

April 19, 2005

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 19, 2005**

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:01 p.m. on Tuesday, April 19, 2005, in the City 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: Vice Mayor Patterson

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

On motion of Council Member Smith, seconded by Council Member Whitney, the Agenda was adopted as presented, on roll call by the following vote:

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

Noes: None

Absent: Vice Mayor Patterson

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of Closed Session.

COMMUNICATIONS ON CLOSED SESSION ITEMS:

WRITTEN: None

PUBLIC COMMENT: None

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

2. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54959.6 (a))

Agency negotiator: City Manager, Human Resources Director, Senior Personnel Analyst, Bill Avery of Avery & Associates

Employee organization: BPSEA, BPOA, BFA, BDA

Unrepresented employees: Supervisor, Professional/Confidential, Middle Management, Police Management, Senior Management

ADJOURNMENT:

Mayor Messina adjourned the meeting at 7:04 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
APRIL 19, 2005**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:50p.m. on Tuesday, April 19, 2005, in the City 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: Vice Mayor Patterson

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Announcement taken in Closed Session:

Heather McLaughlin, City Attorney stated that on the first Closed Session item (Walsh case); Council gave direction to Staff to settle the claim. On the second item (Conference with Labor Negotiator), Council received information from Staff and gave Staff direction.

Recent article in the Benicia Herald:

Mayor Messina addressed the incident recently reported in the papers, 'D.A. Rejects Charges Against Smith.' He read the following statement:

"As your mayor, I am committed to making sure that all our employees have a safe environment to work in. The City does not, and will not, tolerate abusive behavior against any employee. I am sure my colleagues on the City Council and the entire City Management Staff agree.

Second, there has been a claim that the investigation into the controversy was "personally motivated" or a result of a "political vendetta." Nothing could be further from the truth. When the City is made aware of a complaint of abusive behavior toward one of our employees, in this case by a City Council

Member, it has a duty to investigate. Anything less surely would have been politically motivated and a violation of our oath of office to uphold the laws of the land. Staff has a duty to investigate the claims of its employees. The Police Department has a duty to investigate allegations of crimes. Throughout this process, City staff has conducted themselves in the utmost professional manner.

As members of the Council, we have to set a good example for the community. I have asked the City Attorney and City Manager to schedule training sessions for the Council on the role of the Council and City Manager, in addition to the regular trainings on the Brown Act, Public Records Act, and conflict of interest laws. The public is welcome to attend. I hope we can use this opportunity to affirm the City's commitment to its employees and to abiding by the law.

Finally, as difficult as this matter has been on all of us, let's remember that lessons learned are of value for the future, and let's move on."

APPOINTMENTS:

None

PRESENTATIONS:

Update on Pure Committee Activities - Bob Craft, Chair:

Since the last PURE report, representatives of the Committee and its consultants met with staff of the Regional Water Board to review the project, its status, and provide an opportunity for Water Board staff to express their views as the project moves along. The meeting was positive. Clearly the Water Board staff supports the concept of PURE's Water Reuse Project. They (Regional Water Board) indicated they would include a description of the project and its status in a periodic summary provided to senior management. From PURE's viewpoint, this is useful and will serve to keep the project on the board's radar screen. The possibility of dilution and intake credits, test results to date, and a possible future requirement for using west coast native fish species for toxicity testing were also discussed.

PURE will soon have another round of toxicity testing. This should begin in early May. The intent is to cross check prior results including computer based matrix analytic measuring processes and to fine tune blend ratios of the effluent.

Four major engineering decisions are outstanding and must be made within the next five months to keep the project on schedule. The key is to decide the location of all system components: which to locate at Valero and which to locate at the City facility. This is a complex issue, and in addition to space/footprint concerns, PURE will be driven by both scientific and cost considerations as well as permitting requirements. Funding predicates may also come into play. Data to support this decision is still being developed. Other major decisions deal with the ammonia removal process for the water to be recycled, project output capacity, and developing high confidence estimates of O & M costs.

PURE will be actively seeking additional funding sources as they proceed. It seems clear PURE will need augmenting funds if they are to achieve its current goal of delivering 2 MGD of recycled water to the refinery. PURE expects to meet the negotiated requirement for 1 MGD with the current funding

profile. However, while that would be very beneficial to all concerned, it is still a 'container half full' scenario.

