

July 16, 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 16, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:04 p.m. Tuesday, July 16, 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)

Number of Cases: 1

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Cathy Ann Hewitt, 266 East B Street, requested that Council Members check out circumstances of claims presented to them.

Mary Austin Boldon, 1225 Griffin Drive, Vallejo, spoke on problems related to Benicia Transit.

Mayor Messina announced that the subject of the Closed Session was the Benicia Marina.

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not attend the Closed Session due to Conflict of Interest.

Adjourn to Closed Session at 7:08 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JULY 16, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:40 p.m. Tuesday, July 16, 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:

Vice Mayor Campbell announced action taken in Closed Session, as follows:

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

Mayor Messina announced one opening on the Civil Service Commission and three on the Human Services Fund Board; applications are available in the City Manager's Office.

APPOINTMENTS:

Mayor Messina announced the appointment of James Conlow to the Design Review Commission to fill a full term to July 1, 2006.

RESOLUTION NO. 02-108 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JIM CONLOW TO THE DESIGN REVIEW COMMISSION TO FILL A FULL TERM TO JULY 1, 2006

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

Mayor Messina announced the reappointment of Jeff Tusing to the Design Review Commission to fill a full term to July 1, 2006.

RESOLUTION NO. 02-109 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JEFF TUSING TO THE DESIGN REVIEW COMMISSION TO FILL A FULL TERM TO JULY 1, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Mike Ioakimedes to the Economic Development Board to fill a full term to July 1, 2006.

RESOLUTION NO. 02-110 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MIKE IOAKIMEDES TO THE ECONOMIC DEVELOPMENT BOARD TO FILL A FULL TERM TO JULY 1, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Nancy Martinez to the Economic Development Board to fill a full term to July 1, 2006.

RESOLUTION NO. 02-111 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF NANCY MARTINEZ TO THE ECONOMIC DEVELOPMENT BOARD TO FILL A FULL TERM TO JULY 1, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Bob Mutch to the Economic Development Board to fill a full term to July 1, 2006.

RESOLUTION NO. 02-112 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF BOB MUTCH TO THE ECONOMIC DEVELOPMENT BOARD TO FILL A FULL TERM TO JULY 1, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Sharon Anderson to the Housing Authority Board to fill a full term to June 30, 2006.

RESOLUTION NO. 02-113 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF SHARON ANDERSON TO THE HOUSING AUTHORITY BOARD TO FILL A FULL TERM TO JUNE 30, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Phyllis McKeever to the Housing Authority Board to fill a full term to June 30, 2006.

RESOLUTION NO. 02-114 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF PHYLLIS MCKEEVER TO THE HOUSING AUTHORITY BOARD TO FILL A FULL TERM TO JUNE 30, 2006

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

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

Noes: None

Mayor Messina announced the reappointment of Lochlin Caffey to the Human Services Fund Board to fill a full term to July 1, 2006.

RESOLUTION NO. 02-115 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF LOCHLIN CAFFEY TO THE HUMAN SERVICES FUND BOARD TO FILL A FULL TERM TO JULY 1, 2006

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

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

Mayor Messina announced the reappointment of Dave Layton to the Parks, Recreation and Cemetery Commission to fill a full term to July 6, 2006.

RESOLUTION NO. 02-116 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF DAVE LAYTON TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO FILL A FULL TERM TO JULY 6, 2006

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

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

Mayor Messina announced the appointment of Matt Hart to the Solano Safety Net Consortium.

RESOLUTION NO. 02-117 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MATT HART TO THE SOLANO SAFETY NET CONSORTIUM

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

ADOPTION OF AGENDA:

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

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, Agenda was adopted as presented.

COMMUNICATIONS:

WRITTEN:

Mayor Messina stated that one written communication had been received.

PUBLIC COMMENT:

Libby McKendry, Director, Benicia Main Street, and Chris Strawbridge, Benicia Main Street, announced the 9th Annual Waterfront Festival to be held on July 26 - 28, 2002; this is the largest fund raiser for the Benicia Main Street Program.

Scott Goldie, 686 Vincent Court, Chairman, Benicia Chamber of Commerce, spoke in favor of the proposed new bus route to the Industrial Park; urged the Council to vote to establish this service.

