

February 20, 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 20, 2001

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 20, 2001.

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:

Conference With Legal Counsel - Existing Litigation

(pursuant to Subdivision (a) of Government Code Section 54956.9)

Name of Case: City of Benicia v. PATTERSON

Conference With Legal Counsel - Anticipated Litigation

Significant exposure to litigation

(pursuant to Subdivision (b) of Government Code Section 54956.9)

One (1) Claim

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

MINUTES OF THE REGULAR MEETING - CITY COUNCIL

FEBRUARY 20, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:35 p.m. Tuesday, February 20, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Bidou, Gizzi, Whitney and Mayor Messina

Absent: Councilmember Corbaley

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session re: (1) Conference With Legal Counsel - Existing Litigation - gave direction to City Attorney to respond to a settlement offer from Ms. Patterson's attorney, City of Benicia v. Patterson; (2) Conference With Legal Counsel - Anticipated Litigation - gave direction to staff on a personnel matter, One (1) Claim.

(Councilmember Corbaley arrived at 7:38 p.m.)

PRESENTATIONS:

DONATION TO HISTORIC PRESERVATION

Libby McKendry, Executive Director, Benicia Main Street, introduced Bonnie Silveria, Nancy Martinez and Fred Newhouse, Main Street Board Members; presented a check in the amount of \$16,000 as a donation to Railroad Restoration Depot Project.

Fred Newhouse thanked the citizens and City staff for their help.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated there was a clerical error on the Agenda - Adoption Of Agenda was omitted.

Councilmember Gizzi stated he had to leave early and requested moving up on the Agenda, prior to Communications, the item under Unfinished Business - Discussion regarding the formation of an Historic Preservation Commission.

On motion of Councilmember Corbaley, seconded by Councilmember Gizzi, and unanimously carried, adoption of Agenda was adopted as amended.

DISCUSSION REGARDING FORMATION OF AN HISTORIC PRESERVATION COMMISSION AND ASSIGNED DUTIES, ETC.

Councilmember Gizzi requested this item be moved up on the Agenda prior to Communications.

Mayor Messina proposed the membership makeup of the commission; five (5) members, one (1) member each from the Planning, Design Review and Parks, Recreation and Cemetery Commissions and two (2) community members at-large; reviewed some of the possible duties; and suggested that this Commission meet on a quarterly basis.

Eleven concerned citizens expressed their views.

Councilmember Corbaley stated that she had some fundamental differences with the composition of the Commission; would like the Commission to be larger, between seven and nine members; need an Ordinance or Resolution to give specific guidelines.

Councilmember Gizzi supports the concept of having representatives from the other three Commissions; concurs with the need for a larger number of members; suggested seven members would be a good number.

Mayor Messina suggested forming a sub-committee consisting of himself and Councilmember Corbaley and to bring back all recommendations at the next meeting.

(Councilmember Gizzi left at 8:55 p.m.)

Mayor Messina called for a break at 8:59 p.m.
Mayor Messina reconvened the meeting at 9:05 p.m.

WRITTEN COMMUNICATIONS:

PUBLIC COMMENT:

Kitty Griffin, 236 Baker Street, spoke on Seeno Project Study Session; Draft EIR will be ready soon; requested that there be press releases and legal notices when this occurs.

Cathy Ann Hewitt, 266 East B Street, referred to the hiring of the Assistant City Manager; will help with economic development; referred to a meeting on February 28, 2001 concerning the Marina; and planning grants from Proposition 10 money.

James O. Milburn, 280 East J Street, read his statement titled "When You Twist The Tigers Tail" on the right to speak.

CONSENT CALENDAR:

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

Councilmember Whitney requested Item C be pulled.

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

Minutes of February 6,2001.

Check Registers for January 2001.

RESOLUTION NO. 01-10 - A RESOLUTION INCREASING THE PRICE TO PURCHASE SODIUM HYDROXIDE (CAUSTIC SODA) FROM BASIC CHEMICAL SOLUTIONS TO \$240 PER DRY SHORT TON FOR 50% PRODUCT SOLUTION AND \$258 PER DRY SHORT TON FOR 25% PRODUCT SOLUTION

RESOLUTION NO. 01-11 - A RESOLUTION ACCEPTING WATER LINE IMPROVEMENTS - EAST K AND EAST 7TH STREETS PROJECT, INCLUDING CHANGE ORDER NUMBER 1, AUTHORIZING CITY MANAGER TO SIGN NOTICE OF COMPLETION AND AUTHORIZING CITY CLERK TO RECORD SAME WITH SOLANO COUNTY RECORDER

