

June 20, 2000

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
JUNE 20, 2000

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:01 p.m. Tuesday, June 20, 2000.

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
(pursuant to Government Code Section 54957.6)
Agency negotiator: Diane O'Connell, Human Resources Director
Employee organization: BFA

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

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JUNE 20, 2000

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:42 p.m. Tuesday, June 20, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers 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: Labor Negotiations - BFA; gave direction to the labor negotiator.

PROCLAMATIONS:

"PARKS & RECREATION MONTH" JULY 2000

Mayor Messina read the Proclamation; accepted by Annie Lloyd, Parks, Recreation and Cemetery Commission member.

"CAMEL RACE DAYS" JULY 15-16, 2000

Mayor Messina read the Proclamation; accepted by Robin Avery.

ADOPTION OF AGENDA:

Mayor Messina requested that the Communications section, Written and Public Comment, be brought forward before the Consent Calendar.

Councilmember Gizzi questioned if this could be done on a permanent basis.

Heather McLaughlin, City Attorney, stated that the Rules of Procedure would have to be amended and that the Council can request her to amend those rules.

Mayor Messina requested that an item to amend the Rules of Procedure be placed on the next Agenda.

On motion of Councilmember Whitney, seconded by Councilmember Bidou, and unanimously carried, Agenda was adopted as amended.

PUBLIC COMMENT:

Cathy Ann Hewitt, 266 B Street, thanked Councilmember Whitney and Mr. Giuliani for attending an Open Space Meeting; spoke on problems at the Marina.

James O. Milburn, 280 East J Street, spoke on East K Street closure; previously proposed overpass; against closure.

CONSENT CALENDAR:

Mayor Messina stated he had a request from the audience to pull Item C; asked if there were any other items to be pulled.

Councilmember Gizzi requested Items C and D be pulled.

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

Minutes of June 6, 2000.

Check registers for April and May 2000.

RESOLUTION NO. 00-82 - A RESOLUTION ACCEPTING BIDS, AWARDING CONTRACT FOR CORDELIA PUMP STATION MOTOR CONTROL CENTER REPLACEMENT PROJECT TO D. E. JONES & DAUGHTERS

RESOLUTION NO. 00-83 - A RESOLUTION ACCEPTING BIDS, AWARDING CONTRACT TO BOND BLACKTOP, INC. FOR YEAR 2000 SLURRY SEAL PROJECT

RESOLUTION NO. 00-84 - A RESOLUTION ACCEPTING BIDS, AWARDING CONTRACT TO EVANS GRADING & PAVING FOR YEAR 2000 STREET OVERLAY PROJECT

Contract amendment for LSA Associates for additional work tasks regarding the Benicia Business Park EIR.

RESOLUTION NO. 00-85 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A CONTRACT WITH LEIGHTON AND ASSOCIATES FOR GEOLOGICAL CONSULTING SERVICES REGARDING I.T. PANOCHE FACILITY

RESOLUTION NO. 00-86 - A RESOLUTION AUTHORIZING BENICIA PUBLIC LIBRARY TO JOIN THE GOLDEN GATEWAY LIBRARY NETWORK

RESOLUTION NO. 00-87 - A RESOLUTION ESTABLISHING THE POLICY FOR ADVANCE AND REIMBURSEMENT OF TRAVEL EXPENSES FOR OFFICERS AND EMPLOYEES

Annual report concerning the sewer service charge for the sewer enterprise.

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

(END OF CONSENT CALENDAR)

INTENT TO VACATE PORTIONS OF STREET RIGHTS-OF-WAY AT FOUR SEPARATE LOCATIONS AND SETTING PUBLIC HEARING FOR JULY 18, 2000

Councilmember Gizzi requested this item be pulled from the Consent Calendar; he will abstain on East O Street right-of-way because he owns property across from the site.

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; spoke about contamination at East K Street and East J Street.

Heather McLaughlin, City Attorney, stated that due to abstention of Councilmember Gizzi there will be two resolutions required and two separate votes taken - one for sites, A, C and D; and one for site B.

Council took the following actions:

RESOLUTION NO. 00-88 - A RESOLUTION DECLARING INTENTION TO VACATE PORTIONS OF STREET RIGHTS-OF-WAY AT THREE SEPARATE LOCATIONS (1ST St. RIGHT-OF-WAY NORTH. OF N ST.; E.7th St. RIGHT-OF-WAY NORTH. OF E.J.ST.; E.J.ST. RIGHT-OF-WAY EAST. OF E.7th St.)

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

RESOLUTION NO. 00-89 - A RESOLUTION DECLARING INTENTION TO VACATE PORTIONS OF STREET RIGHT-OF-WAY AT ONE LOCATION (E.O.ST. RIGHT-OF-WAY EAST. OF E.2nd STREET)

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Abstain: Councilmember Gizzi

ACCEPT BIDS, AWARD CONSTRUCTION CONTRACT FOR COLUMBUS PARKWAY AND ROSE DRIVE INTERSECTION IMPROVEMENT PROJECT

Councilmember Gizzi requested this item be pulled from the Consent Calendar; due to a conflict of interest, he will abstain.

