

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
APRIL 15, 2003**

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:16 p.m. Tuesday, April 15, 2003.

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 - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)

Name of Case: Benicia Unified School District v. City of Benicia

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

COMMUNICATION ON CLOSED SESSION ITEMS:

WRITTEN:

PUBLIC COMMENT:

1. Cathy Ann Hewitt, 266 East B, encouraged the City and the School District to work together for the benefit of the children of Benicia.

Adjourned to Closed Session at 7:19 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
APRIL 15, 2003**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:55 p.m. Tuesday, April 15, 2003, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: Council Member Bidou

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 - Existing Litigation - Benicia Unified School District v. City of Benicia - provided staff with direction to approach the School District and solve the legal matter.

Mayor Messina announced openings on the Civil Service Commission and the Historic Preservation Commission; applications can be submitted to the City Manager's office.

Vice Mayor Campbell requested that the Mayor make his appointment choices available to other members of the Council on the Friday, prior to the Tuesday night Council Meeting.

Mayor Messina stated that the City Attorney was looking into the matter.

LOCAL (LEAVE OUR COMMUNITY ASSETS LOCAL)

Mayor Messina announced that meetings would be held during Legislative Action Days, May 14-15, 2003, in Sacramento, to lobby legislators to keep the State from taking assets from local communities; contact the City Manager's office for times and locations.

ADOPTION OF THE AGENDA:

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

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, Agenda was adopted as presented

COMMUNICATIONS:

WRITTEN

PUBLIC COMMENT:

1. Bob Craft, 323 Columbia Circle, encouraged the Council to find ways to help the School District; education of our children is very important; critical school programs are being lost; suggested helping with the water costs, possibly provide safety and security positions.

Mayor Messina stated that the Council is looking into ways to help the School District; Council must continue to be aware of their fiduciary responsibilities to the City.

2. Cathy Ann Hewitt, 266 East B Street, stated that there were several fundraising projects related to helping the School District; donations can be earmarked specifically for the Class Size Reduction Program; people's opinions differ, but it is not predicated on how long they have lived in Benicia.
3. Colleen Jaffe, 1220 Monte Vista Court, thanked the staff for their assistance in putting the informational enclosure in the water bills; announced upcoming fundraiser to support the School District's programs to be held on May 11, 2003 at the Clock Tower; Benicia's fight to save the Class Size Reduction Program is getting national press coverage.
4. Elizabeth Patterson, 1215 West 2nd Street, restated that the intent of the members of the GPOC was to prevent any urban development beyond the UGB; Council reversed the vision by allowing development of churches, schools and some recreational uses prior to the adoption of the General Plan; a citizen's group is working to restore the original intent by bring an initiative to the voter's.
5. Kitty Griffin, 236 Baker Street, thanked the City Clerk and the City Attorney for their assistance with the Notice of Intent for the initiative; legal notice has been given; the initiative petition will be circulated at local events, various town locations and grocery stores.
6. Council Member Smith thanked the citizen's that spoke on behalf of the School District; announced (1) May 5, 2003 - work party for maintenance of the Playground of Dreams (2) April 28, 2003 - Planning Commission Meeting regarding the Valero Improvement Project EIR - encouraged attendance at the meeting (3) April 25-27, 2003 - Benicia Old Town Theater Group -"Moon Over Buffalo" (4) April 17, 2003 -Historic Preservation Commission Workshop on the preservation of city owned buildings (5) April 17, 2003 - Chamber of Commerce Mixer to be held at the Jefferson Street Mansion; would like Budget discussions to include (1) an addition to the City Attorney's budget to work on the legal issues regarding parking on Jefferson Street (2) restrooms at City Parks; encouraged citizens to sign the initiative petition regarding the UGB.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar.

On motion of Council Member Whitney, seconded by Mayor Messina, and unanimously carried, the

following items were approved under the Consent Calendar:

Minutes of April 1, 2003.

Approval of monthly investment reports for October through December.

RESOLUTION NO. 03-47 - A RESOLUTION APPROVING THE VACATION OF A UTILITY EASEMENT AT 108 MOUNTVIEW TERRACE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEED ON BEHALF OF THE CITY

RESOLUTION NO. 03-48 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR THE PROPERTY LOCATED AT 99 RIVERHILL DRIVE, VACATING THE EXISTING UTILITY EASEMENT AS SHOWN ON THE FINAL PARCEL MAP, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ON BEHALF OF THE CITY

RESOLUTION NO. 03-49 - A RESOLUTION AWARDED A CONSULTANT CONTRACT IN THE AMOUNT OF \$103,624 TO ERWIN INTEGRATION FOR THE DESIGN ENGINEERING OF THE WASTEWATER COLLECTION SYSTEM SUPERVISORY CONTROL AND DATA ACQUISITION (SUDA) TELEMETRY SYSTEM

RESOLUTION NO. 03-50 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A BEAUMONT FOUNDATION OF AMERICA 2003 COMMUNITY GRANT FOR FISCAL YEAR 2003/2004 AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS

RESOLUTION NO. 03-51 - A RESOLUTION AUTHORIZING COMPLETION OF THE EMERGENCY REPAIR WORK TO CITY HALL AND DIRECTING STAFF TO SUBMIT A PROGRESS REPORT AT THE NEXT SCHEDULED CITY COUNCIL MEETING

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

(END OF CONSENT CALENDAR)

REPORTS FROM CITY MANAGER:

Jim Erickson, City Manager, gave a brief report on the status of the cost estimates and repair work on the Commandant's Residence; Mayor's fund has collected approximately \$52,000; there is a pending grant from the State; waiting on comments from the State on the scope of the project.

