

August 17, 2004

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

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
AUGUST 17, 2004**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 8:10 p.m. on Tuesday, August 17, 2004, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina announced the action taken in Closed Session. He stated that with reference to the case of potential litigation, Jody Togonon vs. City of Benicia, Council received information. With regards to Vilarrasa Associates vs. City of Benicia, Council gave direction to Staff to request postponing the trial and providing more time to consider the settlement proposal.

APPOINTMENTS:

RESOLUTION 04-119 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF NORMAN HATTICH TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 1, 2008

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

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

Noes: None

PRESENTATIONS:

Dr. Ronald W. Chapman, Deputy Director, Solano County Health and Social Services, gave a PowerPoint presentation on West Nile Virus (on file). His associate Ms. Carol Evkhanian, a biologist with the Solano County Mosquito Abatement District, provided detailed information on West Nile Virus, and how they are going about dealing with the situation.

City Manager Jim Erickson stated that the City is considering using some informational tapes to be broadcast on channel 27 for public information.

Council asked Staff to proceed with the report on the City's response to West Nile Virus found in Solano County at this time, as the timing seems appropriate.

REPORTS FROM CITY MANAGER:

Report on the City's response to West Nile Virus found in Solano County:

Dan Schiada, Public Works Director reviewed the staff report on this item.

PROCLAMATIONS:

Mayor Messina presented a Proclamation for the City of Benicia Lifeguard Day to Donny Biro, Aquatic Coordinator. Several Benicia Lifeguards received various awards at the recent Northern California Lifeguard Games in San Jose, California.

ADOPTION OF AGENDA:

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

City Manager Jim Erickson suggested moving the Agenda item VIII-A up to be the first order of business, immediately following the Consent Calendar. Mr. Erickson stated that the minutes of 7/13 and 7/20 are not included in the Agenda, as they had already been approved.

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

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

Noes: None

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

1. Bridget McCarthy was speaking on behalf of Jeff Buchoff - Ms. McCarthy stated that she wanted to provide an update on the inquiries the neighbors of 153 West E Street had made with regards to the Anderson Hotel. They made some requests of the developer and City representatives. They had requested the inspection dates, and the names of the inspectors that performed the hazardous materials inspection at 153 West E Street. They had also requested a J-number for the demolition for that structure. They have not yet received the above information from Mr. Thomason, the developer. Staff (Eric Angstadt) has offered to contact Bay Area Air Quality Management for the neighbors to obtain the information. She stated that she appreciated Staff's assistance in this matter.
2. Jerry Hayes - Mr. Hayes wanted to address the deplorable state of the Downtown streets. He asked Council and Staff to respond at a later date as to when the streets will be put back the way they were prior to the pipe project beginning. He hopes that there is more than just a

plan to put it back the way it was. Damage has occurred to curbs, sidewalks, etc. He would like Council to provide the public with an update on the restoration of the streets.

3. **Bill Thomason - Mr. Thomason stated that he had in fact provided the information that the neighbors of 153 West E Street had requested. There were no hazardous materials found by Bay Area Air Quality Management.**
4. **Council Member Smith announced the following events:**
 - **On Thursday, 8/19/04, the Benicia Chamber of Commerce will hold its mixer at First Pacific Credit Union.**
 - **On Friday, 8/20/04, there will be a concert in the City Park. The band East Bay Mud will be performing.**
 - **On Saturday, 8/21/04, Benicia Old Towne Theatre Group will hold its monthly Readers Theatre. They will also be holding auditions for their upcoming show on 8/22 and 8/23.**
 - **On Monday, 8/30/04, Solano Bank will host their annual Golf Tournament.**
 - **On Friday, 9/3/04, First Fridays on First will be held downtown.**
 - **On Saturday, 9/4/04, the Jazz Cup Sailboat Races will be held.**
5. **Chuck Maddux - Mr. Maddux wanted to address a problem with the street conditions after special events on First Street. For the last few years, the event sponsors have been responsible for cleaning up the litter created at the events on the City streets. They have not been cleaning up the side streets lately. He wondered if there were City policies to address this issue.**
6. **Vice Mayor Patterson asked the City Attorney if Staff could respond to the question asked by Mr. Maddux. Ms. McLaughlin responded by saying that there was a policy that requires the special event sponsors to clean up at least First Street. She was not aware the side streets were an issue. Staff will look into this issue after the next special event. Vice Mayor Patterson then asked Ms. McLaughlin if Staff could briefly respond to the question asked by Mr. Hayes regarding the condition of the City streets. Ms. McLaughlin stated that Staff could provide a brief response.**
7. **Dan Schiada, Director of Public Works - Mr. Schiada stated that the City has put an update on a City Newsletter, which will go out in the utility bills. They are hoping the project will wrap up by the end of the year. They are working diligently with the contractor to repave the streets to drivable conditions. The 100 block of West D Street is in deplorable shape. He asked the residents for their continued patience. They are working on this to try and get it taken care of.**
8. **Constance Beutel - Ms. Beutel wanted to acknowledge the Fire and Police staff for their support in the recent 'Take Back the Night' event. Their assistance and information is very much valued and appreciated.**

