

September 21, 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
SEPTEMBER 21, 2004**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:33 p.m. on Tuesday, September 21, 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. Council authorized the settlement of the Vilarrasa Associates v. City of Benicia litigation.

Mayor Messina announced there is one full term opening on the Civil Service Commission and two terms coming up on the Planning Commission.

APPOINTMENTS:

RESOLUTION 04-137 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF VICE MAYOR ELIZABETH PATTERSON AND COUNCIL MEMBER BILL WHITNEY AS REPRESENTATIVES TO PARTICIPATE IN THE PROCESS TO DEVELOP A SOLANO REGIONAL PARKS DISTRICT

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

Noes: None

RESOLUTION 04-138 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RALPH DEJESU TO THE AUDIT AND FINANCE COMMITTEE

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

Noes: None

PRESENTATIONS:

First 5 Solano Children and Families Commission:

Ms. Christina Linville, Executive Director, gave a verbal presentation on the First 5 Solano Children and Families Commission. 'First 5' stands for the first 5 years of a child's life. They will hold a Commission meeting on Tuesday, 10/5/04 from 6:30 - 9:00 p.m. in the Commission Room, City Hall.

PROCLAMATIONS:

Mayor Messina presented proclamation to the Benicia High School Band for being selected to perform in the 2005 Tournament of Roses Parade. Ms. Roxanna Macheel, Band Director, along with band members, accepted the proclamation. Ms. Macheel stated that the band would be holding various fund raising events to earn the money required to get the band to the parade. The band needs donations from businesses and private citizens to pay for uniforms and ID shields. For information on donating to the band, people should call 747-8318 or 746-5351

ADOPTION OF AGENDA:

Mayor Messina congratulated Staff for their efforts in getting the Council Agenda Packets ready on Wednesdays prior to the Council Meetings.

Mayor Messina asked if there were any changes to the Agenda. City Manager Jim Erickson stated that Council Member Smith asked that reference to the Historic Preservation Review Commission be removed from item VI-C.

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

PUBLIC COMMENT:

1. Kitty Griffin - Ms. Griffin stated that she appreciated the caution that was represented in Council's decision at the last meeting to postpone the appeal on the Eucalyptus tree. Some of the lessons learned in this issue were that: 1) the tree removal was not a true emergency, and 2) it would have saved time if the first report had come from an objective source. They could have used HortScience, a firm located in Pleasanton. Ms. Griffin stated that the City does not have any money in their budget for tree maintenance. She hopes this will be considered when the City prepares its next budget.
2. J.B. Davis - Mr. Davis gave Council a handout (copy on file). He was there to talk about a program that Metropolitan Transportation Commission (MTC) has with regards to bicycle and pedestrian projects. He discussed the I-780 overcrossing to State Park Road project. He stated that the Bicycle Advisory Committee (BAC) and the STA have done their part by raising almost 10% of the funds needed for the project. It is time for the Council and the City to step up to the plate on this project. He asked Council to agendaize this item so they can direct Staff to move forward to sponsor the project and go after the MTC funds. Mayor Messina stated that

he would take this project on with the STA. Mayor Messina asked Staff to bring Council a proposal that will move them in that direction, in terms of preparing the paperwork, the staff work, etc. Vice Mayor Patterson clarified that Council was giving direction to Staff to bring Council a proposal that will move them in that direction.

