

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  
FEBRUARY 18, 2003**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. Tuesday, February 18, 2003, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**ROLL CALL:**

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

Absent: None

**PLEDGE OF ALLEGIANCE:**

Mayor Messina led the pledge to the flag.

**ADOPTION OF THE AGENDA:**

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

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

**COMMUNICATIONS:**

**WRITTEN**

Mayor Messina stated that a letter was received from Stuart Posselt, 423 York Drive, regarding the acceptance of various open space parcels in the Southampton area.

**PUBLIC COMMENT:**

1. Bob Mutch, 695 Knight Drive, spoke on the formation of the Benicia Citizen Corps Council; the Council includes the Neighborhood Watch Program, Volunteer Resource Service, BERT Program and the Medical Reserve Corps.
2. Marilyn Bardet, 333 East K Street, welcomed Jim Erickson, City Manager; stated that she had applied for the BERT Program, but had not received a call; expressed concerns about the existence of hazardous materials in the East Canyon Landfill area and the Hillside Metals area; concerned about the street patches on Rose Drive.

Mayor Messina stated that some statements in the newspaper regarding the open space issue were incorrect.

Ken Hanley, Fire Chief, clarified that the BERT Program was still in existence; three classes have been held and a fourth class would be starting; stated Ms. Bardet would be contacted shortly.

Council Member Whitney asked for an explanation of the activities on Rose Drive.

Dan Schiada, Assistant Director, Public Works, stated that the patches were not related to any landfill problems; waterlines in the area are being replaced.

3. Council Member Whitney welcomed Jim Erickson, City Manager; reminded citizens of the upcoming Trivia Bee to be held February 22, 2003 in support of the Literacy Program.
4. Council Member Smith announced two dates concerning the young people of the community (1) Thursday, February 20, 2003 at the School District offices a meeting to discuss the

reduction of class size will be held; (2) a Youth Conference on February 28, 2003 at the Clock Tower.

**CONSENT CALENDAR:**

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; Items A, C, D and E were requested to be pulled from the Consent Calendar.

On motion of Council Member Bidou, seconded by Council Member Whitney, and unanimously carried, the following item was approved under the Consent Calendar:

Denial of Claim and referral to insurance carrier (Gilliam).

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

**(END OF THE CONSENT CALENDAR)**

**APPROVAL OF MINUTES OF JANUARY 21, 2003 AND FEBRUARY 4, 2003**

Council Member Smith requested that this item be pulled from the Consent Calendar; would like to add additional language to the Reports from Council Committees - Northern Area Open Space - January 21, 2003.

Consensus of the Council was to have Linda S. Purdy, City Clerk, review that portion of the tape and bring those minutes back for approval at the next meeting.

Council took the following action:

**APPROVAL OF MINUTES FEBRUARY 4, 2003**

On motion of Council Member Whitney, seconded by Council Member Bidou, the Minutes of February 4, 2003 were adopted on roll call by the following vote:

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

Noes: None

Abstain: Council Member Campbell

**ACCEPTANCE OF 2001-2002 FINANCIAL AUDIT**

Larry Fullington, 833 Clifton Court, requested that this item be pulled from the Consent Calendar; gave congratulations and recognition to Alan Nadrtich, Finance Director, and his staff for receiving the highest audit rating.

Vice Mayor Campbell requested clarification on an inter-fund transfer, balance in the Park Dedication fund and future PERS premium payments.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, the Financial Audit of 2001-2002, was accepted.

**RESOLUTION SUPPORTING THE ACTIVITIES OF THE TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP RELATED TO THE ACQUISITION OF OPEN SPACE IN THE SKY VALLEY - CORDELIA HILLS OPEN SPACE PROJECT**

Council Member Whitney requested that this item be pulled from the Consent Calendar; supports the concept of creating regional open space; willing sellers and buyers.

Council Member Smith supports this project; would like to strengthen the language of the Resolution by adding "Whereas preservation of this area for agricultural and open space uses will contribute to greater quality of life in Solano County for generations to come."

