

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
DECEMBER 20, 2005

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:30 p.m. on Tuesday, December 20, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

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).

ADOPTION OF AGENDA:

On motion of Council Member Hughes, 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

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

1. Donnell Rubay – Ms. Rubay discussed the proposed changes to the time limit on public comment at Council meetings. Council needs to take the issue of limiting the content of public comment very seriously. It could inhibit citizens from speaking at the Council meetings. It is difficult for a person at home watching the Council meetings to judge when the item they are concerned about will be discussed. Limiting what people can say during public comment could make citizens angry and unhappy. Council Members are servants of the people and she does not know why they would want to limit public comment from citizens.
2. John Furtado – Mr. Furtado stated that he watched the last Council meeting. Limiting the time for public comment would not be a good idea. On average, three public speakers talk at a Council meeting. He discussed the appointment process. He discussed the planning commission appointment process in Clayton, California. The City needs to look to see what type of representation is missing when doing the

interviews, so there will be balance on the commissions. He encouraged the Council Members to interview the applicants. The City needs to look at developing trust, balance, and balanced views. Everyone needs to work collaboratively. The City should want to bring the best talent to the commissions. Council should respect the talents strengths of each other. Council Member Patterson has worked in Clayton as well as other cities in administrative positions. She has a wealth of knowledge.

3. Susan Street – Ms. Street stated that everyone in Benicia is proud. Part of the reason the real estate is so high is because the schools are so good. She hopes Council keeps the Joint Use Agreement high on its list of priorities. She was confounded by the commission appointment of Mr. Bortolazzo. He has so many issues with regards to building in the City; he will have to excuse himself so often from discussion. She hopes Council will reconsider the appointment. She stated that Ms. Leann Taagepera has a lot of experience in land use and environmental issues. She would be great for the Planning Commission.
4. Dave Burgess – Mr. Burgess stated that the Affordable Housing Affiliation was started twelve years ago. He discussed the accomplishments of the Affordable Housing Affiliation. They have built twelve houses in Benicia. The City is being industrialized. What is left for teachers, bank clerks, mechanics, etc. to live in? The City has a diversity of skill and income. He is proud to live in Benicia. He asked for a list of available properties owned by the City and/or individual owners so that the Affordable Housing Affiliation could plan. They presented their plans for the Scout area. They proposed six homes for low income to market rates. They have plans and they will share them with Council for review and modifications. He lives at Rancho Benicia. His wife is going blind and he requires the aid of a walker much of the time. He asked for Council and Staff's cooperation. They are looking forward to working with Staff and Council. They will willingly receive Council's suggestions on their plans.

Council Member Patterson stated that she was glad to see Mr. Burgess at the meeting. She hopes to see him at meetings more often. She asked if he was having difficulty receiving cooperation from Staff. Mr. Burgess stated that he was not having any trouble at this time.

5. Marilyn Bardet – Ms. Bardet stated that the Christmas present she would like for the City is an Arsenal plan. The proposals that will go before the Planning Commission will preempt our chance to look at what we mean by developing the Arsenal in a way that makes sense for all people in Benicia. If we don't get this right this time, we will lose the chance. She wants to have a serious discussion about the Arsenal with a knowledgeable facilitator and other professionals, as well as the stakeholders. She remembered Tom Campbell suggesting that a committee be formed. He was under the impression Council could appoint three members to the committee and have no outside help. She told him at that time that there needed to be a safety net. She believes this is the time where we need a concerted effort with a wide representation on the committee. Without a plan, we will be rubberstamping what kinds of roads go out there, etc. The Arsenal is a treasure and a resource and should be treated as such.
6. Jon Van Landschoot – Mr. Van Landschoot stated that the City owes Mr. Dave Burgess, as well as the people that work with/for him tremendous thanks for a job

well done. There is room for sensible development and discussion. He agreed with Ms. Bardet that there needs to be an Arsenal master plan. For the last two meetings, Council talked about open government. Curiously, the meeting about priorities has been scheduled for a weeknight during the holiday season, when they are usually held on a weekend.