The next PURE meeting will be May 24, 2005.

Volunteers in Police Department:

Officer Patti Baron, Police Department Volunteer Coordinator, discussed National Volunteer Week. She was at the meeting to honor the Benicia Police Volunteers. In 2003, the City had 18 Police Volunteers that gave 1,452 hours of service. The City currently has 40+ Police Volunteers. In 2004, the Police Volunteers gave 3,482 hours of service. The National Volunteer Foundation assigned \$17.90 per hour value for the Police Volunteers. The Police Volunteer Program consists of the following divisions: patrol, data entry and clerical staff, neighborhood watch, parking and adjudication, chaplain, cadet, intern, and the Family Resource Center. She stated that the volunteers inspire her.

Officer Baron presented a check for \$62,327.80 that represents 3,482 hours worth of work hours completed by the Police Volunteers.

PROCLAMATIONS:

Mayor Messina presented the following proclamations:

- National Volunteer Week - April 17-23, 2005 - Officer Patti Baron, Volunteer Coordinator, accepted the proclamation. Ms. Baron presented each volunteer and Council Member with a pin in recognition of National Volunteer Week.
- Sexual Assault Awareness and Prevention Month - Ms. Cheryl Franklin-Golden, SafeQuest Solano, accepted the proclamation. She stated that per the Center for Disease Control, 302,000 women and almost 93,000 men were raped over a 12-month period. Eight out of 10 victims knew their perpetrators. Eighty four percent of rapes go unreported.
- Commendation - Ms. Kaylin Pennington, Benicia High School Cross Country Team, accepted the commendation. She thanked Council for the honor. She thanked her family for their love and support.

ADOPTION OF AGENDA:

On motion of Council Member Whitney, seconded by Council Member Smith, the Agenda was adopted as presented/amended, on roll call by the following vote:

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

Noes: None

Absent: Vice Mayor Patterson

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

1. Council Member Smith read the following prepared statement:

"First, I want to address the battery complaint filed and dismissed against me.

The city of Benicia is a corporation, and we up here are the board of directors. We communicate to city staff primarily through the City Manager and Department Heads. Sometimes we are then referred to line staff to answer our questions. I know this is a good policy. The Department Heads and City Manager would agree that in every situation but this one, I have followed the standard chain of command.

Early this year, my family located some pre-teen runaways that Benicia P.D. was looking for, and we turned them over to the P.D. Through my service in chaperoning at all of The Spot dances at the Vet's Hall, I knew that some of these young people had big issues. I was concerned about them and asked the City Manager to follow up and see if the kids were all right.

In the following two weeks, I hadn't heard about one child in particular whose mother has died. My mother died when I was four and I have special empathy for such children. I saw our Family Resource Coordinator twice in the next two weeks and asked her about the child. The first time she said she'd get back to me.

Nine days later, on Feb. 4, we saw each other a second time at a banquet at the Clocktower. When I approached her again to ask about the child, we spoke at first but due to the noise and lack of privacy, it was clear to me that this was not the time to have this conversation. I walked away. I never asserted that I had any right to information as a Council member. I approached her as a concerned citizen who had first hand knowledge of the children involved.

I never hit our Family Resource Coordinator. I haven't hit anyone since I was about 12 years old. I don't think I even touched her. My wife, who watched our 30-second conversation, and all the hundreds of other people in the room, didn't see Ms. Smith and me touch. This first inkling I had that there was a problem was when Jim Erickson told me a complaint had been made.

Three weeks after the banquet, city staff finally showed me the Education Code law that purportedly makes some of the information I sought confidential. It might have helped me to see that a lot sooner.

Conversely, I was not aware that all the documents concerning the employee's complaint could be considered public record. Had I known this, I would never have discouraged their release, even though I felt it was a waste of staff time. Public records are public, and when the public wants them, staff should always provide them.

Lastly, I want to say publicly that I'm sorry the Family Resource Coordinator was uncomfortable with me talking to her. It was not my intention. I was just concerned about a child, but I made a procedural mistake while following through with that concern."