Council took the following action:

**RESOLUTION NO. 03 - 23 - A RESOLUTION SUPPORTING THE ACTIVITIES OF THE TRI-CITY**

**AND COUNTY COOPERATIVE PLANNING GROUP RELATED TO THE ACQUISITION OF OPEN SPACE IN THE SKY VALLEY-CORDELIA HILLS OPEN SPACE PROJECT, AS AMENDED**

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 CONFIRMING THE DECLARATION OF EMERGENCY BY THE CITY MANAGER, AUTHORIZING THE COMPLETION OF THE EMERGENCY REPAIR WORK TO THE CITY HALL BUILDING, AND APPROVING AN APPROPRIATION OF \$100,000 FROM THE GENERAL FUND RESERVE**

Vice Mayor Campbell requested that this item be pulled from the Consent Calendar; questioned whether or not the City would recover any of the money spent on this project.

Jim Erickson, City Manager, stated that discussions were being held with the City's insurance company; chances of recovering some of the funds were good.

Alan Nadritch, Finance Director, stated that due to the City's self-insurance plan the first \$25,000 would have to be paid by the City.

Heather McLaughlin, City Attorney, stated that the claim would be presented to ABAG, but was not as optimistic about recovery of funds.

Council took the following action:

**RESOLUTION NO. 03-24 - A RESOLUTION CONFIRMING THE DECLARATION OF EMERGENCY BY THE CITY MANAGER, AUTHORIZING COMPLETION OF THE EMERGENCY REPAIR WORK TO CITY HALL AND APPROVING AN APPROPRIATION OF \$100,000 FROM THE GENERAL FUND RESERVES**

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

**PUBLIC HEARINGS:**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF THE REMAINING SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND CREATED BY ASSEMBLY BILL 3229 FOR FISCAL YEAR 2000/2001 TO REINSTATE THE POLICE DEPARTMENT'S CANINE PROGRAM**

Jim Trimble, Police Chief, recommended reinstating this program; will not impact the General Fund; excellent tool for control.

Mayor Messina opened the Public Hearing. No written protests were received. Mayor Messina closed the Public Hearing.

Council took the following action:

**RESOLUTION NO. 03- 25 - A RESOLUTION AUTHORIZING THE EXPENDITURES OF THE REMAINING SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND FROM FISCAL YEAR 2000/2001 TO REINSTATE THE POLICE DEPARTMENT'S CANINE PROGRAM**

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

**REPORTS FROM CITY MANAGER:**

Jim Erickson, City Manager, reported on the precautions being taken by the City due to the

governments raising the level of the security alert; commented on the noise created by Cal Trans during their pile driving episode; future work will be conducted during the hours of 7:00 a.m. and 9:00 p.m.

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

### **MAYOR'S COMMITTEE MEETING**

Mayor Messina stated that the next meeting would be held on February 19, 2003; the cities will be taking over LAFCO responsibilities of service reviews of local areas.

### **ARSENAL RESTORATION ADVISORY BOARD**

Vice Mayor Campbell read a portion of a letter written to the Army Corps of Engineers by the Department of Toxic Substances Control regarding the level of cleanup that they will require; Army Corps has limited funding, but will go forward and cleanup as much as they can.

Council Member Smith stated that he hoped that the RAB would back the request of DTSC; we deserve the best cleanup possible.

### **AUDIT AND FINANCE COMMITTEE**

Vice Mayor Campbell reported on some of the issues concerning a possible increase in the business license tax; current fees are too low compared to other cities; has not been changed in 34 years; asking the Chamber of Commerce to become involved; this is the role of the business community; prefers to go slower on this issue.

Mayor Messina stated that prior direction given on this issue was to be brought before the Economic Development Board; this item should be brought back to the Council no later than April; supports this project but does not agree that funds should be put into a restricted fund.

Karen Majors, Assistant City Manager, stated that a joint meeting of the Economic Development Board and the City Council would be held.

### **BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)**

No report given.

### **NORTHERN AREA OPEN SPACE**

Mayor Messina stated that the results of the telephone survey would be brought back to the Council shortly.

