

March 17, 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
REGULAR MEETING - CITY COUNCIL
March 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, March 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 that the City has begun its Housing Element Update; a community workshop will be held on March 26, 2002 in the Dona Benicia Room at the Library.

Council Member Smith announced the 4th Annual Solano Child Abuse Prevention Council Conference to be held on April 19, 2002 at the Three Oaks Community Center, Vacaville.

PRESENTATIONS:

COMPREHENSIVE TRANSPORTATION PLAN

Daryl Halls, Solano Transportation Authority, gave a brief overview; the Plan is a method for the Solano Transportation Authority to identify transportation needs; Plan has three elements Transit (bus, ferry, rail), Highways, Arterials and Freeways, and Alternative Modes of Transportation; explained funding shortfalls and possible funding sources, including a ½ cent sales tax increase measure; public input meeting to be held on March 28, 2002 in the Library.

Mayor Messina stressed the importance of obtaining ferry service for Benicia.

Council Member Bidou questioned allocation of possible sales tax revenue funds.

Council Member Smith expressed concerns about the changes that would occur at Lake Herman Road; cited a portion of the General Plan that refers to maintaining the rural ambiance of the area.

HUMAN SERVICES FUND STATUS REPORT

Mike Caplin, Human Services Fund Co-Chair, gave an update on current and future fund raising activities; announced the Volunteer Appreciation Dinner to be held on April 27, 2002; thanked the community and city employees for their donations.

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:

James Williams, Chairman, Solano Taxpayers Association -Vacaville Chapter, stated his Associations support for Benicia's proposed Intermodal Train Station.

Toni Haughey, 251 West J, announced the Friends of the Benicia Arsenal had raised \$9065.00 toward the restoration of the Commandant's Residence; these funds will be matched by Pacific Bay; thanked Mayor and staff for the opportunity to tour the Commandant's Residence on April 6, 2002; supports Historic Landmark Program.

John Von Landschoot, 175 West H, expressed concerns about the amount of money allocated to the Historic Landmark Program; would like to see an update of the 1991 Historic Downtown Plan.

Linda Lewis, 282 West I, encouraged Valero Refinery to do a full Environmental Impact Report; changes at Refinery will impact future generations.

Mayor Messina stated that Valero Refinery intended to do an EIR on this project.

Bob Craft, 323 Columbia Circle, stated he would like to make comments on the Valero Refinery item during that portion of the meeting.

Council Member Campbell requested a report on the events that occurred Saturday evening at the Memorial Building; would like the City to develop a policy for all public meeting places; commended the police for their restraint.

Otto Giuliani, City Manager, stated that since the item was not on the Agenda a report could not be given; will report on this item at the next Council Meeting.

Council Member Campbell questioned if help was available to senior citizens to move the new, large trash containers that were now required.

Mayor Messina stated that he had spoken to a representative of the disposal company; seniors can call and request help.

Otto Giuliani, City Manager, stated that requests for assistance could be made by contacting the City Manager's office.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled; requests were made to pull Items E, G, H, J, L, M, N and O by 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:

Minutes of March 5, 2002

Denial of claim and referral to insurance carrier (Prather)

Denial of claim and referral to insurance carrier (Campbell)

Approval of check registers for January and February 2002

RESOLUTION NO. 02-32 - A RESOLUTION ADOPTING THE 2002 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM, FOR THE PERIOD OF MARCH 2002 THROUGH SEPTEMBER 2002, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PROGRAM ON BEHALF OF THE CITY

RESOLUTION NO. 02-33 - A RESOLUTION DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE AND AUTHORIZING THE CITY MANAGER TO APPLY FOR A STATE DRINKING WATER STATE REVOLVING FUND LOAN IN THE AMOUNT OF \$11,000,000

RESOLUTION NO. 02-34- A RESOLUTION AUTHORIZING AN EXTENSION OF THE SOLANO TRANSPORTATION AUTHORITY TO ACT AS THE ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY FOR THE CITY OF BENICIA

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

(END OF CONSENT CALENDAR)

Investment Reports for July-December 2001

Council Member Campbell requested that this item be pulled from the Consent Calendar; requested an explanation of the City's investment policy.

Alan Nadritch, Finance Director, stated that the three criteria that governed this policy were safety, liquidity and yield; State law determines the wording.

Mayor Messina requested that in the future a notation be placed on the document stating that the Audit and Finance Committee had reviewed the report.