RESOLUTION NO. 01-12 - A RESOLUTION AUTHORIZING EXECUTION OF THE RIGHT-OF-WAY USE AGREEMENT WITH METRICOM, INC.,

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

(END OF CONSENT CALENDAR)

ACQUISITION OF THE KING AND SWETT RANCH PROPERTIES (P.G.&E. PROPERTIES) BY THE SOLANO COUNTY FARMLANDS AND OPEN SPACE FOUNDATION

Councilmember Whitney requested this item be pulled from the Consent Calendar; supports this item which will preserve open space for the future.

One concerned citizen spoke in support of this resolution.

Council took the following action:

RESOLUTION NO. 01-13 - A RESOLUTION SUPPORTING THE ACQUISITION OF THE KING AND SWETT RANCH PROPERTIES (P.G.&E. PROPERTIES) BY THE SOLANO COUNTY FARMLANDS AND OPEN SPACE FOUNDATION

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Gizzi

PUBLIC HEARINGS:

VACATION OF PORTION OF WEST L STREET RIGHT-OF-WAY WEST OF WEST 11TH STREET AND AUTHORIZING CITY CLERK TO RECORD SAME

Otto Giuliani, City Manager, stated that the vacation of this property would help towards resolving the affordable housing lawsuit; the City would partner-up with a developer to build a custom home on the property and the profit from the sale would be used to develop affordable housing.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received.

The following person spoke:

Len Reininger, 1120 West L Street; supports this idea as long as the proposal keeps with the character of neighborhood.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 01-14 - A RESOLUTION ORDERING THE VACATION OF A PORTION OF WEST L STREET RIGHT-OF-WAY WEST OF WEST 11TH STREET AND AUTHORIZING CITY CLERK TO RECORD SAME

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Gizzi

ORDINANCE ADDING A NEW CHAPTER 9.24 (POWER OF POLICE OFFICERS TO ENFORCE A MINIMUM SEPARATION DISTANCE) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF MUNICIPAL CODE

Otto Giuliani, City Manager, gave a report; this ordinance will provide the necessary tool required by the Police Department to provide for the safety of the citizens during the ordinance removal in the Tourtelot and Arsenal areas.

Heather McLaughlin, City Attorney, stated Bruce Handel, Army Corps of Engineers, was present to answer questions; stated that if a resident remains in the area the work would be stopped and this gives the Police the authority to resolve the situation.

Councilmember Whitney requested to know what support services will be provided to those residents that are displaced during the ordinance removal.

Devon Hassett, representing Granite Management Company, stated there would be a hospitality center, providing access to computers and fax machines, boarding service for pets; will endeavor to limit inconveniences.

Mayor Messina opened the Public Hearing. No written protests received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 01- - AN ORDINANCE ADDING A NEW CHAPTER 9.24 (POWER OF POLICE OFFICERS TO ENFORCE A MINIMUM SEPARATION DISTANCE) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

On motion of Councilmember Bidou, seconded by Councilmember Corbaley, the above Ordinance was introduced by title only by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Gizzi

(Further consideration of the above Ordinance will be held at the next regular meeting.)

DECLARING PROPERTY LOCATED AT 875 EAST 3RD STREET A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Heather McLaughlin, City Attorney, stated staff has been working on this since November; to a large extent, the property owner has complied; recommended to Council to direct staff to follow up in thirty days.

Councilmember Bidou expressed concerns about the amount of staff time it was taking to solve this problem.

Heather Mc Laughlin, City Attorney, stated that her office has been working on a revised ordinance that will streamline the process.

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

The following persons spoke:

Cathy Ann Hewitt, 266 East B Street; spoke about other properties that are not maintained; people need to be responsible.

James O. Milburn, 280 East J Street; made a statement concerning the City owned parking lot in this area and its maintenance.

Mayor Messina closed the Public Hearing.

Councilmember Corbaley suggested directing staff to follow up and bring back a status report in thirty days.

REPORTS FROM CITY MANAGER:

MID-YEAR BUDGET REVIEW

Otto Giuliani, City Manager, stated that this is a standard mid-year budget adjustment.

Councilmember Corbaley expressed concerns about maintaining the minimum 10% reserve balance.

