

January 15, 2002

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
SPECIAL MEETING - CITY COUNCIL
JANUARY 15, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 6:30 p.m. Tuesday, January 15, 2002.

ROLL CALL:

Present: Present: Council Members Bidou, Whitney and Mayor Messina

Absent: Council Members Campbell and Smith

Council Member Smith arrived at 6:31 p.m.

CITY CLERK ANNOUNCEMENT OF CLOSED SESSION

Linda S. Purdy, City Clerk, stated the Benicia City Council meeting is called to order and announced that the Council will immediately convene in Closed Session to discuss the following:

CLOSED SESSION

Conference with Legal Counsel-Existing Litigation (Subdivision (a) of Government Code Section 54956.9)

Name of Cases: City of Benicia v. Patterson Stratoudakis v. City of Benicia

Conference with Legal Counsel Anticipated Litigation (Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9)

1 Claim: Anderson

Notice was duly given twenty-four hours prior to the meeting by the City Clerk.

PUBLIC COMMENT:

None

Adjourn to Closed Session at 6:32 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JANUARY 15, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:46 p.m. Tuesday, January 15, 2002, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session, as follows:

Re: Conference with Legal Counsel Anticipated Litigation Anderson approved settlement of this claim.

Re: Conference with Legal Counsel Existing Litigation City of Benicia v. Patterson- staff advised to process encroachment permit.

Re: Conference with Legal Counsel Existing Litigation Stratoudakis v. City of Benicia information provided did not authorize settlement.

Mayor Messina announced a possible opening on the Tri-City and County Cooperative Planning Citizens Advisory Committee due to the possibility of a Brown Act Violation.

Council Member Smith stated that he felt that it was rude of the staff to vacate the position without telling him; will seek advice from FPPC; clarified that the other two members of the Council were on the Governing Board and he was a member of the Citizen's Committee.

Heather Mc Laughlin, City Attorney, stated that she would seek an opinion from the Attorney General.

Otto Giuliani, City Manager, stated that it was the intent of the staff to keep Council Members out of harms way.

ADOPTION OF AGENDA:

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

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, Agenda adopted as presented.

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Bob Mutch, 695 Knight Drive, gave an up-date on the X-Park; continued hope that it will be opened by summer/2002.

James O. Milburn, 280 East J Street, commented on Dial-a-Ride service being very slow.

Council Member Bill Whitney explained how the citizens can get a street light that is broken fixed; gave the phone numbers of the Public Works Department and the Corporation Yard.

John Ash, 266 East B Street, stated concerns about the Marina Report; rejected the entire report except for the audit; re: Storm Drain - no storm water in Marina when purchased, none

was acceptable now; City maintenance inspectors are not on the accepted list of Cal Boating Inspectors.

Bill Tanner, Valero Refinery, presented information on a recent appointment to the CAP; conflict of interest for that person at the present time; expressed concerns about violating the law.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled. Mayor Messina requested that Item H be pulled.

Council Member Campbell requested Items K, L and M be pulled. Council Member Smith requested that Item J be pulled.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, the following items were approved under the Consent Calendar:

Minutes of December 18, 2001

Denial of claim and referral to Insurance Carrier (Bartree)

Denial of claim and referral to Insurance Carrier (Phelps)

Approval of Check Registers for December 2001

RESOLUTION NO. 02-1 - A RESOLUTION AUTHORIZING THE PURCHASE OF AN AUTOMATED FUEL DISPENSING SYSTEM IN THE AMOUNT OF \$35,421.69 FROM RAPAC NETWORK INTERNATIONAL, INC. OF HACKENSACK, NEW JERSEY

RESOLUTION NO. 02-2 - A RESOLUTION ACCEPTING THE WASTEWATER TREATMENT PLANT WETLANDS MITIGATION PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 02-3 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR PROPERTY LOCATED AT 2991 BAYSHORE ROAD, ACCEPTING A PUBLIC SERVICES EASEMENT, AND AUTHORIZING THE CITY CLERK TO EXECUTE A CITY COUNCIL STATEMENT ON THE FINAL PARCEL MAP ON BEHALF OF THE CITY

RESOLUTION NO. 02-4 - A RESOLUTION ACCEPTING THE RESERVOIR HEALTH AND SAFETY IMPROVEMENTS PROJECT INCLUDING CHANGE ORDERS NO. 1 AND 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 02-5 - A RESOLUTION APPROVING AN AMENDMENT TO THE PERSONNEL RULES FOR THE CITY OF BENICIA ESTABLISHING A VETERANS' PREFERENCE CREDIT

MINUTE ACTION ACCEPTING THE 2000-2001 INDEPENDENT FINANCIAL AUDIT

Waive the reading of all ordinances introduced and adopted pursuant to this Agenda.

