

October 1, 2002

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
OCTOBER 1, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:15 p.m. Tuesday, October 1, 2002.

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 - Anticipated Litigation
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code).

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

COMMUNICATIONS ON CLOSED SESSION

WRITTEN:

PUBLIC COMMENT:

None

Mayor Messina and Otto Giuliani, City Manager, did not participate in this discussion due to Conflict of Interest. Council Member Bidou was absent.

Mayor Messina requested that Vice Mayor Campbell chair this portion of the meeting.

Adjourn to Closed Session at 7:17 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
OCTOBER 1, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:49 p.m. Tuesday, October 1, 2002, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Smith, Whitney and Mayor Messina

Absent: Council Member Bidou

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Vice Mayor Campbell announced action taken in Closed Session, as follows: Re: Conference with Legal Counsel - Anticipated Litigation - Marina Dredging - received an update from staff and by unanimous vote gave direction to staff to consult outside counsel.

Mayor Messina announced openings on the Planning Commission; Applications are available at the City Manager's office.

MARINA AREA STORM DRAIN PROJECT WORKSHOP

Mayor Messina announced that an informational workshop on the Marina Area Storm Drain Project would be held on October 8, 2002 from 7:00 p.m. to 9:00 p.m. in the Commission Room.

PRESENTATIONS:

ORDINANCE SAFETY PRESENTATION TO SCHOOLS

Mike Mitchener, Project Manager, Army Corp of Engineers, explained the school outreach program that will be presented to show students how to identify, retreat and report ordnance and explosives (OE) that might be found at the site of the former Benicia Arsenal.

Council Member Smith requested that Saint Dominic's School be included on the list of schools.

Mike Mitchener, Project Manager, stated that all schools in Benicia had been notified and some had not responded.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated that the two Proclamations on the Agenda would be continued until the October 15, 2002 meeting; requested adding, under Reports from City Manager, two items; a report on the drainage problem on East B Street and a report on EIR - Valero Improvement Project.

On motion of Council Member Whitney, seconded by Council Member Smith, Agenda was adopted, as amended, by the following vote:

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

Noes: None

Absent: Council Member Bidou

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Devon Hassett, 938 Tyler Street, Pacific Bay Homes Community Liaison, stated that the second withdrawal for the Tourtelot Clean-up would be next week; every effort had been made to notify residents who live within 200 feet of the site; a hospitality and business center will be provided to area residents during the withdrawal.

Council Member Whitney asked for clarification on arrangements for those that are disabled.

Devon Hassett, Pacific Bay Homes, stated that this was being handled on a case by case basis; urged those with special needs to contact Pacific Bay so that arrangements could be made. Council Member Dan Smith thanked the community for expressions of sympathy on the passing of his mother-in-law; congratulated winners of the Youth Activities Center Chess Tournament; urged members of the community to support the annual work to renovate the "Playground of Dreams"; read a passage from John Steinbeck's "Grapes of Wrath"; offered encouragement to the Angel's baseball team.

Vice Mayor Campbell stated that he had had a request from the Benicia Marina Homeowners Association to look into the water rates charged for landscape irrigation of their complex; water costs should be divided by all 69 units; senior rate not factored in.

CONSENT CALENDAR:

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

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

Check registers for August 2002

RESOLUTION NO. 02-158 - A RESOLUTION ACCEPTING THE MILITARY WEST LIGHTED CROSSWALK PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 02-159 - A RESOLUTION APPROVING THE SELECTION OF CALTEST ANALYTICAL LABORATORY TO PROVIDE TECHNICAL SERVICES TO COMPLETE THE ANALYTICAL PORTION OF THE BENICIA WASTEWATER TREATMENT PLANT'S LOCAL LIMIT EVALUATION AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$38,100

RESOLUTION NO. 02-160 - A RESOLUTION ACCEPTING THE JAMES LEMOS MEMORIAL POOL RENOVATION PROJECT IMPROVEMENTS, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

Authorization for the City Attorney to execute the agreement with Jones and Mayer for legal services

RESOLUTION NO. 02-161 - A RESOLUTION VERIFYING 2002-2003 "MAINTENANCE OF EFFORT" AND DEFINITION OF PUBLIC SAFETY SERVICES IN COMPLIANCE WITH PROPOSITION 172 AND ASSEMBLY BILL 2788

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

(END OF CONSENT CALENDAR)

Minutes of September 17, 2002

Council Member Smith requested this item be pulled from the Consent Calendar; he did not attend meeting and will abstain from voting on this item.

On motion of Council Member Whitney, seconded by Council Member Campbell, the Minutes of September 17, 2002 were approved by the following vote:

Ayes: Council Members Campbell, Whitney and Mayor Messina

Noes: None

Absent: Council Member Bidou

Abstain: Council Member Smith

Denial of Claim and referral to insurance carrier (Lucas Marine Construction) Mayor Messina requested this item be pulled from the Consent Calendar; stated that he had a Conflict of Interest.

On motion of Council Member Whitney, seconded by Council Member Campbell, Denial of Claim and referral to insurance carrier (Lucas Marine Construction) was approved by the following vote:

Ayes: Council Members Campbell, Smith and Whitney

Noes: None

Absent: Council Member Bidou

Abstain: Mayor Messina

RESOLUTION MODIFYING THE AGREEMENT WITH SOLANO COUNTY HABITAT FOR HUMANITY TO WAIVE FEES

Vice Mayor Campbell requested this item be pulled from the Consent Calendar; requested that this item be explained.

Karen Majors, Assistant City Manager, stated that this additional assistance was needed in order to complete the project; total contribution by the City for the two-unit project is \$18,901.26.

Council took the following action:

RESOLUTION NO. 02-162 - A RESOLUTION APPROVING THE AMENDMENT TO THE AGREEMENT WITH SOLANO COUNTY HABITAT FOR HUMANITY, INC. ADOPTED ON OCTOBER 17,2000

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

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

Noes: None

Absent: Council Member Bidou

RESOLUTION ACCEPTING THE MILITARY EAST STORM DRAIN PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

Council Member Smith requested this item be pulled from the Consent Calendar; stated that he had a Conflict of Interest.

Council took the following action:

RESOLUTION NO. 02-163 - A RESOLUTION ACCEPTING THE MILITARY EAST STORM DRAIN PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

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

Ayes: Council Member Campbell, Whitney, and Mayor Messina

Noes: None

Absent: Council Member Bidou

Abstain: Council Member Smith

REPORTS FROM CITY MANAGER:

DRAFT EIR - VALERO IMPROVEMENT PROJECT

Otto Giuliani, City Manager, added this item to the Agenda; stated that the Draft EIR for the Valero Improvement Project would be available in mid-October; a joint workshop for the City Council and Planning Commission will be held on October 22, 2002; on October 23, 2002 an open forum will be held for the public in the City Gymnasium.

EAST B STREET

Otto Giuliani, City Manager, added this item to the Agenda; stated that a diversion pump station had been placed at this site; this ditch has become clogged with dirt and debris; City has applied for the necessary permits to allow clean-up of the area; staff has been vacuuming up as much as of the debris as possible.

Vice Mayor Campbell asked when the permits would be received.

Otto Giuliani, City Manager, stated that hopefully the permits would be received within the next few weeks; Storm Drain Workshop would help to solve problems in this area.

Council Member Whitney asked if information requested at the last meeting by a citizen regarding acquisition of items at the Valero Refinery was available.

Otto Giuliani, City Manager, stated that due to changes in staff at the Refinery the information was not available; would continue to try to obtain this information.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:21 p.m.

Linda S. Purdy, City Clerk