

August 14, 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.

MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
AUGUST 14, 2001

The special meeting of the City Council of the City of Benicia was called to order by Council Member Corbaley at 7:35 p.m. Tuesday, August 14, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Corbaley, Gizzi and Whitney

Absent: Council Member Bidou and Mayor Messina (due to Conflict of Interest)

PLEDGE OF ALLEGIANCE:

Council Member Corbaley led the pledge to the flag.

ADOPTION OF AGENDA:

Heather McLaughlin, City Attorney, stated that she had a request from the Attorney for the Benicia Harbor Corporation to move Item IV-C ahead of Item IV-A and had no objection to that request.

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

No public comment was made.

NEW BUSINESS:

RESOLUTION AWARDDING THE CONTRACT IN THE AMOUNT OF \$351,781.92 TO LUCAS MARINE CONSTRUCTION OF WEST SACRAMENTO, LOW BIDDER FOR THE BENICIA MARINA MAINTENANCE DREDGING PROJECT

Virgil Mustain, Public Works Director, stated that there had been three bids for the project, Lucas Marine was the low bidder; would be coming back at the next meeting to ask for more flexibility in the hours that the contractor would be allowed to work; the permit from the Army Corp of Engineers had not been received but was expected.

Council took the following action:

RESOLUTION NO. 01-134 - A RESOLUTION ACCEPTING THE BIDS, AWARDDING THE CONSTRUCTION CONTRACT FOR THE BENICIA MARINA MAINTENANCE DREDGING PROJECT IN THE AMOUNT OF \$351,781.92 TO LUCAS MARINE CONSTRUCTION, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ORDER BID ALTERNATE "A" IF

NECESSARY, AND AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

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

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Absent/Abstain: Council Member Bidou and Mayor Messina

APPROVAL OF SIDE AGREEMENT WITH BENICIA HARBOR CORPORATION FOR DREDGING

Heather McLaughlin, City Attorney, stated that some changes to the original Agreement had been made and both parties agree that this was a more workable document; still some items to be worked out; Benicia Harbor Corporation had proposed additional changes; staff recommends that the Agreement provided to the Council is a workable compromise; reviewed each change that had been made or proposed.

Council Member Gizzi expressed concerns about the language referring to Arbitration; the prevailing wage issue; and the lack of specific language about movement of the boats, protection of berthers and liability; suggested inserting the words "B Dock" on Page 3.

Charles Wood, Attorney for the Benicia Harbor Corporation, stated it was important to get the boats out of the mud; Harbor Corporation would use their own dredger; presented a signed copy of the redlined version of the Agreement to the Council.

Four concerned citizens spoke to the issue.

Heather McLaughlin, City Attorney, stated that it would be the City's preference if the numbers were changed on Page 4, from 5000 cubic yards to 15, 000 cubic yards, in order to dredge more of the Marina.

Council Member Corbaley questioned whether or not this item could be deferred to the next meeting without having an effect on the dredging.

Council Member Gizzi stated that he would like this to be voted on this evening; proposed changes to the dates to make sure that there would not be any lost time when the change in dredgers occurred.

Council Member Corbaley restated the changes proposed; Page 3 - add the words - "B Dock"; Page 4 - change the amount from 5000 additional yards to 15,000 additional yards; Paragraph 11 - to include Binding Arbitration; clarify the language in Paragraph 13; leave Paragraph 6 with five (5) working days, but change sentence - within three (3) working days to two (2) working days.

APPROVAL OF SIDE AGREEMENT TO PERFORM MAINTENANCE DREDGING IN THE BENICIA HARBOR (AS AMENDED)

Council took the following action:

On motion of Council Member Gizzi, seconded by Council Member Whitney, the Agreement (as amended) was approved on roll call by the following vote:

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Absent/Abstain: Council Member Bidou and Mayor Messina

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$69,700.00 TO CALIFORNIA TRENCHLESS, INC. OF OAKLAND, LOW BIDDER FOR THE MARINA AREA STORM DRAIN INTERIM DRY WEATHER FLOW DIVERSION FACILITY

Virgil Mustain, Public Works Director, stated the equipment had been ordered; the date for the completion of the project had been extended by the Regional Water Quality Board to September 28, 2001.

Council took the following action:

RESOLUTION NO. 01-135 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE MARINA AREA STORM DRAIN INTERIM DRY WEATHER FLOW DIVERSION FACILITY PROJECT IN THE AMOUNT OF \$69,700 TO CALIFORNIA TRENCHLESS, INC. OF OAKLAND, AND AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

On motion of Council Member Whitney, seconded by Council Member Gizzi, the above

Resolution was adopted on roll call by the following vote:

Ayes: Council Members Corbaley, Gizzi and Whitney

Noes: None

Absent/Abstain: Council Member Bidou and Mayor Messina

ADJOURNMENT:

Council Member Corbaley adjourned the meeting at 9:05 p.m.

Linda S. Purdy, City Clerk