

March 21, 2000

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 21, 2000

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:31 p.m. Tuesday, March 21, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Bidou, Whitney and Mayor Messina

Absent: Councilmember Corbaley

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENT

PONY EXPRESS MONUMENT DEDICATION CEREMONY SATURDAY, APRIL 22, 2000, AT 3:30 P.M. AT FOOT OF FIRST STREET

Mayor Messina made the announcement.

APPOINTMENTS:

COMMUNITY DEVELOPMENT BLOCK GRANT LOAN COMMITTEE

Mayor Messina announced the appointment of Patrick Donaghue to the Community Development Block Grant Loan Committee. (Per staff report the other vacancy will be filled by Carole Simpson, Assistant Finance Director)

Appointment made by Mayor Messina was confirmed by the following vote:

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

Mayor Messina announced the appointment of Fred Railsback to the Human Services Fund Board to fill an unexpired term to July 1, 2002.

RESOLUTION NO. 00-26 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF FRED RAILSBACK TO THE HUMAN SERVICES FUND BOARD TO FILL AN UNEXPIRED TERM TO JULY 1, 2002

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

PROCLAMATION:

"HONORING THE UNITED STATES SUBMARINE FORCE'S 100TH ANNIVERSARY"  
Mayor Messina read the Proclamation; accepted by Edmund Saldivar, Regional Director,  
Submarine Veterans of World War II.

**ADOPTION OF AGENDA:**

Mayor Messina requested that Communications-Public Comment be brought forward before the Consent Calendar.

On motion of Councilmember Whitney, seconded by Councilmember Bidou, and unanimously carried, Agenda was adopted as amended.

**PUBLIC COMMENT:**

Mayor Messina explained the new timer system to regulate speakers at the podium.  
James O. Milburn, 280 East J Street, commented on Proposition 13; suggested adding the History Channel to the Cablevision lineup; spoke on the additional loss of trees at St. Catherine's Wood.

Bob Webb, 438 Greenbrier, welcomed Councilmember Whitney to the Tri-City Open Space Committee; thanked Councilmember Corbaley; concerned about parts of a plan proposing a Firing Range in the Open Space.

Dave McMurtry, Vice President, I.T. Corporation, proposed a golf course and golf learning center just north of Lake Herman Road; no environmental hazards for this site. Mr. McMurtry asked the Council for support of this project; referred to a 1993 Resolution regarding the Sky Valley area which prohibits City staff time or resources to be expended.

Mayor Messina stated this is not an agenda item; clarified that direction needed to be given to staff in order to proceed.

Otto Giuliani, City Manager, stated that the Resolution can be brought back.

Consensus of the Council was to direct staff to bring the Resolution back.

Roger Heym, 765 Anita Circle, supports I.T. Corporation and the proposal for the golf course.  
Sharon Reineman, 336 Viewmont Street, opposed; would prefer a community park on the site.

**CONSENT CALENDAR:**

Mayor Messina stated there were requests from the audience to pull Items D, H, I, and P; asked if there were any other items to be pulled from the Consent Calendar.

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

Minutes of March 7, 2000.

Denial of Claim and referral to insurance carrier - BOEX.

Denial of Claim and referral to insurance carrier - STRATOUDAKIS.

**ADOPTION OF ORDINANCE NO. 00-3 - AN ORDINANCE ADDING A NEW SECTION 10.16.180 (PARKING PROHIBITIONS FOR PUBLIC OFF-STREET LOTS) TO CHAPTER 10.16 (STOPPING, STANDING OR PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) OF BENICIA MUNICIPAL CODE**

RESOLUTION NO. 00-27 - A RESOLUTION ACCEPTING CHELSEA HILLS DRIVE OVERLAY PROJECT AS COMPLETED, AUTHORIZING CITY MANAGER SIGN NOTICE OF COMPLETION AND CITY CLERK TO RECORD

RESOLUTION NO. 00-28 - A RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 28 FOR \$125,000 WITH C. OVERAA AND COMPANY FOR WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

