

May 5, 1998

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

MAY 5, 1998

A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 7:00 p.m. Tuesday, May 5, 1998.

#### 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:

#### CLOSED SESSION

Conference With Labor Negotiator

Agency Negotiator: Assistant City Manager/Personnel Services Manager

Employee Organization: Benicia Police Officers Association (BPOA)

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

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, May 19, 1998, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

#### ROLL CALL:

Present: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Absent: None

#### PLEDGE OF ALLEGIANCE

Mayor Hayes led the pledge to the flag.

#### ANNOUNCEMENTS:

Mayor Hayes announced action taken in Closed Session, as follows:

Conference With Labor Negotiator re: BPOA - gave direction to Agency Negotiator.

#### LIBRARY DISPLAYS:

WATER AWARENESS MONTH MAY 1998

Mayor Hayes announced Exhibit will be on display at the Library during the month of May.

NATIONAL PUBLIC WORKS WEEK EXHIBIT

Mayor Hayes announced Exhibit will be on display at the Library May 17 through May 23.

PRESENTATION - MAIN STREET RETURN OF \$5,000 LOAN FOR BENICIA'S 150TH BIRTHDAY CELEBRATION

Patti Baron, Main Street Program, thanked staff for Main Street Conference and new street lights on First Street.

Ms. Baron also presented Otto Giuliani, City Manager, a check in the amount of \$5,000 for repayment of a loan given to the Main Street Program for 150th Birthday Celebration.

PROCLAMATIONS:

"NATIONAL PUBLIC WORKS WEEK" MAY 17-23, 1998

Mayor Hayes read the Proclamation and presented it to Dan Schiada, Assistant Director of Public Works.

"SHOP BENICIA FIRST DAY" MAY 15, 1998

Mayor Hayes read the Proclamation and presented it to Tom Amen, representing Chamber of Commerce.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated there is a correction in the Resolution under Consent Calendar, Item D. The date should be May 5 - not May 19.

Councilmember Cox-Golovich moved to amend Agenda by moving Item XI up after Consent Calendar.

On motion of Councilmember Cox-Golovich, seconded by Councilmember Corbaley, and unanimously carried, Agenda was adopted as amended.

CONSENT CALENDAR:

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

Minutes of April 21 and 28, 1998.

Denial of Claims and referral to insurance carrier (KINMAN and PETERSON).

RESOLUTION NO. 98-54 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT TO PHILIP HHW SERVICES FOR COLLECTION OF HOUSEHOLD HAZARDOUS WASTES AS A ONE DAY EVENT

RESOLUTION NO. 98-55 - A RESOLUTION AUTHORIZING PUBLIC LIBRARY TO APPLY FOR A FAMILIES FOR LITERACY GRANT FOR FISCAL YEAR 1998-99 FROM THE CALIFORNIA LIBRARY SERVICES BOARD

RESOLUTION NO. 98-56 - A RESOLUTION APPROVING TASK ORDER NO. 29 FOR ENGINEERING SERVICES WITH CAMP DRESSER & MC KEE, INC. FOR PHASE 2 OF THE INFLOW/INFILTRATION IMPROVEMENT PROJECT FOR A COST NOT-TO-EXCEED \$176,000

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

(END OF CONSENT CALENDAR)

NEW BUSINESS:

**AQUATIC FEES AND IMPLEMENTING A NEW SWIM TEAM DAILY ADMISSION FEE**

Councilmember Cox-Golovich requested this item be brought up on the Agenda after Consent Calendar.

Otto Giuliani, City Manager, gave a report. In 1996, the City Council adopted a Resolution authorizing a year-round swim program. In 1997/98, there will be a budget shortfall of approximately \$15,000. It is anticipated that this same shortfall will occur in 1998/99. The pool cannot be operated at a deficit. The recommended new fees will help offset part of that deficit.

Larry Mazzuca, Assistant Parks and Community Services Director, cited the current raise given by the Federal Minimum Wage Act as the cause for a portion of the deficit.

Councilmember Corbaley stated her concerns about ongoing repairs that are needed at the pool; Capital Improvement Fund; misleading to look at just operational costs.

Nineteen concerned citizens expressed their views in opposition of the proposed fee changes.

Mayor Hayes called for a break at 10:07 p.m.

Mayor Hayes reconvened the meeting at 10:14 p.m.

Councilmember Messina made a motion to make four changes in fees, as follows:

Youth - Benicia residents \$1.25 - no change for non-residents

Adult - Benicia residents \$1.25 - no change for non-residents

Lap swim - Benicia residents \$2.00

Swim team - .25 per person

Motion seconded by Councilmember Cox-Golovich, with the request to amend the motion to include a \$30.00 per month pass for lap swim and eliminate the swim team daily admission fee.

Michael Alvarez, Parks and Community Services Director, stated that season passes sometimes have a negative impact on revenue.

Amended motion made by Councilmember Messina, seconded by Councilmember Cox-Golovich FAILED by the following vote:

Ayes: Councilmembers Cox-Golovich and Messina

Noes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Councilmember Corbaley made a motion amending the proposed Resolution, as follows:

A combination youth (3-17 years of age) recreation swim admission and waterslide fee at \$1.50 for Benicia residents and \$2.50 for non-residents;

A combination adult (18 years and older) recreation swim admission and waterslide fee of \$2.50 and \$3.75 proposed for non-residents;

Group swim lessons being \$37.00 for Benicia residents and \$42.00 for non-residents;

Adult lap swim fees shall be \$2.50 for Benicia residents and \$4.00 for non-residents;

Swim team members shall be charged a daily admission fee to the pool of 25 cents per swimmer;

the Benicia Dolphins and Sting Ray swim teams will continue to reimburse the City for all part time staff costs associated with practice and swim meets, which is what they had previously agreed to do.