7. J B Davis – Mr. Davis discussed the Council adopted Countywide Pedestrian Plan and the Countywide Bicycle Plan as the City’s plans. The General Plan does not say the same thing as the newly adopted plans do. He asked that the General Plan be amended to reflect the adoption of the Countywide Bicycle and Pedestrian Plans.
8. David Ernst – Mr. Ernst stated that he followed the Open Government Commission appointments. One of the applications only listed a name, P.O. Box, and phone number. Why is the City accepting such an application in the City Clerk’s office? He was dismayed that only two Council Members interviewed the applicants. Why weren’t the Rules of Procedure followed? Why didn’t the Vice Mayor participate in the process? Were all of the applicants interviewed in person?

Mayor Messina stated that the idea of ‘public comment’ is not for citizens to ask questions. If Mr. Ernst would like to meet with him or with the City Manager to discuss this, they would be glad to meet with him.

#### NEW BUSINESS:

##### Discussion of City Council Priority Projects

1. Overview of priority setting process

Jim Erickson, City Manager, reviewed the priority setting process.

Mr. Erickson stated that it is important for Council to get together to figure out its priorities. The process should be looked as fun and exciting. It is a time to look at the unmet needs of the community and figure out creative ways to meet those needs. He suggested holding a workshop in January to finish up discussion on Council’s priorities. The public has expressed interest in the subject. If there is another meeting, he suggested there be a lot of advanced notice. There is a lot to cover. The current priorities are in excess of fifty. There is an existing priority action plan based on a strategic model. A lot of actions have emanated from that plan. Mr. Erickson reviewed the actions taken at the previous priority workshops in April and May of 2005.

2. Financial condition update:

Rob Sousa, Finance Director, reviewed a PowerPoint presentation on the City’s Long Range Budget Model (hard copy on file).

Council Member Whitney asked Mr. Sousa about employee cost estimates. How was that number derived? Mr. Sousa stated that Staff came up with the number when looking at what it would cost for a maintenance worker out in the field to provide additional services with salary and benefits. Mr. Erickson stated that was a conservative estimate.

Vice Mayor Schwartzman asked if Staff was indicating that on the major expenditure items that the major debt service and the Marina Storm Drain Loan, that the debt service would be coming from the Intermodal Transit Fund. Mr. Sousa stated that the loan would be coming from the Traffic Mitigation Fund. On the major changes regarding BUSD field maintenance estimate reduction, if it takes longer to get that to fruition, would the City be saving money? Mr. Alvarez stated that the savings that the reduction is based on administrative charges listed for management of the BUSD project. They went back and pulled out and had only listed direct cost for maintenance workers. The savings shown would be over a twelve-month period. Vice Mayor Schwartzman asked what would drive the increase for the additional employee. Mr. Erickson stated that it was just a projection. There is some new parkland added to the inventory in the Centex Homes area. There may be some other things as well.

Council Member Hughes asked if the 20% reserve was a magic number, and if it was set too high.

Mayor Messina stated that the 20% was a policy that Council came up with. Council looked at many cities and the numbers varied. There was no discussion on putting an upper limit on the reserve.

Council Member Patterson stated that regarding the reserve; Council discovered that the City operates on a flat rate reserve. Council found there were a number of communities in California that set policy that distinguishes the capital projects not needing to have the same level of reserve as your operational needs, as well as the salary benefit types. In looking at the Landscape and Lighting District imbalance: what are the typical choices when you have increasing costs in an assessment district?

Mr. Sousa stated that we have a fixed assessment for the Landscaping and Lighting District for Zone 1 Residential. It has been in place for a few decades. Over the course of time, costs will increase and catch up with the amount we receive. You become more efficient. You determine which services are mandatory and which are optional. You start looking at ways of reducing costs by looking at contracting versus having your own internal staff, as well as supplies, etc. Starting to reduce the service levels below the intended amounts may occur. After you get to that point, they have the option of increasing the assessments.