Council Member Smith questioned the timeline required to put this measure on the November ballot by the citizens; would like the UGB Committee to give direction to the concerned citizens to get the petition started.

### **SCHOOL DISTRICT LIAISON**

No report given.

Mayor Messina requested that at the next meeting two topics be brought forward to the School District for review (1) accurate water usage calculations – concerning the current legal action (2) alternative ways to help the School District during their financial crisis.

Council Member Smith stated that at the last meeting a discussion was held on sharing of services and purchases.

### **SEDCORP BOARD OF DIRECTORS**

Vice Mayor Campbell stated that SEDCORP is currently looking for a new president.

#### **SOLANO TRANSPORTATION AUTHORITY**

Council Member Bidou stated the Authority's support for the funding of the Intermodal Train Station; funding from the State is unknown at this time; current proposed site is the only site possible.

Council Member Smith expressed concerns about environmental issues.

Council Member Bidou stated that STA does not discuss environmental issues.

Karen Majors, Assistant City Manager, reported that the environmental consultants were working on issues of animal habitat and possible alternative layouts for the site.

John Silva, Supervisor, Solano County, stated that state funding would go to projects with contracts or negotiated contracts; will be going to Washington, DC to lobby for additional funding.

#### **SOLANO WATER AUTHORITY**

Mayor Messina reported that significant progress had been made on the area of origin lawsuit; net effect would be a 60% increase in the Northbay Aqueduct; a lobbyist had been hired for countywide projects, including the Benicia Marina storm drain and the gate at the Marina.

#### **TRI-CITY AND COUNTY OPEN SPACE**

Council Member Whitney restated his support for the Resolution passed earlier in the evening; in search of grant funding for this project.

#### **VALERO CITIZENS ADVISORY PANEL**

Council Member Whitney read the notice to apply for the panel's community member at large position; applications are due February 28, 2003.

#### **YOUTH ACTION TASK FORCE**

Council Member Bidou stated that no meeting had been held; Council Member Smith announced that the next meeting would be held on March 12, 2003.

Mayor Messina called for a break at 9:08 p.m.

Mayor Messina reconvened the meeting at 9:19 p.m.

#### **NEW BUSINESS:**

#### **RESOLUTION APPROVING THE LEASE AGREEMENT WITH TRC FOR EAST CANYON AND THE DONATION AGREEMENT WITH PACIFIC BAY HOMES FOR VARIOUS OPEN SPACE PARCELS IN THE SOUTHAMPTON AREA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RELATED DOCUMENTS**

Heather McLaughlin, City Attorney, reviewed the items to be approved; stated corrections to the number of acres listed in the two main agreements and the lease agreement; reviewed liability issues and proposed arrangements for funding on preexisting conditions; approval of these items will insure that the parcels will continue to be used for open space purposes and any changes of that status would be subject to voter approval (Measure M).

Six concerned citizens spoke in support of this item.

Mayor Messina requested clarification on sections in the Lease regarding the responsibility of the soil cap and passive uses of the open space; supports the Resolution.

Council Member Smith expressed concern over the ownership of the parcels; suggested giving a conservation easement; adequate studies have not been done concerning the East Canyon area;

would like a comprehensive property analysis done; not comfortable with amounts proposed for maintenance; too many unknowns; will not support.

Council Member Whitney stated his support for this item; ownership equals control.

Vice Mayor Campbell questioned the various issues of the liability insurance policy; suggested raising the limits of the insurance policy.

Council Member Bidou supports this Resolution; in the spirit of Measure M.

Council took the following action:

**RESOLUTION NO. 03-26 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH EAST CANYON HOLDINGS, LLC FOR THE EAST CANYON AND THE DONATION AGREEMENT WITH PACIFIC BAY HOMES FOR VARIOUS OPEN SPACE PARCELS IN THE SOUTHAMPTON AREA AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS**

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, Whitney and Mayor Messina

Noes: Council Members Campbell and Smith

**ADJOURNMENT:**

Mayor Messina adjourned the meeting at 10:21 p.m.

Linda S. Purdy, City Clerk