

July 17, 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

JULY 17, 2001

MINUTES OF THE

REGULAR MEETING - CITY COUNCIL

JULY 17, 2001

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, July 17, 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, Whitney and Mayor Messina

Absent: Council Members Corbaley and Gizzi

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced the passing of James Kurtz, former City Council Member; term of office 1968-1972.

Mayor Messina announced the cancellation of a Special Council Meeting, to discuss the Marina Dredging, which was to be held on July 31, 2001. This meeting will be rescheduled to either July 13 or July 14, 2001.

Mayor Messina introduced Libbey McKendry and Chris Strawbridge, of the Benicia Main Street Program, who gave a short presentation on the Waterfront Festival that will be held July 27-29, 2001.

APPOINTMENTS:

Mayor Messina appointed Council Member Corbaley as this years delegate to the League of California Cities; Mayor Messina will be the alternate.

PRESENTATIONS:

SOLANO TRANSPORTATION AUTHORITY

Daryl Hall, Solano Transportation Authority, gave a presentation on Regional Transportation; expressed support for the Intermodal Transit Facility proposed for the Goodyear Road site; stated the Benicia is a key access point for transportation in Solano County.

YOUTH MASTER PLAN STEERING COMMITTEE

Cecile Kazemi, Chairperson, gave a progress report; three sub-committees have been formed; a survey to help develop a Youth Partnership will be sent out.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, requested Item V-K be pulled and continued to a future Council meeting.

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

WRITTEN COMMUNICATIONS:

Mayor Messina stated two items were submitted as written communications.

PUBLIC COMMENT:

Dan Smith, 365 Military East, spoke regarding the Valero Cogeneration Plant and the possibility of significant health issues; a fundraiser for the X-Skate Park will be held on July 28, 2001.

Bonnie Silveria, 641 West I, commented on statements made and letters written in reference to the current Council; thanked the Council for their efforts.

James O. Milburn, 280 East J, commented on the consequences of telling it like it is.

CONSENT CALENDAR:

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

Mayor Messina requested Item V-D be pulled to reaffirm Council's commitment to this item.

Mayor Messina requested Item V-E be pulled for further discussion.

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 July 11, 2001

Denial of claim and referral to Insurance Carrier (Ratto)

Denial of claim and referral to Insurance Carrier (Sampson)

RESOLUTION NO. 01-112 - A RESOLUTION ACCEPTING BIDS, AWARDING THE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$68,140.26 TO GRAHAM CONTRACTORS, INC. OF SAN JOSE FOR THE YEAR 2001 SLURRY SEAL PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY SUBJECT TO APPROVAL OF THE CITY ATTORNEY

RESOLUTION NO. 01-113 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT, INCLUDING BID ALTERNATE NUMBER 1, IN THE AMOUNT OF \$418,990.50 TO CARONE & SONS OF CROCKETT FOR THE PARK ROAD OVERLAY PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

RESOLUTION NO. 01-114 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS TO FURNISH CHEMICALS TO

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

RESOLUTION NO. 01-115 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2001/2002 AND 2002/2003, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

RESOLUTION NO. 01-116 - A RESOLUTION APPROPRIATING A FAIR SHARE CONTRIBUTION OF \$3,500 TO SUPPORT AN EDUCATIONAL CAMPAIGN REGARDING OPEN SPACE AND TRANSPORTATION NEEDS IN SOLANO COUNTY

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

(END OF CONSENT CALENDAR)

RESOLUTION SUPPORTING THE BAY AREA ALLIANCE FOR SUSTAINABLE DEVELOPMENT DRAFT COMPACT

Mayor Messina requested this item be pulled; introduced Charlotte Powers, Bay Area Alliance, who made a presentation.

Council took the following action:

RESOLUTION NO. 01-117 - A RESOLUTION SUPPORTING THE BAY AREA ALLIANCE FOR SUSTAINABLE DEVELOPMENT DRAFT COMPACT

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, Whitney and Mayor Messina

Noes: None

Absent: Council Members Corbaley and Gizzi

RESOLUTION APPROVING A SOFTWARE LICENSE AGREEMENT BETWEEN THE CITY AND ACCELA, INC. (TIDEMARK SOLUTIONS) FOR MAINTENANCE AND SUPPORT OF THE CITY'S INTERDEPARTMENTAL PERMIT AND BUSINESS LICENSE COMPUTER SYSTEM
Mayor Messina requested this item be pulled for further discussion; expressed his hope that this would lead to streamlining the process for the citizens.

Bill Guggemos, Information Systems Coordinator, confirmed that this system will allow the citizens to obtain and track building permits on line.

Council took the following action:

RESOLUTION NO. 01-118 - A RESOLUTION APPROVING A SOFTWARE LICENSE AGREEMENT BETWEEN THE CITY AND ACCELA, INC. (TIDEMARK SOLUTIONS) FOR MAINTENANCE AND SUPPORT OF THE CITY'S INTERDEPARTMENTAL PERMIT AND BUSINESS LICENSE COMPUTER SYSTEM

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, Whitney and Mayor Messina

Noes: None

Absent: Council Members Corbaley and Gizzi

PUBLIC HEARINGS:

TEFRA HEARING, BENICIA FABRICATION & MACHINE
PUBLIC HEARING ON A RESOLUTION APPROVING THE ISSUANCE OF TAX EXEMPT
INDUSTRIAL REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY FOR BENICIA FABRICATION AND MACHINE, INC.

