs of the jurisdiction as long as it supports affordable housing goals. The City need only change the program structure to accommodate a more broadly scoped Affordable Housing Fund. AHA is proposing specifically that the Revolving Loan Fund be converted into the Affordable Housing

Fund, from which developers of affordable housing can draw to help pay for various activities in the development and construction process.

In so much as the fund would be loaned to developers for construction loans, the administrative costs would be greatly reduced compared to the Revolving Loan Fund. While the Revolving Loan Fund allows outside administrative fees to be siphoned away, this reducing the total amount of funding available, the Affordable Housing Fund would gradually grow over time in the form of repayments and interest. Because the entire amount of the fund would likely be loaned in approximately two-year cycles, the time required to administer the program would be significantly reduced.

An Affordable Housing Fund would be a significant asset for the City. Many jurisdictions are currently attempting to create such a resource for affordable housing developers. Benicia is fortunate to have this option available without significant controversy or effort. To allow the Revolving Loan Fund to dwindle through outside administrative fees would be a waste of community assets.

The Affordable Housing Affiliation urges the City to take advantage of the formation of an Affordable Housing Fund during this timely convergence of opportunity and need. AHA would be pleased to meet with City Staff to discuss the goals and procedures for the proposed Affordable Housing Fund.'

Public Hearing Closed

Mayor Messina asked if it was possible, as the money comes back to the City, to bring back a structure that gives us some flexibility. Mr. Knox stated that when he talked with Mr. Talbot he posed the question that if we get an amended plan, what kinds of other items would be eligible. He was told options would be gap financing, down payment assistance, infrastructure, or payment of fees. Mr. Talbot strongly recommended the sub-grantee option method. He just went through a similar situation with the City of Oakland. Mr. Knox stated that he would like to defer to the experts at HCD for direction on this. This is not something he is familiar enough with to comment on in more detail.

Council Member Patterson would like to give direction that Staff invites Robert Talbot and other expertise we have available to give a presentation so that Council could have more information. Council would like the presentation via workshop. Mr. Erickson stated that Council would be meeting on 8/30 to discuss what workshops it would be having in the future. That would be a good time to discuss this.

RESOLUTION 06-129 - A RESOLUTION APPROVING THE GRANTEE PERFORMANCE REPORT FOR THE CITY'S HOUSING REHABILITATION REVOLVING LOAN ACCOUNT

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

Noes: None

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Reports from City Manager:

None

Council Member Committee Reports:

1. Mayors' Committee Meeting – Mayor Messina: Next meeting date: 9/20/06
2. Association of Bay Area Governments (ABAG) – Mayor Messina: Next meeting date: 10/26/06
3. Audit & Finance Committee – Vice Mayor Schwartzman and Council Member Hughes: Next meeting date: 9/8/06
4. League of California Cities – Mayor Messina: Next meeting date: 9/6/06 to 9/9/06 (Annual Conference)
5. School District Liaison – Council Members Whitney and Hughes: Next meeting date: 9/14/06
6. Sky Valley Area Open Space – Council Members Patterson and Whitney: Next meeting date: 9/6/06
7. Solano EDC Board of Directors – Mayor Messina: Next meeting date: 8/24/06
8. Solano Transportation Authority (STA) – Mayor Messina: Next meeting date: 9/13/06
9. Solano Water Authority/Solano County Water Agency – Mayor Messina: Next meeting date: 9/14/06
10. Traffic, Pedestrian and Bicycle Safety Committee – Council Members Patterson and Hughes: Next meeting date: 10/19/06
11. Tri-City and County Regional Parks and Open Space – Council Member Whitney: Next meeting dates: 9/11/06
12. Valero Community Advisory Panel (CAP) – Council Member Hughes: Next meeting date: 9/21/06
13. Youth Action Task Force – Vice Mayor Schwartzman and Council Member Whitney: Next meeting date: 8/30/06
14. ABAG/CAL FED Task Force/Bay Area Water Forum – Council Member Patterson: Next meeting date: 8/28/06

COMMENTS FROM COUNCIL MEMBERS:

Overview of League of California Cities Executive Forum:

Council Member Patterson reviewed the Staff report. There are some urgent matters that Council needs to take up with more Council time. She hoped this could be put on the presentation portion of an agenda, as this issue will be on the upcoming election. A great deal of time was spent at the Forum on Prop 90. The scope and ramifications are huge. The City will be sued one way or another if it passes. A lot of time was spent on the telecommunications bill, AB2987, which is known by the League of California Cities as 'still a bad bill'. This could jeopardize our position in terms of rights of way. The League

regretted reporting that the legislature really does not know anything about this issue. Time is short to get this information out. Council may want to post the information so the public can respond to their elected members. One session she attended was on commissions, boards, and committees. It was most enlightening. She would like to take a few minutes to present the PowerPoint presentation that was given. She urged Council to attend a League of California Cities meeting. The information is very helpful.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:09 p.m. and continued the Closed Session meeting.

Lisa Wolfe, City Clerk