REPORT ON KAREN DRIVE NEIGHBORHOOD COMPLAINT

Jim Erickson, City Manager, stated that staff had prepared a report and was working hard to resolve this issue.

Jim Trimble, Police Chief, gave a summary of the complaint, police responses to the complaint, correspondence with the Department of Motor Vehicles and the possibility of resolving this problem through mediation; staff recommendations include (1) inspections of the site for possible zoning, fire and other health and safety violations (2) continue daily patrol checks of site looking for illegally parked cars (3) continue to request the DMV to investigate the site as a possible car dealership (4) research and draft local ordinances establishing number of vehicles in residential neighborhoods.

Heather McLaughlin, City Attorney, stated that examples of ordinances were being collected from other cities; need to determine the number of vehicles that is reasonable per residence; permits are a possible option; will bring back to the Council in May.

Michael Christov, 1540 Karen Drive, stated that the cars were all registered and in working condition; the cars were his hobby; seven residents of the home were drivers; felt that he had been a target of harassment; always willing to mediate.

Eight concerned citizens spoke on this matter.

Council Member Smith stated that automobiles are a healthy hobby, but that this hobby may have gone beyond what is reasonable; expressed concerns however that this may be a business; would like to see this issue resolved without going to court.

Mayor Messina stated that direction to staff was clear; problem has gone on too long and needs to be resolved.

Vice Mayor Campbell and Council Member Whitney suggested that all parties participate in mediation as soon as possible; if the Council provided a solution it might be one that was heavy handed and neither side will be happy.

REPORTS FROM CITY COUNCIL COMMITTEES: BI- MONTHLY COMMITTEE REPORTS

MAYORS' COMMITTEE MEETING

Mayor Messina stated at the last meeting two discussions were held (1) the financial condition of the State and the impact it would have on the cities and the county (2) disposal of bio-solids; Cities will continue to lobby Assembly and State Representatives for the retention of local assets.

ARSENAL RESTORATION ADVISORY BOARD

No report given.

AUDIT AND FINANCE COMMITTEE

Vice Mayor Campbell reported that the Committee was now looking into the expenditure side of the budget; looking at ways to reduce expenditures; possibility of a one million dollar per year deficit in the future.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

No report given.

NORTHERN AREA OPEN SPACE

Mayor Messina stated that no additional discussions had been held.

Council Member Smith requested a staff update on Option 1 - affirmation of current existing boundary policies as stated in the General Plan.

Jim Erickson, City Manager, stated that the required amendments for this option would be coming to the Planning Commission on May 6, 2003; direction from the Council had been very specific.

SCHOOL DISTRICT LIAISON

Council Member Smith stated that several meetings had been held within the last month; next meeting will be held on April 16, 2003 to determine what options are available to the City to assist the District; Youth Action Task Force has suggested several options that might be viable; complimented additional suggestions made by members of the public.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell reported that a new three year marketing plan had been presented; the plan will not provide significant benefits for Benicia; a request had been made to raise the City's contribution from \$1000 to \$5000 and then to \$7500 per year; other cities have approved this raise; not accepting the raise may undercut the effectiveness of the City Manager and Assistant City Manager; not in favor of continued participation but would like direction from the rest of the Council.

Jim Erickson, City Manager, stated that this item would be looked at during the upcoming budget session; this is a small investment in the economic well being of the City.

Mayor Messina stated that City should continue to participate; benefits come in different ways.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Smith stated that both the meeting and the conference held were very useful; strategy discussions on the possibility of another transportation tax.

SOLANO WATER AUTHORITY

Mayor Messina stated a discussion was held on prevention measures for flooding up county; additional discussions were held on channel clearance.

TRI-CITY AND COUNTY OPEN SPACE

Council Member Whitney stated that a Resolution would be brought to the Council in May regarding the formation of Regional Park District for the County.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney reported that a new chairperson was selected at the April 10, 2003 meeting; Brain Tullock will replace Dana Dean as Chairperson; thanked Ms. Dean; Bob Craft has been added to the advisory panel; Valero will conduct a community noise survey that could take up to one year to complete; acknowledged Valero for their financial contribution to the upgrade of the CAN System, which will include the addition of two sirens, monitors in schools and day care centers, and upgrade of EDIS computer at the dispatch center that will tie into the Contra Costa system and could be used during a national disaster.

Council Member Smith expressed concerns that Solano County is not as integrated as Contra Costa County; pleased with the upgrades.

Mayor Messina stated that the county was spending additional funding on upgrading, but did not know the extent of that funding.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:57 p.m.

Linda S. Purdy, City Clerk