

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
REGULAR MEETING - CITY COUNCIL
AUGUST 5, 2003**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:33 p.m. Tuesday, August 5, 2003, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Member Bidou, Campbell, Smith and Mayor Messina

Absent: Council Members Whitney

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

PROCLAMATIONS:

HONORING STUDIO 41

Mayor Messina read the Proclamation; accepted by Leah Perry Shelhorn, Studio 41 owner.

CITY OF BENICIA LIFEGUARD DAY, AUGUST 5, 2003

Mayor Messina read the Proclamation; accepted by Danny Biro, Recreation Supervisor.

ADOPTION OF THE 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 announced that letters concerning Sam's Harbor had been received from Rich and Joan Changus and Bill Henretty.

PUBLIC COMMENT:

1. Rich Changus, 701 West I Street, expressed concern about the proposed ten-month extension, trash disposal and weed abatement; does not want to see the process go backward.
2. Andy Siri, 716 West H Street, in favor of anyone who wants to purchase this property to develop a single family residence; process has gone on for too long; property is a hazard and cannot be saved; did not receive notification from the City on this project.
3. Jennifer Deal, 85 Buena Vista, would like to see a resolution of this problem; against a ten-month extension.
4. Council Member Smith announced talks/workshops for the Next Generation of Arts to be given by Arts Benicia on August 19, 2003, 991 Tyler.

Mayor Messina corrected two comments made by Council Member Smith.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; requests were made to pull Items B, E, F and H from the Consent Calendar.

On motion of Council Member Bidou, seconded by Council Member Smith and unanimously carried, the

following items were approved under the Consent Calendar:

RESOLUTION NO. 03-116 - A RESOLUTION REGARDING LARGE-SCALE DAIRY PROPOSALS IN SOLANO COUNTY

RESOLUTION NO. 03-117 - A RESOLUTION APPROVING ACCEPTANCE OF A MONUMENT DONATION FROM THE PONY EXPRESS TRAIL ASSOCIATION

RESOLUTION NO. 03-119 - A RESOLUTION TERMINATING THE DECLARATION OF EMERGENCY AND ACCEPTING THE COMPLETION OF THE EMERGENCY REPAIR WORK TO CITY HALL

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

(END OF CONSENT CALENDAR)

RESOLUTION EXTENDING THE TENTATIVE SUBDIVISION MAP FOR THE BENICIA WATERFRONT VILLAGE PROJECT

Mayor Messina requested this item be pulled from the Consent Calendar; Mayor Messina did not participate in this discussion due to Conflict of Interest.

Heather McLaughlin, City Attorney, clarified that Council Member Bidou and Jim Erickson, City Manager, did not have a Conflict of Interest on this item.

Vice Mayor Campbell chaired this portion of the meeting.

Colette Meunier, Community Development Director, summarized action taken to date; findings are that there have been no changes in circumstances; there were no challenges to the environmental document and statute of limitations has passed for that document; process could have been handled better; not considered an historic property; staff recommends extension of the tentative map.

Allan Moore, Attorney, representing Lenox Homes, Applicant, stated that the decision before the Council was limited to two findings (1) has the project continued to move forward and not been abandoned (2) has there been a significant change in circumstances; project has moved forward and the Applicant is almost ready to submit the final map; no significant changes have occurred.

Ten concerned citizens spoke on this item.

Questions were asked and made comments by the Mayor and Council.

Council Member Bidou stated that this was a matter of personal property rights; this is a good project; made a motion to approve the project.

Council Member Smith read the CEQA law that applies to this project; baseline is not the same; Historic District has been changed; will not support the extension.

Heather McLaughlin, City Attorney, reminded Council that three votes would be required for the extension of this tentative map.

Jim Erickson, City Manager, suggested that the Council take no action and should discuss the legal ramifications of denying this extension in a Closed Session Meeting prior to the next regular meeting.

Council Member Bidou amended his motion to extend the Tentative Map for 90 days.

Motion died for lack of a second.

On motion of Council Member Bidou, seconded by Council Member Campbell, and unanimously carried, to continue this item to the September 2, 2003 meeting.

Mayor Messina called for a break at 9:35 p.m.
Mayor Messina reconvened the meeting at 9:45 p.m.

SECOND READING AND ADOPTION OF ORDINANCE ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS TO THE QUALIFIED VOTERS OF THE CITY AT THE MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2003

Council Member Smith requested that this item be pulled from the Consent Calendar; stated he would vote in favor of this item; important that this go to a vote of the people.

Council took the following action:

ORDINANCE NO. 03-7 - AN ORDINANCE ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS TO THE QUALIFIED VOTERS OF THE CITY OF BENICIA AT THE MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2003

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

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

Noes: None

Absent: Council Member Whitney

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT WITH I.T. FOR THE MAINTENANCE OF MONITORING WELLS ON CITY PROPERTY

Vice Mayor Campbell requested this item be pulled from the Consent Calendar; expressed concerns about the language in the License Agreement relating to well placement and removal.

Heather McLaughlin, City Attorney, stated that the wording used in this agreement was from a prior agreement and that it would not be a problem to removing this section.

Council took the following action:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT WITH I.T. CORPORATION FOR THE MAINTENANCE OF MONITORING WELLS ON CITY PROPERTY, AS AMENDED

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

MINUTE ACTION CANCELING THE CITY COUNCIL MEETING OF AUGUST 19, 2003

Council Member Smith requested this item be pulled from the Consent Calendar; wanted to make the public aware of the cancellation of this meeting.