3. **Jeanine Seeds** - Ms. Seeds stated that she had done some research on how much the 3,000 votes represents. There are only 15,000 registered voters in Benicia. At the last election, only 9,000+ people voted. So, the 3,000 voters that signed POW's petition represent 33% to 35% of the voters. This is equivalent to the percentage of voters that it took to elect a Council Member. She expressed concern that the facilitator being hired to work on the Waterfront issue is not from Benicia. We should try and hire local people for our projects.
4. **Cathy Anne Hewitt** - Ms. Hewitt asked people to give great consideration to maintaining a permanent park (in reference to the Waterfront Park issue). She stated that the palm tree that was recently planted by the Library looks nice. She was glad Council was addressing the condition of the sidewalks.
5. **Council Member Smith** made the following announcements:
 - On 9/23/04 and 9/24/04, the eastbound onramp on I-780 at East Fifth Street be closed. The same ramp will be closed on Monday, 9/27/04 from 6:00 a.m. to 6:00 p.m. On Wednesday, 9/30/04 from 11:00 p.m. to 6:00 a.m., the entire I-780 from East Fifth to I-680 will be closed.
 - The Solano County Registrar of Voters needs poll workers for the November election. For information call 421-6675.
 - On 9/23/04, Assemblywoman Lois Wolk will bring her mobile district office to the Raley's parking lot from 11:30 a.m. to 1:00 p.m. She will have her annual luau at the Dixon Mayfair Grounds on 10/1/04.
 - On 9/23/04, the Benicia Chamber of Commerce will have their mixer at the Inn at Benicia Bay from 4:30 to 7:30 p.m.
 - On 9/25/04, the Affordable Housing Affiliation will hold its 6th annual chili cook-off. For information, call 746-6197.
 - On 9/26/04 at 10:00 a.m., the Benicia Parks and Community Services department is helping sponsor a cancer walk 'Bridging the gap, walking towards a cure'. For information, call 747-8154.
 - On 10/1/04, 'First Fridays on First' will take place.
 - On 10/1/04, 'The Spot' dance club for middle school children will be held at the Benicia Veterans Hall from 7:00 p.m. to 10:00 p.m.
 - On 10/2/04, Arts Benicia will have its 12th annual auction. For information call 747-0131.

- On 10/2/04, the Benicia Historical Society will be having its Vintage Home Tour. For information call 745-1822.

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled. Council Member Campbell requested that item VI-C be pulled.

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, 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 minutes of September 7, 2004 were approved.

RESOLUTION 04-139 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

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

(END OF CONSENT CALENDAR)

Council took the following actions:

RESOLUTION 04-140 - A RESOLUTION ORDERING A STUDY OF THE SIDEWALK CONDITIONS AT 733-739 FIRST STREET

Council Member Campbell and Mayor Messina will abstain from the vote due to a conflict of interest.

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

Ayes: Council Members Patterson, Smith, and Whitney

Noes: None

Abstain: Council Member Campbell and Mayor Messina

PUBLIC HEARINGS:

Public Hearing on the Resolution approving of grantee performance report for the City's Housing Rehabilitation Revolving Loan Fund:

RESOLUTION 04-141 - A RESOLUTION APPROVING THE GRANTEE PERFORMANCE REPORT FOR THE CITY'S HOUSING REHABILITATION REVOLVING LOAN FUND

Brenda Gillarde, Principal Planner reviewed the Staff report on this item.

Public Comment:

1. Cathy Anne Hewitt - Ms. Hewitt thanked Staff for being careful with the loan funds.

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

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina
Noes: None

Public Hearings on annual increases to the fees listed below and adoption of Resolutions:
Rob Sousa, Finance Director, reviewed the Staff report on this item. Mr. Sousa discussed letters received from Miller, Starr, and Regalia and the Benicia Chamber of Commerce in regards to the use of the San Francisco Cost of Construction Index (CCI) of 4.4%.

Vice Mayor Patterson asked for Mr. Sousa's expert opinion on why it was better for Benicia to use the San Francisco CCI of 4.4%, as opposed to the 20-City Average CCI of 6.2%. Mr. Sousa explained that in previous years, they did not have access to the San Francisco CCI. They have been able to obtain the information. With that in mind, and with the understanding that the CCI that the City is using relates better to local building costs, it seems more appropriate. Mr. Sousa explained that the key is that we remain consistent, and not jump from one to the other. By sticking to this index, over the years, it averages out. We will probably end up over a 20-year period being the same percentage gained in construction costs.

RESOLUTION 04-142 - A RESOLUTION ADOPTING INCREASES FOR THE CAPITAL IMPROVEMENT LICENSE TAX FOR CONSTRUCTION OR ALTERATION OF SINGLE-FAMILY RESIDENCES, MULTIPLE-DWELLING STRUCTURES, AND COMMERCIAL OR INDUSTRIAL FACILITIES

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously approved, the above Resolution was adopted on roll call by the following vote:
Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina
Noes: None

RESOLUTION 04-143 - A RESOLUTION ADOPTING AN INCREASE IN THE PARK LAND DEDICATION FEE

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously approved, the above Resolution was adopted on roll call by the following vote:
Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina
Noes: None

RESOLUTION 04-144 - A RESOLUTION ADOPTING AN EXTENSION OF THE CURRENT LIBRARY BOOK FEE

On motion of Council Member Smith, seconded by Vice Mayor Patterson, and unanimously approved, the above Resolution was adopted on roll call by the following vote:
Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina
Noes: None

Public Hearing to consider the creation of the Benicia McAllister Area Assessment District:
Rob Sousa, Finance Director, requested that Council Open the Public Hearing and continue it until 10/5/04, when Staff will have further detail on the acquisition and reimbursement of the infrastructure for the Assessment District.