On motion of Council Member Campbell, seconded by Council Member Bidou, and unanimously carried, the Investment Reports for July-December 2001 were approved.

RESOLUTION ACCEPTING THE BENICIA MARINA MAINTENANCE DREDGING PROJECT, AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE WITH THE SOLANO COUNTY RECORDER'S OFFICE

Mayor Messina and Council Member Bidou requested that this item be pulled from the Consent Calendar due to a Conflict of Interest.

Vice Mayor Campbell chaired the discussion of this item; requested status of permit process for the next dredging episode; questioned continued use of Lucas Marine as the City's dredger.

Virgil Mustain, Public Works Director, stated that there was some displeasure with the work of Lucas Marine; currently a dispute over the amount of compensation owed; permit process is moving a head; plan is to be able to begin dredging as soon as allowable.

Council took the following action:

RESOLUTION NO. 02-35 - A RESOLUTION ACCEPTING THE BENICIA MARINA MAINTENANCE DREDGING PROJECT, AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE NOTICE WITH THE SOLANO COUNTY RECORDER

On motion of Council Member Campbell, seconded by Council Member Smith, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Smith and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

RESOLUTION DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2002/2003
Council Member Campbell requested this item be pulled from the Consent Calendar; asked for an explanation of the item and the process.

Virgil Mustain, Public Works Director, explained that the funding provided helps to maintain these districts; amount has not increase in over a decade.

Council took the following action:

RESOLUTION NO. 02-36 - A RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2002-2003

On motion of Council Member Campbell, 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 ACCEPTING BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE MILITARY WEST LIGHTED CROSSWALK PROJECT IN THE AMOUNT OF \$32,117 TO STEINY AND COMPANY OF VALLEJO, AUTHORIZING THE TRANSFER OF \$5,000 FROM ACCOUNT NO. 010-8705-9741 IN TO THE PROJECT ACCOUNT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY
Council Member Campbell requested that this item be pulled from the Consent Calendar; asked for an explanation of guidelines when accepting bids and preference guidelines used for firms located in Benicia.

Virgil Mustain, Public Works Director, explained that the Public Contract Code requires using the lowest bidder.

Alan Nadritch, Finance Director, stated that there are other types of services that are given a preference if they are located in Benicia.

Council took the following action:

RESOLUTION NO. 02-37 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE MILITARY WEST LIGHTED CROSSWALK PROJECT IN THE AMOUNT OF \$32,117 TO STEINY AND COMPANY OF VALLEJO, AUTHORIZING THE TRANSFER OF \$5000 FROM ACCOUNT NO. 010-8705-9741 INTO THE

PROJECT ACCOUNT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

Mayor Messina stated that although Item I (Resolution authorizing the City Manager to make application for a State Revolving Fund Loan in the amount of \$11 million for needed water facilities improvements) had been passed under the Consent Calendar a request from Council Member Campbell to discuss the item would be done at this time.

Council Member Campbell questioned how the debt on this item would be paid.

Otto Giuliani, City Manager, stated that this would be paid from restricted funds (Water Enterprise Fund).

RESOLUTION AMENDING, AUTHORIZING IMPLEMENTATION AND FUNDING FOR THE BENICIA HISTORICAL LANDMARK PROGRAM

Council Member Smith requested this item be pulled from the Consent Calendar; praised the Committee and questioned amount of funds allocated for the plaques.

Mike Alvarez, Parks and Community Service Director, stated that there has been minimal activity in the past; the Committee will look at each request carefully; additional funding will be provided each year.

Mayor Messina stated that, if necessary funds would be made available.

Council took the following action:

RESOLUTION NO. 02-38 - A RESOLUTION AMENDING AUTHORIZING IMPLEMENTATION AND FUNDING THE BENICIA LANDMARK PROGRAM

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 APPOINTING ATTORNEYS, REASSESSMENT CONSULTANT AND UNDERWRITER FOR THE FLEETSIDE INDUSTRIAL PARK ASSESSMENT DISTRICT REASSESSMENT AND REFUNDING OF 2002

Council Member Campbell requested that this item be pulled from the Consent Calendar; questioned why this was being done.

Alan Nadritch, Finance Director, explained that this would save money for the property owners by lowering the interest rate.

