

June 18, 2002

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  
JUNE 18, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:32 p.m. Tuesday, June 18, 2002, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

PRESENTATIONS:

INFORMATION REGARDING RECENT VALERO POWER OUTAGES

Jack Bean, Representative, Bay Area Air Quality Management District, gave a report on the recent power failures at the Refinery; violation notices have been issued for some of the incidents; more investigation to be done; the outages violated emission standards but the community was not at immediate risk.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda. Otto Giuliani, City Manager, requested Item VII-A - City Managers Report on Mayor's Commandant's Restoration Fund - be continued to next month.

On motion of Council Member Whitney, seconded by Council Member Bidou, and unanimously carried, Agenda was adopted, as amended, by the following vote:

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

Noes: None

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Shannon Walsh-Hill, 865 West K Street, supports the Valero project.

Doin Winters, 2136 Casa Grande Place, supports proposed Valero expansion; would like to see Industrial Park aggressively expanded.

Janet Grothe, 1155 West 10th Street, Valero Employee, encourages potential residents to research the area before moving; power outage procedures are in place.

Bill Tanner, Spokesperson, Valero Refinery, gave a status update of the power outages; contractor in question has been removed; steps have been taken so that there will not be a similar situation in the future; Cogeneration Plant will provide a source of power that will not be dependant on PG & E.

Bob Mutch, 695 Knight Drive, expressed concerns about an article in the Benicia Herald; statements attributed to Council Member Smith sound prejudicial; respect the process.

Mary Frances Kelly Poh, 643 Windsor Drive, would like a public explanation of a Program EIR vs. Focus EIR and how employees of Industrial Park Companies are protected during situations like the Valero power outage.

Andre Stewart, 472 Casey Court, would like an unbiased opinion on the impact to children during these types of power outages.

Wayne Hutchings, 1550 Karen Drive, provided information and pictures of a problem occurring on Karen Drive.

Mayor Messina stated that this problem would be referred to staff.

Dana Dean, 503 Cambridge Drive, stated that a Program EIR has advantages; comment period is too short; City's responsibility to make sure that the process is conducted properly.

Marilyn Bardet, 333 East K Street, would like the City to hold workshops before each phase of the Valero project; comment period not long enough to review a project of this magnitude.

Catherine Machalinski, 1856 Shirley Drive, expressed concerns that the people do not understand the terminology and process for this project; supports informational meetings given by independent people.

Ed Yarborough, 375 St. Augustine Court, Refinery employee for 34 years; safety is the first priority for the Refinery.

Don Cuffel, Environmental Engineer, Valero Refinery, committed to holding informational meetings on emissions to replace fear with understanding.

Mary Worley, 547 Hastings Drive, expressed concerns about the effects of air emissions on children.

Alfred Middleton, 1755 Helene Court, Environmental Safety Officer, Valero Refinery, is committed to the Refinery being safe and environmentally friendly.

Linda Lewis, 282 West I Street, education of the public is important; take time to do a proper EIR.

Vice Mayor Campbell requested that staff look into the Karen Drive matter and status on a possible Nuisance Ordinance; expressed concerns about the lack of a quorum at the last Planning Commission Meeting.

Otto Giuliani, City Manager, stated that staff was already involved in the Karen Drive matter; preliminary work had been done on a Nuisance Ordinance, continued work would be a matter of Council priorities; steps have been taken to prevent a recurrence of the problem with the Planning Commission.

#### CONSENT CALENDAR:

Mayor Messina stated that he had requests from the Council and public to pull Items C and E from the Consent Calendar.

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

Minutes of June 4, 2002

Monthly Investment Reports for January through March, 2002

RESOLUTION NO. 02-93- A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS TO THE CITY

OF BENICIA FOR THE TREATMENT OF WATER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

RESOLUTION NO. 02-94- A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY LOCATED BEHIND 17 LA CRUZ AVENUE TO THE ADJACENT PROPERTY OWNER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED ON BEHALF OF THE CITY

RESOLUTION NO. 02-95- A RESOLUTION TO PARTICIPATE IN THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE PLAN TO REDUCE THE USE OF ALCOHOL, TOBACCO, AND OTHER DRUGS AMONG CHILDREN, YOUTH AND ADULTS IN SOLANO COUNTY

RESOLUTION NO. 02-96- A RESOLUTION NOMINATING PEGGY MARTIN TO THE SOLANO COUNTY BOARD OF SUPERVISORS FOR APPOINTMENT TO THE SOLANO COUNTY ARCHIVE BOARD

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

(END OF CONSENT CALENDAR)

RESOLUTION ACCEPTING THE BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR THE BENICIA MARINA MAINTENANCE DREDGING PROJECT IN THE AMOUNT OF \$188,600 TO DUTRA DREDGING COMPANY, INC. AND AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONTRACT

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not participate in the discussion of this item due to Conflict of Interest. Vice Mayor Campbell chaired this portion of the meeting.