The Public Hearing was opened. There was no public comment. This item was continued to 10/5/04.

UNFINISHED BUSINESS:

Consideration and Approval of the reassessment and refunding of the East Second Street/Rose Drive Assessment District improvement Bonds:

City Manager Jim Erickson recommended this item be continued to 10/5/04.

This item will be continued to 10/5/04.

Review of the FY 2004-05 General Fund Budget, Long-Range Model, and proposed budget adjustments:

RESOLUTION 04-145 - A RESOLUTION AMENDING THE 2004-05 MUNICIPAL BUDGET

Finance Director Rob Sousa reviewed the Staff report on this item. Mr. Erickson stated that this report was not intended to be a budget study session. At another time (6 months), they should spend time looking at the scenarios and ask Council which scenario they see the future holding for the City.

Mayor Messina asked Mr. Sousa which of his scenarios include the specific direction that Council had previously given to Staff. Mr. Sousa explained that Staff had tried to give Council a forecast of possible financial scenarios that the City faces in the given years. If it includes a budget imbalance, adjustments have not been made at this time. This will be done when they deliberate for that particular fiscal year budget. They have not made any recommendations for curing future budget years. Mayor Messina stated that Staff has raised concern in his mind with regards to maintenance and equipment improvement. We have to focus on how we are going to spend our money, where we will budget it, and what allocations we are going to make. In terms of the potential for down or bad years, we have to make the decisions on how we are going to maintain the service levels and what sacrifices we will have to make. That is what Staff should be bringing back to Council.

Vice Mayor Patterson stated that she had a slightly different take on the information that was provided. She understood that Staff was still working on whether the equipment replacement and maintenance was an accurate figure. She also understood that we had not yet looked at the maintenance for buildings. She would like to think that Gasby's rule #34 is partly responsible for our ability to look at that and begin to address it. It (Gasby's rule #34) is an evolution of understanding in operations for cities and governments. Staff was equipping Council with a lot of information and a lot of choices. She was able to see if we follow the construct of the scenario, Staff was providing choices that Council needs to make on a policy basis. She can't think of a better way to present the information. She suggested Staff add another matrix of the policies that they are implying in the report, as well as the pros and cons.

Mr. Sousa stated that Staff has been in a quandary because they have been waiting on information from the State and PERS. What Staff is doing is presenting options to Council, so that if any two dangerous economic conditions occur simultaneously, we will have options in place and they will know which ones to review and which ones will solve the problem.

Council Member Whitney commended Staff for a well laid out report. He sees values in scenarios. It brings information to the community. We need to figure out what the real issues that are in the near term that will affect the City's immediate health.

Mayor Messina summarized by stating that if Council adopts the Resolution, the operational budget surplus will be \$72,965, and the Reserves will be \$6,140,250, or 24% of operational expenditure.

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

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

Noes: None

Mayor Messina called for a 5-minute break at 8:49 p.m.

The meeting resumed at 8:56 p.m.

Introduction and First Reading of technical changes to the Business License Tax Ordinance, Chapter 5.04 of the Benicia Municipal Code:

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5.04 (BUSINESS LICENSES) AND ADDING A NEW CHAPTER 5.06 (BUSINESS LICENSE TAX RATE METHODOLOGY) TO TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE TO REVISE AND CLARIFY BUSINESS LICENSE REQUIREMENTS

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

Mayor Messina asked if the Business License Tax measure (Measure R) on the November ballot does not pass, if the above Ordinance will be germane. Ms. Majors confirmed that it would be. The Ordinance was designed to be a companion to Measure R. These are simply housekeeping issues that needed to be taken care of.