RESOLUTION NO. 00-29 - A RESOLUTION ACCEPTING BIDS, AWARDDING CONSTRUCTION CONTRACT FOR CORPORATION YARD MATERIALS STORAGE BINS PROJECT IN AMOUNT OF \$70,019 TO IRONHORSE ENGINEERING, INC. AND AUTHORIZING CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 00-30 - A RESOLUTION ACCEPTING BIDS, AWARDDING CONSTRUCTION CONTRACT FOR EAST 5TH STREET SANITARY SEWER EXTENSION AND REPLACEMENT PROJECT IN AMOUNT OF \$37,863 TO BRUCE CARONE GRADING AND PAVING, INC. AND AUTHORIZING CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 00-31 - A RESOLUTION AWARDDING CONTRACT TO PROVIDE FURNISHINGS TO WASTEWATER TREATMENT PLANT OPERATIONS BUILDING IN AMOUNT OF \$59,040.25 TO KRISTINE PASSALACQUA STUDIO OF INTERIOR DESIGN AND AUTHORIZING CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 00-32 - A RESOLUTION AUTHORIZING MAYOR TO SIGN SOLANO WATER AUTHORITY PROJECT AGREEMENT NO. 2 (NOONAN RESERVOIR) PHASE 2A (HIGHLINE CANAL/NBA PROJECT) ON BEHALF OF CITY AND APPROPRIATING \$100,000 FROM WATER OPERATIONS FUND RESERVES FOR PROJECT

RESOLUTION NO. 00-33 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE LEASE AGREEMENT ALLOWING SPRINT SPECTRUM, L.P., TO INSTALL COMMUNICATION FACILITIES AT THE PANORAMA DRIVE WATER RESERVOIR SITE AND AUTHORIZING CITY MANAGER TO EXECUTE MEMORANDUM OF LEASE AND CITY CLERK RECORD SAME

RESOLUTION NO. 00-34 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE LEASE AGREEMENT ALLOWING NEXTEL OF CALIFORNIA, INC. TO INSTALL COMMUNICATION FACILITIES ON CITY-OWNED PROPERTY (ASSESSOR'S PARCEL NO. 181-230-02-0) AND AUTHORIZING CITY MANAGER TO EXECUTE MEMORANDUM OF LEASE AND CITY CLERK RECORD SAME

RESOLUTION NO. 00-35 - A RESOLUTION APPROVING THE FIRE APPARATUS PURCHASE PLAN THAT INCLUDES LOAN OF UP TO \$375,000 FROM WASTEWATER ENTERPRISE TO BE REPAID OVER A THREE YEAR PERIOD AT AN INTEREST RATE OF 5.5%

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

(END OF CONSENT CALENDAR)

#### DENIAL OF CLAIM AND REFERRAL TO INSURANCE CARRIER - LANCASTER

Robin Lancaster, 111 El Bonito Way, Claimant, requested this item be pulled from the Consent Calendar; asked Council to please reconsider the claim denial; requested that area be sodded over due to the sewage spill.

Mayor Messina asked if there was any new information regarding this claim.

Heather McLaughlin, City Attorney, stated there was none; staff and ABAG reviewed the Claim and considered whether or not the City is liable for more than what it has already done; this will not come back unless a lawsuit is filed.

On motion of Councilmember Bidou, seconded by Councilmember Whitney, and unanimously carried, Claim was denied and referred to insurance carrier.

#### SOUTHERN PACIFIC DEPOT EXTERIOR REHABILITATION PROJECT

Walter Cross, 1170 Church Street, requested this item be pulled from the Consent Calendar; approves of this project.

Council took the following action:

RESOLUTION NO. 00-36 - A RESOLUTION ACCEPTING BIDS, AWARDING CONSTRUCTION CONTRACT FOR SOUTHERN PACIFIC DEPOT EXTERIOR REHABILITATION PROJECT IN THE AMOUNT OF \$490,349 TO SCHRYER/THOMPSON CONSTRUCTION, AND AUTHORIZE CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

#### ENDORSE, SUPPORT AND PARTICIPATE IN THE MAY 19, 2000 FORUM TO EXPLORE AN OPEN SPACE VISION FOR SOLANO COUNTY

Bob Berman, 250 West K Street, requested this item be pulled from the Consent Calendar; used this opportunity to explain the goals of the conference; pleased about the support of the Council.

Council took the following action:

RESOLUTION NO. 00-37 - A RESOLUTION TO ENDORSE, SUPPORT AND PARTICIPATE IN THE MAY 19, 2000 FORUM TO EXPLORE AN OPEN SPACE VISION FOR SOLANO COUNTY

On motion of Councilmember Whitney, seconded by Councilmember Bidou, the above

Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

#### CITY HALL/POLICE ADMINISTRATION BUILDING REROOFING AND RELATED STRUCTURAL UPGRADES PROJECT

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; expressed concern about using excess funds from General Fund.

