

September 18, 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
SEPTEMBER 18, 2001

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:00 p.m. Tuesday, September 18, 2001.

CITY CLERK 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-Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)

Name of Case: City of Benicia v. Patterson

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

1 Claim: Dwan

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Heather McLaughlin, City Attorney, explained that due to a Brown Act requirement Communications - Written and Public Comment had been added to the Closed Session Agenda. Monica Oquist, SEIU-Local 614 Representative, presented a copy of a letter re: Mr. Dwan; would like to settle before arbitration; expressed concern about how long it has taken to settle this matter.

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

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

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
SEPTEMBER 18, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Messina at 7:35 p.m. Tuesday, September 18, 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, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Messina led the pledge to the flag.

Vice Mayor Bidou requested a minute of silence for the victims and families of the disasters in New York and Washington, DC.

A minute of silence was observed.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session, re: Existing Litigation - City of Benicia v. Patterson - received an update on settlement conference from Mayor Messina and staff.

Anticipated Litigation - 1 Claim: Dwan - direction given to staff to assist with settlement.

Mayor Messina announced a Study Session regarding Wastewater Inflow and Infiltration to be held on Tuesday, September 25, 2001 at 6:00 p.m. in the Commission Room.

APPOINTMENTS:

Mayor Messina announced the appointment of Akeiko Fukuda to the Youth Commission as a voting member of the Parks, Recreation and Cemetery Commission.

RESOLUTION NO. 01-155 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF AKEIKO FUKUDA TO THE YOUTH COMMISSION AS A VOTING MEMBER TO THE PARKS, RECREATION AND CEMETERY COMMISSION.

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

PRESENTATIONS:

BENICIA ARSENAL RESTORATION ADVISORY BOARD (RAB)

"Former Benicia Arsenal Ordnance and Explosive Project Update"

Dale Cross, Benicia Arsenal RAB Community Co-Chair and Bruce Handle, Project Manager, Army Corps of Engineers and RAB Co-Chair, made the presentation and gave an update on the status of the project; described by sector the amount and types of ordnance found; announced the safety and community workshops that will be held.

REPORT ON THE COMMUNITY ADVISORY PANEL (CAP)

Susan Irwin, CAP Chairperson, gave a summary of the panels activities; introduced the panel members; stated that more public input is needed.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda; Council Member Whitney requested that Item XIII-A, under New Business be moved prior to Communications.

On motion of Council Member Whitney, seconded by Council Member Corbaley, and unanimously carried, Agenda was adopted as amended, moving Item XIII-A, under New Business prior to Communications.

NEW BUSINESS:

RESOLUTION AFFIRMING CONDOLENCES, SOLIDARITY AND UNITY IN RESPONSE TO THE RECENT TERRORIST ATTACKS

Mayor Messina read the proposed Resolution into the record.

Council Member Whitney stated that he had requested that this Resolution be put on the Agenda to offer support and condolences to the victims and families of the Tuesday, September 11, 2001 attack; would like to amend the Resolution to included a statement about the fire and police personnel that were affected.

A coalition of the Benicia clergymen and one concerned citizen spoke on this item.

Council took the following action:

RESOLUTION NO. 01-156 - A RESOLUTION OFFERING CONDOLENCES TO THE VICTIMS AND FAMILIES OF THE RECENT TERRORIST ATTACKS AND ENCOURAGING SOLIDARITY WITH ALL UNITED STATES CITIZENS AND OUR GOVERNMENT AT THIS TIME OF CRISIS, AND UNITY OF SPIRIT AND RESOLVE AGAINST TERRORISM

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

Ayes: Council Member Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

COMMUNICATIONS:

WRITTEN COMMUNICATIONS:

PUBLIC COMMENT:

Bob Munch, 695 Knight Drive, spoke on the Benicia Emergency Response Teams (BERT) Program; contact Benicia Fire Department for more information.

Dan Smith, 365 Military East, thanked members of the Arsenal Task Force for submitting the Referendum petition; announced a Early Childhood Abuse Conference to be held on September 29, 2001; gave update on the X-Park.

Marilyn Bardet, 333 East K, expressed concerns about the closure of the East H Street fence during the recent wharf fire.

Jane Lauder, 176 West H Street, read a letter sent to Virgil Mustain, Public Works Director, regarding public right of way.

Council Member Gizzi expressed concern about the issue of ingress and egress of H Street and ownership rights of the City to access the area on a temporary or permanent basis; would like this subject to be placed on a future Agenda as soon as possible, but definitely before December.

Council Member Corbaley concurred with Council Member Gizzi; in addition would like the subjects of safety and police power for the area addressed.

CONSENT CALENDAR:

Mayor Messina asked if there were any additions or deletions to the Agenda.

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

Approval of Minutes of September 4, 2001.

Approval of Check Registers for August 2001.

Approval of the monthly investment reports for April through June 2001.

