

June 19, 2001

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

JUNE 19, 2001

MINUTES OF THE

REGULAR MEETING - CITY COUNCIL

JUNE 19, 2001

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:15 p.m. Tuesday, June 19, 2001.

CITY CLERK ANNOUNCEMENT OF CLOSED SESSION

Gina D. Eleccion, Sr. Administration 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-Anticipated Litigation

(Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9)

Name of Case: City of Benicia v. Wells

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

MINUTES OF THE

REGULAR MEETING - CITY COUNCIL

JUNE 19, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:35 p.m. Tuesday, June 19, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session, re: Anticipated litigation - gave direction to staff to settle case.

APPOINTMENTS:

Mayor Messina announced the reappointment of Michael Caplin to the Human Services Fund Board to fill a full term to July 1, 2005.

RESOLUTION NO. 01-78 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MICHAEL CAPLIN TO THE HUMAN SERVICES FUND BOARD TO FILL A FULL TERM TO JULY 1, 2005

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the reappointment of George Harris to the Human Services Fund Board to fill a full term to July 1, 2005.

RESOLUTION NO. 01-79 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF GEORGE HARRIS TO THE HUMAN SERVICES FUND BOARD TO FILL A FULL TERM TO JULY 1, 2005

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the reappointment of Helen Estes to the Human Services Fund Board to fill a full term to July 1, 2005.

RESOLUTION NO. 01-80 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF HELEN ESTES TO FILL A FULL TERM TO JULY 1, 2005

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

PROCLAMATIONS:

THE MONTH OF JULY, 2001 - PARKS & RECREATION MONTH

Mayor Messina read the Proclamation; accepted by Dan Moitoza, Chairman, Parks, Recreation & Cemetery Commission.

CAMEL RACE DAY - JULY 14-15, 2001

Mayor Messina read the Proclamation; accepted by Jackie Hebson.

LEE SYRACUSE DAY - SUNDAY, JUNE 24, 2001

Mayor Messina read the Proclamation, accepted by Lee Syracuse.

FALUN DAFA WEEK - JUNE 17-23, 2001

Mayor Messina read the Proclamation, accepted by Theresa Hong.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated that due to an Appeal filed, Items VIII-D-2, VIII-D-3, and VIII-D-4 will be continued; noted that alternate wording on the proposed ballot measure, Item XII-B, had been passed out.

Council Member Corbaley commented that upcoming vacation schedules should be considered regarding a continuance of items for future Agendas.

Council Member Gizzi requested item XII-B be moved up before Item A of Public Hearings.

On motion of Council Member Corbaley, seconded by Council Member Gizzi, and unanimously carried, Agenda was adopted as amended, moving Item XII-B prior to Public Hearings.

WRITTEN COMMUNICATIONS:

Mayor Messina stated 4 items were submitted as written communications.

PUBLIC COMMENT:

Dan Smith, 365 Military East, stated 25% of Round Table's proceeds for June 19, 2001 will go to the X-Skate Park Project.

John Woods, 355 West M Street, commented on City's representation at Vietnam Veteran's Memorial Dedication; lack of citizen representation by current members of the City Council.

James Milburn, 280 East J Street, commented on size of Agenda packet and the importance of the last two items on the Agenda.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled.

Mayor Messina requested Item VIII-D be pulled due to abstentions/Conflict of Interest required of Council Member Bidou, Mayor Messina and Otto Giuliani, City Manager.

Council Member Gizzi requested item VII-G-8 be pulled due to his abstention for Conflict of Interest.

Council Member Corbaley requested Item VII-C be pulled for further discussion.

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

Minutes of June 5, 2001

Approval of Check Registers for May 2001.