He then listed the following events:

- 4/21 - Chamber of Commerce mixer at Prudential California Realty**

- 4/22 - Chamber of Commerce Charity Golf Classic at Hiddenbrooke Golf Club
 - 5/6 - Chamber of Commerce 'Business to Business Expo' at the Clocktower
 - 4/22 - Benicia Old Towne Theatre Group presents 'Over the River and Through the Woods'
 - 4/23 - Mardi Gras Masquerade Ball
 - 4/23 - Vallejo Symphony with Norm Krieger
 - 4/30 - BPAF presents Juan Serrano at the Napa Opera House
 - 4/29 and 4/30 - Stan Houston Productions presents comedy acts including Rocky La Porte
 - 4/30 - Benicia Native Plant organization spring plant sale
 - 4/30 and 5/1 - Benicia Artists Open Studios
 - 4/30 - Benicia Community Action Council annual volunteer recognition dinner
 - 5/6 - The Spot returning to the Vet's Hall
 - 5/7 - Benicia - Tula Sister City Cultural Exchange Fiesta at Clocktower
2. **Hadieh Elias** - Ms. Elias expressed support of Council Member Smith. She supports all Council Members for their public service. She hates to see the personal attacks. We should refrain from participating in attacks and base our judgments on facts that are presented in a rational way. She respects Council Member Smith.
 3. **Dona Rose** - Ms. Rose stated that she came to lend her support for Council Member Smith. He is a caring and committed citizen and Council Member. She believes the issue is political and has been blown out of proportion.
 4. **Alan Schwartzman** - Mr. Schwartzman stated that Ms. Kitty Griffin wrote a letter to the editor of the Benicia Herald regarding the recent Council Priorities Workshop. He was not happy about the points system that was used. He discussed the recent resignation of City Staff. He ventured to guess that employee morale is not very good. It gets worse with every resignation. Things are not well at City Hall. The atmosphere needs much improvement. He asked Council to explore how they are doing business. The City has an ever-diminishing Staff with an increasing workload. He then discussed Council Member Campbell's recent letter to the editor regarding the Joint Use Agreement between the City and BUSD. It, along with the City's other obligations, amounts to a recipe for potential fiscal disaster. It could possibly amount to the City's inability to provide basic services to its citizens. He encouraged Council to take the time to find fiscally prudent solutions to the problems. He then discussed revenue possibilities for the Joint Use Agreement. He stated that the City should consider not 'sharing' the Verizon funds but instead allow BUSD to receive all of revenue as a way to help the district out. Mayor Messina explained how the points system came about. Each Council Member was allotted 8,800 points to allocate to the individual projects. Mr. Schwartzman stated that the variance in the points given from the Council Members did not seem like a fair way to address the projects.

5. **Otto Giuliani - Mr. Giuliani read the following prepared statement: "It is with great sadness and serious concern for the financial welfare of the City that brings me to address you this evening. As you know, it has been well over two years since I retired, turning my attention from the management of Benicia to other more self-serving interests. While I've had many concerns about the actions of this Council over the past (27) months, I've kept those concerns to myself. However, my desire to remain disengaged from city business and maintain a self-imposed silence has been taken from me. On April 08, 2005 Council Member Smith SLANDERED Ms. Cecile Kazemi and me while attempting to defend and justify his recent criminal behavior when he wrote on Benicia News.Com the following outrageous and blatantly false statement: "Putting an end to Otto Giuliani's unexplained \$30K annual stipend for Cecile Kazemi is not the kind of savings he wants to see."**

Now Council Member Smith only needed to check the city archives for a copy of Ms. Kazemi's approved contract or the applicable city budget for the council action approving Ms. Kazemi's public relation services. Does anyone remember "Benicia Just the Facts" or the City Quarterly Newsletter. The city received three awards for the production of "Benicia Just the Facts."

I would rather not add my name to the list of individuals suing the city for Council Member Smith's criminal or civilly libel behavior. Mayor and Council Member Whitney since you were on the council that first requested the public relation services ultimately provide by Ms. Kazemi and you approved the expenditures, I ask you to publicly correct this slanderous statement by Council Member Smith.

Council Member Smith during my last few months of employment with the city I worked for you, after all you were one of my (5) bosses and in your capacity as one of my bosses I was forced to endure your verbal abuse, condescending remarks, public and private attacks on my management of the city and to even be the target of blame for your failure to achieve consensus with your Council colleagues. I see from watching our city council meetings that you now extend that abuse to our entire management staff.

On January 31, 2003 our employment relationship changed because I no longer worked for you, you work for me. Yes, I joined the rest of Benicia by becoming one of your bosses.