Devon Hassett, Public Information Officer for the Tourtelot Clean-up Project, announced that the quarterly Newsletter would be mailed to all Benicia households; Newsletter also available in the City Manager's Office, City Attorney's Office and Library.

Mary Austin Boldon, 1225 Griffin Drive, Vallejo, presented concerns and suggestions of Benicia Transit riders; advocate for riders; survey should have been done before discontinuing the 'Benicia Flyer'.

Vice Mayor Campbell requested clarification of which bus route Ms. Boldon was referring to. Cathy Ann Hewitt, 266 East B Street, thanked the Main Street Program for the 4th of July celebration; correct procedures need to be used when dealing with the Historic District.

Council Member Smith welcomed back and wished a Happy Birthday to Ruth Tanner, a long time resident of Benicia.

Council Member Whitney requested that the Anti-Ugly Ordinance be brought forward that he had requested the City Attorney work on; would like the Planning Commission to review prior to presentation to the Council.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; stated that there was a request from a member of the audience to pull Items D and H; Vice Mayor Campbell requested that Item E be pulled.

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

Minutes of July 2, 2002

Denial of claim and referral to insurance carrier (Clark)

Denial of claim and referral to insurance carrier (Lipman)

RESOLUTION NO. 02-118 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR THE PROPERTY LOCATED AT 1120 AND 1140 WEST L STREET, ACCEPTING THE EASEMENT AS SHOWN ON THE FINAL PARCEL MAP, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ON THE FINAL PARCEL MAP ON BEHALF OF THE CITY

RESOLUTION NO. 02-119 - A RESOLUTION ACCEPTING THE 2001 ANNUAL STRIPING PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

ORDINANCE NO. 02-3 - 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)

RESOLUTION ADOPTING AND APPROVING THE MEMORANDUM OF UNDERSTANDING REGARDING URBAN WATER CONSERVATION IN CALIFORNIA, AS MODIFIED, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DOCUMENTS TO BECOME A PARTY THEREIN IN ACCORDANCE WITH ITS TERMS

James O. Milburn, 280 East J Street, requested that this item be pulled from the Consent Calendar; stated support for this Resolution; Benicia does not have a permanent water supply source.

Council took the following action:

RESOLUTION NO. 02 - 120 - A RESOLUTION ADOPTING AND APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) REGARDING URBAN WATER CONSERVATION IN CALIFORNIA, AS MODIFIED, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DOCUMENTS TO BECOME A PARTY THEREIN IN ACCORDANCE WITH ITS TERMS

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

RESOLUTION APPROVING AMENDMENT NO. 3 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

Vice Mayor Campbell requested that this item be pulled from the Consent Calendar; requested an explanation for the public.

Otto Giuliani, City Manager, explained that the City is a participant in this Agreement that will help obtain additional water rights in the future; in order to continue additional funding is needed at this time.

Council took the following action:

RESOLUTION NO. 02-121 - A RESOLUTION APPROVING AMENDMENT NO. 3 TO SOLANO WATER AUTHORITY AGREEMENT NO. 3, PHASE 2A, WATERSHED-OF-ORIGIN WATER RIGHTS APPLICATION, AND AUTHORIZING THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

On motion of Council Member Campbell, 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

SECOND READING AND ADOPTION OF 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

James O. Milburn, 280 East J Street, requested that this item be pulled from the Consent Calendar; stated that parking in the area of the James Lemos Pool was solid the previous week-end; policing is the key; requested that streets be marked no parking on days that the streets are swept.

Council took the following action:

ORDINANCE NO. 02-3 - 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

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, outlined a new fund raising effort; calendars with pictures drawn by Del Lacey, Graphics Illustrator, will be on sale; thanked those employees that were responsible for the production of the calendar and announced those places that it can be purchased; read list of current contributors; receiving grant funds has slowed the process; revised plan will have to be approved by the State and follow CEQA guidelines.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS:

MAYORS' COMMITTEE MEETING

Mayor Messina stated that the next meeting would be held on July 17, 2002.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated that the meeting had been cancelled.

SOLANO WATER AUTHORITY

Mayor Messina stated that the meeting had been cancelled.

ARSENAL RESTORATION ADVISORY BOARD

Vice Mayor Campbell reported that no meeting had been held.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell reported that no meeting had been held.

AUDIT & FINANCE COMMITTEE

Vice Mayor Campbell stated that at the last meeting investment policies had been reviewed; continued discussions were held on the future funding for the bottom of First Street.