RESOLUTION NO. 01-81 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$433,587 TO TEICHERT CONSTRUCTION OF DAVIS, CA FOR THE YEAR 2001 ANNUAL STREET OVERLAY PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 01-82 - A RESOLUTION ACCEPTING THE COLUMBUS PARKWAY AND ROSE DRIVE INTERSECTION IMPROVEMENT PROJECT INCLUDING CHANGE ORDER

NUMBER 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 01-83 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A SEWER LINE AT 490 WEST M STREET

RESOLUTION NO. 01-84 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A SEWER LINE AT 768 WEST H STREET

RESOLUTION NO. 01-85 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A WATER LINE AT 108 INCLINE PLACE

RESOLUTION NO. 01-86 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A WATER LINE AT 111 INCLINE PLACE

RESOLUTION NO. 01-87 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A WATER LINE AT 380 INDUSTRIAL COURT

RESOLUTION NO. 01-88 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A WATER LINE AT 4900 EAST 2ND STREET

RESOLUTION NO. 01-89 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A PUBLIC UTILITIES AT 108 INCLINE PLACE

RESOLUTION NO. 01-90 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR THE RAW WATER TRANSMISSION MAIN NEAR FULTON DRIVE IN FAIRFIELD

RESOLUTION NO. 01-91 - A RESOLUTION APPROVING AMENDMENT NO. 2 TO SOLANO WATER AUTHORITY PROJECT AGREEMENT NO. 3, PHASE 2A, WATERSHED-OF-ORIGIN WATER RIGHTS APPLICATION AND AUTHORIZING THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

ORDINANCE NO. 01-6 - AN ORDINANCE AMENDING VARIOUS PARTS OF TITLE 17 (ZONING ORDINANCE) OF THE BENICIA MUNICIPAL CODE FOR GENERAL PLAN COMPLIANCE

RESOLUTION NO. 01-92 - A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2001, FOR THE ELECTION OF TWO (2) CITY COUNCIL MEMBERS FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR CANDIDATES

RESOLUTION NO. 01-93 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH LEIGHTON AND ASSOCIATES FOR GEOLOGICAL CONSULTING SERVICES REGARDING THE IT PANOCHÉ FACILITY

RESOLUTION NO. 01-94 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE PRESBYTERY OF THE REDWOODS TO

ALLOW A COMMUNITY GARDEN AT THE CORNER OF MILITARY AND EAST SECOND STREET

RESOLUTION NO. 01-95 - A RESOLUTION APPROVING MODIFYING THE JOB DESCRIPTION FOR THE POSITION OF ENGINEERING TECHNICIAN II

RESOLUTION NO. 01-96 - A RESOLUTION APPROVING THE REVISED JOB DESCRIPTION FOR THE CLASSIFICATION OF ASSOCIATE PLANNER

RESOLUTION NO. 01-97 - A RESOLUTION SUPPORTING THE PRINCIPAL OF THE GRASSROOTS NETWORK CURRENTLY UNDER CONSIDERATION BY THE BOARD OF DIRECTORS OF THE LEAGUE OF CALIFORNIA CITIES

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

(END OF CONSENT CALENDAR)

RESOLUTION ADOPTING THE 2001-2003 CITY BUDGET EXCEPT THAT PORTION WHICH ADDRESSES THE MARINA OPERATIONS FUND, THE STORM DRAIN IMPROVEMENT FUND, AND PROPOSED INTERFUND TRANSFERS FROM THE GENERAL FUND TO THE MARINA OPERATIONS FUND

Council Member Corbaley requested this item be pulled for further consideration and to allow community groups to speak; requested increased funding for Arts Benicia; would like to place on a future Agenda (within the next two months) discussion on possible changes to the process especially as related to Community Groups.

One concerned citizen spoke on this matter.

A motion made by Council Member Corbaley, seconded by Council Member Whitney, to amend the Resolution to accept the revised amount proposed by Arts Benicia, failed by the following vote:

Ayes: Council Members Corbaley and Whitney

Noes: Council Members Bidou, Gizzi and Mayor Messina

Council Member Gizzi proposed amending the Resolution to include funding for Arts Benicia in the amount of \$30,000, the first year and \$25,000, the second year.