Councilmember Gizzi asked for consideration of a monthly pass.

Councilmember Corbaley amended her motion, seconded by Councilmember Gizzi, to add Item 7 permitting those three categories: 3-17 years of age - recreational swimmers, adult recreational swimmers, and adult lap swimmers - to opt for a monthly pass at a \$5.00 discount from the daily use fees per month.

Otto Giuliani, City Manager, suggested rather than thinking about it on a monthly basis, think of it on a 30 day basis; the book would be good for that calendar year until they use the passes up and they would still get the benefit of the \$5.00 off.

Councilmember Corbaley stated she would be prepared to make that clarification proposed by the City Manager in her motion.

Council took the following action:

**RESOLUTION NO. 98-57 - A RESOLUTION AMENDING THE AQUATIC FEES AND IMPLEMENTING A NEW SWIM TEAM DAILY ADMISSION FEE**

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: Councilmember Cox-Golovich

Mayor Hayes stated he has a request from Councilmember Gizzi to move up Item IX.

#### REPORTS FROM CITY COUNCIL COMMITTEES:

##### REPORT AND UPDATE ON "BENICIA YOUTH DAYS" AND PRESENTATION

Councilmember Gizzi stated he would put off his presentation until May 19.

Pierre Bidou, Youth Task Force and President, Benicia Unified School District, thanked Exxon for its continued support of the youth of the community.

Councilmember Gizzi acknowledged \$3000 donation from Exxon which allowed the printing of a resource guide for parents and presented Fred Newhouse of Exxon with a plaque.

Fred Newhouse, Exxon, stated he is thankful to be a part of things that promote healthy activities.

Comments were made by a concerned youth regarding her feelings that the Health Fair was a failure.

Councilmember Cox-Golovich stated in two weeks Council will have an official presentation from the youth of Benicia.

PUBLIC HEARINGS:

WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT:

AUTHORIZING ISSUANCE AND SALE OF \$5,000,000 OF 1998 GENERAL OBLIGATION WASTEWATER BONDS, SERIES B AND AUTHORIZING ACTIONS RELATED THERETO  
AGREE TO ACCEPT A ZERO-PERCENT INTEREST STATE REVOLVING FUND (SRF) LOAN  
DEDICATE SEWER SERVICE CHARGE AS A SOURCE OF REVENUE TO REPAY THE SRF  
LOAN

ACCEPT BIDS AND AWARING CONSTRUCTION CONTRACT, INCLUDING ALTERNATE  
BID ITEMS A, C, D, F, G, H, I AND J, TO C. OVERAA & COMPANY

Otto Giuliani, City Manager, gave a report and addressed the need to be able to process change orders in a timely manner on a project of this magnitude to avoid delays and additional cost; suggested a wording change in the fourth Resolution by adding "and delay would result in significant cost increase to the project" to clarify this need.

Mayor Hayes opened the Public Hearing. No written protests received.

The following persons spoke:

Richard W. Clark, San Anselmo, on behalf of Local No. 180 Electrical Workers; objects to WSB Electrical being electrical contractor on the job; cites pending lawsuit against WSB.

Gary Canepa, Walnut Creek, Labor Management; monitor prevailing wage compliance; against Contract as proposed.

Mayor Hayes closed the Public Hearing.

Heather McLaughlin, City Attorney, stated that the purpose of the bond was so that the City has some sort of protection; suggested adding to the Resolution the specific finding of the Council overruling the request of the Northern California Electrical Union to have the City reject WSB.

Council took the following actions:

RESOLUTION NO. 98-58 - A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000 OF 1998 GENERAL OBLIGATION WASTEWATER BONDS, SERIES B AND AUTHORIZING ACTIONS RELATED THERETO

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

Ayes: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Noes: None

RESOLUTION NO. 98-59 - A RESOLUTION AGREEING TO ACCEPT A ZERO-PERCENT INTEREST STATE REVOLVING FUND (SRF) LOAN

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

Ayes: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Noes: None

RESOLUTION NO. 98-60 - A RESOLUTION DEDICATING THE SEWER SERVICE CHARGE AS A SOURCE OF REVENUE TO REPAY THE SRF LOAN

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

Ayes: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Noes: None

RESOLUTION NO. 98-61 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONSTRUCTION CONTRACT, INCLUDING ALTERNATE BID ITEMS A, C, D, F, G, H, I AND J, TO C. OVERAA & COMPANY, AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDERS UP TO \$100,000, PROVIDED THAT FUNDS ARE AVAILABLE FOR SAID CHANGE ORDER, AND OVERRULING THE REQUEST OF NORTHERN CALIFORNIA ELECTRICAL UNION TO HAVE CITY REJECT WSB

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

Ayes: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Noes: None

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, spoke on the media, law enforcement, and the end of St. Catherine's Wood.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 11:41 p.m.

Linda S. Purdy, City Clerk