SCHOOL DISTRICT LIAISON

Council Member Smith stated that the Committee was taking the summer off; the next meeting will be held on September 19, 2002.

TRI-CITY COUNTY REGIONAL PARK AND OPEN SPACE

Council Member Whitney reported that the next meeting would be held on August 17, 2002; time and location will be announced at a later date.

NORTHERN AREA OPEN SPACE

Council Member Whitney stated talks had been held with property owners in the area.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney stated that no meeting was held.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Smith stated that the percentages for the proposed tax measure had been approved, however he did not agree with those percentages; "Balanced Plan" had been adopted.

Council Member Bidou stated that this Plan would have to come before the Solano County Board of Supervisors for approval.

Otto Giuliani, City Manager, clarified that the Plan would be brought back to the Council for a vote after it has been approved by the Board of Supervisors.

YOUTH ACTION TASK FORCE

Council Member Bidou reported that work on the Youth Action Task Force was continuing.

Council Member Smith inquired about the Valero Citizens Advisory Panel not meeting; expressed disappointment that during this active time for the Refinery a meeting had not been held.

Council Member Whitney clarified that it was difficult to hold meetings during the summer months; historically Panel has met every month; interest has been expressed by Valero to hold informational workshops.

NEW BUSINESS:

RESOLUTION CEASING OPERATION OF THE 'BENICIA FLYER' BUS SERVICE AND INSTITUTING BUS SERVICE TO THE BENICIA INDUSTRIAL PARK, TO BE KNOWN AS THE 'BENICIA ROCKET'

Alan Nadritch, Finance Director, reported that ridership on the 'Benicia Flyer' had been much lower than anticipated; service had been marketed extensively; this service can no longer be afforded; proposed that this service be discontinued and a new service, 'Benicia Rocket', to the Industrial Park be instituted; new service would be given a six-month trial.

Council Member Bidou referred to a list of concerns/issues presented earlier by a member of the public; requested that these concerns/issues be referred back to the vendor.

Council Member Campbell questioned if the two services could be combined; what provisions might be made for those riders dependent on this service.

Alan Nadritch, Finance Director, stated that because there were two different markets served by these routes; probable failure if combined; Dial-a-Ride service would be made available to those dependent on this service.

Five concerned citizens spoke on this item.

Council Member Whitney concurred that this service has been a failure; new service with the Dial-a-Ride options seems to be a viable solution; proposed possible Town Hall Meetings to hear concerns of the public; supports creation of new service.

Council Member Smith stated that new service proposed is an excellent idea; supports changes, but not as presented; a longer test period is needed; possible rush to judgment on

'Flyer'; expressed concerns about notification to the riders; keep some of the 'Flyer' routes during commute hours.

Alan Nadritch, Finance Director, explained that riders had been given a three-week notice.

Council Member Smith stated that he was still not convinced that both routes could not be used during the commute hours; will support new service now that notification process had been clarified; six months not a realistic test.

Mayor Messina expressed support for new service; Dial-a-Ride service needs to be provided during the commute hours; extend trial period to six months.

Council took the following action:

RESOLUTION NO. 02-122 - A RESOLUTION CEASING OPERATION OF THE 'BENICIA FLYER' BUS SERVICE AND INSTITUTING BUS SERVICE TO THE BENICIA INDUSTRIAL PARK, TO BE KNOWN AS THE 'BENICIA ROCKET'

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

CONSIDERATION OF A REQUEST FOR THE INSTALLATION OF ALL-WAY STOP SIGNS AT THE INTERSECTION OF MILLS DRIVE AND BRENTWOOD DRIVE

Dan Schiada, City Traffic Engineer, stated that a request had been made due to concerns regarding safety, speeding vehicles and lack of visibility at this location; Traffic Safety Committee had met and the request did not meet special circumstances required to justify installation; Council can approve all-way stop signs when warrants are not met and no special circumstances exist to supercede the warrants.

One concerned citizen spoke on this item.

Council took the following action:

RESOLUTION NO. 02-123 - A RESOLUTION APPROVING THE INSTALLATION OF ALL-WAY STOP CONTROLS FOR MILLS DRIVE AT BRENTWOOD DRIVE

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 10:06 p.m.

Linda S. Purdy, City Clerk