Otto Giuliani, City Manager, noted that the revenue from the Seeno Project and the eventual building of homes in the Tourtelot area will generate sufficient future funding.

Council took the following action:

RESOLUTION NO. 01-15 - A RESOLUTION AMENDING THE 2000-2001 MUNICIPAL BUDGET

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Gizzi

ORAL PRESENTATION REGARDING THE MILLS ACT

Mayor Messina requested this item be brought forward.

Otto Giuliani, City Manager, referred to letter received from Mr. Patrick Ward and subsequent meetings held; City has never adopted an ordinance and needs a formalized policy; there has been no monitoring in the past; suggested adding this item to the duties of the new Historic Preservation Commission.

Comments were made by two concerned citizens.

STATUS REPORT ON THE IMPLEMENTATION OF THE REVISED GENERAL PLAN

Otto Giuliani, City Manager, read from the staff report summarizing the efforts made by the staff to implement the General Plan to date; also listed the many other projects and daily tasks handled by the Planning Department.

Councilmember Corbaley clarified why she had requested this report; stated staff needs additional help on a contract basis; asked for a possible time line for implementation.

ORAL PRESENTATION REGARDING NATIONAL RECOGNITION FOR OUR LIBRARY

Otto Giuliani, City Manager, explained the process that was used to select the various libraries to display the Smithsonian Program involved; only 20 libraries nationwide were selected; congratulated Benicia's Library and staff.

ORAL PRESENTATION REGARDING: BENICIA "JUST THE FACTS"

Otto Giuliani, City Manager, described the Video tapes that will be made in an effort to provide the citizens of Benicia with information; gave examples, such as a tour of the new Wastewater Treatment Plant or how the Water Treatment Plant works; the Mayor's, "State Of The City" statement will be the first project.

REPORTS FROM CITY COUNCIL COMMITTEES:

Bi-Monthly Committee Reports:

Tourtelot Community Advisory Group (CAG)

Councilmember Corbaley gave a report; approval from DTSC on MSD with a request for an additional Voluntary Separation Distance; Project Clean-up to use Alternative Number 5.

Mayors Committee Meeting

Mayor Messina stated that a presentation had been made by SEDCORP and STA at the last meeting.

Bay Conservation and Development Commission (BCDC)

Mayor Messina made a slide presentation concerning the rehabilitation of the marshland in the Montezuma Slough.

Solano Water Authority

Mayor Messina stated that a discussion was held in reference to concerns about the water supply.

SEDCORP Board of Directors

Councilmember Whitney encouraged people to use this resource for economic development.

Arsenal Restoration Advisory Board

Councilmember Whitney announced that the next meeting will be on February 21, 2001 at the Camel Barns.

Valero Community Advisory Panel (CAP)

Councilmember Whitney reported that a discussion was held about opening the meetings to the public once or twice a year; panel is drafting by-laws.

Solano Transportation Authority

Councilmember Bidou reported information on the Capital Corridors.

Audit & Finance Committee

Councilmember Bidou stated all was in order; additional meeting to be held about Marina.

Youth Action Task Force

Councilmember Bidou reported that work on the Master Plan for the youth of the city was continuing.

NEW BUSINESS:

OPTION AGREEMENT WITH GOODYEAR PARTNERS LLC FOR CREATION OF A ONE-YEAR OPTION TO CONSIDER EITHER PURCHASE OF PROPERTY, OR FRIENDLY CONDEMNATION OF PROPERTY, OR JOINT DEVELOPMENT OF PROPERTY, FOR USE AS AN INTERMODAL TRANSPORTATION STATION

Otto Giuliani, City Manager, reported that this site was identified through the Public Hearing process; getting this option will give the City the edge it needs to obtain the approval for the Intermodal Transportation Station; this will give the City control over this property.

Council took the following action:

RESOLUTION NO. 01-16 - A RESOLUTION AUTHORIZING ENTRY INTO OPTION AGREEMENT WITH GOODYEAR PARTNERS, LLC FOR CREATION OF ONE-YEAR OPTION VALUED AT \$101,500 TO CONSIDER EITHER PURCHASE OF PROPERTY, OR FRIENDLY CONDEMNATION OF PROPERTY, OR JOINT DEVELOPMENT OF PROPERTY, FOR AN INTERMODAL TRANSPORTATION STATION (GOODYEAR ROAD NORTH OF LAKE HERMAN ROAD)

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Gizzi

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:20 p.m.

Linda S. Purdy, City Clerk