Council took the following action:

RESOLUTION NO. 01-98 - A RESOLUTION ADOPTING THE 2001-2002 AND 2002-2003 OPERATING AND CAPITAL IMPROVEMENT BUDGET EXCEPT THAT PORTION WHICH ADDRESSES THE MARINA OPERATIONS FUND, THE STORM DRAIN IMPROVEMENT FUND, AND PROPOSED INTERFUND TRANSFERS FROM THE GENERAL FUND TO THE MARINA OPERATIONS FUND, AS AMENDED

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

Ayes: Council Members Corbaley, Gizzi, Whitney and Mayor Messina

Noes: Council Member Bidou

RESOLUTION ADOPTING THAT PORTION OF THE 2001-2003 CITY BUDGET WHICH ADDRESSES THE MARINA OPERATIONS FUND, THE STORM DRAIN IMPROVEMENTS FUND, AND PROPOSED INTERFUND TRANSFERS FROM THE GENERAL FUND TO THE MARINA OPERATIONS FUND

Mayor Messina requested this item be pulled; Council Member Bidou, Mayor Messina and Otto Giuliani, City Manager will not be participating on this matter due to a Conflict of Interest.

Council took the following action:

RESOLUTION NO. 01-99 - A RESOLUTION ADOPTING THAT PORTION OF THE 2001-2002 AND 2002-2003 OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE MARINA OPERATIONS FUND, THE STORM DRAIN IMPROVEMENTS FUND, AND PROPOSED INTERFUND TRANSFERS OUT OF THE GENERAL FUND INTO THE MARINA OPERATIONS FUND

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

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR PUBLIC UTILITIES AT 285 EAST O STREET

Council Member Gizzi requested this item be pulled due to a Conflict of Interest.

Council took the following action:

RESOLUTION NO. 01-100 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR PUBLIC UTILITIES AT 285 EAST O STREET

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

Ayes: Council Member Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Abstain: Council Member Gizzi

NEW BUSINESS:

RESOLUTION APPROVING A BALLOT MEASURE TO ALLOW THE CITY COUNCIL TO MAKE AN APPOINTMENT TO FILL A VACANCY CREATED BY A COUNCIL MEMBER BEING ELECTED MAYOR

Otto Giuliani, City Manager, stated that this item had been moved up on the Agenda; after the last election Council had directed staff to bring this item back; explained the new option that was being proposed.

Four concerned citizens spoke on this item.

Vice Mayor Bidou requested that the Resolution be amended to provide three choices to the voters: (1) leaving the Ordinance as is, (2) person with the third highest amount of votes be appointed to the vacant seat, (3) if a Council Member ran for Mayor, (from a safe seat) resign their seat as of the swearing-in ceremony and the person with the next highest vote would be appointed to that vacancy for a two year term.

Heather Mc Laughlin, City Attorney, clarified that it was Council intent for the Measure with the highest vote to be adopted.

Council took the following action:

RESOLUTION NO. 01-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ORDERING THE SUBMISSION TO QUALIFIED ELECTORS OF THE CITY OF BENICIA A CERTAIN MEASURE RELATED TO THE FILLING OF CITY COUNCIL VACANCIES CREATED BY THE ELECTION OF A MEMBER TO THE MAYOR'S SEAT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2001, AS CALLED BY RESOLUTION NO. 01-92, AS AMENDED

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

Ayes: Council Members Bidou, Corbaley and Mayor Messina

Noes: Council Members Gizzi and Whitney

A RESOLUTION FOR ARGUMENTS AND IMPARTIAL ANALYSIS

Consensus of the Mayor and Council was to amend this Resolution by omitting the sections authorizing a Council Member to provide written arguments for and against the measure.

Council took the following action:

RESOLUTION NO. 01-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE REGARDING COUNCIL VACANCIES, AS AMENDED

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

Mayor Messina called for a break at 9:20 p.m.

Mayor Messina reconvened the meeting at 9:28 p.m.

PUBLIC HEARINGS:

CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2001-2002

Mayor Messina read required statement.

Virgil Mustain, Public Works Director, read a statement.

Mayor Messina opened the Public Hearing. Legal Notice was given. No written protests received. No Public Comment was made.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 01-103 - A RESOLUTION ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT, AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2001-2002

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

APPROVAL OF THE FINAL GRANTEE PERFORMANCE REPORT FOR THE 1998 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Brenda Gillarde, Principal Planner, spoke regarding Grants and the success and accomplishments of the CDBG program.