9. **Bridget McCarthy - Mayor Messina informed Ms. McCarthy that normally, the public is only given one chance to speak during Public Comment. Council agreed to hear Ms. McCarthy's additional comments. Ms. McCarthy stated that she wanted to clarify that the requests they made to Mr. Thomason. The information they requested was for 153 West E Street. The information Mr. Thomason provided was on the other building that had been moved. They have not yet received the information on the building at 153 West E Street.**
10. **Vice Mayor Patterson presented a verbal report on the recent activities of the PURE Committee. Mr. Craft, the Chairman could not be present at tonight's meeting, so she wanted to make sure the report was read. A copy of the report is on file with the 8/17/04 Agenda Packet.**

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled.

Council Member Whitney requested that item V-A be pulled. Council Member Campbell requested item V-D be pulled.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously approved, 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 following claims were denied and referred to the insurance carrier:

1. **Mosley**
2. **SBC/Pacific Bell**
3. **Togonon**

The Monthly Investment Reports for April through June 2004 were approved.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Minutes of August 3, 2004 and August 5, 2004

Council Member Whitney stated that he pulled the minutes because he was absent from the meetings. He wanted to abstain from the vote.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council approved the minutes of August 3, 2004 and August 5, 2004 on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith and Messina

Noes: None

Abstain: Council Member Whitney

Authorization for the City Manager to execute the contract for historic survey work:
Council Member Campbell stated that he pulled this item because he has a problem with the numbers. \$65,000 is a lot of money to spend on this. He would like to see this number lowered. He would like to see this done for \$40,000.

Council Member Campbell made a motion, which was seconded by Mayor Messina, to lower the contract amount to \$40,000.

Vice Mayor Patterson stated that the amount of work that is included in the contract is impressive. She is hoping that the City gets the quality of work that it has always wanted for what is one of the most important aspects for getting some sense of stability in our assessment of the value of historic structures. If the City would have had this when the Anderson hotel came up, we probably could have saved the hotel. She does not want to delay what has been needed to be updated in the community for well over ten years.

City Manager Jim Erickson stated that it would be a good idea to hear from Staff on what the impact might be if the number was lowered.

Eric Angstadt, Associate Planner, stated that \$75,000 was appropriated for the update of the Downtown Historic Conservation Plan. When the draft work plan came before Council there was significant discussion about using the vast majority of the funds for outside services. Staff put together the scope of work with that in mind. They received seven responses. The figure that Staff is actually looking at for the consultant is approximately \$56,000. Given ongoing discussions about the scope of work, Staff asked the City Manager to give them the authority to go as high as \$65,000. Based on the responses they received, the cost will not get lower than that, and be able to stay within the scope of work. The amount of survey, the amount of analysis of the historic structures, and any survey outside the historic district would have to be cut out. Within the historic district, we would probably lose the possibility of getting the advanced analysis on the historic structures that are deemed potentially eligible for the California or National registers.