So, what does this mean, first I demand a public apology to Ms. Kazemi and me for your slanderous remark on Benicia News.Com on April 8, 2005. It's not my desire to add to your personal litigation burden but I am prepared to do just that if a public apology is not forth coming.

Since you have motivated me to be here this evening seeking justice, I cannot over look my responsibility as a boss to comment on your illegal behavior. I have serious concerns regarding your ever changing answer to the allegations that you violated a city ordinance by passing the City Manager and directly giving direction to a member of city staff; that you attempted to use your position as a City Council Member to obtain confidential information, that you have created a hostile work environment for many employees but in particular a female employee and finally that you committed a battery upon a female employee of the city.

Now let's review the facts. According to the police report, on or about February 17, shortly after

Council Member Smith is informed of the police investigation he admits to Jim Erickson that he did indeed touch or grab Police Department employee Colleen Smith.

On February 21st, when given the opportunity to give a statement to the police investigator, Council Member Smith invokes his right against self-incrimination.

When he spoke with the reporter from the Vallejo Times Herald on April 1st, he didn't think he had touched Colleen Smith.

On April 7th when he talked with the reporter from the Benicia Herald, he denies the battery allegation. "If someone saw they would have prosecuted by now."

Finally, when he responds to Benicia News.Com on April 8th, he says; "I never hit Ms. Smith or anyone else since I was about 12."

Hello, do we see a pattern here?

As a law enforcement officer in all my years of investigating crimes, I never interviewed an innocent person who continually changed their account of the incident. I also found that only people with something to hide invoked their rights against self-incrimination. In the final analysis, the community will have to decide the guilt or innocence of Council Member Smith. However, the taxpayers are stuck paying the bill for the financial liability caused by Council Member Smith's actions.

With that in mind, the community is entitled to all information regarding this incident or any behavior past or present committed by any of its elected officials. Council you must feel the same way because you have publicly supported creation and adoption of a "Sunshine Ordinance." Interesting though; while Council Member Smith has been an outspoken advocate for the "Sunshine Ordinance," according to an official transcript of a voicemail message he left the City Manager, he threatened the city with a lawsuit if information regarding this investigation became public.

So, what else does the public have a right to know? I know that information regarding Council Member Smith's police contacts during the last four years have been requested by both the Benicia Herald and Vallejo Times Herald. I trust that the newspapers will fulfill their responsibility to the community and fully explain the circumstances surrounding these police interventions. The public needs to know, if Council Member Smith sought or received special treatment. The public also has a right to know if any of its elected officials have a criminal history or a substance abuse problem. If the Council held itself to the same standard as the city holds our city employees, then the Council should participate in the city drug-screening program.

Finally, why hasn't the city Council issued an official statement denouncing such work place violence and what has this Council done to protect Colleen Smith and other employees from retaliation? Council you have a legal obligation to protect the city, please do so!

If we demand integrity and ethics from our elected officials then political ethics will cease being an oxymoron."