Mayor Messina opened the Public Hearing. Legal Notice was given. No written protests received. No Public Comment was made.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 01-104 - A RESOLUTION APPROVING THE FINAL GRANTEE PERFORMANCE REPORT FOR THE 1998 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO BLAKE COURT/BLACK MATERIALS:

RESOLUTION CERTIFYING THE EIR AND APPROVING THE MITIGATION

MONITORING PLAN AND STATEMENT OF OVERRIDING CONSIDERATION

RESOLUTION APPROVING GRADING USE PERMIT

RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF BLAKE COURT

RESOLUTION APPROVING THE CLEANUP AGREEMENT FOR BLAKE COURT

RESOLUTION DETERMINING CONSISTENCY OF THE REMEDIAL ACTION PLAN WITH RESOLUTION 97-70

Heather McLaughlin, City Attorney, explained that approval of the proposed Resolutions would allow the cleanup of this project to begin.

Mayor Messina opened the Public Hearing. Legal Notice was given. No written protests were received. The following citizens spoke:

Jeanie Fanelli, 641 Robinson Way, spoke on the property's liability.

Larry Fullington, 833 Clifton Court, questioned disruption in the East Canyon area.

Jim Snook, 655 East K Street, requested notice be given to residents.

Bill Cawley, 1228 West L Street, supports project.
John Atker, 421 Larkin Drive, supports project.
Peggy Cooley, 949 Rose Drive, spoke on the timeline for this project.
Mayor Messina closed the Public Hearing.

Council took the following actions:

RESOLUTION NO. 01-105 - A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE BLACK MATERIAL/BLAKE COURT CLEANUP PROJECT (PLN-2001-21) AND APPROVING THE MITIGATION MONITORING PLAN AND STATEMENT OF OVERRIDING CONSIDERATION

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
Noes: None

RESOLUTION NO. 01-106 - A RESOLUTION APPROVING GRADING USE PERMIT FOR THE BLACK MATERIAL/BLAKE COURT CLEANUP PROJECT (PLN-2001-21)

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
Noes: None

RESOLUTION NO. 01-107 - A RESOLUTION APPROVING AN AGREEMENT WITH GRANITE MANAGEMENT CORPORATION FOR THE BLACK MATERIAL/BLAKE COURT CLEANUP PROJECT

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
Noes: None

RESOLUTION NO. 01-108 - A RESOLUTION FINDING THAT THE REMEDIAL ACTION PLAN FOR CLEANUP OF THE FORMER SOLANO COUNTY SANITARY LANDFILL IS CONSISTENT WITH THE CITY'S REQUEST FOR CLEANUP IN RESOLUTION NO. 97-70

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
Noes: None

RESOLUTION NO. 01-109 - A RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF BLAKE COURT RIGHT OF WAY AND RELATED PUBLIC UTILITY EASEMENT AS DESCRIBED ON EXHIBIT A AND SHOWN ON EXHIBIT B

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
Noes: None

Mayor Messina called for a break at 10:38 p.m.
Mayor Messina reconvened the meeting at 10:47 p.m.

Council Member Corbaley thanked former Mayor Jerry Hayes for his work on the Blake Court/Rose Drive issue.

CONSIDERATION OF THE FOLLOWING ITEM RELATED TO THE JEFFERSON PARK SINGLE FAMILY RESIDENTIAL PROJECT:

RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION

John Bunch, Planning Director, gave a report; project is consistent with the Historic Conservation Plan and General Plan; explained the findings for a Mitigated Negative Declaration.

Mayor Messina proposed that due to the late hour and the number of citizens that wished to speak that a time limit of three minutes per speaker be imposed.

A motion by Council Member Gizzi, seconded by Council Member Corbaley, to limit each speaker to three minutes, was unanimously approved.

Mayor Messina opened the Public Hearing. Legal Notice was given.

The following citizens spoke:

Marilyn Bardet, 333 East K Street, opposed approval.

Don Dean, 257 West I Street, opposed approval.

Kitty Griffin, 236 Baker Street, opposed; not consistent with the General Plan.

Cathy Forbes, 744 Tulip Court, opposed approval.

Toni Haughey, 251 West J Street, opposed; concerned about Historical Preservation.

Jane Lauder, 176 West H Street, opposed; requests full EIR.

Bev Sanders, 223 West G Street, expressed concerns re: trees.

Belinda Smith, 347 Golden Slopes Court, opposed; concerned about process.