Council Member Patterson discussed the landscaping on the freeways as an example of inadequate funding. Our L&L Districts could suffer the same fate. When is it necessary to take the voters to increase the assessment to match the actual cost? Mr. Sousa stated that it would be in April or May 2006. Council Member Patterson stated that she remembered Council giving direction to Staff last year to begin having meetings with the affected citizens so they would have a choice rather than being confronted with the reality of having services cut because the City is not prepared to bring an election to them. She stated that they were considering doing this by mail.

Mr. Sousa stated that they have begun the meeting process at the Staff level. Staff is preparing an agenda item on this two or three meetings from now.

Mr. Erickson stated that Staff was hoping to go to Council with options on the Assessment District and have Council direct them out to make the contacts if that is the Council's will. Staff was hoping to come to the new Council ASAP with the options on the Assessment District and have Council direct Staff to meet the contacts if that is their wish.

Council Member Patterson asked Mr. Sousa to make sure the public was clear on the major changes listed on slide #5. She asked Mr. Sousa to recap the changes. She stated that on the model, it showed an 8 % projection for health benefits. Is that conservative enough? We might want to look at putting a little reserve in there, as it is a volatile area.

Council Member Whitney asked if Staff considered contract labor with regards to the Landscaping Lighting District. Mr. Sousa stated that to date, they have not. Staff would like to bring various ideas to Council for review. There are a number of other considerations, such as efficiency that could be looked at. Council Member Whitney encouraged Staff to look into that.

3. Overview of existing priorities:

Jim Erickson, City Manager, reviewed the existing priorities (listed on a handout – hard copies on file).

Council Member Patterson stated that the meeting was not advertised to give direct changes in priorities. Council has not set enough time to re-rank the priorities. She suggested Council use the criteria valuation process developed by Staff in ranking the priorities. Council should not lightly reorganize the priorities.

Council Member Hughes agreed with Council Member Patterson. He was looking at this as a 'workshop' where he could ask questions of Staff. He was looking for background information so that when Council comes back in January, there could be a productive discussion.

Mayor Messina stated that Council is not starting from zero, as the new Council Members as well as many of the audience members were present at many of the prior workshops. He agrees Council cannot reach finality on the priorities tonight.

Vice Mayor Schwartzman stated that he too was under the impression that the meeting tonight was for discussion on the priorities. He suggested it would be productive to have discussion on the top ten priorities and then come back in January to get more in depth.

• Police Department/Civic Center Restoration:

Council Member Patterson stated that the evaluation criteria that was used was very important. The Police Station should remain the number two priority. There are a few

projects in town that may give the City the chance to begin to put together something through mitigation measures to begin the financing part of the money for the Police Station. It is that kind of discussion that Council needs to have. We have told the police that we would make it right for them.

Council Member Whitney stated that he agreed with Council Member Patterson about the Police Station. The Police Station is in a very dire situation right now. Council owes it to the community to keep this as a high priority.

Council Member Hughes stated that the budget meetings were not that long ago. How did it shift from the number one/two priority to saying it is not a high priority now?

Mayor Messina discussed the Police Station. The City needs another police beat. The current building needs some retrofit. Pursuing a new building is not the way to go at this time.

Council Member Patterson stated that if Council were smart about it, the professionals would help us identify how cities identified impacts of police services and how it can be mitigated. It is not just dollars. It is a complex area in law and financing. We need all the abilities we have to identify that. This year is critical in doing that.

Vice Mayor Schwartzman discussed the proposed Police Station. \$14 million dollars is a lot of money. Why is it \$14 million? He is not sure if the current proposal is the proper one. We need a Police Station, but maybe it should not be the number one priority. It may be easier to get the funds if the civic center was not part of it.

- Plan to Improve/Resolve Marina Enterprise Fund:

Vice Mayor Schwartzman stated that the General Fund is not an appropriate place for the Marina funds to come from. It is an important item and needs to remain a top priority.

