

September 19, 2000

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
SEPTEMBER 19, 2000

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:31 p.m. Tuesday, September 19, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

PRESENTATIONS:

Mike Caplin, Co-Chair Person, Human Services Fund Board, thanked the Council for their continued support to the Human Services Fund Board; announced fund raising projects that will be held in the next few months.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda; proposed that Item X-B, the revisions of the Rules and Procedure for the Conduct of City Council Meetings be moved up prior to Communications and Public Comment.

On motion of Mayor Messina, seconded by Councilmember Bidou, and unanimously carried, Agenda was adopted as amended.

DISCUSSION REGARDING CONSIDERATION OF AMENDMENTS TO THE RULES OF
PROCEDURE FOR THE COMMUNICATIONS SECTION OF CITY COUNCIL MEETINGS

Mayor Messina stated he wanted to provide this opportunity to hear all comments on this item; received many comments from the public during this last two weeks; requested that the City Attorney explain the three options that are being presented this evening.

Heather Mc Laughlin, City Attorney, explained the differences between the three options that were proposed.

Three concerned citizens expressed their views.

Councilmember Whitney stated that he had done a survey by contacting the six other cities in Solano County; read the results of the survey; supports Option C.

Councilmember Gizzi supports Option C; would like the Council to take a look at the five minute limitation set for speakers; consider a shorter amount of time which could make speakers more

focused; questioned when the appropriate time for a Councilmember to see if there was any interest on the part of the Council to put an item on the agenda for future consideration.

Councilmember Corbaley thanked Councilmember Whitney for the information provided in his survey; supports Option C; hesitant to change the long standing practice of allowing the public five minutes to speak; Public Comment applies to all including Councilmembers.

Councilmember Bidou supports Option C; urged the public to contact the Councilmembers prior to the meeting if they have any items of concern.

Motion made by Councilmember Gizzi, seconded by Councilmember Bidou, to adopt Option C, limiting to one time, at the option of the speaker, to speak on an item, cards to continue to be suggested, and with the normal time limit to be adjusted to three minutes FAILED by the following vote:

Ayes: Councilmembers Bidou and Gizzi

Noes: Councilmembers Corbaley, Whitney and Mayor Messina

Councilmember Corbaley stated she would make the motion, amending it to state that the approval included Exhibit A as set forth in Option C.

Council took the following action:

RESOLUTION NO. 00-133 - A RESOLUTION ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS AS AMENDED

On motion of Councilmember Corbaley, seconded by Councilmember Whitney, the above Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

PUBLIC COMMENT

Cathy Hewitt, 266 East B Street, approves of the five minute time limit; spoke on students at Benicia High School not being given enough credit for going to the Rose Parade, Coastal Cleanup and the chance to have higher quality children's programs and nursery schools.

Councilmember Gizzi spoke on items for potential discussion for future meetings; the dangerous intersection 2nd Street opposite of Pappa's Restaurant.

Mayor Messina directed staff to look into this matter.

Councilmember Gizzi also spoke on criteria that determines what goes on Consent Calendar; suggested that it could be a dollar amount or categorically defined.

Councilmember Corbaley spoke on a recent news article regarding skateboarding; understands there is a petition to support improvements at our skateboard facility; asked that the Recreation Commission look into both sides of this issue.

Mayor Messina requested that Councilmember Gizzi discuss his concerns with the City Manager; look at other cities and see what they do.

Councilmember Gizzi spoke on the amount of the fine for first offenses for walking dogs without a leash.

Otto Giuliani, City Manager, clarified that the fine amounts are set by the County not the City.

Councilmember Bidou expressed concern about the Council doing work that should be handled at the staff level.

Mayor Messina clarified direction to staff; two items be brought back; one will be forward to staff at Parks.

CONSENT CALENDAR:

Mayor Messina stated he had a request from the audience to pull Item G; asked if there were any items to be pulled.

Councilmember Corbaley requested Items A and C be pulled.

Councilmembers Gizzi and Whitney requested Item D be pulled.

Councilmember Whitney requested Item F be pulled.

On motion of Councilmember Bidou, seconded by Councilmember Whitney, and unanimously carried, the following items were approved under the Consent Calendar:

RESOLUTION NO. 00-134 - A RESOLUTION OF INTENTION AMENDING THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE SECTION 21362.2 (3% @ 50 Full Formula) FOR LOCAL SAFETY MEMBERS; SECTION 21574 (FOURTH LEVEL 1959 SURVIVOR BENEFITS) FOR LOCAL FIRE MEMBERS; AND SECTION 21548 (PRE-RETIREMENT OPTIONAL SETTLEMENT 2 DEATH BENEFIT) FOR LOCAL POLICE MEMBERS ONLY

INTRODUCTION OF ORDINANCE NO. 00- - AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE SECTION 21362.2 (3% @ 50 FULL FORMULA) FOR LOCAL SAFETY MEMBERS; SECTION 21574 (FOURTH LEVEL 1959 SURVIVOR BENEFITS) FOR LOCAL FIRE MEMBERS; AND SECTION 212548 (PRE-RETIREMENT OPTIONAL SETTLEMENT 2 DEATH BENEFIT) FOR LOCAL POLICE MEMBERS ONLY

(Further consideration of the above Ordinance will be held Tuesday, October 17, 2000)

Agreement to pool the assets and liabilities of the 1959 Survivor Benefits.

