

March 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

March 20, 2001

MINUTES OF THE

SPECIAL MEETING - CITY COUNCIL

MARCH 20, 2001

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:15 p.m. Tuesday, March 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 - Anticipated Litigation

(Initiation of litigation pursuant to Subdivision © of Government Code Section 54956.9) One (1) Case

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

MINUTES OF THE

REGULAR MEETING - CITY COUNCIL

MARCH 20, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:40 p.m. Tuesday, March 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, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina stated there is one announcement - action taken in Closed Session and requested the City Attorney comment on this announcement.

Heather McLaughlin, City Attorney, stated City Council had a Closed Session on the Benicia Harbor Corporation. Two of the Council members did not participate in that discussion, because they have conflicts of interest according to the FPPC. The tentative opinion from the Fair

Political Practices Commission was that because of the location of the property that they have an interest in, they are unable to vote on those matters.

Councilmember Corbaley stated that during the Closed Session, Council gave direction to staff.

Mayor Messina announced that the City is accepting applications on new Historic Preservation Commission and read the requirements required by at least two of the applicants in order to retain the Certified Local Government status.

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;

Mayor Messina read a letter received from Peggy Martin regarding the formation of the new Historic Preservation Commission and thanked the Council for its support.

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read his message on "Reflections of the Past".
David Ratto, 1435 Plaza de Oro, explained to the Council the problems he has been having getting his business license renewed and requested that someone look into the situation.
Councilmember Corbaley formally requested that staff look into this, get it resolved and report back to Council.

Councilmember Whitney referred to a newspaper article on a program called "Angela's Alert"; requested Police Chief Trimble look into this program.

CONSENT CALENDAR:

Mayor Messina requested Items E and G be pulled; stated a member of the audience requested Item C be pulled; asked if there were any other requests for items to be pulled.

Councilmember Gizzi requested Items C and J be pulled.

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

Minutes of March 6, 2001.

Check Registers for the month of February 2001.

ADOPTION OF ORDINANCE NO. 01-3 - AN ORDINANCE ADDING A NEW CHAPTER 2.56 (HISTORIC PRESERVATION COMMISSION) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

RESOLUTION NO. 01-18 - A RESOLUTION AMENDING JOB DESCRIPTION FOR CLASSIFICATION OF PARAMEDIC/FIREFIGHTER AND FIREFIGHTER

RESOLUTION NO. 01-19 - A RESOLUTION APPROVING JOB DESCRIPTION FOR NEW CLASSIFICATION OF SUPERVISING LIBRARIAN, ESTABLISHING SALARY RANGES AND AMENDING CLASSIFICATION PLAN

RESOLUTION NO. 01-20 - A RESOLUTION APPROVING THE ADDENDUM TO THE SOFTWARE LICENSE AGREEMENT BETWEEN THE CITY AND SUNGARD BI TECH FOR MAINTENANCE AND SUPPORT OF CITY FINANCIAL MANAGEMENT COMPUTER SYSTEMS

RESOLUTION NO. 01-21 - A RESOLUTION ACCEPTING CORDELIA PUMP STATION MOTOR CONTROL CENTER REPLACEMENT PROJECT, CITY MANAGER SIGN NOTICE OF COMPLETION AND CITY CLERK RECORD SAME

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

(END OF CONSENT CALENDAR)

INTEREST FREE LOAN TO THE X-PARK COMMITTEE

Councilmember Gizzi and James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; Councilmember Gizzi supports the concept, but expressed concern about approving something that has not been fully reviewed by the Council and that appears to by-pass the public process; suggested continuing this item until the next meeting.

Councilmember Corbaley stated that this loan is one that is similar to the one given to the Playground of Dreams; there will be an educational presentation at the next meeting and funding can be decided during budget hearings.

Heather McLaughlin, City Attorney, explained the two issues in the current resolution - 1) the giving of public funds issue and the need for making a finding that there is a public purpose to it, and 2) the Council making a decision on a project before it has all the facts presented; made suggestions for rewording of the first two WHEREAS' in the Resolution that was presented to Council.

Comments were made by Mayor and Council regarding a potential public benefit.

Four interested citizens expressed their views.

Further comments were made by Mayor and Council regarding following the process.