Council took the following action:

RESOLUTION NO. 00-38 - A RESOLUTION ACCEPTING BIDS, AWARDING CONSTRUCTION CONTRACT FOR CITY HALL/POLICE ADMINISTRATION BUILDING REROOFING AND RELATED STRUCTURAL UPGRADES PROJECT IN THE AMOUNT OF \$174,413.40 TO SCHRYER/THOMPSON CONSTRUCTION, AND AUTHORIZING CITY MANAGER TO SIGN CONTRACT

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

PUBLIC HEARINGS:

AMEND PORTIONS OF CHAPTER 13.12 RATES AND CHARGES OF DIVISION I WATER OF TITLE 13, PUBLIC SERVICES OF THE BENICIA MUNICIPAL CODE

Otto Giuliani, City Manager, gave a report; 1996 was the last rate hike and expenses will soon exceed revenues; within two years there will be a significant deficit; rate hike is absolutely necessary.

Virgil Mustain, Public Works Director, stated that these rate increases have been postponed as long as possible to minimize the impact on the Public; the increases will be implemented over a seven year period, which will allow people to do long term planning; the staff has prepared three options and is recommending Option 1, which has the lowest total cost; the first increase will occur in May with subsequent increases to be in January of each year.

Otto Giuliani, City Manager, stated the City has spoken with the Chamber of Commerce and Benicia Industrial Park Association and received their support.

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

The following person spoke:

James O. Milburn, 280 East J Street, appreciated that costs are spread out.

Mayor Messina closed the Public Hearing.

Councilmember Whitney questioned the source and availability of Benicia's water supply.

Virgil Mustain, Public Works Director, stated that the City's resources were a lot better now; obtaining Mojave water was beneficial to the city; looking into a possible exchange with up-county water sources; City tries to do advanced planning, however there are unforeseen new regulations and rising inflation rates; also thanked Chris Tomasik, Management Assistant.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 00- - AN ORDINANCE AMENDING PORTIONS OF CHAPTER 13.12 RATES AND CHARGES OF DIVISION I WATER OF TITLE 13, PUBLIC SERVICES OF THE BENICIA MUNICIPAL CODE

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

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

APPLICATION FOR FUNDING AND EXECUTION OF GRANT AGREEMENT AND ANY AMENDMENT THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Brenda Gillarde, Principal Planner, gave a report. The money requested would fund a feasibility study for a multiple affordable rental housing development at the corner of First Street and Riverview Terrace.

Councilmember Bidou asked if this would help with the affordable housing numbers the City is required to have from the SSA.

Heather McLaughlin, City Attorney, stated if the project is successful it would add to the needed affordable housing numbers.

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

The following persons spoke:

Mike Flo, Executive Director, Housing Authority, thanked Council.

James O. Milburn, 280 East J Street, recalled that this site was used before and there was opposition to the project.

Mayor Messina closed the Public Hearing.

John Bunch, Planning Director, confirmed that there would be several Public reviews; the site could accommodate up to 52 units.

Council took the following action:

RESOLUTION NO. 00-39 - A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF GRANT AGREEMENT AND ANY AMENDMENT THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

REPORTS FROM CITY MANAGER

Otto Giuliani, City Manager, stated that this report was inadvertently left off the Agenda.

Mike Caplin, Chairman, Human Services Fund Board, reported:

The Home Tour, which was held December 16, 2000, was very successful.

Man/Woman of the Year Dinner will be held Saturday, October 21, 2000.

Donations to the Human Services Fund Board can be deducted directly from the water bill.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY STANDING COMMITTEE REPORTS

COMMUNITY ADVISORY GROUP (CAG)

Heather McLaughlin, City Attorney, gave a report in the absence of Councilmember Corbaley.

CAG reviewed the revised schedule and requested more details; concern was expressed about the UXO Conference that DTSC will be holding; the possibility that a standard for UXO might be established and what impact that would have on the Tourtelot Project.

SOLANO TRANSPORTATION AUTHORITY

Councilmember Bidou gave a report.

AUDIT & FINANCE COMMITTEE

Councilmember Whitney gave a report; also spoke on his attendance at School Board Liaison meeting, Tri-City County Group, and SEDCORP.

UPDATE ON YOUTH ACTION TASK FORCE

Councilmember Bidou gave a report. The Task Force is looking at a model program done by the City of Vacaville.

Mayor Messina stated he met with DTSC and Ed Lowry, DTSC Director, regarding Tourtelot; spoke on his attendance at the Solano Water Authority Meeting, Mayor's Conference, and is an alternate for BCDC.

Mayor Messina also stated that each of the Councilmembers and Department Heads were making phone calls to their counterparts in various cities regarding Valero, the new oil refinery owners; comments were very positive.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:58 p.m.

Linda S. Purdy, City Clerk