Karen Majors, Assistant City Manager, spoke regarding the issuance of tax exempt Industrial Revenue Bonds; would enable the purchase of additional equipment to expand current market and employment opportunities; clarified that the City is not the issuer of the bonds and not legally or financially responsible for their repayment.

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. 01-119 - A RESOLUTION APPROVING THE ISSUANCE OF TAX EXEMPT
INDUSTRIAL REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY FOR BENICIA FABRICATION AND MACHINE, INC

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, Whitney and Mayor Messina

Noes: None

Absent: Council Members Corbaley and Gizzi

APPEAL OF A DECISION OF THE PLANNING COMMISSION TO DENY AN APPEAL OF THE
PLANNING DIRECTOR'S DECISION TO REVOKE A HOME OCCUPATION PERMIT FOR
RELIABLE RAIN GUTTERS

John Bunch, Planning Director, explained that this was an appeal of his decision to revoke a home occupation permit; gave a chronology of events that have occurred prior to the revocation; outlined neighborhood dispute; violations are continuing.

David Ratto, 1435 Plaza de Oro, appellant, gave a synopsis of events and explained why he felt that his home occupation permit should not be revoked.

Stan McNulty, 1432 Plaza de Oro, explained why he felt that the decision of the Planning Director and Planning Commission should be upheld; continued violations.

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

Kathy Maloney, 1449 Plaza de Oro, requested that the City enforce the Ordinance; presented documentation of continued advertising in the Yellow Pages of home address; supports revoking the permit.

Bill Patchell, 721 Elaine Way, supports decision of the Planning Director.

Marvin Bergerson, 447 Warwick, stated that Mr. Ratto had complied with all of the requests made of him by the Planning Department; opposes the revocation.

Ron Hansen, 955 West L Street; feels this is a case of harassment; return permit.

Name unknown, friend of Mr. Ratto, supports returning of the permit; invasion of privacy by the neighbors.

Mayor Messina closed the Public Hearing.

Council Member Bidou stated that it was not the responsibility of the Council to become involved in a neighborhood conflict; the only issue is the denial of the home occupation permit; cited continued violations; will vote to uphold the revocation.

Heather McLaughlin, City Attorney, pointed out some errors and additions that needed to be made to the Resolution.

Council took the following action:

RESOLUTION NO.01-120 - A RESOLUTION DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY AN APPEAL AND UPHOLD THE DECISION OF THE PLANNING DIRECTOR TO REVOKE A HOME OCCUPATION PERMIT FOR DAVID RATTO (PLN 2001-34), AS AMENDED

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, Whitney and Mayor Messina

Noes: None

Absent: Council Members Corbaley and Gizzi

REPORTS FROM CITY COUNCIL COMMITTEES:

TOURTELOT COMMUNITY ADVISORY GROUP (CAG)

Heather McLaughlin, City Attorney, reported that the CAG has been in summer recess; next meeting will be July 25, 2001; anticipate the Draft EIR by August/September.

MAYORS' COMMITTEE MEETING

Mayor Messina gave a report.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina gave a report; minutes of last meeting are available in the City Manager's office.

SOLANO WATER AUTHORITY

Mayor Messina stated that at the last meeting the budget had been approved.

SEDCORP

Council Member Whitney had no report this month on this item.

AUDIT & FINANCE COMMITTEE

Council Member Whitney gave a report.

ARSENAL RESTORATION ADVISORY BOARD

Council Member Whitney stated the meetings had been moved to the Commission Room to attract more public participation.

VALERO COMMUNITY ADVISORY PANEL (CAP)

Council Member Whitney reported at the last meeting the Panel was given a presentation of the proposed Cogeneration Plant; received a tour of the site.

Otto Giuliani, City Manager, stated that there was some misinformation about the City financing the project; corrected information; clarified that the Cogeneration Plant will be subject to the Utility Users Tax.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou referred to the presentation made earlier in the meeting; thanked Mayor Messina for his help with obtaining the funding.

YOUTH ACTION TASK FORCE

Council Member Bidou referred to the information presented earlier in the meeting.

NEW BUSINESS:

RESOLUTION APPROVING THE LEASE PURCHASE AGREEMENT WITH INTERTEL, INC. FOR TELECOMMUNICATIONS AND VOICE MAIL EQUIPMENT

Alan Nadritch, Finance Director, stated that the current equipment system was seventeen years old and needed replacement; cost of a new system would be the same as upgrading the old system; installation of the system would begin within 60-90 days.

Council took the following action

RESOLUTION NO. 01-121 - A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH INTERTEL, INC., FOR TELECOMMUNICATIONS/VOICEMAIL EQUIPMENT

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, Whitney and Mayor Messina

Noes: None

Absent: Council Members Corbaley and Gizzi

ADJOURNMENT

Mayor Messina adjourned the meeting at 10:02 p.m.

Linda S. Purdy, City Clerk