6. **Bob Mutch, Benicia Taxpayers Association** - Mr. Mutch discussed recent contract signed with Camp, Dresser & McKee. The cost amounts to one-fifth of the annual cost to maintain the ball fields. He urged Council to find a mechanism that will adequately track, on an ongoing basis, the cost for consultant fees. He discussed public participation requirements. This project will cost the taxpayers \$27,000 for the public participation. Mr. Mutch urged Council to agendize the topic of 'Consultant Use.' He urged them to reconsider spending the \$27K on this project.
7. **Jan Cox-Golovich** - Ms. Cox-Golovich stated that after hearing Mr. Giuliani's comments, she is glad he is no longer the City Manager or Police Chief. She discussed a 1998 resolution establishing the City's commitment to its youth. She discussed the definition of 'role model.' What the City started was a youth master plan. A small grant was obtained for this purpose. This was turned over to the Youth Action Task Force. They were supposed to follow up on this issue. They have not done so. The YATF is now under the Police Department. This gives a message to the youth that they are a problem. She hopes Council can find an innovative, great way to change the message they are sending to the youth.
8. **Bill Cambra, Solano County Grand Jury** - Mr. Cambra discussed the makeup of the Solano County Grand Jury and its duties. He reminded Council that the court would be looking to them for recommended individuals that could be on the Grand Jury. Interested persons can go directly to the court and get an application. He will leave applications with Council. The deadline for nominations is the first part of May.
9. **Kitty Griffin**- Ms. Griffin wanted to discuss the 'Dan Smith thing.' It has gotten out of hand. It is a good old-fashioned smear attempt. She reviewed the events that have occurred up to this point. All of the City's bungling led to great confusion. Staff's lack of knowledge of procedures led to this situation. He has been personally mischaracterized. This situation has been vicious. She urged Staff leadership to underscore the fact that the DA found insufficient evidence to pursue this issue, to acknowledge that Staff's lack of prompt, knowledgeable and professional treatment of Council Member Smith's request for information kicked off the events that led to the misunderstandings that developed, and to encourage the public against exploiting the damage already done to Council Member Smith. She wants Staff to apologize to Council Member Smith and the public for their actions in this situation.
10. **Chuck White** - Mr. White stated that we are fortunate to have a Council with integrity. When this kind of harassment that Dan Smith is being subjected to takes place, he wonders why people would get into politics. Dan Smith does not deserve this treatment. He has integrity. We need to get on with City business.
11. **John Van Landschoot** - Mr. Van Landschoot agreed with Mr. Schwartzman regarding the points system used in Council's priorities workshop. Statistically, it is not a good way to go. He would like to see BTA look into the consultant fees that the City has paid over the years. Regarding Dan Smith, our legal system states that a person is innocent until proven guilty. We should not accuse somebody unless we know what happened. If there would have been facts, the DA would have proceeded. It should end there. This is a political attack on Dan Smith. He

discussed Council Member Smith's accomplishments and efforts. They are attacking the man and his character. Dan Smith champions the rights of kids. Small minds will take advantage of this character assassination.

12. Jim Erickson - Mr. Erickson stated that Staff did not overreact to a complaint that was received. They acted with due-diligence. They had no alternative but to investigate, inquire and explore the serious complaint that was made. Staff had a duty and obligation to investigate this to ensure that the employees of the city are protected. He stated that he was sorry Council Member Smith was not informed of the answer to his question in a timely manner by him (Mr. Erickson). He had followed up on Mr. Smith's request, but Mr. Smith was not made aware of it. He then discussed the recent review of consultant expenses. Council has reviewed that report. Persons doing business with the City reimbursed the vast majority of the expenses. He then stated that Karen Majors, Assistant City Manager, has resigned and will be leaving. This will be her last Council Meeting. He recognized her contributions to the City. She will be missed. He discussed Ms. Major's accomplishments.

13. Council Member Whitney - Council Member Whitney stated that the City needs to move forward. He suggested we celebrate Benicia. Staff and Council should have dinner out in the community on a quarterly basis. The public would have an opportunity to visit with Staff and Council. We need to take some steps to try and eliminate some of the negativity that is going on. He stated that Council and Staff would pay their own way. He then addressed a comment made by Mr. Giuliani about Cecile Kazemi's services. He stated that he remembers Council gave direction to him to move forward with Ms. Kazemi. He then stated that Staff has been very ethical, honest, and above board regarding the complaint against Council Member Smith. He does not believe there is any animosity towards him.

CONSENT CALENDAR:

Council pulled items VI-C and VI-E.

On motion of Council Member Whitney, seconded by Council Member Smith, the Consent Calendar was adopted as amended, on roll call by the following vote:

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

Noes: None

Absent: Vice Mayor Patterson

The minutes of April 5, 2005 were approved.

Denial of claim against the City (Ricketts) and referral to insurance carrier was approved.

RESOLUTION 05-46 - A RESOLUTION DETERMINING A CONTINUING NEED FOR THE EMERGENCY PURCHASE AND INSTALLATION OF HEATING AND AIR CONDITIONING UNITS AND RELATED CLEAN UP FOR THE PATROL OFFICER LOCKER ROOM IN THE POLICE DEPARTMENT AND APPROPRIATING THE FUNDS FROM THE GENERAL FUND RESERVE

Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

(END OF CONSENT CALENDAR)

Council took the following actions:

Authorize execution of a lease with Verizon Wireless for a telecommunications site at the Benicia Middle School and a revenue sharing agreement for this lease and the Sprint lease with the Benicia Unified School District:

Eric Angstadt reviewed the Staff report.

