

February 19, 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
FEBRUARY 19, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:00 p.m. Tuesday, February 19, 2002.

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 - Anticipated Litigation
(Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9)

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

PUBLIC COMMENT:

None

Adjourn to Closed Session at 7:01 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
FEBRUARY 19, 2002

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 19, 2002, 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.

ANNOUNCEMENTS:

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

Re: Conference with Legal Counsel - Labor Negotiations - gave direction to the City Manager and staff for parameters for the negotiations.

Mayor Messina announced a City Council Workshop on the Marina Area Storm Drain Project to be held on Tuesday, March 12, 2002 from 7:00 p.m. to 9:00 p.m. at City Hall.

APPOINTMENTS:

Mayor Messina announced the appointment of Ron Askham to the Planning Commission to fill an unexpired term.

RESOLUTION NO. 02-21- A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF RON ASKHAM TO THE PLANNING COMMISSION FOR AN UNEXPIRED TERM TO OCTOBER 7, 2003

The above Resolution confirming the Mayor's appointment was adopted on roll call by the following vote:

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

Noes: None

ADOPTION OF 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, the Agenda was adopted as presented.

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Jackie Benson, 664 Hubbs Court, representing the Benicia Blue Dolphins Swim Team, read a letter into the record on the suspension of swim fees and use of the pool; offered suggestions on how to generate money to support and benefit all who use the pool; Blue Dolphins membership is down.

Eric Gramlow, 436 O'Farrell Drive, Head Coach Benicia Blue Dolphins, would like to see the pool open all year; swimmers deserve a pool that is open on a more regular basis.

Richard Bortolazzo, 846 Dorset Way, commented on a proposed draft Ordinance for the lower Arsenal area; Ordinance reflects the economic changes in the area; supports the proposed Ordinance.

Dan Smith, Council Member, expressed concerns about a staff/consultant update concerning the Civic Center Plaza/Police Facility being held behind closed doors; will not participate in these meetings; stated that questions that are asked in a public session should be answered in a public session; concerned about the process; requested that the subject of adequate parking behind the Boy Scout/Girl Scout facilities be put on the Agenda in March.

Mayor Messina stated that there had been Public Hearings and Planning Commission Meetings held on the Boy Scout/Girl Scout sites; supports the concept of meetings being public; responsibility to obtain as much information as possible on a subject before making a decision and it helps to do this prior to a Council Meeting; there are no decisions made at these meetings.

Otto Giuliani, City Manager, referred to the Rules of Procedure for the Conduct of City Council Meetings; suggested having a workshop if the Council wishes to change these rules;

these types of meetings have been utilized for some time; meetings are an efficient use of staff time.

John Woods, 355 West M. Street, stated that this was the last day to register to vote; pointed out some of the changes in the voting system that had been made.

Chris O'Shera, Head Coach of Vallejo Aquatics, advocate of swimming; expressed interest in using the James Lemos Pool in other than the summer months; would be willing to pay for the usage.

Charles Gardyn, 1401 East Fifth Street, spoke on the suspension of his business license for the Sundowner Card Casino; presented copies of two letters into the record; requested that he be able to appeal the decision.

Otto Giuliani, City Manager, explained the suspension process, which is governed by an Ordinance in the Benicia Municipal Code; once a final decision has been made, it can then be appealed.

Larry Fullington, 833 Clifton Court, stated that Benicia has the highest capital outlay in Solano County.

Linda Lewis, 282 West I Street, stated that most people are not aware of public meetings; offered suggestions for additional ways to publicize these meetings.

John Woods, 355 West M Street, commented on Channel 27, the City's Information Station.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled; stated that he had requests to pull Items A, C, D, E, H and I from members of the Council.

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

RESOLUTION NO. 02- 22 - A RESOLUTION ACCEPTING THE PARK ROAD OVERLAY PROJECT, 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- 23 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR PROPERTY LOCATED AT 116 WEST CHANNEL ROAD, ACCEPTING EASEMENTS AS SHOWN ON THE MAP, VACATING THREE EASEMENTS NO LONGER NECESSARY, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CLERK OF THE CITY COUNCIL STATEMENT ON THE FINAL PARCEL MAP ON BEHALF OF THE CITY

RESOLUTION NO. 02- 24 - A RESOLUTION APPROVING THE 2002 CITYWIDE RADAR SPEED SURVEY, WHICH CONFIRMS THE SPEED LIMITS ESTABLISHED ON CERTAIN STREETS IN ACCORDANCE WITH CHAPTER 10.12, SPEED LIMITS, OF TITLE 10, VEHICLES AND TRAFFIC, OF THE BENICIA MUNICIPAL CODE

RESOLUTION NO. 02- 25 - A RESOLUTION ACCEPTING THE BENICIA BAY ACCESS TRAIL IMPROVEMENTS, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

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

(END OF CONSENT CALENDAR)

Approval of Minutes of February 5, 2002

Council Member Smith requested this item be pulled from the Consent Calendar; requested that on Page 7 the word "payment" be changed to the word "fee"; add language that he had requested a commitment from Main Street to stay open on the week-ends.