Vice Mayor Patterson stated that the Staff report on this item was excellent. The redline ordinance is clear and useful.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the Introduction and First Reading of technical changes to the Business License Tax Ordinance, Chapter 5.04 of the Benicia Municipal Code was approved on roll call by the following vote:

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

Noes: None

Approval of the scope of services with Moore Iacofano Goltsman (MIG), Inc. for consultant services to support the community conversation process regarding the City-owned property at First and East B Street:

Mayor Messina excused himself from this portion of the meeting due to a conflict of interest.

RESOLUTION 04-146 - A RESOLUTION APPROVING THE SCOPE OF SERVICES WITH MOORE IACOFANO AND GOLTSMAN, INC. (MIG) FOR CONSULTANT SERVICES TO SUPPORT THE COMMUNITY CONVERSATION PROCESS REGARDING THE CITY-OWNED PROPERTY AT FIRST AND EAST B STREET FOR AN AMOUNT NOT TO EXCEED \$10,972.00

Ms. Majors reviewed the Staff report on this item.

Council Member Campbell stated that Staff did a good job with the report. He stated that he asked that the meetings be televised. Ms. Majors stated that there would be two meetings one on 10/2/04, and the second on 10/14/04. The meeting on 10/2 will be televised. The meeting on 10/14 will be partially televised, as it will include a walkabout, which cannot be televised.

Council Member Smith addressed one of the public speakers comment on the City bringing in outsiders to facilitate for us. He stated that MIG helped with the General Plan Oversight Committee. They are an excellent choice for this project.

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

Ayes: Council Members Patterson, Smith, and Whitney

Noes: Council Member Campbell

Abstain: Mayor Messina

Appeal of tree removal permit and Resolution for emergency abatement of an imminent threat to public safety related to the eucalyptus at 110 East D Street:

RESOLUTION 04-147 - A RESOLUTION DENYING KITTY GRIFFIN'S APPEAL OF THE PARKS AND COMMUNITY SERVICES DEPARTMENT'S EMERGENCY PERMIT FOR TREE REMOVAL OF THE EUCALYPTUS TREE AT 110 EAST "D" STREET

Heather McLaughlin, City Attorney, reviewed the Staff report on this item.

Council Member Campbell stated that he asked Ms. McLaughlin to contact Mr. Brennan to get an opinion on the tree. Mr. Brennan would not discuss the tree with Council Member Campbell, due to a conflict of interest, as Mr. Schaufert hired him. Vice Mayor Patterson stated that was standard practice.

Nyles Gregory, Parks Superintendent, reviewed in detail the following documents, and how were used to assist in determining the fate of the eucalyptus tree: 1) Chapter 12 (relating to street trees), 2) City of Benicia Ordinance 99-1 N.S, and 3) the City of Benicia Tree Preservation Guidelines (all of which are on file with the original Agenda Packet in the City Clerk's office).

Council Member Smith asked if a recommendation for a tree replacement had been made. Mr.

Gregory stated that Mr. Schaufert and the Maddux's have been in discussion about what trees they will plant in place of the eucalyptus tree. Mr. Alvarez stated that the tree replacement plan would be worked out with the property owners and Staff.

Vice Mayor Patterson asked Mr. Gregory if it was true that a tree does better if it is smaller when it is planted, and a specimen tree is not the best approach for maintaining a long-lived healthy tree. Mr. Gregory confirmed that was correct. He stated that a younger tree, planted in a new environment, within 2 to 3 years, will not only reach the same height as the mature tree, but it will shortly after surpass the height of the mature tree. In 5 years, the difference between a 15-gallon tree and a 24-inch box tree would not be detectable. Vice Mayor Patterson asked Mr. Alvarez what kinds of trees are being discussed as replacement trees. Mr. Gregory stated that the property owners have discussed possibly planting deciduous trees or evergreens.