Council took the following action:

RESOLUTION NO. 00-90 - A RESOLUTION ACCEPTING BIDS, AWARDED CONSTRUCTION CONTRACT TO BRUCE CARONE GRADING & PAVING, INC. FOR COLUMBUS PARKWAY AND ROSE DRIVE INTERSECTION IMPROVEMENT PROJECT

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

Ayes: Councilmembers Bidou, Corbaley, Whitney and Mayor Messina

Noes: None

Abstain: Councilmember Gizzi

PUBLIC HEARING:

MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING ASSESSMENT DIAGRAM, APPROVE ENGINEER'S REPORT AND ORDER LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR CITY OF BENICIA

LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2000-2001

Mayor Messina read the required legal statement preceding the Public Hearing.

Virgil Mustain, Public Works Director, read additional legal statement required.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 00-91 - 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 2000-2001

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

INTRODUCTION OF INCLUSIONARY HOUSING ORDINANCE (Continued to September 5, 2000)

REPORTS FROM CITY MANAGER:

STATUS OF POLICE CHIEF RECRUITMENT

Otto Giuliani, City Manager, gave a report; an all day assessment panel was held on June 8, 2000; an announcement will be made at the end of June and the new Police Chief will be sworn in prior to the August 1, 2000 meeting.

REPORTS FROM CITY COUNCIL COMMITTEES:

Bi-Monthly Committee Reports.
COMMUNITY ADVISORY GROUP (CAG)
Councilmember Corbaley gave an update report.

MAYORS' COMMITTEE MEETING
Mayor Messina gave an update report.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)
Mayor Messina gave an update report.

ARTERIALS, HIGHWAYS AND FREEWAYS - SUBCOMMITTEE OF SOLANO
TRANSPORTATION AUTHORITY
Mayor Messina gave an update report.

SEDCORP BOARD OF DIRECTORS
Councilmember Whitney gave an update report.

SOLANO TRANSPORTATION AUTHORITY
Councilmember Bidou gave an update report.

AUDIT & FINANCE COMMITTEE
Councilmember Whitney gave update report.

YOUTH ACTION TASK FORCE
Councilmember Bidou gave update report.

NEW BUSINESS:
EAST K STREET PERMANENT STREET CLOSURE:

Heather McLaughlin, City Attorney, stated Mayor Messina and Councilmember Gizzi do not have to abstain on this item due to owning property in the area; this was clarified by contacting the Fair Political Practices Commission and obtaining a ruling from them.

Otto Giuliani, City Manager, explained what was before the Council was the acceptance or denial of the application by the Benicia Unified School District, the declaration of intent to vacate a portion of East K Street and the setting of the date of the Public Hearing; the Public Hearing on the closure of East K Street will be held July 18; gave a brief history of the project and the conditions required for approval.

Eighteen concerned citizens expressed their views. This included a presentation by speakers representing the Benicia Unified School District.

Councilmember Bidou expressed concerns about the City selling property to the School District, funding responsibilities and time line of the project; traffic study that had been done; environmental issues; requested that staff respond to his questions.

Councilmember Corbaley stated her support of the project and requested more information on leaving the broken asphalt in place at the site; CEQA requirements and possible participation in

the project by DTSC; safety of the children has always been the issue; requested waiving of waterline fee and that the City provide funding for the paving of the alleyways.

Heather McLaughlin, City Attorney, stated more information will be presented at the next meeting when the public hearing is held.

Councilmember Gizzi supports project; traffic study is still valid; questioned what would happen if problems were found with the asphalt and soils; circulation of traffic in the cul- de-sac.

Virgil Mustain, Public Works Director, stated that after receiving an excavation plan the soil would be tested and if a problem was discovered it would be dealt with appropriately.

Councilmember Whitney stated his support for the project; concerned about soil removal, excess use of the alleyway, level of alley pavement and providing proper water runoff.

Mayor Messina commented that this project needs to be done right; toxic soil and routing of traffic must be addressed; important to look at the final plan so that solving one problem does not create another; should not impact the City financially.

Councilmember Corbaley questioned if City is bound by conditions as stated in the application resolution.

Heather McLaughlin, City Attorney, stated that these are just proposed conditions.

Council took the following actions:

RESOLUTION NO. 00-92 - A RESOLUTION ACCEPTING AN APPLICATION FROM BENICIA UNIFIED SCHOOL DISTRICT TO CLOSE EAST K STREET

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

RESOLUTION NO. 00-93 - A RESOLUTION DECLARING INTENT TO VACATE A PORTION OF EAST K STREET AND SETTING PUBLIC HEARING FOR JULY 18, 2000

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:54 p.m.

Linda S. Purdy, City Clerk