Council Member Whitney stated that he thinks the number provided by Staff is a solid number and he would hate to see it discounted at this point.

Council Member Smith stated that he agrees with Council Member Whitney. He would like to hear an explanation of the reconciling pages V-D-19 through V-D-21, which are the estimates that add up to \$72,000 as opposed to \$56,000. Mr. Angstadt stated that those costs were from the original proposal that was for a greater scope of work. The finalist (consultant) re-bid the work, which is where the \$56,000 came from. Council Member Smith stated that he would not like to see the job be done incompletely. Picking an arbitrary number and say 'lets get the job done for that price' is not a smart way to do business. A lot of work went into the contract, and he is in favor of it as proposed.

Vice Mayor Patterson stated that there is over 600 hours in the proposed scope of work that has been put into this item. She does not agree with arbitrary numbers that are based on 'not liking the number.'

Council Member Campbell amended his motion to reflect the contract amount being lowered to \$56,400.

On motion of Council Member Campbell, seconded by Mayor Messina, Council authorized, by minute-action, the City Manager to negotiate and execute a contract with Rowland-Nawi Associates not to exceed \$56,400 to perform historic survey work in support of the update to the Plan, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, and Mayor Messina

Noes: Council Members Smith and Whitney

NEW BUSINESS:

Acceptance of the Downtown Parking Study and authorization for Staff to proceed with the recommended Initial Parking Improvement Package, appropriation of \$37,000 from the General Fund reserves for the parking improvements, and appropriation of \$9,000 from the General Fund reserves for installation of temporary tree islands and related improvements on the East E Street lot:

RESOLUTION 04-120 - A RESOLUTION ACCEPTING THE DOWNTOWN PARKING STUDY, AUTHORIZATION FOR STAFF TO PROCEED WITH THE RECOMMENDED INITIAL PARKING IMPROVEMENT PACKAGE, APPROPRIATION OF \$37,000 FROM THE GENERAL FUND RESERVES FOR THE PARKING IMPROVEMENTS, AND APPROPRIATION OF \$9,000 FROM THE GENERAL FUND RESERVES FOR INSTALLATION OF TEMPORARY TREE ISLANDS AND RELATED IMPROVEMENTS ON THE EAST E STREET LOT

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

Brenda Gillarde, Principal Planner, reviewed the Staff report on this item. Ms. Gillarde gave a PowerPoint presentation summarizing the key points of the Study.

Council Member Smith stated that neighbors had told him that despite signage prohibiting it, people still use East E Street as a through street. He asked Staff how they would discourage this. Mr. Schiada stated that the parking lot on East E street has two entrances, one where E Street dead ends into the parking lot, and one at the point where the alley that connects the parking lot connects East Second to First Street. They have had complaints of cars taking short cuts through the parking lot. There are also concerns about undesirable activities (cars doing donuts, etc.). The tree concept was presented as a proposal to discourage the through traffic through strategic placement of trees.

Council Member Whitney asked Ms. Gillarde what the attendance and public participation was like at the meetings she referred to during her Staff report. Ms. Gillarde stated that they had two public forums. Approximately 40 people attended the first one. There was a broad spectrum of representation of private citizens and merchants from the area. The second meeting had approximately 35 people attend. The representation was about the same as the first meeting. The third meeting was a walkabout, which was mostly attended by merchants, and a few residents. They

have received quite a bit of feedback from merchants and citizens on this issue. Council Member Whitney asked if the votes by the Commissions were unanimous. Ms. Gillarde stated that she thought all the votes were unanimous. Council Member Whitney asked if the angled parking were to go forward, would it be done in phases? Ms. Gillarde stated that they would be working on a proposed scheme, and give the public an opportunity to provide feedback. Council Member Whitney asked how delivery trucks would deal with the angled parking. Would it create unsafe situations? Mr. Schiada stated that with the proposed angled parking on one side of the street and parallel parking on the other side, there is still 26-foot clear width for two-way traffic. The loading vehicles would either double park or park at the back edge of the angled parking. There still would be enough room for vehicles to get around the delivery trucks. Council Member Whitney asked why the angled parking did not work when it was used in previous years. Mr. Schiada stated that the City has implemented angled parking on some side streets, and safety has not been an issue. Mr. Schiada stated that angled parking tends to discourage speeding vehicles. Council Member Whitney asked if the crown of First Street has changed in past years. Mr. Schiada stated that in his time with the City, First Street has been repaved once. There has not been a significant change to the crown. Council Member Whitney asked if there are studies that shows angled parking reduces speed. He also asked if there were any studies that show if angled parking created an increase in merchant sales. Ms. Gillarde stated that she was not aware of such a study.