Council Member Smith stated that we need to create a culture of cooperation. He asked who owned the land in question. Mr. Angstadt stated that the City owns the land. Council Member Smith stated that perhaps BUSD should have the \$19,000 in question. He stated that it would be a good-faith gesture to the district

Council Member Whitney asked if there had been any conversation with Verizon about how they might provide some other assistance to the community for this. Mr. Angstadt stated that there had not been any such conversation.

Mayor Messina asked Mr. Alvarez about the rationale in the decision to sublet. Mr. Alvarez stated that it was simply boilerplate language that was used. We have been splitting the money (with BUSD) in terms of the SBC antenna lease for approximately 7 years. Ms. McLaughlin discussed terms of the lease.

Council Member Whitney asked if there is a drop-dead deadline on this. Mr. Angstadt stated that it is up to Council's discretion. Council Member Whitney suggesting going back to create a nexus with the issue of the fields. We may be able to negotiate a better agreement with the vendor. Mr. Angstadt stated that it was his opinion that we would not get any more out of the vendor at this point.

Mayor Messina is comfortable with the current arrangement. However, we have to maintain public funds. There is rationale to share the funds with BUSD. He is comfortable with the proposed agreement.

Council Member Campbell stated it is fair to split the funds.

Council Member Smith stated that, with a clearer picture with investment of Staff time, splitting the funds does seem to be a nod toward the district's financial straits.

RESOLUTION 05-47- A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH VERIZON WIRELESS FOR A TELECOMMUNICATIONS SITE AT THE BENICIA MIDDLE SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE A REVENUE SHARING AGREEMENT WITH THE BENICIA UNIFIED SCHOOL DISTRICT TO EQUALLY SHARE THE REVENUE FROM THE VERIZON AND SPRINT LEASES AT THE MIDDLE SCHOOL

On motion of Council Member Smith, seconded by Council Member Campbell, the above Resolution

was adopted, on roll call by the following vote:

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

Noes: None

Absent: Vice Mayor Patterson

Award of three year contract to A&L Services, Inc., James Lamont, in the amount of \$82,500 per year to provide services for weed abatement and fire breaks of City-owned properties and open space areas:

Chief Hanley reviewed the Staff report.

Council Member Campbell asked how much of this is for the 190 acres that we took over doing weed abatement for Pacific Bay Homes. Chief Hanley stated that the cost is approximately \$5,000.

RESOLUTION 05-48 - A RESOLUTION AWARDING A THREE YEAR CONTRACT TO PROVIDE SERVICES FOR WEED ABATEMENT AND FIRE BREAKS OF CITY OWNED PROPERTIES AND OPEN SPACE AREAS IN THE AMOUNT OF \$82,500.00 PER YEAR TO A&L SERVICES, INC., JAMES LAMONT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

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

Noes: None

Absent: Vice Mayor Patterson

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

REPORTS FROM CITY MANAGER:

Seeno Status Report:

Karen Majors, Assistant City Manager, reviewed the Staff report.

Council Member Smith stated that the community conversations would happen more realistically in May. This is another project where Ms. Majors has provided an excellent service to the City. He stated that he is not sure if the City would have gotten the Hearthstone Affordable Housing Project finished had it not been for Ms. Majors' efforts.

Legislative Action Days:

Jim Erickson, City Manager, reviewed the Staff report.

Joint Use Agreement with BUSD:

Jim Erickson, City Manager, discussed the Joint Use Agreement. It has not been easy getting in touch with BUSD. He hopes they will begin to respond more quickly. He suggested Council draft an MOU to go with the Joint Use Agreement. In the upcoming Staff report, there will be a fiscal impact report included, as well as some alternatives, which includes the 'full boat' solution. There will also be a resolution drafted to address the funds needed to proceed with the Joint Use Agreement.

Mayor Messina stated that he discussed the agreement with the board president. There will be a joint meeting scheduled the second or third week of May. He would like to have a copy of the City's draft agreement in the next agenda packet for the first May meeting.

Council Member Smith stated that we are talking about five sites (including the Middle School). He is disappointed to hear Staff is having trouble scheduling meetings with BUSD. Mr. Erickson stated that regardless, Staff is progressing well on their own. Council Member Smith stated that it was his recollection that the draft is in BUSD's court. Ms. McLaughlin stated that she sent copies of the draft agreement to BUSD. Council Member Smith stated that he appreciates that Ms. Samiljin attended tonight's meeting. He suggested the citizens contact the district to urge them to make this project a number one priority.

