

January 18, 2000

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
JANUARY 18, 2000

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. Tuesday, January 18, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

Mayor Messina requested moving Communications forward on the Agenda so that it will be heard prior to the Consent Calendar.

Councilmember Corbaley requested clarification as to when would be the appropriate time for the public to speak to issues.

Mayor Messina stated that the public could speak first during Public Comment, if they need to add something when an item came up, that would be allowable.

On motion of Councilmember Bidou, seconded by Councilmember Corbaley, Agenda was adopted as amended.

PUBLIC COMMENT:

Dana Dean, 503 Cambridge Drive, representing Good Neighbor Steering Committee, spoke on the sale of Exxon; protection of the employees and their jobs; the facility continuing to remain safe; supports all the current efforts.

Marilyn Bardet, 333 East K Street, endorsed the issues raised by Ms. Dean; expressed concerns about safety issues relating to the buffer zone and pipelines that cross H Street.

James O. Milburn, 280 East J Street, read his message regarding remembrances of the 1930's.

CONSENT CALENDAR:

On motion of Councilmember Bidou, seconded by Councilmember Whitney, the following items were approved under the Consent Calendar, as proposed:

Minutes of January 4, 2000.

Denial of Claim and referral to insurance carrier - BOUIE

Check Registers for December 1999.

RESOLUTION NO. 00-5 - A RESOLUTION ACCEPTING WEST I STREET SEWER LIFT STATIONS PROJECT, AUTHORIZE CITY MANAGER TO SIGN NOTICE OF COMPLETION, AUTHORIZE FINANCE DIRECTOR TO COMPENSATE HARMONY ELECTRIC \$8,155.64, AND AUTHORIZE CITY ATTORNEY TO TAKE APPROPRIATE LEGAL ACTION AGAINST CLD CONSTRUCTION

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

(END OF CONSENT CALENDAR)

REPORTS FROM CITY MANAGER:

ORAL REPORT ON THE STATUS OF THE GREEN WASTE PROGRAM

Otto Giuliani, City Manager, announced a meeting to be held on January 27, with condominium association owners and their maintenance providers, to seek a resolution that would be agreeable to all. Containers can be picked up, but customers must still pay. There has been a senior discount since the inception of the program.

UPDATE ON ROSE DRIVE/TOURTELOT/ARSENAL

Heather McLaughlin, City Attorney, gave a report; has met with TAG; spoke on keeping Rose Drive and Tourtelot projects on the same timeline; the Arsenal fence, around the Camel Barns and renegotiation of that Contract.

Mayor Messina requested a projection of a more specific timeline.

Heather McLaughlin, City Attorney, stated that all drafts of the EIR's for Rose Drive/Tourtelot should be available for review at the same time. The Army Corps of Engineers is the lead agency on the Arsenal project and would be setting the timeline for that project.

UPDATE ON SALE OF EXXON MOBIL REFINERY

Otto Giuliani, City Manager, stated there were three companies that remained as the potential buyers for Exxon. He and the Council have met with each company addressing the concerns of the City and those of the community. The Council met in groups of two.

Mr. Giuliani has also met with Federal Trade/Attorney General's Office and considers the position of the City as strong; feels that there will be an agreement with the new buyer that will be satisfactory to all; has received a signed Revenue Neutral Agreement from Exxon that will keep the City from being hurt by the sale; similar agreements are expected to be provided by the potential buyers.

Councilmember Whitney asked for clarification on the retention of the Buffer Zone area.

Otto Giuliani, City Manager, stated that each potential buyer has verbally agreed to the preservation of the Buffer Zone.

Councilmember Corbaley stated that each of the potential buyers is looking at the refinery as a complete package; environmental and safety records of each company were presented and appear to be good; realistic about companies putting their best foot forward and that there will always be concerns with this type of business.

One concerned citizen spoke.

REPORTS FROM CITY COUNCIL COMMITTEES:

UPDATE ON CITY MANAGER/CITY COUNCIL NEGOTIATIONS WITH CITY MANAGER TO SEPARATE POSITIONS

Mayor Messina stated Committee met with Otto Giuliani, City Manager. A proposal has been presented to Mr. Giuliani and hopefully the issue will be brought back to the Council at the second meeting in February. Committee is waiting for Mr. Giuliani to respond to the proposal.

Councilmember Corbaley asked if there was a timeline that the Council must follow before they can take any action.

Heather McLaughlin, City Attorney, responded that it has to be 90 days from date of election before the Council can take any action on this matter.

UPDATE ON COMMUNITY ADVISORY GROUP (CAG)

Councilmember Corbaley gave a report. There are fourteen members and she is the Chairperson; there is a Critical Path timeline, but no dates have been assigned; DTSC is not prepared to commit to dates yet; field samplings have been done, but there are only preliminary results of this testing.

UPDATE ON SOLANO TRANSPORTATION AUTHORITY (STA)

Councilmember Bidou gave a report; updated Short Range Transportation Plan comes back in April; additional train has been added to the Capital Corridor.

UPDATE ON THE AUDIT AND FINANCE COMMITTEE

Councilmember Whitney gave a report; met with Alan Nadritch, Finance Director.

UPDATE ON THE CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

Councilmember Whitney stated there was nothing to report at this time.

UPDATE ON YOUTH ACTION TASK FORCE

Councilmember Bidou gave a report; meetings are the 2nd Wednesday of each month. Drug Prevention and School Safety Coordinator has been hired through a grant; Benicia is one of only five cities to receive this grant.

NEW BUSINESS

DISCUSSION REGARDING METHOD FOR FILLING COUNCIL VACANCY CREATED BY THE ELECTION OF AN INCUMBENT COUNCIL MEMBER TO THE POSITION OF MAYOR

Councilmember Whitney requested this item be put on the Agenda; concerned about the cost of the upcoming election; proposed that when a council member, with additional time left on their term, runs for the seat of Mayor and wins, thus creating a Council vacancy, that the next highest vote getter should be appointed to the vacant seat.

Councilmember Corbaley asked if open space issue will be on the ballot; no objection to putting this issue on a future ballot.

Councilmember Whitney spoke on tailoring to just this specific case; this would not apply when there was a death or resignation.

Mayor Messina stated his views have not changed; bring forward to put this on the ballot.

Otto Giuliani, City Manager, suggested, in order to save costs, that the vote on the Ordinance be placed on the ballot at the time of the next Council election.

One concerned citizen expressed his views.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:55 p.m.

Linda S. Purdy, City Clerk