(END OF CONSENT CALENDAR)

RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONSOLIDATED DREDGING DREDGED MATERIAL REUSE/DISPOSAL APPLICATION ON BEHALF OF THE CITY FOR THE MAINTENANCE DREDGING PERMIT FOR THE BENICIA MARINA

Mayor Messina requested that this item be pulled from the Consent Calendar; stated that there was a Conflict of Interest for himself, Council Member Bidou and Otto Giuliani, City Manager.

Vice Mayor Campbell chaired the discussion on this item.

Virgil Mustain, Public Works Director, stated that this was the first step in the process of obtaining a permit for the next dredging episode.

Council took the following action:

RESOLUTION NO. 02-6 - A RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONSOLIDATED DREDGING DREDGED MATERIAL REUSE/DISPOSAL APPLICATION ON BEHALF OF THE CITY FOR THE MAINTENANCE DREDGING PERMIT OF THE BENICIA MARINA

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

Ayes: Council Members Campbell, Smith and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

RESOLUTION APPROVING THE USE OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND-AB3229-CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS)

Council Member Smith requested this item be pulled from the Consent Calendar; asked for clarification of funding.

Jim Trimble, Police Chief, stated that this funding was renewed each year.

Council took the following action:

RESOLUTION NO. 02-7 A RESOLUTION AUTHORIZING THE EXPENDITURES OF THE SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND CREATED BY ASSEMBLY BILL 3229

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

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

Noes: None

RESOLUTION APPROVING THE CONSULTANT AGREEMENT TO PREPARE THE HOUSING ELEMENT UPDATE

Council Member Campbell requested that this item be pulled from the Consent Calendar; requested a summary of the item for the public.

Otto Giuliani, City Manager, gave a brief outline of why it was necessary to obtain a consultant to do a Certified Housing Element.

Council took the following action:

RESOLUTION NO. 02/8 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PARSONS, HARLAND, BARTHOLOMEW & ASSOCIATES TO PREPARE THE HOUSING ELEMENT UPDATE

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

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

Noes: None

RESOLUTION APPROVING THE APPLICATION OF FUNDS FOR THE CALIFORNIA HERITAGE FUND GRANT PROGRAM FOR REHABILITATION OF THE BENICIA ARSENAL COMMANDANT'S RESIDENCE

Council Member Campbell requested that this item be pulled from the Consent Calendar; requested a summary of the item for the public.

Otto Giuliani, City Manager, explained that the City was requesting grant money to help with rehabilitation of the Commandant's Residence and the Clocktower; should hear on one portion of this by spring or early summer; additional funding contingent on a Bond Measure that is on the March ballot; suggested writing to legislators.

Council took the following action:

RESOLUTION NO. 02-9 A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA HERITAGE FUND GRANTS PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE COMMANDANT'S

RESIDENCE PROJECT

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

RESOLUTION APPROVING THE APPLICATION OF GRANT FUNDS FOR THE CALIFORNIA HERITAGE FUND GRANT PROGRAM FOR THE CLOCK TOWER FORTRESS PROJECT

Council Member Campbell requested this item be pulled from the Consent Calendar;

requested a summary of the item for the public.

Council took the following action:

RESOLUTION NO. 02-10 A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA HERITAGE FUND GRANTS PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE CLOCK TOWER FORTRESS 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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER: ORAL REPORT ON MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, reported that there is \$2270.00 in the fund; read a list of current contributors.

One concerned citizen spoke on this matter.

REPORTS FROM CITY COUNCIL COMMITTEES: BI-MONTHLY COMMITTEE REPORTS:

MAYOR'S COMMITTEE MEETING

Mayor Messina reported that a special meeting was held to discuss Open Space.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina- No report given.

SOLANO WATER AUTHORITY

Mayor Messina stated that due to the current rain totals water resources are almost at their peak.

SEDCORP BOARD OF DIRECTORS

Council Member Campbell No report given.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou stated that the biggest concern at the moment was the 680/80 Interchange.

YOUTH ACTION TASK FORCE

Council Member Bidou reported that work on the Youth Master Plan is continuing. Council Member Smith commented on the response to the current tragedies.

AUDIT & FINANCE COMMITTEE

Council Member Whitney stated that a presentation was made to the Committee on the proposed Police Facility by Jim Trimble, Police Chief. Council Member Campbell requested that the Finance Committee was looking for comments from the citizens on funding mechanisms for the new facility. Meetings have been changed to the Friday before each Council Meeting at 9:30 a.m.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney stated that the next meeting would be on January 24, 2002 and encouraged the citizens to attend; announced that the Tri-City and County Committee meets on a quarterly basis.

ARSENAL RESTORATION ADVISORY BOARD

Council Member Whitney No report given.

Council Member Bidou stated that he had been appointed to the Capitol Corridor Vision Committee; this will help with the proposed Train Station.