Public Comment:

1. Alex Schaufert - Mr. Schaufert read a letter he prepared for Council (on file). He clarified that he does not have a contract with Mr. Brennan. His main concern with the tree is safety. It is not safe. He stated that in his letter, he included two more reports from arborists that the Council had not yet seen.
2. Suzanne Maddux thanked Council for their efforts in delaying the appeal at the last meeting. She asked that they be kept in the loop and are made aware of the processes, costs, etc. She asked that someone approach the Historical Society to see if they would place a slab of the tree for a memorial at the Camel Barn. She would also like to see a slab of the tree remain on the property.
3. Justin Pestana - Mr. Pestana stated that he likes and enjoys trees. He does not feel the tree is safe. He urged Council to act quickly with their actions regarding the tree.
4. Jan Cox-Golovich - Ms. Cox-Golovich stated that we have all learned some lessons from this issue. Everyone seems to be on board with what should happen with the tree. She suggested the property owners use a California native tree for the tree replacement, preferably a California pepper tree. She thanked Council, Staff, and the Maddux's for their efforts. She hopes we can get the Tree Committee going and get some guidelines for our City to follow in the future.
5. Vice Mayor Patterson thanked Ms. Cox-Golovich for her comments. She asked Mr. Gregory if the California pepper tree was from Chile. Mr. Gregory was not sure, but he will look it up.

Council Member Campbell made a motion to deny the appeal, which was seconded by Council Member Whitney.

Council Member Smith stated that the tree is not sick. It is in fair health. Due to improper pruning, it has bad structure. He hates to participate in taking it down, but he will. To save it, it would have to be pruned to the point it is unrecognizable. We would also have to condemn the property around it, which is not fair to the property owners. He expressed his remorse for the Maddux's and Mr. Schaufert's loss. He thinks the tree should be commemorated. He does not support the emergency

abatement order, but supports denying the appeal.

Vice Mayor Patterson stated that what was heard tonight states what Benicia feels about its trees. She complimented the community for rising to the occasion.

Ms. McLaughlin suggested that the Resolution be amended to incorporate the two new tree reports, one from Mr. Schauffert and the report from Davey Tree Service. Council Members Campbell and Smith accepted the amendment to the motion.

On motion of Council Member Campbell, 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, and Whitney.

Noes: None

Abstain: Mayor Messina

Mr. Erickson discussed the recent transplant of the palm tree near the library. He stated that the efforts of the citizens and Staff show where our dedication to trees stand. He reinforced Staff's dedication to the urban forest. He stated that Staff would continue to look at tree policies.

Vice Mayor Patterson asked Ms. McLaughlin how appropriate it would be for Council to discuss replacing the number of trees, the types of trees, how many, etc. She also asked, in terms of the abatement order, if she could provide an understanding of what would happen if it did not pass. Ms. McLaughlin stated that because the tree removal permit discussed the types of trees the property owners are thinking of putting in, Council does have the ability to add some word there. Ms. McLaughlin asked that Council give Staff some flexibility to work with the property owners and come up with something that is satisfactory to both. Council has the ability to condition the tree removal permit within certain guidelines. Ms. McLaughlin explained that the second Resolution, declaring the tree a public nuisance is like an insurance policy. Council Member Campbell stated that he does not support the abatement order. Council Members then discussed the fact that if there were not a motion on the second Resolution, it would simply die.

Vice Mayor Patterson asked Ms. McLaughlin how Council should address the permit, as Ms. McLaughlin stated that it could be amended. Ms. McLaughlin stated that if Council is going to look at the permit, she suggested reconsidering their action on denying the appeal, amending it so that they could condition what sort of trees, number of trees wanted, etc. Vice Mayor Patterson suggested an amendment to the denial of appeal, to have the permit reflect a condition that the property owners consider a statuesque California native or California pepper tree.

Mr. Alvarez clarified that Staff has the ability to require the replacement trees be either two 15-gallon, or two 24-inch box trees. He asked if there was a preference that Council would like see. Council discussed leaving the flexibility for Staff to work with the property owners on this issue.

Ms. McLaughlin suggested Council move to reconsider their denial of appeal and readopt the Resolution with the addition that the replacement trees be either statuesque California native or

California pepper trees.

Mr. Alvarez reminded Council that there was discussion asking the property owners to provide a portion of the tree to be used as a memorial on site or a piece offered to the historical society. If that is the general direction that Council wants Staff to go, they will enter into discussion with the property owners to make that occur. They would also enter into discussions with the Historical Society about participating in the purchasing of a plaque to provide the history of the tree. Vice Mayor Patterson stated that there was also discussion about the possibility of making a bench out of the stump of the tree, as well as using a slab of the tree as a memorial. She asked that be included the proposed amendment so it could be considered. Ms. McLaughlin stated that it should be worded that 'work on things such as a slab or bench.'