Council Member Campbell asked Mr. Alvarez how this agreement would be done. Soccer is starting soon. Is there time to get it done by July/August? Mr. Alvarez stated that he hopes to have some numbers in the next week or so as to how much it will cost to get the High School field up to par. We need to sit down with BUSD now to figure out what their schedule is, programs, staffing issues, etc. We have some information, but we need to sit down with BUSD to figure it all out. Campbell asked if we are talking about the High School's baseball field, etc. Mr. Alvarez stated that it includes 'turf'. The track, tennis courts, back stops, bleachers, etc. are not included.

Campbell asked Council what would be done with Mills. Ms. McLaughlin stated that people with conflicts on particular sites couldn't discuss those sites. Mayor Messina stated that if the school closes, the field would still be used. If it is available to the community, it is a community asset.

REPORTS FROM CITY COUNCIL COMMITTEES:

1. Mayors' Committee Meeting - Mayor Messina - Next meeting date: May 18, 2005
2. Arsenal Restoration Advisory Board - Council Member Campbell - Next meeting date: June 22, 2005
3. Association of Bay Area Governments (ABAG) - Vice Mayor Patterson - Next meeting date: April 28, 2005
4. Audit & Finance Committee - Council Members Campbell and Patterson - Next meeting date: May 6, 2005 - Council Member Campbell stated that the committee is looking at hiring an active manager to manage the City's portfolio.

5. Carquinez Strait Preservation Trust - Council Member Smith - Next meeting date: Currently inactive - Council Member Smith stated that the committee is no longer dormant. He hopes to attend the next meeting on May 22, 2005.
6. First Street Revitalization Committee - Council Members Campbell and Smith - Next meeting date: April 27, 2005
7. League of California Cities - Council Member Smith - Next meeting date: April 21, 2005
8. Police Station and Civic Center Restoration Committee - Mayor Messina and Council Member Smith - Next meeting date: Not scheduled
9. School District Liaison - Council Members Smith and Whitney - Next meeting date: April 21, 2005 - Council Member Smith stated that they would be hearing more updates on the Joint Use Agreement. The Committee will also discuss BUSD's possible cooperation in promoting 'The Spot' dances.
10. Sky Valley Area Open Space - Council Members Patterson and Smith - Next meeting date: May 18, 2005
11. Solano EDC Board of Directors - Vice Mayor Patterson - Next meeting date: May 26, 2005
12. Solano Transportation Authority (STA) - Mayor Messina - Next meeting date: April 13, 2005
13. Solano Water Authority/Solano County Water Agency - Mayor Messina - Next meeting date: April 14, 2005
14. Sunshine Committee - Council Members Campbell and Patterson - Next meeting date: May 7, 2005
15. Traffic, Pedestrian and Bicycle Safety Committee - Council Members Campbell and Patterson - Next meeting date: April 14, 2005 - Council Member Campbell stated that the committee is going to try and work on improving some hazards on West 7th Street and East N Street. Some speed-control or traffic-calming devices will be looked at. The traditional devices might not work due to the steep street. The issue of angled/striped parking spaces for the 100 block of East D Street will be discussed. The Public Works and Police Departments will be doing a community walkabout to get a better idea of what the issues are. Overtime will be approved to target enforcement in those areas.
16. Tri-City and County Regional Parks and Open Space - Council Member Whitney - Next meeting date: June 13, 2005 - Council Member Smith asked Council Member Whitney to support the request for a joint meeting with the Solano County Board of Supervisors. Council Member Whitney stated that he would definitely support the joint meeting. Council Member Whitney stated that the committee is working on getting the joint meeting scheduled.
17. Valero Citizens Advisory Panel (CAP) - Council Member Whitney - Next meeting date: April 28, 2005 - Council Member Whitney reported that the committee has a draft report on the cold-eye review. A report will be available for Council's review in June. Council Member Smith would like the report to be available to Council sooner. Mr. Erickson stated that the report is still a work in progress. As soon as it is finalized, it will be made available.

18. Youth Action Task Force - Council Members Smith and Whitney - Next meeting date: April 27, 2005

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:56 p.m.

Lisa Wolfe, City Clerk