UNFINISHED BUSINESS:

PROPOSED REVOCATION OF BENICIA-VALLEJO YELLOW CAB'S FRANCHISE PERMIT TO OPERATE A TAXICAB SERVICE IN THE CITY OF BENICIA

Alan Nadritch, Finance Director, gave a report; an independent audit was performed to verify the amount that had been overcharged; presented options available to the Council; referred to a letter sent by Benicia-Vallejo Yellow Cab disputing the figures presented in the audit.

Questions were asked by Mayor and Council pertaining to the audit; record keeping and service by Benicia-Vallejo Yellow Cab and the possibility of having two cab companies.

Eight concerned citizens spoke on this matter.

Mayor Messina stated that he would like to see the money returned to those citizens that were overcharged, especially the seniors.

Council Member Campbell suggested that the fees incurred by the City for this audit be included in the total amount to be paid by the cab company; suggested the possibility of a probationary period.

Alan Nadritch, Finance Director, proposed that the overcharged funds paid go into providing free Dial-a Ride service.

Heather McLaughlin, City Attorney, made suggestions to rewrite the Resolution to incorporate those proposals made by Council.

Mayor Messina requested that the staff review the situation and then present a report to the Council in six months.

Council took the following action:

RESOLUTION NO. 02-11 - A RESOLUTION AMENDING BENICIA-VALLEJO YELLOW CAB'S PERMIT TO OPERATE A TAXICAB SERVICE IN THE CITY OF BENICIA

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

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

Noes: None

NEW BUSINESS: RESOLUTION APPROVING THE APPLICATION FOR TAXI CARRIER/ OWNER'S PERMIT FOR VALLEJO CITY TAXICAB

On motion of Council Member Whitney, seconded by Council Member Campbell, and unanimously carried, this item was moved up on the Agenda.

Otto Giuliani, City Manager, stated that rates for both cab companies should be the same.

Heather McLaughlin, City Attorney, clarified the requirements of the Benicia Municipal Code on this issue.

Council Member Smith questioned the current fares that are charged by each company; does not want to see an increase in fares.

Council Member Campbell requested separating the issues; grant the permit at the existing fares.

Council took the following action:

RESOLUTION NO. 02-12 - A RESOLUTION ISSUING A TAXICAB OPERATOR'S PERMIT TO CITY CAB OF VALLEJO, AS AMENDED

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

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

Noes: None.

COMPREHENSIVE MARINA STATUS REPORT

Vice Mayor Campbell chaired this portion of the meeting due to a Conflict of Interest for Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager.

Karen Majors, Assistant City Manager, stated that this report was compiled by several different city departments; reviewed the report which included the lease, financial audit, dredging and maintenance; there will be regular updates in the future.

Council Member Whitney requested additional information on a previously proposed gate at the entrance of the Marina; questioned the equipment used by each of the dredgers.

Virgil Mustain, Public Works Director, explained that the gate was designed to help with the flow of water and improve the water quality; would be part of the storm drain solution.

John Ash, Benicia Harbor Corporation, explained how the proposed gate worked.

Council Member Smith asked whether the Cal Boating Loan could be renegotiated; questioned what would happen if only a partial repayment was made.

Alan Nadritch, Finance Director, stated some of the options that would be available; non repayment of the loan would cause the City to receive a lower bond rating, affecting the interest rate that the City is charged on loans; clarified additional revenue generated by the Marina that goes toward the loan payment.

Council Members requested that Mr. Nadritch research the options available to the City on the Cal Boating Loan and report back to the Council.

Council Member Campbell stated that commercial development in the Marina area is necessary; give the Economic Development Board the task of coming up with some solutions to the problem; Redevelopment is not an option.

Council Member Campbell stated that the Benicia Harbor Corporation has made an effort to clean up the Marina; communication between City and Harbor Corporation is strained; would like to see more frequent inspections and better communication.

Mike Alvarez, Parks and Community Service Director, reported that there has been improvement in maintenance and landscaping; boater's complaints have stopped; quarterly or semi-annual inspections were viable; no response received from the Benicia Harbor Corporation to a letter sent requesting a maintenance schedule.

Roger Williams, Benicia Harbor Corporation, explained the various maintenance procedures that are in place at the Marina; problems are addressed as soon as they are aware of them; report will be made on outstanding maintenance issues.

One concerned citizen spoke on this matter.

Council Member Campbell asked where funding will be obtain for the Storm Drain solution.

Virgil Mustain, Public Works Director, stated that he has a placed holder for a State Revolving Loan; the subject of the Storm Drain solution will be brought back to the Council in next couple of months; all options will be discussed; best option would be not to have any storm water draining into the Marina.

Karen Majors, Assistant City Manager, stated that reports to the Council would be made on a quarterly basis.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:50 p.m.