Council Member Smith stated that he agrees there should be a plaque, but he does not want to burden the Historical Society with the cost. He would want them to assist with the wording, but the City should bear the cost of the plaque.

Vice Mayor Patterson summarized the amendments that have been suggested to the denial of appeal. Council Member Campbell stated that he was willing to give Staff the direction to consider the suggestions, but he is not willing to start attaching conditions to the permit. We do not need to micromanage this process. Council Member Smiths stated that the fact that they are not mandating either the commemoration, and the suggestion that the tree be a California native, that opens it up to a whole variety of trees, he does not think Council would be tying Staff's hands too much. He offered the motion to amend the Resolution. There was not a second on this motion. The above Resolution remains in effect.

NEW BUSINESS:

None

REPORTS FROM CITY MANAGER:

Inflow and Infiltration (I/I) Installation Project:

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

Council Member Smith stated that we are expecting the pipeline project to be completed by the end of January 2005. Right now, it is on budget and on time.

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

Mr. Erickson reviewed the Staff report on this item.

Council Member Campbell stated that the total spent on consultants over the past four years was \$9.1 million. \$3.3 million, or 37% was funded from the General Fund. 63% of the consultant's fees were funded from grants or other funds. If you pull out the Police Station and Intermodal Train Station, then 16% is the number you would be looking at. So, actually, the General Fund does not fund a lot of the consultants.

Mayor Messina stated that he is comfortable with the current process. He commended Staff for their use of outside services.

Council Member Smith commended Staff for being very diligent in examining which times require an outside consultant or contractor, and which times don't. He reminded the public that when we use outside contractors, we are not paying benefits or retirement costs, which are tremendous costs for government these days.

Council Member Whitney stated that he is glad the questions regarding consultants were asked. He stated that Staff did an excellent analysis. He thinks it is clear that we are using contractors judiciously.

Vice Mayor Patterson stated that the report is very good, and very informative. One of the things that the public would benefit from understanding is that consultants do more than just bring in a level of expertise. They often can educate a community. They get around within the state and country. A lot of the time, the consultant benefits the community because they come from the outside. They are able to come in with a dispassionate way of looking at things. She likes the idea of not having too many consultants, and paying them too much money. She does not think everyone understands the value of consultants. The Staff report helps lead us into that understanding.

REPORTS FROM CITY COUNCIL COMMITTEES:

1. Mayors' Committee Meeting - Mayor Messina - Next meeting date: 10/20/04.
2. Arsenal Restoration Advisory Board - Council Member Campbell - Next meeting date: 11/7/04.
3. Association of Bay Area Governments (ABAG) - Vice Mayor Patterson - Next meeting date: General Assembly 10/6/04. 'Taming Natural Disasters' will be the title.
4. Audit & Finance Committee - Council Member Campbell and Vice Mayor Patterson - Next meeting date: 10/22/04.
5. Carquinez Strait Preservation Trust - Council Member Smith - Next meeting date: Currently inactive.
6. City Employee Compensation Committee - Council Members Whitney and Campbell - Next meeting date: Not scheduled.

Report from Diane O'Connell, Human Resources Director:

Ms. O'Connell reviewed report (on file) on the recent activities of the Employee Compensation Committee.

Council Member Smith stated that the determination of the market we are in is going to be a key part of the process. He has always had problems with the fact that, with our previous salary surveys, Benicia has always been at the bottom of the populations that we benchmark against. He would like us to shoot for a market in which Benicia is in the middle.

Mayor Messina stated there are other elements we have to consider, such as the distance from our City. To some degree, we are determined by geography. It is not just city size; it is how far people live from Benicia, how far they have to commute, and what their living expenses are.

Council Member Whitney stated that one of the things the Committee worked hard at was bringing in the pros from Dover. Their career is to assist communities in how they should pay their employees. City size has nothing to do with it. The reality is that when you start benchmarking positions, the market is the market. He discussed the recent trouble they had in filling a maintenance worker III position. He discussed the age of our workforce. We need to be proactive in our approach in how we hire our employees. Ms. O'Connell stated that next year, 15% of the City employees would be eligible for retirement.