On motion of Council Member Bidou, seconded by Council Member Smith, and unanimously carried, Minute action to cancel the August 19, 2003 Council Meeting.

PUBLIC HEARINGS:

CONSIDERATION OF SETTLEMENT OFFER TO RESOLVE THE APPEAL OF THE NOTICE AND ORDER TO DEMOLISH THE BUILDING AT 710 WEST I STREET

Colette Meunier, Community Development Director, reviewed the provisions of the proposed settlement of this Appeal; staff recommendation is to approve the 10-month extension in order to move forward in a cooperative manner.

Mayor Messina questioned whether or not the Appellant had agreed to this settlement. Council Member Bidou asked for clarification on clean-up issues.

Colette Meunier, Community Development Director, stated that the Appellant proposed the outline of the settlement agreement; agreement does not address clean-up issues however, this subject could be added to the discussions.

Vice Mayor Campbell stated that this problem has gone on too long and would like this settled by September 2, 2003.

Mayor Messina opened the Public Hearing. Legal notice was given. No one spoke for or against this matter.

Mayor Messina closed the Public Hearing.

Mayor Messina stated that consensus of the Council and direction to staff was that staff had until the first meeting in September to refine this agreement.

Council Member Smith requested that the agreement address the issue of trash located on the property.

REPORTS FROM CITY MANAGER:

REPORT ON THE MAJOR DEAL POINTS OF THE VIP AGREEMENT

Council Member Bidou did not participate in this discussion due to Conflict of Interest.

Heather McLaughlin, City Attorney, explained the provisions of the document: includes (1) water reuse (2) air monitoring (3) addition of a main stack scrubber; this is a good example of everyone working together.

Mayor Messina thanked everyone that was involved in crafting this agreement; reviewed concessions made by the Valero Refining Company.

Five concerned citizens spoke on this item.

Council Member Smith thanked those members of the staff that were involved; process was open; gave the definitions of various acronyms in this agreement; EIR that was done was very pro project.

Vice Mayor Campbell explained the differences in the various air monitors; would like line monitors looked into as a possible alternative.

REPORT ON THE IMPACT OF THE STATE BUDGET ON THE CITY OF BENICIA

Jim Erickson, City Manager, reviewed the impacts of the State Budget; State will not be taking as much from Vehicle License Fees as expected however, will be reducing the percentage by one half for the local government sales tax; General Fund Reserve will be maintained in the short term, but a significant reduction will occur in the second year, if action not taken.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

MAYOR'S COMMITTEE MEETING

Mayor Messina reported on the discussion held on mega-dairies in Solano County; impact on the environment of these dairies.

ARSENAL RESTORATION ADVISORY BOARD

No report given.

AUDIT AND FINANCE

Vice Mayor Campbell stated a discussion and review of the proposed Police Facility was held.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell reported that the new director of SEDCORP was introduced at the last meeting; Director expects to do the same kind of marketing strategy in Benicia as in the rest of the county.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina reported that there had been a discussion on a marina located in the south bay; BCDC is waiting to see what affect the State's new budget will have on the agency.

LEAGUE OF CALIFORNIA CITIES

Council Member Smith stated that the League would be holding its annual conference September 8-10, 2003.

SCHOOL DISTRICT LIAISON

Council Member Smith stated that the next meeting would be held on September 10, 2003; conflict with that date due to League of California Cities Conference; Mayor Messina and Council Member Smith will be working with the School District on a possible partnership.

YOUTH ACTION TASK FORCE

Council Member Smith stated the next meeting would be held on August 13, 2003: Council Member Bidou introduced Cecile Kazemi, Director, Youth Action Task Force, who gave an update on the current projects and activities; Ms. Kazemi requested that the Council fill out a Substance Abuse Problem Opinion Survey.

SOLANO TRANSPORTATION AUTHORITY

Council Member Bidou stated a meeting with Daryl Hall, STA, would be held on August 8, 2003; a list of projects will be prepared for Benicia.

SOLANO WATER AUTHORITY

Mayor Messina requested the status of the Area of Origin Agreement.

Dan Schiada, Interim Public Works Director, stated that Agreement was at the Department of Fish and Wildlife awaiting signature.

Mayor Messina reported that the Solano Water Agency was continuing discussions on flood control; no funding mechanisms at present.

VALERO CITIZENS ADVISORY PANEL (CAP)

Mayor Messina announced that a public meeting would be held on August 18, 2003 to discuss noise, odors and plant operations.

NEW BUSINESS:

RESOLUTION ADOPTING THE 2003 STORM WATER MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) ON BEHALF OF THE CITY

Dan Schiada, Interim Public Works Director, reviewed the plan; five-year program that implements the General Permit through a series of measures and practices to address storm water pollution before it is discharged into receiving water; workshop was held on July 23, 2003 to review plan.

Mayor Messina asked for clarification on a document presented at the workshop.

Dan Schiada, Interim Public Works Director, stated the document was specific to the Marina and will be addressed during the environmental review process.

One concerned citizen spoke on this item.

Council Member Smith requested several word additions to the Plan.

Council took the following action:

RESOLUTION NO. 03-121 - A RESOLUTION ADOPTING THE 2003 STORM WATER MANAGEMENT PLAN, AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) ON BEHALF OF THE CITY, AND AUTHORIZING THE CITY MANAGER

On motion of Council Member Smith, seconded by Council Member Bidou, 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 11:22 p.m.

Linda S. Purdy, City Clerk