Two concerned citizens spoke on this item.

Council Member Smith requested clarification on the number of bidders, cost of dredging, and the type of equipment to be used.

Virgil Mustain, Public Works Director, explained that the controversial situation with the Benicia Harbor Corporation is a major factor in the lack of bidders; many other agencies also use this time frame for their dredging.

Vice Mayor Campbell questioned the total cost of the dredging per cubic yard and the amount of the contractor's incentive for early completion of the work.

Council took the following action:

RESOLUTION NO. 02-97 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR BENICIA MARINA MAINTENANCE DREDGING PROJECT IN THE AMOUNT OF \$188,600 TO DUTRA DREDGING COMPANY INC. OF SAN RAFAEL, AND AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

Ayes: Council Members Campbell, Smith and Whitney  
Noes: None  
Abstain: Council Member Bidou and Mayor Messina

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE MILITARY EAST STORM DRAIN PROJECT IN THE AMOUNT OF \$61,401 TO ATLAS PEAK CONSTRUCTION OF NAPA

Mayor Messina requested that this item be pulled from the Consent Calendar; noted that there was a correction made to the amount of the project. Council Member Smith did not participate in the discussion of this item due to Conflict of Interest.

Council took the following action:

RESOLUTION NO. 02-98 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE MILITARY EAST STORM DRAIN PROJECT IN THE AMOUNT OF \$61,401 TO ATLAS PEAK CONSTRUCTION OF NAPA, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

On motion of Mayor Messina, seconded by Council Member Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Campbell, Whitney and Mayor Messina  
Noes: None  
Abstain: Council Member Smith

Mayor Messina called for a break at 9:15 p.m.  
Mayor Messina reconvened the meeting at 9:27 p.m.

PUBLIC HEARINGS:

PUBLIC HEARING AND APPROVAL OF THE FINAL GRANTEE PERFORMANCE REPORT FOR THE 1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION APPROVING THE FINAL GRANTEE PERFORMANCE REPORT FOR THE 1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Brenda Gillarde, Principal Planner, gave a brief summary of the projects covered under this Grant Program; recognized contribution to the Community Kitchen Project by Viola Robertson, Director, CAC.

Mayor Messina opened the Public Hearing. No written protests received.  
Cathy Ann Hewitt, 266 East B Street, stated that this project duplicates services that are provided by the Community College system.  
Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 02-99- A RESOLUTION APPROVING THE FINAL GRANTEE PERFORMANCE REPORT FOR THE 1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina  
Noes: None

REPORTS FROM CITY MANAGER:

ORAL REPORT ON FEMA TRAINING FOR CITY COUNCIL MEMBERS AND SENIOR MANAGEMENT

Otto Giuliani, City Manager, reported on the participation of Mayor, Council Members and Senior Management in the training program held in Washington, DC; the City will have a full-blown exercise in October utilizing training.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

MAYORS' COMMITTEE MEETING

Mayor Messina stated that next meeting would be on June 20, 2002.

ARSENAL RESTORATION ADVISORY BOARD (RAB)

Council Member Campbell stated that there was no meeting; meetings are held quarterly.

AUDIT & FINANCE COMMITTEE

Council Member Whitney encouraged citizen's to attend the meetings; a discussion of money management was held at the last meeting; next meeting will be on July 14, 2002.

TRI-CITY COUNTY REGIONAL PARK AND OPEN SPACE

Council Member Whitney stated that the meeting had to be rescheduled; next meeting will be to elect officers and discuss a budget.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney stated that the next meeting will be held in August; tour of the Refinery was given; Panel could be used to facilitate informational meetings on the Valero Improvement Project.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

No report was given.

NORTHERN AREA OPEN SPACE

Mayor Messina reported that work had been done on draft agreements with the IT Corporation and Syar Industries.

SOLANO WATER AUTHORITY

Mayor Messina stated that he was unable to attend the last meeting; topic of the last meeting was the budget.

SCHOOL DISTRICT LIAISON

Council Member Smith reported that the next meeting would be held on September 18, 2002; discussion held previously on the Facilities Use Agreement and is responsible for the return of the Benicia Ballet Theater 'Nutcracker' to Benicia High School.

YOUTH ACTION TASK FORCE

Council Member Smith stated that at the meeting scheduled for June 19, 2002 a presentation would be made on the Developing Capable Young Peoples Program.