Council Member Corbaley requested a Special Closed Session; expressed legal concerns about the next speaker.

Heather McLaughlin, City Attorney, explained that Mr. Remy had represented the City in a similar situation in 1997 and that he had received confidential information on how the City handles planning and legal planning procedures and policies.

On motion of Council Member Corbaley, seconded by Council Member Bidou, and unanimously approved, to adjourn on an emergency basis to a Closed Session on the issue.

Mayor Messina announced that the Council had determined in Closed Session that Mr. Remy did have a conflict of interest; requested that he withdraw his letter and representation; advised that the Council would listen to his comments under protest and take whatever action deemed necessary.

Michael Remy, Legal Counsel to Arsenal Preservation, stated that he did not have a conflict of interest and had not received any confidential information; referred to a letter detailing that a Negative Declaration was not appropriate in this situation.

Chris Knight, 888 Jefferson Street, supports project.

Kathy Kerridge, 771 West I Street, opposed to project.

Donna Shehan, 393 Marina Place, provided pictures of area.
Dan Smith, 365 Military East, requests full EIR.
Steven Goetz, 347 Golden Slopes Court, concerned about effect on Commandant's Residence.
Patrick Ward, 230 West K Street, supports full EIR.
Bill Cawley, 1228 West L Street, supports the project.
Roger Britt, 818 Kerry Court, supports residential development.
Steve David, 961 and 963 Jefferson Street, supports project.
Robert Whitehead, 502 Breck Court, supports project.
Mark Lobdell, 108 Incline Place, supports project.
Tom Pezzutto, 300 Virginia Street, Vallejo, supports project and restoration of the Commandant's Residence.
Sandy Moriarty, 584 Hastings Drive, supports proposed project.
Kirk Pulver, 885 Jefferson Street, supports project.
William Blair, 149 West J Street, supports project.
Peggy Sandow, 1324 West K Street, opposes project.
Lisa Patania, 395 Paul Court, supports residential building in the area.
Judi Morales Gibson, 76 Buena Vista, spoke on tree preservation.
Christina Topf, 45 Buena Vista, expressed concerns on Historic Preservation of the area.
Kenneth Boman, 45 Buena Vista, save the historic buildings and trees.
Gregg Renfrow, 1060 Jackson, questions how determinations for a Negative Declaration were done; opposes project.
Richard Bortolazzo, 846 Dorsett Way, spoke on real estate values in the area; supports project.
James Milburn, 280 East J Street, supports project.
Mayor Messina closed the Public Hearing.

Mayor Messina called for a break at 1:32 a.m.

Mayor Messina reconvened the meeting at 1:37 a.m.

Comments were made by Mayor and Council.

Council took the following action:

RESOLUTION NO. 01-110 - A RESOLUTION APPROVING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR THE JEFFERSON PARK PROJECT (PLN 2000-57)

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

On motion of Council Member Gizzi, seconded by Council Member Whitney, the following two items, were continued to the next meeting, on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

This item was continued to the next meeting.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

This item was continued to the next meeting.

On motion of Council Member Gizzi, seconded by Council Member Whitney, and unanimously carried, to continue the meeting past 11:30 p.m.

NEW BUSINESS:

APPROVAL OF A SIDE AGREEMENT WITH BENICIA HARBOR CORPORATION FOR DREDGING

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not participate in this discussion due to Conflict of Interest. Council Member Corbaley conducted the meeting.

The City Attorney spoke regarding dredging issues; timing of the project; requested direction and approval in concept of the Side Agreement with the Benicia Harbor Corporation; explained changes to Agreement regarding notification.

Council Member Gizzi proposed approving the Agreement (in concept) with minor changes regarding notification to dredge, but no changes on the indemnity language.

On motion of Council Member Gizzi, seconded by Council Member Corbaley, the Agreement (in concept) was approved on roll call by the following vote:

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

On motion of Council Member Gizzi, seconded by Council Member Whitney, gave direction to the Parks and Community Services Director to execute the Agreement, was approved by the following vote:

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

ADJOURNMENT:

Council Member Corbaley adjourned the meeting at 2:42 a.m.

Linda S. Purdy, City Clerk