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously carried, the Minutes of February 5, 2002 were approved, as amended.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSULTANT SERVICES WITH INNER CITY FUND CONSULTING, INC. (ICF) TO PROVIDE ENERGY EFFICIENCY AND ALTERNATE GENERATION ADVISORY SERVICES FOR 15 OF THE CITY'S MUNICIPAL FACILITIES

Council Member Campbell requested that this item be pulled from the Consent Calendar: questioned change order procedure; signature limits for the City Engineer; process for picking the consultant.

Council took the following action:

RESOLUTION NO. 02 -26 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSULTANT SERVICES WITH INNER CITY FUND CONSULTING, INC. (ICF) TO PROVIDE ENERGY EFFICIENCY AND ALTERNATE GENERATION ADVISORY SERVICES FOR 15 OF THE CITY'S MUNICIPAL FACILITIES

On motion of Council Member Smith, 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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS RELATED TO THE FUNDING AND PURCHASE OF A 1000 kW STANDBY GENERATOR AT A COST OF \$673,400.09 FROM WESTERN MACHINERY ELECTRIC, INC. OF BENICIA

Council Member Campbell requested this item be pulled from the Consent Calendar; will question any item that relates to spending of funds.

Virgil Mustain, Public Works Director, explained the need and the process for obtaining this generator; a grant has been secured for a portion of the funds.

Council took the following action:

RESOLUTION NO. 02 -27 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS RELATED TO THE FUNDING AND PURCHASE OF A 1000 kW STANDBY GENERATOR FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$673,400.09 FROM WESTERN MACHINERY ELECTRIC INC. 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

RESOLUTION AWARDED THE CONSTRUCTION CONTRACT FOR THE INDUSTRIAL WAY WATER LINE REPLACEMENT PROJECT IN THE AMOUNT OF \$27,950 TO A & L SERVICES INC. OF DIXON AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT

Council Member Campbell requested this item be pulled from the Consent Calendar; questioned why this water line is needed.

Virgil Mustain, Public Works Director, explained that the pipe is needed to complete this section of the public water main in this area.

Council took the following action:

RESOLUTION NO. 02-28 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE INDUSTRIAL WAY WATER LINE REPLACEMENT PROJECT IN THE AMOUNT OF \$27,950 TO A & L SERVICES INC., AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

RESOLUTION APPROVING PARKING AGREEMENT WITH COLDWELL BANKER PURSUANT TO SECTION 17.74.040C OF THE ZONING ORDINANCE, BENICIA MUNICIPAL CODE

Council Members Campbell and Whitney requested this item be pulled from the Consent Calendar due to Conflict of Interest.

Council Member Smith asked if there was currently an assessment district in the area; questioned whether or not this assessment district will bring a solution to the parking problem in the area; will not support.

Karen Majors, Assistant City Manager, stated that at the present time an assessment district does not exist; this is a promise to participate in a future district.

Council took the following action:

RESOLUTION NO. 02-29 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARKING AGREEMENT WITH THE OWNERS OF 900 FIRST STREET

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

Ayes: Council Member Bidou and Mayor Messina

Noes: Council Member Smith

Abstain: Council Members Campbell and Whitney

MINUTE ACTION FOR THE PURPOSE OF CONSIDERING THE REQUEST OF THE PARKS, RECREATION AND CEMETERY COMMISSION TO SUSPEND CERTAIN FEES

Council Member Campbell requested this item be pulled from the Consent Calendar; pointed out the cost of hiring lifeguards; suggested the possible use of volunteers as lifeguards.

Mike Alvarez, Parks and Community Services Director, stated that using volunteers would create a liability issue for the City.

Council Member Bidou stated that hiring lifeguards was an excellent opportunity for youth employment.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, Minute action to suspend certain swim fees, was approved.

REPORTS FROM CITY MANAGER:

MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, reported that \$5032.00 had been received to date; an agreement reached with Pacific Bay Homes and the Arsenal Restoration Task Force will provide additional funding; list of priorities has been done; mid-year budget adjustments will provide funding for some exterior rehabilitation and heating.

2001-2002 MUNICIPAL BUDGET OVERVIEW AND PROPOSED 2001-2002 BUDGET ADJUSTMENTS

Otto Giuliani, City Manager, explained each of the proposed budget changes; recommended that some funds for the Police Department/Civic Center be returned to the General Fund until the scope, design and financing of the Civic Center Improvements have been determined.

Council Member Smith referenced the General Fund Reserve balance; would like to see more money provided for the Swim Center and the Commandant's Residence.

Otto Giuliani, City Manager, stated that additional funding for the Commandant's Residence would be more appropriate during the next fiscal year budget; seeking grants which might need matching funds.