Council Member Bidou stated that fourteen Task Force and Community members have been trained as facilitators, with additional training to be held in August.

#### SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou reported that the STIA held its first meeting and is working on the tax issue on the November ballot; STA is discussing the allocation of the funds if the measure should be successful.

#### SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell stated that Daryl Hall, Solano Transportation Authority, had made a presentation at the last meeting.

#### NEW BUSINESS:

#### RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE SOLANO TRANSPORTATION AUTHORITY FOUR LOCAL TRANSPORTATION PROJECTS ELIGIBLE FOR THE "FAST TRACK CONGESTION RELIEF AND SAFETY PROGRAM"

Otto Giuliani, City Manager, stated that the Solano Transportation Authority had requested that the City prepare a list of eligible projects that can be financed if the ½ cent sales tax measure is successful in the November election; STA has a three pronged approach - 1) Major projects, 2) pot hole and road repair, 3) specific Community Projects; it is critical that the money from this measure be used to improve traffic congestion.

Mayor Messina stated that he supports all of the proposed staff suggestions.

Council Member Smith expressed concern that the list of projects does not show proposed ferry service; would like to modify the list for site exploration for a ferry; keep on radar screen; make clear to staff that this is a priority.

One concerned citizens spoke on this item.

Council Member Bidou stated that although many citizens talk about a ferry service the funding dollars were not available and would not be for twenty years; projects on the list will happen within five years.

Council Member Campbell stated that he would support a feasibility study on the ferry issue.

Council Member Smith amended his motion to add the words "and any ferry related development" in the Project Descriptions - Downtown/Waterfront Improvements (South of F Street)

Council took the following action:

#### RESOLUTION NO. 02-100- A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE SOLANO TRANSPORTATION AUTHORITY FOUR LOCAL TRANSPORTATION PROJECTS ELIGIBLE FOR THE "FAST TRACK CONGESTION RELIEF AND SAFETY PROGRAM"

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

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

Noes: None

COUNCIL REQUEST FOR NEW AGENDA ITEMS:

DISCUSSION REGARDING PLACING VOTER CONTROL OF URBAN GROWTH BOUNDARY ON NOVEMBER BALLOT

Vice Mayor Campbell requested a discussion on this proposed Agenda item; feels that it should be the voters who decide to adopt/ and or change an Urban Growth Boundary; vote be put off until November, 2003 because of cost issues; requested that the City Attorney research what others have done, what is defensible and what is not; bring back in six months; should not require a lot of staff time.

Five concerned citizens spoke on this matter.

Council Member Smith stated that the public wants to protect the Northern Area; worthy of staff and Council consideration.

Council Member Bidou stated he could not support this request.

Council Member Whitney stated his support.

Mayor Messina will support as stated, but would like a workshop open to all citizens, not held at a Council Meeting, to hear all the views and information from citizens.

Consensus of the Council was to bring this item back in six months after staff research.

DISCUSSION REGARDING PARTICIPATION IN THE SOLANO SAFETY NET CONSORTIUM JOINT EXERCISE OF POWERS AGREEMENT (JPA)

Council Member Smith requested a discussion of this item; came to his attention through the Healthy Benicia Task Force; CAC staff is in favor of participation in this JPA.

Janet Murray, Chairperson, Solano Safety Net Consortium, explained the effort to coordinate services for the low-income and homeless in Solano County.

Consensus of the Council was to support a staff review and placing this item on a future Agenda.

DISCUSSION OF SEPARATING THE VALERO VIP PROJECT

Council Member Bidou did not participate in this discussion due to a Conflict of Interest.

Council Member Smith requested a discussion of this item; influenced in part by recent power outages; misquoted in a Benicia Herald article; this type of EIR had never been used; gave a presentation showing various phases of the twelve projects; expressed concerns about timeline for public review; requested that direction be given to the City's EIR Consultant as to which elements of this Project need a more focus review before committing to a five year project.

Ten concerned citizens spoke on this item.

Council Member Whitney stated that Valero had always been forthright and concerned about the health and safety of the citizens of Benicia; workshops would be helpful; does not support agendaizing at this time.

Council Member Campbell requested clarification of a Programmed EIR; would like workshops to explain this process to the public; does not support separating project at this time.

Mayor Messina clarified that it appeared that there was consensus to use a Programmed EIR, however no support to separate the projects; high level of concern on the effect on the Community; seems to be a lack of knowledge; citizens need to be educated; suggested that Council Member Smith spend some time with the Community Development Director and EIR Consultant.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 12:12 a.m.

Linda S. Purdy, City Clerk