Vice Mayor Patterson asked Staff to clarify how the angled parking would be alternated every two blocks as it progresses down the street. Mr. Schiada stated that the angled parking would be alternated from one side of the street to the other. Vice Mayor Patterson asked about the legal issue that was raised about the through traffic on the East E Street parking lot, requiring CEQA when there is a consideration of putting that through as a street. Mr. Schiada stated that for a long time, there was a barricade at the end of East E Street. That was taken down approximately 10 years ago. He is looking at the tree concept as an initial attempt to see if we can address the problem that way first, and review the situation. If we need to take further action, we can do that. Ms. McLaughlin stated that the lawsuit that was filed in the 1980's, dealt with a specific project, the East E Street Extension Project. The City did not do CEQA before implementing the project. The plaintiffs went to court and the judge ordered the project to stop until CEQA was done. Vice Mayor Patterson asked about future CEQA, and when that would apply. She stated that the connection is that when Ms. Gillarde was talking about looking at future implementation of angled parking, that we would be looking at criteria to establish that. She assumed that we would be working off existing standards. She asked if these were standards that we have adopted, or, how do we do that? Ms. Meunier stated that we consider the parking study to be a planning study. If Council believes this to be a reasonable set of programs, as we proceed with them, we would have to do environmental reviews. Vice Mayor Patterson is concerned about monitoring, and being able to give the public assurances that there is a monitoring program in place. Ms. Meunier stated that this is one of the things that would be looked at in the next phase if Council wants Staff to proceed.

Council Member Smith stated that there were two forums and one walkabout. At some point, the recommendation that Staff was developing changed from the study's recommendation of a test period on angled parking to angled parking on the entire street. Was this discussed at any of the meetings? Ms. Gillarde stated that during one of the forums and the walkabout, the angled parking

was discussed.

Council Member Whitney asked how the center line in the street would be handled. Would it serpentine down the street? Mr. Schiada stated that his vision was that yes, the center line would have to be adjusted as the angled parking progresses down the street. Council Member Whitney asked if additional stop signs would need to be put in place. Mr. Schiada confirmed that placing additional stop signs on the street was possibility.

Public Comment:

1. Wayne Cowen - Mr. Cowen is the owner of Wayne's World. He is in favor of angled parking. He would prefer angled parking the entire length of First Street. Doing a test section would only confuse people.
2. Marilyn Bardet - Ms. Bardet thanked Jerry Hayes for the article he wrote in the Benicia Herald on the parking issue. She did not agree with the comparison of Benicia to Palo Alto. One of our assets in Benicia is the calm downtown area. She stated that the additional parking on East K Street is rarely used. Benicians are not used to using off-street parking. Vans and trucks, and possibly SUV's should be restricted from First Street. They should have to use the off-street parking. Angled parking is difficult for elderly people and cyclists to deal with. The E Street lot is not being utilized because it is not paved. It is too dusty.
3. Don Basso - Mr. Basso's wife is the owner/operator of First Street Floral. He stated that angled parking would create a regulated number of parking spaces. Right now, cars tend to take up more than one space. Some merchants take up parking spots on First Street and leave their cars there all day, restricting parking for customers. The lack of parking for customers discourages customers from shopping on First Street.
4. John Van Landschoot - Mr. Van Landschoot read a letter from Sandra Shannonhouse. A copy of the letter is on file with the Agenda Packet. He then stated that the parking study cost money. One of the big things it says is that there is adequate parking on First Streets. It also says that there are parking 'hot spots' for 90-minutes per day, five days per week. We are going to spend a lot of money, and reconfigure First Street, just to deal with '90 dangerous minutes per day of hot spots.' This is a lot of money for just 90 minutes. The E and B Street Lots should be paved. He encouraged starting with a test section, rather than putting angled parking down the entire street. He does not agree with varying the center line down the entire street. He stated that angled parking increases the chances of cars being damaged (door dings, etc.) Angled parking is a solution for a problem that does not exist.
5. Constance Beutel - Ms. Beutel stated that she supports the parking study proposal. First Street is an asset to Benicia. The lack of parking on First Street has discouraged her from shopping there in the past.
6. Maryellen Hayes - Ms. Hayes owns and operated the Camellia Tea Room. She stated that there is no significant parking problem on First Street. She stated that we are trying to solve a problem that does not exist. She stated that angled parking could be a safety issue. She has tables in front of her business where diners eat. If someone jumped the curb, someone could

