

February 6, 2001

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.

#### SPECIAL MEETING - CITY COUNCIL

February 6, 2001

#### MINUTES OF THE REGULAR MEETING - CITY COUNCIL

FEBRUARY 6, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:31 p.m. Tuesday, February 6, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

#### ROLL CALL:

Present: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

#### PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

#### ANNOUNCEMENTS:

##### "VALENTINE'S DAY AUCTION & DANCE"

Libby McKendry, Executive Director, Main Street Program, made the announcement; auction and dance will be held on February 9, 2001 and the proceeds will go toward the restoration of the interior of the Railroad Depot.

##### "POWER REDUCTION SUGGESTIONS"

Mayor Messina read a list of safety issues that citizens should be aware of when conserving their use of energy.

#### PROCLAMATIONS:

##### "RECOGNIZING AND COMMENDING THE WILLIS JEPSON CHAPTER OF THE CALIFORNIA NATIVE PLANT SOCIETY FOR ALL THEIR EFFORTS IN DEVELOPING AND SUPPORTING THE NATIVE PLANT GARDEN"

Mayor Messina read the Proclamation; accepted by Forrest Deaner and Mary Shaw.

#### ADOPTION OF AGENDA:

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

On motion of Councilmember Whitney, seconded by Councilmember Corbaley, and unanimously carried, Agenda was adopted as presented.

#### WRITTEN COMMUNICATIONS:

##### PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read his statement "Another Night At The Circus"; requested a small light or lamp at the podium.

Jon Van Landschoot, 175 West H Street, spoke on helping to protect old houses; requested the status of the Historic Preservation Commission and asked for clarification of statements that he had heard regarding the demise of the Mills Act Program.

Mayor Messina explained that since these subjects are not agendaized the questions could be asked, but a discussion of the items could not be held.

Dan Smith, 365 Military East, stated the last seven meetings of the Economic Development Board have been canceled by the City Manager; questioned the legality of that action; City has been unwilling to provide the Board with staff assistance; in favor of hiring an Assistant City Manager.

Councilmember Corbaley made a formal request to have the Historic Preservation Commission status put on the next Council Agenda; also felt it would be helpful to provide some sort of a tour for the citizens to see the proposed site for the train station; requested staff look into this and bring back a brief report.

Councilmember Bidou stated City is waiting for a report from the STA Consultant; should hear back by April; this discussion is a little premature; understands that the subject of the Mills Act is being looked into and a report will be brought back.

Councilmember Gizzi stated that he has spoken to the City Manager and a discussion of the Mills Act will be brought to the Council in April.

Otto Giuliani, City Manager, stated that he does not have any problem with making an Oral Report at the next meeting regarding the Mills Act.

Heather McLaughlin, City Attorney, advised stopping discussion; since these items are not agendaized a continued discussion could be a violation of the Brown Act.

Councilmember Corbaley formally requested that a report be made at the next meeting concerning the train station.

#### CONSENT CALENDAR:

Mayor Messina stated that he had a request from Dan Smith to pull Item I; clarifies with Mr. Smith that he has already made his statement during Public Comment.

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

Councilmember Corbaley requested Items G and I be pulled.

On motion of Councilmember Gizzi, seconded by Councilmember Whitney, and unanimously carried, the following items were approved under the Consent Calendar:

Minutes of January 16, 2001.

1999-2000 Independent Financial Audit.

Denial of Claim and referral to insurance carrier - MADDEN.

Denial of Claims and referral to insurance carrier - THE REASONERS.

Transit Fund Audit Report for the period ending June 30, 2000.

ADOPTION OF ORDINANCE NO. 01-1 - AN ORDINANCE APPROVING THE REZONING OF TWO PARCELS AT 230 AND 240 EAST K STREET

RESOLUTION NO. 01-7 - A RESOLUTION COVERING CITY VOLUNTEERS IN WORKER'S COMPENSATION PROGRAM

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

(END OF CONSENT CALENDAR)

AGREEMENT WITH DYETT & BHATIA CONSULTANTS TO PREPARE TWO MIXED USE ZONING DISTRICTS

Councilmember Corbaley requested this item be pulled from the Consent Calendar; Consultants will help with General Plan implementation; requested an overview of the implementation of the General Plan at the next meeting.

John Bunch, Planning Director, stated that it is the intent to bring consistency to these two areas. There will be a Community Outreach Program and staff will need the additional support of a Consultant to help with the implementation.

Council took the following action:

RESOLUTION NO. 01-8 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN AGREEMENT WITH DYETT & BHATIA CONSULTANTS TO PREPARE TWO MIXED USE ZONING DISTRICTS

On motion of Councilmember Corbaley, seconded by Councilmember Gizzi, the above Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REVISED JOB DESCRIPTION FOR THE CLASSIFICATION OF ASSISTANT CITY MANAGER

Councilmember Corbaley requested this item be pulled from the Consent Calendar; asked for a status report on this recruitment.

Otto Giuliani, City Manager, stated that there were 30 applicants for the position; there are now 8 semi-finalists that will be given the assessment; it will be April before the job will be filled.

Council took the following action:

RESOLUTION NO. 01-9 - A RESOLUTION APPROVING THE REVISED JOB DESCRIPTION FOR THE CLASSIFICATION OF ASSISTANT CITY MANAGER

On motion of Councilmember Corbaley, seconded by Councilmember Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

ORAL REPORT REGARDING PROPOSED ORDINANCE TO EXPAND POLICE POWERS FOR EVACUATING SITES WITHIN MINIMUM SEPARATION DISTANCE (MSD) INVOLVING ARSENAL AND TOURTELOT

Otto Giuliani, City Manager, gave a report. On Tuesday, February 20, 2001, an Ordinance will be introduced to expand police powers for evacuating sites within minimum separation distance (MSD); homes and businesses in the Tourtelot area will be affected.

Councilmember Corbaley stated this should be as least intrusive as possible; would like to be sure that unforeseen issues are addressed; stated that the process will be stopped if some one refuses to leave; respect the people's needs.

Councilmember Bidou asked if a waiver can be signed; use due diligence.

Otto Giuliani, City Manager stated that a waiver cannot be signed.

Councilmember Whitney stated it is important that there are contingency plans.

Otto Giuliani, City Manager, stated that there will be programs in place for special needs; Ordinance will be introduced February 20, second reading will be March 6, and 30 days after that Ordinance will be in effect.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:31 p.m.

Linda S. Purdy, City Clerk