Council Member Whitney discussed the Marina Enterprise Fund. It is the City's obligation to come up with a way to resolve this so the Fund stands on its own two feet.

Council Member Patterson stated that we had the area set aside for commercial that surrounded the Marina. What we got rid of in the referendum was square feet, not acres of commercial. We lost acres of commercial when we (previous administrations) negotiated something with Kauffman and Broad (along with some other gifts that we provided for them). We are waiting for an Economic Development Manager to come on board and help identify some commercial acres on the east side that could be part of an enterprise zone. That is what Council should focus on.

Mayor Messina discussed the Marina Enterprise Fund. There is no way to pay for the dredging. The problem is the dredging and how to pay for it.

Council Member Hughes stated that Council needs to look at options. With three different opinions, he is not sure who to talk to for the background information. Mayor Messina stated that he should get a copy of the lease agreements and then talk to Mr. Sousa. Council Member Patterson stated that he should talk with Michael Throne. Mayor Messina and Council Member Patterson had discussion on what was actually in the leases in question. Mr. Throne confirmed that he had copies of all of the leases, and will provide Council with copies.

Council Member Whitney stated that this is a high priority and it should be resolved soon.

Mr. Erickson stated that regarding tonight's meeting time, Council should get to Closed Session by 8:30 p.m. He then suggested Council might want to consider discussion by exception. Mayor Messina stated that he wanted to keep going with the list of priorities.

- Citywide Assessment District:

Vice Mayor Schwartzman stated that it is a revenue enhancement option. Maybe the two priorities (Revenue Enhancement Options Committee and Citywide Assessment District) could be consolidated into one.

Council Member Patterson stated that she was troubled that the Revenue Enhancement Committee includes the BUSD. She is not sure if the committee would have the same priority or thinking. Council might want to think of some things and suggest it to the committee to consider. If the committee did not pick it up, Council could pick it up.

Vice Mayor Schwartzman stated how important it was for the City and the BUSD to work together to find revenue enhancements. Maybe there needs to be a joint session.

Council Member Patterson suggested having Staff come up with a list of citywide needs to take to the Revenue Enhancement Committee.

Mayor Messina stated that he thinks the public is getting tired of the City grouping the needs together. It is Council's job to make it more specific. He does not want to have the general funds because there is not sufficient oversight.

- Clocktower Preservation and Improvement:

Mr. Erickson stated that a rough estimate of dollars needed would be \$1.5 million. The City is preparing a grant to the State for the Clocktower funds. It would be a 50/50 match grant. The City would have to set aside \$750,000 for the grant.

Council Member Whitney asked what the shortfall was for the Commandant's Residence and the Clocktower. Mr. Alvarez stated that the Commandant's has a grant for \$400,000 match. To open the facility for community use the City is short another

\$1.5 million. For that project between \$2.3 and 2.5 million, we have \$800,000 available. For improvements to the Clocktower (improvements to: the downstairs meeting rooms, accessibility for disabled to reach upstairs, restroom, and providing restroom downstairs), the City is looking at \$1.5 million.

Vice Mayor Schwartzman asked if the improvements (with the exceptions of the ADA) to the Clocktower were necessary. Mr. Alvarez stated that the repairs were not necessary, but needed. The repairs to the commandants residence are necessary to make it water tight, seismically retrofitted, and prevent continued deterioration. Vice Mayor Schwartzman stated that he would like to see the deterioration stopped and put back into service. With regards to the Commandant's Residence, the plans which the City just received this week, would stabilize the building, make it watertight, add some accessibility improvements, and provide seismic retrofit for the building. Vice Mayor Schwartzman stated that he would like to see what we could do to preserve the Commandant's Residence. It is a jewel out there. He would love to have that back into the Arsenal. That is where should concentrate the funding if one has to be chosen.

Mayor Messina wants to increase the priority of both the Clocktower and Commandants Residence.