get hurt. If the City moves forward with angled parking, she hopes they start with a test study section.

7. **Jerry Hayes - Mr. Hayes stated that he was only able to attend one of the public forums. They were difficult to attend due to poor timing for business owners. Angled parking was not discussed at the public forum he attended. He supports the study. He has serious issues with taking the conclusions of the study and putting as its centerpiece, a re-doing of First Street with angled parking. Parking enforcement is another option. There is plenty of parking off of First Street. Part of what makes Benicia so special is its character. We are too easy to mess around with the downtown area. He urged Council to accept the study, to accept the first phase implementation of some of the recommendations. But before angled parking is implemented, they should wait until other projects on/off of First Street are done (Olson Project, Anderson Hotel, etc.). He discussed the safety aspect of angled parking and bicyclists. This issue is not well thought out. He urged Council not to accept this transformation of First Street.**
8. **Donnell Rubay - Ms. Rubay stated that she is in support of the test section being done. Somehow, it has gone from a test section being done, to the entire street being changed to angled parking. The public has not had a chance to speak on this. The public has not been well informed. She has concerns whether angled parking is more dangerous than parallel parking. She has personally had four cars hit on West H Street due to angled parking. She supports the idea of putting signage directing cars to the E Street parking lot.**
9. **David Ernst - Mr. Ernst stated that the EDB minutes for the 7/04 meeting were not available for tonight's meeting. He discussed a document he found on the Internet that was from the Salt Lake City Division of Transportation. The document discusses angled parking in Salt Lake City. Mr. Ernst stated that there is not sufficient space on First Street for angled parking to be safe.**
10. **Stan Houston - Mr. Houston owns a business at 333 First Street. He shared an imaginary commercial that described tourism and shopping in Benicia. He is in support of angled parking on First Street.**
11. **Nancy Lund - Ms. Lund stated that she is a cyclist, runner, and transit user. She does not see people speeding down First Street. Angled parking will make it very dangerous for cyclists. She stated that there are no bicycle lanes on First Street. She is concerned about how angled parking will affect emergency vehicle access on the street.**
12. **Larry Fullington - Mr. Fullington stated that he trusts Chief Trimble's comment that angled parking is safe. A lot of good people have been involved with this issue. We should not discount this. Overall, the business community supports angled parking. We should go forward with this and give it a try.**
13. **Chuck Maddux - Mr. Maddux addressed a letter written to Dan Schiada, which was in the Agenda packet on page VIII-A-34. He stated that in the staff report it was stated that the Traffic, Pedestrian and Bicycle Safety Committee was going to revisit angular parking on East D Street. This was not part of the Committee's work; this is Dan Schiada's work. He finds this**

interesting. He stated that the Traffic, Pedestrian and Bicycle Safety Committee overwhelmingly decided not to deal with angular parking on East D Street for safety reasons. What we are being asked to do is for instant gratification. We should leave First Street alone. He does not support angled parking.