Council took the following action:

RESOLUTION NO. 01-22 - A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO MAKE AN INTEREST FREE LOAN TO THE X-PARK COMMITTEE IN THE AMOUNT OF \$5,000, AS MODIFIED

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

JOB DESCRIPTION FOR NEW CLASSIFICATION OF FIELD UTILITIES AND STREET SUPERVISOR, ESTABLISH SALARY RANGES AND AMEND PLAN

JOB DESCRIPTION FOR NEW CLASSIFICATION OF PARKS & COMMUNITY SERVICES SUPERINTENDENT, ESTABLISH SALARY RANGES AND AMEND PLAN

Mayor Messina requested these two items be pulled from the Consent Calendar and discuss them together; would like to hear from City Manager on how to make a structure better.

Otto Giuliani, City Manager, responded.

Comments were made by Mayor and Council on prior policy direction.

Heather McLaughlin, City Attorney, stated Council can talk about the two groups before them; if they want to have a general discussion on flattening the organization, that should be agendized separately, because other people may be interested.

Mayor Messina suggested agendizing for discussion at next meeting.

Otto Giuliani, City Manager, stated this has been an ongoing process; any Council he has worked for says keep a tight rein on the budget and this is consistent with that, and if Council wants to discuss this, it can be discussed during budget hearings.

Council took the following actions:

RESOLUTION NO. 01-23 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF FIELD UTILITIES AND STREET SUPERVISOR, ESTABLISHING THE SALARY RANGES AND AMENDING THE CLASSIFICATION PLAN

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

RESOLUTION NO. 01-24 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF PARKS & COMMUNITY SERVICES SUPERINTENDENT, ESTABLISHING THE SALARY RANGES AND AMENDING THE CLASSIFICATION PLAN

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

ADD NEW CHAPTER 9.52 (MOBILE LIVING UNITS) TO TITLE 9

Councilmember Gizzi requested this item be pulled from the Consent Calendar; concerned that staff report is inconsistent.

Heather McLaughlin, City Attorney, explained the purpose of this Ordinance is to address the problem of people sleeping in their RV's or trailers on public streets, public parking lots and private property; stated this is part of her ongoing effort to improve the code enforcement ordinances.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 01- - AN ORDINANCE ADDING A NEW CHAPTER 9.52 (MOBILE LIVING UNITS) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

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

REPORTS FROM COUNCIL COMMITTEES:

Bi-Monthly Committee Reports:

Tourtlot Community Advisory Group (CAG)

Councilmember Corbaley gave a report.

Mayors Committee Meeting

Mayor Messina gave a report.

Bay Conservation and Development Commission (BCDC)

Mayor Messina gave a report.

Solano Water Authority

Mayor Messina gave a report.

SEDCORP Board of Directors

No report given.

Audit & Finance Committee

Councilmember Whitney stated everything is in order.

Arsenal Restoration Advisory Board

Councilmember Whitney gave a report.

Valero Community Advisory Panel (CAP)

Councilmember Whitney stated no meetings until end of month; 4th Thursday of every month.

Solano Transportation Authority

Councilmember Bidou gave a report.

Youth Action Task Force

Councilmember Bidou gave a report.

NEW BUSINESS:

ACCEPT BIDS, AWARD CONTRACT FOR RESERVOIR HEALTH AND SAFETY IMPROVEMENT PROJECT, APPROPRIATING \$125,000 FROM WATER OPERATIONS FUND RESERVES TO COVER ANTICIPATED PROJECT COSTS

Otto Giuliani, City Manager, gave a report.

Comments were made by Mayor, Council and Virgil Mustain, Public Works Director.

Council took the following action:

RESOLUTION NO. 01-25 - A RESOLUTION ACCEPTING BIDS, AWARD CONSTRUCTION CONTRACT IN AMOUNT OF \$113,490 TO SPIESS CONSTRUCTION CO., INC. FOR RESERVOIR HEALTH AND SAFETY IMPROVEMENT PROJECT, APPROPRIATING \$125,000 FROM WATER OPERATIONS FUND RESERVES TO COVER ANTICIPATED PROJECT COSTS, AND CITY MANAGER SIGN CONSTRUCTION CONTRACT

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, Gizzi, Whitney and Mayor Messina

Noes: None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:14 p.m.

Linda S. Purdy, City Clerk