

July 2, 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
SPECIAL MEETING - CITY COUNCIL
JULY 2, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:15 p.m. Tuesday, July 2, 2002.

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 Legal Counsel-Anticipated Litigation
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

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

Mayor Messina requested clarification as to whether the subject matter for the Closed Session could be announced.

Heather McLaughlin, City Attorney, stated that the subject matter could not be disclosed at this time.

COMMUNICATIONS:
WRITTEN COMMENT:
PUBLIC COMMENT:
None

Adjourn to Closed Session at 7:17 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JULY 2, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:31 p.m. Tuesday, July 2, 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.

ANNOUNCEMENTS:

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

Re: Conference with Legal Counsel - Anticipated Litigation - direction given to staff.

Mayor Messina announced an Inflow/Infiltration Improvement project informational workshop to be held Tuesday, July 9, 2002 at 7:00 p.m. in the Council Chambers.

APPOINTMENTS:

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE - OCTOBER 2-5, 2002

Mayor Messina announced the appointment of Council Member Smith to be the voting member at the Annual League of California Cities Annual Conference; Mayor Messina will be the alternate.

RESOLUTION NO. 02-101 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER DAN SMITH TO BE THE VOTING DELEGATE AND MAYOR MESSINA ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE - OCTOBER 2-5, 2002

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

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

Noes: None

PROCLAMATIONS:

CAMEL RACE DAYS - JULY 13-14, 2002

Mayor Messina read the Proclamation; accepted by Jackie Hebson, Director, Camel Barn, and Board Members; presentation of a Camel Race Shirt was made to Mayor Messina and Camel Race Hat to James O. Milburn.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda. Council Member Smith requested that Item XIV - Council Requests for New Agenda Items- Rent Control Ordinance - be moved before the Consent Calendar.

On motion of Council Member Whitney, seconded by Council Member Smith, 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:

Libby McKendry, Director, Benicia Main Street, and Chris Strawbridge, Benicia Main Street, announced the activities to be held in celebration of the 4th of July; presented fireworks fund raising badges to Mayor and Council.

Cathy Ann Hewitt, 266 East B Street, expressed concerns about inflation causing housing problems for seniors; there are better ways to help without using rent control.

Richard Bortolazzo, 846 Dorset Way, spoke on the impact of the Urban Growth Boundary; questioned what happened to smart growth; against a rent control ordinance.

Tom Adams, 15 Shell Drive East, Vallejo, rent control helps upper income families not the poor; reduces property tax base; create more affordable housing and rental assistance.

Barbara Simmons, former owner of an apartment building in Berkeley, rent control not the solution; Community has to have some form of supervision of the housing market.

Council Member Smith announced the deaths of John Entwistle and Walt Graham; presented a birthday card to James O. Milburn from members of the Council; expressed excitement about the design of the X-Park.

Council Member Whitney complimented the Library Director and staff for their work on a pamphlet containing stories and art from participants in the ESL Program.

COUNCIL REQUESTS FOR NEW AGENDA ITEMS:

RENT CONTROL ORDINANCE

Council Member Smith requested that this item be moved up on the Agenda; complimented Ms. Celeste Stokes whose letter brought this subject to his attention; not advocating across the board rent control; there is a need to help seniors with this issue.

Fifteen concerned citizens spoke on this item.

Council Member Bidou stated that he is not an advocate of rent control; CAC has programs in place to help seniors get rental assistance; does not feel that additional staff time is required.

Vice Mayor Campbell stated that rent control is not a protection from inflation; would like to look at other ways to help seniors; against rent control; do not agendize at this time.

Council Member Smith stated that there were many excellent arguments against rent control; open to asking the staff to look into other ways to help in this matter; provide a better way to market the services of the CAC; it is appropriate at this time to ask the staff to look into alternative ways other than rent control; urged the Council not to turn away from this problem.

Council Member Whitney commented that this was a very emotional issue; rent control is counter productive to what needs to be accomplished; options need to be explained more clearly; supports affordable housing; against additional staff time.

Mayor Messina challenged the Directors of the CAC and the Housing Authority to make information on assistance available to all seniors; staff needs to redouble their efforts on affordable housing; consensus of the Council not to place on a future agenda.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled; stated that there were requests to pull Items B, E and G.