RESOLUTION NO. 00-135 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

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

(END OF CONSENT CALENDAR)

MINUTES OF SEPTEMBER 5, 2000

Councilmember Corbaley requested this item be pulled from the Consent Calendar; requested a word change on page 4; and clarification and additional language for the comments on the formation of a separate Historic Preservation Commission.

Mayor Messina directed that the City Clerk be given the opportunity to go back and review the tapes before adoption of the minutes.

APPROVE PAYING AND REPORTING VALUE OF EMPLOYER-PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) FOR MIDDLE MANAGEMENT EMPLOYEES

Councilmember Corbaley requested this item be pulled from the Consent Calendar; asked for clarification of the benefit referenced on Page 5, C-1.

Otto Giuliani, City Manager, stated that this had to do with how the benefit was reported; opportunity to give a tax benefit to the employee.

Council took the following action:

RESOLUTION NO. 00-136 - A RESOLUTION APPROVING PAYING AND REPORTING THE VALUE OF EMPLOYER-PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) FOR MIDDLE MANAGEMENT EMPLOYEES

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

PURCHASE OF SEWER INSPECTION TELEVISION EQUIPMENT FROM 3T EQUIPMENT COMPANY

Councilmembers Gizzi and Whitney requested this item be pulled from the Consent Calendar.

Councilmember Whitney thanked Virgil Mustain, Public Works Director, for the comprehensive report.

Council took the following action:

RESOLUTION NO. 00-137 - A RESOLUTION APPROVING PURCHASE OF SEWER INSPECTION TELEVISION EQUIPMENT FROM 3T EQUIPMENT COMPANY, INC.

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

IDENTIFY CHIEF OF POLICE AS CITY OFFICIAL THAT MAY PLACE RESTRICTIONS UPON AN ALCOHOLIC BEVERAGE LICENSE

Councilmember Whitney requested this item be pulled from the Consent Calendar; asked for clarification on the appeal process and what type of restrictions can be placed on the license.

Jim Trimble, Chief of Police, clarified those restrictions.

Council took the following action:

RESOLUTION NO. 00-138 - A RESOLUTION TO IDENTIFY THE CHIEF OF POLICE AS THE CITY OFFICIAL THAT MAY PLACE RESTRICTIONS UPON AN ALCOHOLIC BEVERAGE LICENSE

On motion of Councilmember Whitney, seconded by Councilmember Corbaley, the above Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2000-2001 AND AUTHORIZING LIBRARY DIRECTOR TO SIGN DOCUMENTS

Cathy Hewitt, 266 East B Street, requested this item be pulled from the Consent Calendar; stated the importance of this program especially for those who do not use English as a first language.

Council took the following action:

RESOLUTION NO. 00-139 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2000-2001 AND AUTHORIZING LIBRARY DIRECTOR TO SIGN DOCUMENTS

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

COMMUNITY ADVISORY GROUP (CAG)

Councilmember Corbaley gave a report; September 15th meeting has been moved to September 27, 2000 because the Army Corps of Engineers advised that they would not have a decision on the issue of minimum safe distance until after the September 15th meeting.

MAYORS COMMITTEE MEETING

Mayor Messina gave a report; a discussion about a possible Skateboard Park in Fairfield or Dixon was held; this included some very high cost figures.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina gave a report; minutes available in the City Manager's Office; Suisun City has received authorization to build a new hotel on their Waterfront.

SEDCORP BOARD OF DIRECTORS

Councilmember Whitney stated he had been unable to attend the meeting due to his attendance at the League of California Cities Meeting.

SOLANO TRANSPORTATION AUTHORITY

Councilmember Bidou gave a report; a discussion of various forms of transportation and a possible joint venture was held.

AUDIT & FINANCE COMMITTEE

Councilmember Whitney gave a report; extended an invitation for the Public to attend these meetings which are held the Thursday prior to the Council Meetings in Conference Room 1 at 4:30 pm.

ARSENAL RESTORATION ADVISORY BOARD

Councilmember Whitney gave a report; a discussion of clean-up alternatives was held.

YOUTH ACTION TASK FORCE

Councilmembers Bidou gave report; stated that at the next meeting the focus would be on the Youth Master Plan; a report to the City Council and the School Board would be presented within the next six months.

Councilmember Corbaley questioned whether or not there was a member of the Council designated to be a representative on the Rose Drive CAG.

Mayor Messina confirmed that there was no one designated at this time.

NEW BUSINESS:

RENOVATION OF JAMES LEMOS SWIM CENTER

Otto Giuliani, City Manager, gave a report; explained the need for the request for additional funding; bids were greater than anticipated due to a delay in getting the plans back from the architect; requested the staff to see if they could lower the cost, but nothing on the list could be eliminated; none of the items are cosmetic.

Councilmember Bidou referred to Senate Bill 873 which provides restrictions for wading pools; expressed concern about the current condition of the restrooms.

Council took the following action:

RESOLUTION NO. 00-140 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR JAMES LEMOS MEMORIAL POOL RENOVATION PROJECT, INCLUDING ALTERNATE BID ITEMS A THROUGH G AND TO APPROPRIATE \$100,000 EACH FROM THE GENERAL FUND AND THE CAPITAL LICENSE FUND RESERVE AND REAPPROPRIATE \$75,000 FROM PARKS AND COMMUNITY SERVICES OPERATING BUDGET

On motion of Councilmember Corbaley, seconded by Councilmember Whitney, the above Resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:24 p.m.

Linda S. Purdy, City Clerk