14. Libbey McKendry - Ms. McKendry was speaking on behalf of Benicia Main Street. She stated that Main Street has been involved with the downtown parking issue for over ten years. They have visited other comparable cities to see how they handle parking. The downtown businesses have come to a consensus on much of the parking issue. The recommendations of the parking study are positive steps. The added stop signs will slow down traffic. Pedestrian safety will improve. The downtown walkability will improve. The enforcement of a 3-hour parking limit is important. The angled parking will only be on one side of the street. Ms. McKendry stated that the value of a parking space represents \$12,000 in annual revenue. We need to give our businesses a chance to achieve their potential, and do the best we can for them. She encouraged Council to accept the efforts of Staff, and the recommendations of the parking study.
15. Leah Shelhorn - Ms. Shelhorn owns a business at 700 First Street. She provided background on the history of parking on First Street. She had signatures from 75% of the merchants on First Street expressing support for angled parking on First Street. A parking space does represent dollars. This is a win-win plan for everyone.
16. Mike Ioakimedes - Mr. Ioakimedes stated that he is not 100% sold on angled parking, but he is sure that we need some sort of change. Our downtown is dated, and it needs a change. Diagonal parking has to work hand-in-hand with enforcement, and enforcement has to work hand-in-hand with providing alternatives to off street parking. He challenged Council to make First Street a better place one year from now. We need to enact change.
17. Michael Kauzer - Mr. Kauzer - Mr. Kauzer owns Benicia Bay Company. He discussed the lack of parking enforcement on First Street. Parking on First Street has been a problem for over 22 years.
18. Pat Lopes - Ms. Lopes has a business at 305 First Street. She thanked Ms. Shelhorn and Mr. Houston for their efforts. She is in support of angled parking on First Street.
19. Rich Bortolazzo - Mr. Bortolazzo stated that crossing First Street is difficult, due to speeding cars. He has written many letters to Council and Staff asking them to reduce the speed limit on First Street. We definitely need to calm traffic on First Street. Parking enforcement is very inconsistent and unorganized. He is in support of angled parking.
20. Darrell Rich - Mr. Rich stated that angled parking is not safer than parallel parking. Angled parking makes the life of delivery trucks much more difficult.

Vice Mayor Patterson stated that for the most part, Council heard acceptance for the parking study report. There were a number of concerns raised for the implementation of angled parking. It is her sense that Council needs to address the concerns and questions. Council needs to take enough time to address them.

Council Member Smith stated that Council has an excellent study in front of it. He stated that he has significant concerns about the safety of angled parking. He is in favor of a test period. He is not in favor of Staff's recommendation to install angled parking the entire length of First Street. He has concerns about the oversized cars that we have these days. He is concerned about bicycle safety as well. He stated that Council could take action, however he requests that the one recommendation be changed back to what the study originally suggested (to have a test study section).

Vice Mayor Patterson stated that her sense is that Council could accept the study, and take all actions, but provide some language that would modify the implementation of the angled parking for future answers.

Council Member Whitney stated that there seems to be a unanimous opinion that this is a well-written and well thought out report. Do we want to have a limitation on the lengths of vehicles? He is not sure if this is something that can be worked out. Cyclist safety is an excellent point that was brought up. Code compliance has to be a component of this. He does not want to get lost in just the 'angled parking' portion of the study. There are other parts of the study that are excellent ideas. He thinks the signage for the public parking lots is a great idea. He likes the idea of calming traffic on First Street. He is ready to move forward and support angled parking for the length of First Street, however, since there is not a consensus, he is willing to go with the test study.