Council Member Smith disagreed with the comment made that city size is not a factor. In reviewing the salaries that the City pays, he did not see anybody that is underpaid. Government jobs are good, and people seek them out. There may be select times when we cannot find candidates for a position. City size is important.

Council Member Campbell discussed the information the Committee came up with regarding why employees quit. He is glad this report is being done. It is good information.

Vice Mayor Patterson stated that the information in the report is very educational. In the California Performance Review Report, one of the most valuable things in it is the number of people eligible for retirement in the state government. It is pretty scary. California, at the state level, has the lowest number of state employees of any state in the union, on a per capita basis. The information in the report and the actions of the Committee helps people understand how we budget, and what some of our labor issues are. This helps the public understand why we pay what we pay, and why we hire who we hire.

Mayor Messina stated that he is quite comfortable with the concept of paying the average. He is comfortable with the concept of benchmarking our jobs. He applauded the Committee's efforts.

Council Member Campbell discussed the approach that Citrus Heights takes with regard to paying their employees. He stated that the Committee looked at using means, modes, or average. They found that average was the best way to go. He discussed using a market basket. Mayor Messina asked if the Committee would be coming back to Council with a recommendation on a market basket. Ms. O'Connell stated that this was actually a meet and confer item. The Committee had planned on doing prior to the negotiations opening up the first part of next year. The unions feel more comfortable if we settle the market basket prior to negotiations. They have a person in mind to assist them in looking at the market basket. Council Member Campbell stated that he would like to have that person's explanation and recommendations televised.

Council Member Whitney stated that the basket of cities could be different for different employee groups.

7. **First Street Revitalization Committee - Council Members Smith and Campbell - Next meeting date: 9/22/04.**

Mayor Messina stated that he is concerned that we have not received any concrete recommendations from the Committee. Council Member Smith responded by saying that the process has evolved, thanks to POW. The consultants hired today will be trying to elicit some community consensus and conversation about First Street revitalization. The committee will be working on this during the next few workshops.

Council Member Campbell stated that there is a lot going on in various other Committees with regards to First Street, such as the Olson project, Tree Committee, parking surveys, etc.

8. **League of California Cities - Council Member Smith - Next meeting date: January 2005.**
9. **People Using Resources Efficiently (PURE) - Public Works Staff and Vice Mayor Patterson - Next meeting date: 9/14/04. What they are trying to do is have the citizens, the chairman in particular, make a presentation early in the Council meeting so the public hears from the citizen what is being done.**
10. **Police Station and Civic Center Restoration Committee - Council Member Smith and Mayor Messina - Next meeting date: Not scheduled. Council Member Smith stated they have received a few drawings and preliminary proposals from their architect. With regards to trying to be in line with the recommendations from the larger committee, one is a 16,000 sq. ft. new building, and one is a 23,000 sq. ft. new building, each of them containing some remodeling of existing buildings. He has asked that they meet again with a delegation from the original committee. He is not sure they are adhering to their recommendations as close as he would like. Staff is working on scheduling that meeting in the next month.**

Report from Chief Trimble:

Chief Trimble reviewed his report (on file) on this committee.

Mayor Messina stated that one of the things they have been trying to do is follow the recommendations of the Committee and work with the Chief to see if they can come up with an alternative that satisfies both. One of the things they asked the Chief to do is further the concept of building an essential services building and hook it into the existing police station.

11. **School District Liaison - Council Members Whitney and Smith - Next meeting date: 12/2/04 (Note: Time change - 7:00 p.m.)**

Report from City Manager:

Mr. Erickson reviewed the report (on file) on this committee. He reviewed the 5 recommendations that came out of the 10/9/04 meeting.

Mayor Messina asked what the maintenance cost for the school fields would be. He said that we have had one year to develop the costs. Mr. Erickson stated that they have been working on coming up with a way to assist with the management and supervision of the fields. Mayor Messina is concerned that at this time, the fields are not being maintained at a high standard. Maybe we need to adjust

priorities at this time, and get this going.

Mr. Alvarez stated that the process has been difficult because the Committee had changed direction since the Mayor left. It was just decided at the last meeting what sites would be looked at. The School District had not decided on what they wanted until recently. They were given direction at the last meeting to look at what it would cost to upgrade the sites to the standards acceptable to this community, and what would it cost for the City staff to maintain them. Mr. Alvarez stated that it would take his staff 30-45 days to obtain that information. Mr. Erickson stated that the School District believed there was a State law that prohibits contracting out. The District has learned through their legal research that they can contract these services out. Approximately one month ago, they received correspondence from the District's attorney that they think the City can step in. So, they have been up against constraints until very recently.