- Development of Sustainable Criteria:

Mr. Erickson stated that he would like to group this along with 'Revise/Update Design Guidelines' and 'Update Zoning Ordinance.'

Vice Mayor Schwartzman stated that one of his priorities is getting the Community Development Department staffed. We cannot move forward unless we have the staff to deal with it.

Mayor Messina stated that some of the zoning and design guidelines are not consistent with the General Plan. He would like Council to look at all of the commercial zoning citywide.

Council Member Patterson stated that the idea is to take a look at the zoning code which is not consistent with our General Plan. To use some of the tools that we have - Form Based Code incorporates design guidelines. It would make things go much faster and smoothly.

Public Comment:

1. Mr. Espinoza – Mr. Espinoza stated that his wife was sick at home. He is frustrated that Council is talking too much. Mayor Messina explained the process for public comment.

Council agreed to let Mr. Espinoza speak.

Mr. Espinoza stated that he was mad at Council. The number one priority should be the public. The people in the town are the number one priority. Council should recognize that. That is why the citizens voted for them. Council does not have the right to change the time of the meeting. The two new Council Members (Hughes and Schwartzman) are frustrated with the public comment. His rights are being violated. Changing the public comment time should be put on the ballot. He advised Council to quit their jobs if they are so frustrated. They are there to listen to the people. Our government is going down the drain because public officials are not listening to the people.

Vice Mayor Schwartzman suggested Council figure out what to do with the time, as the second meeting is due to start soon. Mayor Messina suggested continuing the discussion until 9:00 p.m., and then have the second Council meeting, then have the Closed Session follow the second Council meeting.

- Functionally appropriate facility for HR, IS & CA:  
Mayor Messina stated that this is something that needs to be done. He questioned whether we needed to continue to add Staff to the City. Over time, start to go in the direction of making more use of contractors. Over time, that will free up some areas. He wants to get rid of the trailers.

Council Member Patterson stated there might be some alternatives to the trailers. This may be an opportunity to revisit that and have it presented to Council at another meeting. When talking about outsourcing City jobs, there are policy issues. One of the issues is the living wage. We are not going to outsource to people can work hard for less money. They need to be able to live. If we move forward with outsourcing City jobs, we may need to create a committee find out the advantages and disadvantages of what we are biting off.

- Continue Affordable Housing Development:  
Council Member Whitney affirmed his support for affordable housing development.

Vice Mayor Schwartzman stated that regarding the Boy Scout house, one of the reasons it is not there any more is because the land was supposed to be for affordable housing. The City has an obligation to fill that.

- Historic Preservation Investment – Annual Allocation:  
No comments
- Invest in Downtown:  
Council Member Hughes recommended that we combine this priority with #49 ‘Downtown Asset Management.’
- Yuba Arsenal Master Plan:  
Council Member Hughes suggested this item be moved way up on the list of priorities.

- Mixed Use Dev. Of E St. Parking Lot:  
Council Member Patterson asked Mr. Erickson for a status on the hiring of the Economic Development Manager. Mr. Erickson stated that the City has made an offer to an individual.
- Completion and Implementation of Joint Use Agreement with BUSD:  
Council Member Patterson asked about the need for a joint Council/BUSD meeting. She suggested Staff ask the Superintendent about approaching the new School Board to find out if they are eager to move forward and if so, to try and finalize the common document.

Council Member Hughes stated that this issue has been discussed for months. He has heard that Council 'is close' for too long. Council needs to figure out a strategy to get this done.

- 911 Communication Center Seismic Upgrade and Safety Improvements:  
Council Member Hughes asked if this was a 'needed' or 'desired' item. Mayor Messina stated that Council bumped this priority up because they felt it was a 'need.'

Chief Trimble stated that it was definitely a need. There are some aesthetic upgrades, but there are mainly safety and security issues.