Vice Mayor Patterson suggested that if the Resolution were adopted accepting the study, a 'whereas' should be added. It would be the final 'whereas' in the Resolution. It would read 'Whereas implementation of angled parking is supported, there are numerous issues that require further assessment for public review for criteria, placement safety, monitoring, and management.' So, Council will not go forward until that is done, but that the initial direction is to support the angled parking. Ms. McLaughlin stated that in order to adopt a Resolution, Council needs three votes. To accept or implement the report, Council does not need to do it by Resolution; they could do it by a motion. Vice Mayor Patterson said it was awkward to do this action, as it was all lumped together. Ms. McLaughlin stated that each individual item could be separated out, and have it done in several Resolutions or several motions on the individual items. Ms. McLaughlin suggested that if Council wants to implement Vice Mayor Patterson's language, section 2 of the draft Resolution on page VIII-A-9 should be added as a caveat that angled parking could not go forward until the issues are addressed. Vice Mayor Patterson stated that the intent of the change is that Staff does the work, answers the questions, and comes back to a hearing before they go forward. She asked Staff for a timeframe for looking into the questions raised. Mr. Schiada stated that Staff could look at the issues and take them to the Traffic, Pedestrian and Bicycle Safety Committee meeting on 10/21/04. Staff could then come forward with some preliminary layouts. Vice Mayor Patterson clarified that Staff would not take any action until it was brought back to Council. She stated that the noticing on this item needs to improve for the residents on the side streets.

Council agreed that Ms. McLaughlin would embed a caveat in the Resolution that the funds cannot be spent until we have gone through the process that was discussed.

Council Member Smith stated that he was not satisfied with the explanation that delivery trucks need

access to the lot. If we are leaving that kind of openness, that creates an opportunity for that becoming a through street. He wants it to be a dead end street, no question. The delivery trucks need to find an alternate way. The tree islands will make it more difficult for the trucks, but will not make it impossible. Mr. Schiada stated that the matter was reviewed about ten years ago. The most recent review by the Traffic, Pedestrian and Bicycle Safety Committee came up with putting a line of trees with a fence, or connecting the trees together. That is an option for Council. Vice Mayor Patterson stated that the motion is intended that Council follow the requirements of the law. That cannot be violated. She believes Council has direction from the City Attorney. The restrictions on the through traffic are clear, and the design will reflect that.

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

Ayes: Council Members Patterson, Smith, and Whitney

Noes: None

Abstain: Council Member Whitney and Mayor Messina

Vice Mayor Patterson called for a 5-minute break at 11:23 p.m.

The meeting resumed at 11:28 p.m.

Mayor Messina stated that it was approaching 11:30 p.m. and Council would need to take a vote on whether or not to continue with the meeting. He asked Mr. Erickson what items, if any, on the Agenda were critical, and needed to be addressed. Mr. Erickson stated that item VIII-B and VI-A both needed to be addressed tonight. He suggested continuing the Reports from City Council Committees.

Council Member Smith suggested that it was too late of an hour to move forward with a Public Hearing (VI-A). He suggested opening the item, and continuing it until the next meeting. Mr. Erickson stated that there might be people in the audience that have waited to address the Public Hearing. He suggested hearing item VIII-B.

Vice Mayor Patterson stated that Council should move forward with the Public Hearing.

On motion of Council Member Campbell, seconded by Vice Mayor Patterson, Council agreed to hear items VI-A and VIII-B, and continue the remainder of the Agenda until the next meeting on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, and Mayor Messina

Noes: Council Members Smith and Whitney

PUBLIC HEARINGS:

Zoning change from RM Medium Density Residential to PD Planned Development for 592 Military East:

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY OF BENICIA APPROVING A ZONING CHANGE FROM MEDIUM DENSITY RESIDENTIAL (RM) TO PLANNED DEVELOPMENT (PD) FOR APN: 0088-132-080 AT 592 MILITARY EAST

Eric Angstadt, Associate Planner, reviewed the Staff report on this item.

Council Member Smith stated that he was on the Parks Commission when they created Sariava Park, then known as East Sixth Street Park. He had reservations about putting an alley through a park. He asked Staff what the accident history was in that alley. Mr. Schiada stated that over the last 4-1/2 years, there was only one reported accident. The accident was actually in a location where the alley goes through a trailer park. The accident was not actually in the park. To try and help the situation, fences were put on either side of the park. Speed bumps and advance warning signs were also put in the alley. Council Member Smith stated that the gates in the park no longer shut the way they are supposed to. Mr. Schiada stated that he would follow up on that issue.