Council took the following action:

RESOLUTION NO. 02-39 - A RESOLUTION APPOINTING ATTORNEYS, REASSESSMENT CONSULTANT AND UNDERWRITER - CITY OF BENICIA - FLEETSIDE INDUSTRIAL PARK ASSESSMENT DISTRICT (REASSESSMENT AND REFUNDING OF 2002)

On motion of Council Member Bidou, seconded by Council Member Campbell, 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 SIGN AGREEMENTS WITH VALERO AND CONSULTANT PROVIDING THE CITY REVIEW OF VARIOUS PROJECTS AT THE VALERO REFINERY

Council Member Bidou requested that this item be pulled from the Consent Calendar due to a Conflict of Interest.

Bill Tanner, Valero Refining Company, gave a brief overview of the projects proposed; projects would modernize the refinery, reduce existing emissions and allow the use of the City's wastewater; Environmental Impact Report to be done.

One concerned citizen spoke on this item.

Otto Giuliani, City Manager, explained the need to replace the current consultant due to Conflict of Interest.

Council Member Smith expressed concern about the type of EIR being done; need for additional citizen input and review; possible use of the Good Neighbor Steering Committee and/or ad hoc Council Committee; problems with air quality due to type of crude oil being processed and possible failure of equipment; would like to see more monitoring at every school site.

Council Member Whitney stated that the current Valero Citizen Advisory Committee (CAP) could be a possible solution to the committee proposed; Council could give the CAP direction; questioned whether the City would be the lead agency in this project.

Council took the following action:

RESOLUTION NO. 02-40 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH VALERO AND CONSULTANTS PROVIDING FOR CITY REVIEW OF VARIOUS PROJECTS AT THE VALERO REFINERY

On motion of Council Member Campbell, seconded by Council Member Whitney, the above Resolution was adopted on roll call by the following vote:

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

Noes: None

Abstain: Council Member Bidou

CONSIDERATION OF A RECOMMENDATION TO SUPPORT HEALTHY COMMUNITIES GRANT PROPOSAL

This item pulled from the Consent Calendar in error.

Council took the following action:

RESOLUTION NO. 02-41 - A RESOLUTION ENDORSING THE 2002 HEALTHY COMMUNITIES GRANT PROPOSAL

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

REPORTS FROM CITY MANAGER:

MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, reported that an insert would be distributed with the City's water bills that would allow citizens to make donations to the Fund.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS:

MAYORS' COMMITTEE MEETING

Mayor Messina stated that countywide open space continues to be a topic for discussion; possibility of forming a special district to oversee open space needs.

Otto Giuliani, City Manager, reported a Resolution would be brought forward to support the ½ cent sales tax proposal; creation of a special park district and board for the county.

ARSENAL RESTORATION ADVISORY BOARD

Vice Mayor Campbell questioned possible Brown Act violations; will relinquish his seat to Council Member Smith; would like to resolve problem.

Heather McLaughlin, City Attorney, clarified possible Brown Act violations; will talk to Council Member Smith and place on the next Agenda.

Council Member Smith stated he would be unable to attend the next meeting; would give consideration to replacing Council Member Campbell on Board.

AUDIT & FINANCE COMMITTEE

Council Member Whitney reported that the Committee would make recommendation as matters were brought before the Council; tours of various City facilities held and planned; expanding the scope of the Committee.

TRI-CITY COUNTY REGIONAL PARK AND OPEN SPACE

Council Member Whitney stated that this ties in with the open space issues; opportunities facing the community in the future.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney reported no meetings had been held; changes are made to the citizen representatives on the panel; applications are available at the City Manager's office.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated that the Commission was continuing to work on the Bay Plan.

NORTHERN AREA OPEN SPACE

Mayor Messina reported that they are working with Supervisor John Silva on this project; additional meetings to be held to formulate a land use program.

SOLANO WATER AUTHORITY

No report given.

SCHOOL DISTRICT LIAISON

Council Member Smith stated that a discussion was held on the joint use agreement and the resurfacing of the high school tennis courts.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell restated his opposition to the proposal to raise public sector dues by the Board; requested direction from other members of the Council.

Otto Giuliani, City Manager, stated that a subcommittee of City Managers had discussed the proposed dues and will not recommend the increase until the Board had met a marketing plan.

Heather McLaughlin, City Attorney, recommended that the Council place this matter on an upcoming Agenda.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou reminded the citizens about the meeting to be held on March 28, 2002; reported on the possibility of a connection to Solano County by the BART system.