Vice Mayor Patterson stated that things are complicated with School Districts. The education code is a very thick code. When she chaired the last joint meeting, there was a desire to work things out, but the mechanics of it were seemingly formidable and impossible. What she is hearing tonight is encouraging. JPA is a good way to go. A little more patience will probably result in some really good results.

Council Member Smith stated that he has a sincere belief that these fields are community resources. He does not expect the District to compensate the City for services provided. He thinks the District is providing a service for the community just by having the facilities. The idea of the fields being community resources seems to have been difficult for Staff to grasp. He does think that Staff has gotten the message and is working hard on it right now. The community expects the City to step up. He is hopeful something will come to fruition before the 12/2/04 meeting.

Mayor Messina asked Mr. Alvarez if the fields were indeed being used as community resources. Mr. Alvarez confirmed that they were. He clarified that the fields are not just being used for City sponsored programs. It is safe to say that with the City doing the maintenance, the fields would be used more often; there would be fewer injuries, less problems, etc. The community would benefit from the fields being better maintained. Currently, we don't have enough resources within the City's Parks division to maintain both School District facilities and City facilities. We will need to find some resources to pay for additional personnel. Mr. Alvarez discussed the City of Roseville's use of the JPA.

Mayor Messina asked how long it would take for Mr. Alvarez to come up with the numbers. Mr. Alvarez stated that he has to pull supervisors off of jobs to do this work. If he were to use consultants, the job could be done faster. The benefit to the community for the City maintaining the fields would be good, safe, quality fields, and more use. The indoor school facilities could be used more effectively for City sponsored programs.

Vice Mayor Patterson asked Mr. Alvarez how the joint facilities and expanding our abilities to use those would play out with the proposed community center. Mr. Alvarez stated that would be a domino effect that they have to discuss with Council. They may not want to proceed with a community center if it looks like we can meet the needs of the Scouts, and meet the needs of the City

for indoor recreation space. The District has asked the City to look at the possibility of the School Administration building. Vice Mayor Patterson asked if there were a school closure, would using the building be a possibility. Mr. Alvarez reminded her that Council gave direction a few months back that they do not want to be involved or influence the District's decision on school closure. However, if a closure occurs, the City would be interested in conversations about the building.

Mayor Messina suggested having another joint meeting with the School District prior to the 12/2/04 meeting.

Council Member Whitney suggested waiting until after the District's December meeting. The talks may be more productive. He would prefer to wait until the end of December or January.

Mayor Messina suggested he talk with the President of the School Board and get some input. Council agreed this would be a good idea.

12. Sky Valley Area Open Space - Vice Mayor Patterson and Council Member Smith - First meeting date: 9/29/04.
13. Solano EDC Board of Directors - Vice Mayor Patterson - Next meeting date: 9/23/04.
14. Solano Transportation Authority (STA) - Mayor Messina - Next meeting date: 10/13/04.
15. Solano Water Authority/Solano County Water Agency - Mayor Messina - Next meeting date: 10/14/04.
16. Sunshine Committee - Council Member Campbell and Vice Mayor Patterson - Next meeting date: No further meetings. There will be a presentation at the Council Meeting by a working group of the Sunshine Committee on 10/5/04.
17. Traffic, Pedestrian and Bicycle Safety Committee - Vice Mayor Patterson and Council Member Campbell - Next meeting date: 10/21/04. This is a very important meeting.
18. Tri-City and County Regional Parks and Open Space - Council Member Whitney - Next meeting date: 12/13/04.
19. Valero Citizens Advisory Board - Council Member Whitney - Next meeting date: 9/23/04.
Council Member Smith reminded Staff and Council that the direction given to Staff was that we would not deal with attempting to work on an Industrial Safety Ordinance at the Council level until after we receive a reliability report. But, Staff would be working on it simultaneously and have something for Council once the reliability study is released.
20. Youth Action Task Force - Council Members Whitney and Smith - Next meeting date: 9/22/04.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:23 p.m.

Lisa Wolfe, City Clerk