Vice Mayor Patterson stated that on the ride-about she did with the police a few weeks ago, they went down the alley. The officer told her it was a very well used park. The officer did not make any comments that there were problems in this area.

Public Comment:

1. Bill Thomason - Mr. Thomason stated that the property should be high density residential, since that is the way it is on the planning map. They moved a historic house from Fifth Street down the alley to Military and made it into two units. There is an existing three units there. They are building a garage to house three cars with two more parking spaces outside. What they would like to do is put another two-bedroom unit over the garage and split the fees.
2. Kathleen Olson - Ms. Olson encouraged Council to approve the request for the rezone.

Vice Mayor Patterson stated that it was difficult to put this presentation into context. The map was less than clear. There was not streetscape frontage that would give an indication of how it would fit in. She understands the limitations of what Council's action is, but she would still like to be able to make that decision based on the context of the whole project. She asked Staff, that for the next project we have, if Council could have a more complete map and more complete streetscape frontages.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, and unanimously approved, Council approved the introduction and first reading of an Ordinance approving a zoning change from Medium Density Residential (RM) to Planned Development (PD) for APN: 0088-132-080 at 592 Military East, on roll call by the following vote:

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

Noes: None

NEW BUSINESS:

Award of contract to Nelson Nygaard Consulting Associates for the preparation of the City's Short Range Transit Plan (SRTP):

RESOLUTION 04-121 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH NELSON NYGAARD CONSULTING ASSOCIATES IN THE AMOUNT OF \$37,790 FOR THE

PREPARATION OF THE CITY'S FY 2005-2013 SHORT RANGE TRANSIT PLAN (SRTP) AND TO EXECUTE THE AGREEMENT WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR FUNDING NOT TO EXCEED \$67,774

Rob Sousa, Finance Director, and Dan Schiada reviewed the Staff report on this item.

Mr. Doug Langille, Nelson Nygaard Consulting, discussed the proposal that was submitted.

Mayor Messina stated that what the City is looking for is a vision. Where do we want our transport to go? Where do we want to devote our resources? Lets make sure that we are actually servicing large segments of the community and providing them with the services they need. It is his hope and expectation that the study will provide that information so that Council can make those informed decisions.

Council Member Smith stated that for the most part, the proposal was thorough and suited to the community. He was astounded that there was not a single reference to ferry service. On the General Plan survey, 41% of the people stated they wanted ferry service. STA has acknowledged the feasibility of when Vallejo gets their fifth ferry, part of it could be contingent on providing service to Benicia. Another thing he did not see mentioned in the proposal was Sunday bus service. He asked that they consult with the CAC and the Family Resource Center, as they will hear from a lot of people that use public transit. Other than those issues, it was a good proposal.

Vice Mayor Patterson stated that on page VIII-B-8, the Intermodal Transportation Station (ITS) is mentioned. She asked that the Resolution Council adopted that addresses the ITS be referenced in the research, reporting, and work. The Resolution sets up a certain way of looking at what the ITS is supposed to be able to do, and the context of how it does that. She wanted the General Plan referenced as well. Vice Mayor Patterson asked Mr. Langille to clarify where we are now on the schedule. Mr. Langille stated that we are currently behind. We are about one month behind in terms of being given the go-ahead to start the study. They would not have done any of the outreach, including the onboard survey until September. They would have started the assessment of the ITS and the alternative administrative structures in August. If Council wants to meet the deadline that was set, they could compress the work. Vice Mayor Patterson stated that she is a stakeholder. She is a train-rider, and has to drive to Suisun to catch the train. If they are looking for a good pool of people who would be interested in getting some way to get up there without having to drive, she is one of them.

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

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

Noes: None

UNFINISHED BUSINESS:

Approval of Minutes of the Special Meeting on June 22, 2004:

This item was continued to the next meeting.

REPORTS FROM CITY MANAGER:

Report on history of City contracts with consultants, trends, and explanations:

This item was continued to the next meeting.

REPORTS FROM CITY COUNCIL COMMITTEES:

This item was continued to the next meeting.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:51 p.m.

Lisa Wolfe, City Clerk