Dan Moitoza, Parks, Recreation and Cemetery Commission, Chairperson, stated that the Commission was working on an update on costs to run the James Lemos Pool on a year round basis.

Council Member Whitney questioned if the use of solar energy would be a part of the update.

Council Member Campbell stated that he would like to see the pool remain open all year for the least amount of cost.

Council Member Bidou asked for clarification on the transfer of funds from the Police Department Construction Fund.

Mayor Messina stated he supported the concept of a sprinkler system for the Commandant's Residence.

One concerned citizen spoke on this matter.

Council Member Campbell proposed to continue this item until the 2nd Council Meeting in March. Consensus of the Council was to continue this item.

ORAL REPORT ON THE FERRY SERVICE

Otto Giuliani, City Manager, reported that the Water Transit Authority had approved conducting an Environmental Impact Report; no new discussions had been held with Amports in reference to the property at the end of Fifth Street.

Mayor Messina called for a break at 10:26 p.m.

Mayor Messina reconvened the meeting at 10:34 p.m.

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

MAYORS' COMMITTEE MEETING

Mayor Messina reported that Open Space and Transportation continue to be the topics for discussion; Mayor Messina has been appointed as the representative to the LAFCO Board.

BAY CONSERVATION AND DEVELOPMENT COMMISSION

Mayor Messina stated that the Commission is in the process of reviewing and updating the Bay Plan.

NORTHERN AREA OPEN SPACE

Mayor Messina stated meetings would be held to develop a plan for the Northern perimeter; Council Member Whitney requested input from the citizens on this vital issue.

SOLANO WATER AUTHORITY

Mayor Messina reported that water reserves were very good.

ARSENAL RESTORATION ADVISORY BOARD

Vice Mayor Campbell stated that test drilling had been done; documents were available in the Library.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell reported that there had been a proposal to increase the dues; most of the development being done in the Fairfield/Vacaville area.

AUDIT & FINANCE COMMITTEE

Council Member Whitney stated that it has been very beneficial for the Committee to have citizen member participation.

SCHOOL DISTRICT LIAISON

Council Member Smith announced that the next meeting would be held on March 13, 2002.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Smith stated that approval had been given for an Environmental Impact Report to be completed on I 80/680; there will be four options studied.

YOUTH ACTION TASK FORCE

Council Member Bidou reported that meetings on the Youth Action Master Plan are being held twice a week; Council Member Smith announced that on March 26/27 the "Every Fifteen Minute" Program would be coming to the high school; a Youth picnic is being planned.

TRI-COUNTY REGIONAL PARK AND OPEN SPACE

Council Member Whitney stated that meetings are held on a quarterly basis; goal will be make 10,000 acres into permanent open space.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney stated that all meetings are held in a public forum and have been well attended; announced that two new members have been appointed, Rhea Zaks, Benicia School District and Mike Lamb, Benicia Chamber of Commerce.

NEW BUSINESS: RESOLUTION AUTHORIZING THE APPROPRIATION OF \$500,000 FROM THE INTERMODAL TRANSPORTATION STATION (ITS) FUND FOR PREDEVELOPMENT PROJECT EXPENSES AND APPROVING THE CONSULTANT CONTRACT WITH HARRIS AND ASSOCIATES FOR PROJECT MANAGEMENT SERVICES FOR THE ITS PROJECT
Otto Giuliani, City Manager, gave a brief synopsis of what has transpired since 1994; an Option to Purchase the Goodyear Road site was approved in March, 2001 with extension provisions; this Resolution will help to continue the pre-development that needs to be done including additional payment on the option, development of a conceptual design and environmental documentation.

Council Member Smith asked for an explanation of how this Consultant was chosen; list of similar projects.

Council Member Campbell questioned the extension of the option; loss of money if the State does not contribute funding to this project; too many variables; will not support this Resolution.

Council Member Bidou stated his support for the project; possible condemnation of the property; more optimistic about future funding.

Council Member Whitney asked whether or not the price of the Goodyear Road property was fixed; project is smart planning; will support.

Otto Giuliani, City Manager, stated that there was now a difference in appraisals of the property; land can be taken in eminent domain proceedings.

Mayor Messina expressed approval for the project; direction to staff to secure the property as quickly as possible.

Council took the following action:

RESOLUTION NO. 02- 30 - A RESOLUTION AUTHORIZING THE APPROPRIATION OF \$500,000 FROM THE INTERMODAL TRANSPORTATION STATION (ITS) FUND FOR PREDEVELOPMENT PROJECT EXPENSES AND APPROVING THE CONSULTANT CONTRACT WITH HARRIS AND ASSOCIATES FOR PROJECT MANAGEMENT SERVICES FOR THE ITS PROJECT

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, Smith, Whitney and Mayor Messina

Noes: Council Member Campbell

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:29 p.m.