

April 20, 1999

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
APRIL 20, 1999

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:33 p.m. Tuesday, April 20, 1999, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL

Present: Councilmembers Corbaley, Messina and Mayor Hayes

Absent: Councilmembers Cox-Golovich and Gizzi (excused)

PLEDGE OF ALLEGIANCE

Mayor Hayes asked Mary Farmar Student Council to lead the pledge to the flag.

ANNOUNCEMENTS:

ART EXHIBIT - COUNCIL CHAMBERS

Mayor Hayes referred to the artwork on display in the Council Chambers - the exhibit is "The Next Generation, A Celebration Of Art By Benicia's School Kids" selected from the Annual Exhibit at the Arts Benicia Gallery, representing pre-school through high school age artists; exhibit will be on view until June 10.

APPOINTMENT

HOUSING ELEMENT ADVISORY COMMITTEE REPLACEMENT

Mayor Hayes announced the appointment of John Cosmides to the HEAC to replace Donnie Mason. Council confirmed appointment made by Mayor by unanimous vote.

ADOPTION OF AGENDA:

Mayor Hayes asked if there were any items to be pulled from the Consent Calendar.

On motion of Councilmember Messina, seconded by Councilmember Corbaley, and unanimously carried, Agenda was adopted as presented.

CONSENT CALENDAR:

Mayor Hayes asked if there were any items to be pulled from the Consent Calendar.

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

Minutes of April 6 and April 12, 1999.

Check Registers for March 1999.

Denial of Claim and referral to insurance carrier - REED.

RESOLUTION NO. 99-31 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR THE CLASSIFICATION OF ACCOUNTING SYSTEMS SUPERVISOR, ESTABLISHING THE SALARY RANGE FOR THE CLASSIFICATION AND AMENDMENT TO THE CLASSIFICATION PLAN

RESOLUTION NO. 99-32 - A RESOLUTION APPROVING THE FAMILIES FOR LITERACY GRANT APPLICATION

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

(END OF CONSENT CALENDAR)

REPORTS FROM CITY COUNCIL COMMITTEES:
AGREEMENT WITH EARTH TECH, INC. FOR THE CLEARANCE AND CLEANUP OF THE TOURTELOT PROPERTY AND AN AGREEMENT WITH GRANITE MANAGEMENT FOR FUNDING

Mayor Hayes spoke on the clearance and cleanup of the property and the Agreement with Earth Tech to provide this service; funding for this Contract will be paid by Granite Management.

One concerned citizen expressed his views.

Councilmember Corbaley spoke on the Public Participation Plan; there will be a series of Newsletters sent. The first was mailed this date.

The Notice of Preparation (NOP) on the Tourtelot EIR will be mailed to all residents soon.

Public Scoping Session will be held on May 11, 1999.

Public meeting on cleanup will be held on April 27, 1999 from 7:00 to 9:00 p.m. in the Council Chambers.

After consultation with the Council Committee, staff has added two community members to the Tourtelot Steering Group that consists of the City, Granite Management, Earth Tech, DTSC and Army Corps; those members will be Ms. Sherry Barrow, a resident of the neighborhood, and Mr. Richard Bortolazzo, a representative of the business community.

Otto Giuliani, City Manager, referred to a request made at the last meeting on April 7, to meet with Phil Plant, Benicia Industries, regarding ordnance discovered on their property. The meeting has been held and suggestions were made to insure public safety; some of the area is already fenced in. Benicia Industries will be contacting the Army Corps.

Council took the following action:

RESOLUTION NO. 99-33 - A RESOLUTION APPROVING AN AGREEMENT WITH EARTH TECH, INC. FOR THE CLEARANCE AND CLEANUP OF THE TOURTELOT PROPERTY AND AN AGREEMENT WITH GRANITE MANAGEMENT FOR FUNDING

On motion of Councilmember Corbaley, seconded by Councilmember Messina, the above resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Corbaley, Messina and Mayor Hayes

Noes: None

Absent: Councilmembers Cox-Golovich and Gizzi

NEW BUSINESS:

REVISIONS TO CHAPTER 3.08 AND THE CREATION OF CHAPTER 3.10 OF MUNICIPAL CODE CONCERNING PURCHASE AND DISPOSITION OF PROPERTY, AND CONTRACTING FOR SERVICES, RESPECTIVELY

Otto Giuliani, City Manager, stated the Ordinance in effect now is 30 years old and is obsolete and not efficient. Staff met with Chamber of Commerce to discuss streamlining the process.

Heather McLaughlin, City Attorney, explained the procedure to be followed this evening; a chance to hear from the public.

Council took the following actions:

INTRODUCTION OF ORDINANCE NO. 99- - AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.08 (PURCHASE AND DISPOSITION OF PROPERTY) FOR BENICIA MUNICIPAL CODE

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

Ayes: Councilmembers Corbaley, Messina and Mayor Hayes

Noes: None

Absent: Councilmembers Cox-Golovich and Gizzi

INTRODUCTION OF ORDINANCE NO. 99- - AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), TO ADD CHAPTER 3.10 (CONTRACTING FOR SERVICES) TO BENICIA MUNICIPAL CODE

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

Ayes: Councilmembers Corbaley, Messina and Mayor Hayes

Noes: None

Absent: Councilmembers Cox-Golovich and Gizzi

BENICIA HISTORICAL MUSEUM AND CULTURAL FOUNDATION SPECIAL REPORT FROM CITY'S INDEPENDENT AUDITORS, CREATING A SPECIAL REVENUE FUND ENTITLED BENICIA HISTORICAL MUSEUM AND CULTURAL FOUNDATION, AND REAFFIRMING PAYMENT OF REMAINDER OF 1998-1999 GRANT TO THE FOUNDATION IN THE AMOUNT OF \$17,500

Councilmember Messina stated he is on the Board of Camel Barns and questioned if that would be a conflict.

Heather McLaughlin, City Attorney, clarified that since Councilmember Messina received no financial benefit, his participation is not against FPPC Regulations.

Otto Giuliani, City Manager, explained what has transpired since the Director resigned in October 1998; irregularities found; a request for the City to help; an independent audit was done.

Mr. Giuliani further stated that the City will take over the fiduciary responsibilities of the Benicia Historical Museum and Cultural Foundation, but will have no decision making capabilities, give no help with fund raising nor will it tell the Board what to do.

Two concerned citizens expressed their views.

Councilmember Corbaley thanked Board of Directors and volunteers.

Mayor Hayes expressed sadness and regret for what has happened to the Camel Barns; put it all behind us and begin again.

Council took the following action:

RESOLUTION NO. 99-34 - A RESOLUTION ACCEPTING BENICIA HISTORICAL MUSEUM AND CULTURAL FOUNDATION SPECIAL REPORT FROM THE CITY'S INDEPENDENT AUDITORS, CREATING OF A SPECIAL REVENUE FUND ENTITLED BENICIA HISTORICAL MUSEUM AND CULTURAL FOUNDATION, AND REAFFIRMING PAYMENT OF THE REMAINDER OF 1998-1999 GRANT TO THE FOUNDATION IN THE AMOUNT OF \$17,500

On motion of Councilmember Corbaley, seconded by Councilmember Messina, the above resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Corbaley, Messina and Mayor Hayes

Noes: None

Absent: Councilmembers Cox-Golovich and Gizzi

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read his poem on conduct at prior Council meetings.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 8:10 p.m.

Linda S. Purdy, City Clerk