RESOLUTION NO. 01-157 - A RESOLUTION APPROVING A LEASE AGREEMENT FOR RENTAL AT 356 EAST I STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

RESOLUTION NO. 01-158 - A RESOLUTION VERIFYING 2001-2002 "MAINTENANCE OF EFFORT" AND DEFINITION OF PUBLIC SAFETY SERVICES IN COMPLIANCE WITH PROPOSITION 172 AND ASSEMBLY BILL 2788

RESOLUTION NO. 01-159 - A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE AN AGREEMENT ALLOWING PACIFIC BELL WIRELESS, LLC, dba CINGULAR WIRELESS TO LOCATE COMMUNICATION FACILITIES AT THE R-13 WATER RESERVOIR SITE LOCATED AT 257 ESSEX WAY AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE MEMORANDUM OF LEASE, SUBJECT TO APPROVAL BY THE CITY ATTORNEY, AND DIRECTING THE CITY CLERK TO RECORD THE MEMORANDUM OF LEASE

RESOLUTION NO. 01-160 - A RESOLUTION ACCEPTING THE CORPORATION YARD MATERIAL STORAGE BINS PROJECT, AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 01-161 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$31,168.50 TO RILEY'S STRIPING OF BENICIA FOR THE 2001 TRAFFIC STRIPING PROJECT AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

ORDINANCE NO. 01-9 - AN ORDINANCE ADDING A NEW CHAPTER 1.32 (CLAIMS FOR MONEY OR DAMAGES) TO TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

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

(END OF CONSENT CALENDAR)

REPORT FROM ACTING CITY MANAGER:

Karen Majors, Acting City Manager, announced that the dredging equipment was in place and that dredging of the Marina began at 7:15 p.m. (Tuesday, September 18, 2001); project will be completed on October 10, 2001; announced dredging hours.

Council Member Gizzi asked if the Side Agreement with the Benicia Harbor Corporation had been signed.

Karen Majors, Acting City Manager, stated the Agreement had been signed.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

TOURTELOT COMMUNITY ADVISORY GROUP (CAG)

Council Member Corbaley reported that both the RAP and the EIR had been issued on September 12, 2001; advised that there would be a 45 day Public Comment period ending October 29, 2001; announced dates and locations of meetings to be held.

MAYOR'S COMMITTEE MEETING

Mayor Messina reported on the on going effort to address the future of transportation and open space.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

No report given due to cancellation of the meeting.

SOLANO WATER AUTHORITY

No report given due to cancellation of the meeting.

SEDCORP BOARD OF DIRECTORS

No report given.

ARSENAL RESTORATION ADVISORY BOARD (RAB)

Council Member Whitney referred to the report presented earlier in the evening; stated that this will be a long-term project.

Council Member Whitney also commented on the need for funding for the Tri-City Open Space Project.

VALERO COMMUNITY ADVISORY PANEL (CAP)

Council Member Whitney referred to the report presented earlier in the evening.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou reported on the importance of transportation programs; gave a brief report on the Water Transit Authority ferry system; a possible partnership for a ferry with the City of Vallejo; need to be proactive on this issue.

AUDIT AND FINANCE COMMITTEE

Council Member Bidou stated that the citizen members of the committee had attended their first meeting.

YOUTH ACTION TASK FORCE

Council Member Bidou reported that work was continuing on the Youth Master Plan; the plan will not be completed for 12 to 16 months.

NEW BUSINESS:

RESOLUTIONS OF LOCAL SUPPORT FOR GRANT FUNDING FROM THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP)

INTERMODAL TRANSPORTATION STATION - \$1.225 MILLION FOR DESIGN AND CONSTRUCTION

WEST K STREET - \$154,000 FOR PAVING RESURFACING

Alan Nadritch, Finance Director, explained that the City was seeking grant funding for these projects.

Council took the following actions:

RESOLUTION NO. 01-162 - A RESOLUTION STATING LOCAL SUPPORT FOR GRANT FUNDING FROM THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) IN THE AMOUNT OF \$1.225 MILLION TOWARDS THE DESIGN AND ENGINEERING OF THE CITY OF BENICIA INTERMODAL TRANSPORTATION STATION

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

RESOLUTION NO. 01-163 - A RESOLUTION STATING LOCAL SUPPORT FOR GRANT FUNDING FROM THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) IN THE AMOUNT OF \$154,000 FOR THE CONSTRUCTION OF THE WEST K STREET OVERLAY PROJECT

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$100,000 FOR THE RANCHO BENICIA MOBILE HOME PARK SEWER REPLACEMENT PROJECT

Virgil Mustain, Public Works Director, explained this was an ongoing project to replace the old 33" sewer line in this area; change order is needed to pay for additional labor that was incurred when 8" rock was found below a large portion of the site.

Council took the following action:

RESOLUTION NO. 01-164 - A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO AUTHORIZE CHANGE ORDER NUMBER 4 IN THE AMOUNT OF \$100,000 FOR THE RANCHO BENICIA SANITARY SEWER REPLACEMENT PROJECT

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

RESOLUTION APPROVING THE PURCHASE OF ONE (1) MODEL YEAR 2001 FORD BUS FOR BENICIA TRANSIT IN THE AMOUNT OF \$58,769.91 (INCLUDING TAX)

Alan Nadritch, Finance Director, stated that this purchase will enable the City to keep the bus fleet as modern as possible; money is from the Transportation Fund not the General Fund.

Council took the following action:

RESOLUTION NO. 01-165 - A RESOLUTION ACCEPTING THE BIDS AND AWARDING THE PURCHASE OF ONE (1) MODEL YEAR 2001 'CUTAWAY' BUS FOR BENICIA TRANSIT TO EL DORADO BUS SALES

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

ADJOURNMENT:

Vice Mayor Bidou adjourned the meeting at 9:39 p.m.

Linda S. Purdy, City Clerk