YOUTH ACTION TASK FORCE

Council Member Bidou requested that Cecile Kazemi make the report.

Cecile Kazemi stated that the primary goal was to develop a strategic plan to respond to crisis, both in short and long term; explained the "Every 15 Minute Program".

Jim Trimble, Police Chief, expressed support for this program.

Council Member Smith re-announced the Solano Transportation Public Input Meeting and stressed its importance to the Community and long-term effect on the City.

CITY CLERK SALARY COMMITTEE

Mayor Messina stated that a memo from the subcommittee had been provided to Council Members in their Agenda packet.

Linda S. Purdy, City Clerk, read a statement giving her reasons for not accepting the offer proposed by the Council subcommittee; financial portion of proposal acceptable, but lowering stipend in November, 2003 would have made the job ceremonial.

One concern citizen spoke on this matter.

Council Member Campbell proposed the possibility of having an hourly wage with a maximum placed on the number of hours worked; need to resolve question of what is required of the position.

Mayor Messina stated that it had been difficult to compare jobs done by various City Clerks; possibility of holding a workshop to enable the entire Council to discuss this matter.

Council Member Bidou expressed concerns over possible legal issues; no control over an elected official; was not the intent of the subcommittee to sell out the position.

Council Member Smith requested that a discussion of this be placed on a future Agenda.

Otto Giuliani, City Manager, stated that this was a matter for the Council to decide; suggested holding a workshop on the matter.

Consensus of the Council was to hold a workshop to discuss this matter.

Mayor Messina called for a break at 10:30 p.m.
Mayor Messina reconvened the meeting at 10:40 p.m.

UNFINISHED BUSINESS:

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

Otto Giuliani, City Manager, reviewed the changes that had been made; recommendations of the Audit and Finance Committee; encouraged the Council to accept the staff recommendation setting the General Fund reserves at 15%.

Council Member Smith would like to see funding for after school care for Middle School students at the Youth Center; hoped that the new position funded would look into more facilities for teens; pleased with funding for the Commandant's Residence and read the types of repairs to be done; would like to see future funds for the Skate Park; agreed with the Audit and Finance Committees recommendation on the transfer of funds.

Council Member Campbell questioned the repairs to the pool; if there was no additional cost would like to see the repairs include future use for water polo and lap pool; will support recommendation of the Audit and Finance Committee.

Mike Alvarez, Parks and Community Services Director, stated that Master Planning might be the best option for future use of the pool.

Council Member Whitney stated he would like to see the discussion focus on the 15% floor for the General Fund; prudent due to the State's poor financial outlook.

Council Member Bidou questioned the advantages of moving the funds.

Otto Giuliani, City Manager, stated he would like to show restraint; set the tone for future use; the 15% gives the City a cushion for things that cannot be anticipated.

Mayor Messina stated that he was comfortable with either 1) 10% reserve with 1 million set aside solely for the new police facility, or 2) 15% reserve with the transfer of the 1 million, currently set aside for the new police facility, back into the General Fund.

Mayor Messina questioned whether the bond ratings would be affected by either of the above. Alan Nadritch, Finance Director, stated that

Council Member Smith made a motion to adopt the recommendation of the Audit and Finance Committee and establish a minimum reserve amount of 10% for the General Fund.

Council took the following action:

RESOLUTION NO. 02-42 - A RESOLUTION AMENDING THE 2001-2002 MUNICIPAL BUDGET, AS AMENDED

On motion of Council Member Smith, seconded by Council Member Campbell, the above Resolution was adopted, as amended, on roll call by the following vote:

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

Noes: None

NEW BUSINESS:

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDER NO. 5 IN AN AMOUNT NOT-TO-EXCEED \$85,000 FOR THE RANCHO BENICIA SANITARY SEWER REPLACEMENT PROJECT

Council Member Campbell stated that due to a Conflict of Interest he would not participate in this discussion.

Virgil Mustain, Public Works Director, gave brief history of the project; stated that due to unusual circumstances these repairs were necessary.

Council took the following action:

RESOLUTION NO. 02-43- A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDER NO. 5 IN AN AMOUNT NOT-TO-EXCEED \$85,000 FOR THE RANCHO BENICIA SANITARY SEWER REPLACEMENT PROJECT

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, Smith, Whitney and Mayor Messina

Noes: None

Abstain: Council Member Campbell

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:34 p.m.