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

Minutes of June 18, 2002

Denial of claim and referral to insurance carrier (Maloney)

Denial of claim and referral to insurance carrier (G. Gonzalez)

Denial of claim and referral to insurance carrier (R. Gonzalez)

Denial of claim and referral to insurance carrier (Garfield)

Denial of claim and referral to insurance carrier (Hlavka)

Denial of claim and referral to insurance carrier (Trejo)

RESOLUTION NO. 02-102 - A RESOLUTION APPROVING THE TERMS OF A LOAN COMMITMENT LETTER TO THE BENICIA HOUSING AUTHORITY SUPPORTING THE ROCKRIDGE AFFORDABLE HOUSING PROJECT

RESOLUTION NO. 02-103- A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH CULLEN ENGINEERING ASSOCIATES FOR ON-CALL ENGINEERING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

INTRODUCTION OF ORDINANCE NO. 02 - -AN ORDINANCE AMENDING SECTION 10.16.070 (ONE-HOUR PARKING) OF CHAPTER 10.16 (STOPPING, STANDING OR PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE BENICIA MUNICIPAL CODE TO BECOME TIME LIMIT PARKING

Waive the reading of all ordinances introduced and adopted pursuant to this Agenda.
(END OF CONSENT CALENDAR)

APPROVAL OF MINUTES FROM VALERO SCOPING SESSION

Council Member Smith requested that this item be pulled from the Consent Calendar; listed three wording changes he would like made; changes had been previously discussed with Colette Meunier, Community Development Director, and been given her approval.

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously carried, the above Minutes were approved, as amended, by the following vote:

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

Noes: None

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE DEED GRANTING THE CITY OWNED PARCEL ON FIRST STREET NORTH OF RIVERHILL DRIVE TO SOLANO AFFORDABLE HOUSING FOUNDATION

Vice Mayor Campbell stated that this item had been pulled in error and that he wanted clarification of funding mechanisms to be used for loan commitment letter to the Benicia Affordable Housing Authority supporting the Rockridge Affordable Housing Project (Item D).

Mayor Messina stated that Item D had already been approved under the Consent Calendar, but clarification would be allowed.

Otto Giuliani, City Manager, stated that this funding was only a paper transfer; this was an innovative way to make these projects work.

Council took the following action:

RESOLUTION NO. 02-104 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE DEED GRANTING A CITY OWNED PARCEL ON FIRST STREET NORTH OF RIVERHILL DRIVE TO SOLANO AFFORDABLE HOUSING FOUNDATION

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

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

Noes: None

RESOLUTION APPROVING TASK ORDER NO. 1 WITH CULLEN ENGINEERING ASSOCIATES FOR CONSTRUCTION SUPPORTING SERVICES FOR THE BENICIA MARINA DREDGING PROJECT, AND AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE THE TASK ORDER ON BEHALF OF THE CITY

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.

Council Member Smith questioned the reasons for requiring a new consultant agreement for engineering projects and other agreements.

Otto Giuliani, City Manager, stated that these types of agreements are reviewed on an annual basis.

Council took the following action:

RESOLUTION NO. 02-105 - A RESOLUTION APPROVING TASK ORDER NO. 1 WITH CULLEN ENGINEERING ASSOCIATES FOR CONSTRUCTION SUPPORT SERVICES FOR THE BENICIA MARINA MAINTENANCE DREDGING PROJECT AND AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE THE TASK ORDER ON BEHALF OF THE CITY

On motion of Council Member Whitney, seconded by Council Member Smith, 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

NEW BUSINESS:

RESOLUTION APPROVING MEMBERSHIP IN THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS JOINT POWERS AUTHORITY (LAWCX JPA)

Alan Nadritch, Finance Director, stated that since the events of September 11, 2001, the insurance industry has been in turmoil; recommended acceptance of the lowest bidder for excess insurance coverage; this is a well-managed fund; would be a thirty-six month commitment.

Vice Mayor Campbell questioned the loss ratio of this company.

Council took the following action:

RESOLUTION NO. 02-106 - A RESOLUTION AUTHORIZING MEMBERSHIP IN THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS JOINT POWERS AUTHORITY (LAWCX JPA)

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

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

Noes: None

RESOLUTION APPROVING THE JOINT POWERS AGENCY AGREEMENT FOR COUNTY-WIDE HOMELESS AND SAFETY NET SERVICES JOINT POWERS AUTHORITY

Otto Giuliani, City Manager, stated that the Council had given previous direction to staff to pursue this item; primary objectives include increasing transitional housing and improvement of case management services; no effect on City funding.

Three concerned citizens spoke on this item.

Council Member Whitney stated that he had to leave the Council Meeting; wanted to go on the record that he supports this Resolution.

Council took the following action:

RESOLUTION NO. 02- 107- A RESOLUTION APPROVING THE JOINT POWERS AGENCY AGREEMENT FOR COUNTY-WIDE HOMELESS AND SAFETY NET SERVICES

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

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

Noes: None

Absent: Council Member Whitney

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:30 p.m.

Linda S. Purdy, City Clerk