- Community Center Project:  
Council Member Whitney stated that he had an ex-parte discussion with a Scout leader in town. He asked Mr. Alvarez how long it would take to get the wall between the girl/boy scouts areas constructed. It would take approximately one year. He would like to see Staff talk with the BUSD about an interim agreement at Mills so they can have their scout meetings. Council made a commitment and should move forward. There should be a sit down meeting with the groups so it can be straightened out.

Council Member Hughes asked if the Scouts were involved in the design of the community center. Mr. Alvarez confirmed that they were. Currently, the City does not have enough funding for the project. Council Member Hughes suggested exploring other options for a facility for the Scouts. Mr. Alvarez stated that Staff is in the final checking stages with the design of the project.

Vice Mayor Schwartzman asked about space for the current plans. The current plans call for 4,500 sq. ft. If each of the scout groups is to get 750 sq. ft (1,500 sq. ft. total) what about the remaining 3,000 sq. ft.? Mr. Alvarez stated that the balance of the project would consist of 1,500 sq. ft. for a community room, a common use restroom, and a common use kitchen. Vice Mayor Schwartzman asked Mr. Alvarez if the concept of a shell had been discussed, so that the Scouts could get up and running. Mr. Alvarez stated that the scouts have also indicated they would be interested in looking at an empty shell and possibly doing some of the improvement on their own. Council Member Patterson stated that she had ex-parte meetings with the Scouts. The Community Center location is not the best for the needs of the Scouts, especially for

girls in the downtown area that don't have transportation. She would like a presentation so Council could hear the possibilities about using the Mills site. There are old neighborhood issues that could pose serious problems. She suggested Staff come up with the best way to have that discussion.

Mayor Messina stated that it was 9:00 p.m. and asked Council if they wished to continue the remaining items to a future meeting.

Mr. Erickson suggested continuing the priorities discussion to a weekend workshop. The workshop would be to continue the current discussion and allow for both public and Staff comment. Mayor Messina would like Council to bring their calendars to the next Council meeting so a workshop could be scheduled. He suggested the possibility of the first Saturday in January.

Council Member Hughes suggested each of the Council Members submit a list of their own priorities to the City Manager so they could be considered. Mayor Messina stated that a meeting should be scheduled and Council be given a deadline for getting their lists in to Staff.

Council Member Patterson asked that Staff provide Council with the criterion that was previously used.

Public Comment:

1. Susan Street – Ms. Street asked Mr. Erickson why the Waterfront Park was not on the list. The last time she looked, it was priority #48. She wants to see it back on the list.
2. Marilyn Bardet – Ms. Bardet stated that she wanted to address the budget evaluation for the next ten years. She did not see an indication that accounted for a change in the energy situation and energy costs for the City. Development of sustainable should be a top ten priority.
3. Jeanine Seeds – Ms. Seeds discussed the Waterfront Park. The issue of the Waterfront Park was passed on a ballot measure. To have to remind Council about the park when a bathroom was just built at the Spit is ridiculous. The Waterfront Park has to be on the list.
4. Stephen Best – Mr. Best stated that he was in support of the Police Station project going forward. He discussed funding for the project. (Inaudible)

At 9:11 p.m., Mayor Messina stated that the remaining agenda items would be continued to follow the regular City Council meeting.

- Benicia Business Park:  
Continued
- State Park Road Bridge:  
Continued

- X-Park Skate Facility:  
Continued
- 4. Identification of additional priority suggestions received:  
Continued
- 5. Suggestions for changes by Council Members:  
Continued
- 6. Identification of top 10 priorities:  
Continued
- 7. Opportunity for public comments on priorities:  
Continued
- 8. Identification of top 10 priorities:  
Continued

ANNOUNCEMENT OF CLOSED SESSION:

Continued

CLOSED SESSION:

Continued

- A. **Conference with Labor Negotiator (Government Code Section 54957.6 (a))**  
**Agency negotiators: City Manager, Human Resources Director, Bill Avery of Avery & Associates**  
**Employee organization: Benicia Firefighters Association**

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:11 p.m.

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Lisa Wolfe, City Clerk