

October 15, 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 15, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 6:31 p.m. Tuesday, October 15, 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)

1 Case

Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)

Names of Cases:

Remy v. City of Benicia

Gardyn v. City of Benicia

Vilarrassa v. City of Benicia

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

COMMUNICATIONS ON CLOSED SESSION:

WRITTEN:

PUBLIC COMMENT:

None

Adjourn to Closed Session at 6:33 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
OCTOBER 15, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:35 p.m. Tuesday, October 15, 2002, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session, as follows:

Re: Conference with Legal Counsel-Anticipated Litigation - Gave direction to staff.

Re: Remy v. City of Benicia - gave direction to staff to settle attorneys fees issue.

Re: Gardyn v. City of Benicia - gave direction to staff.

Re: Vilarrassa v. City of Benicia - gave direction to staff to hire appraiser.

EOC EXERCISE, THURSDAY, OCTOBER 24, 2002

Mayor Messina announced that the City of Benicia would conduct a test of the Emergency Response System on October 24, 2002; Benicia Fire and Police Departments, California Highway Patrol, National Guard, and the Valero Refining Company will participate; the training exercise will be held in the Benicia Industrial Park.

CITY COUNCIL WORKSHOP ON THE WATER FACILITIES IMPLEMENTATION PLAN

Mayor Messina announced that an information Workshop on the Water Facilities Implementation Plan would be held on October 30, 2002, from 7:00 p.m. to 9:00 p.m. in the Commission Room at City Hall; information will be provided on the program to update and improve the Water Treatment Plant and water distribution system.

SOLANO COUNTY BOARD OF SUPERVISORS TOBACCO MASTER SETTLEMENT AGREEMENT ADVISORY COMMITTEE

Mayor Messina announced that the Solano County Board of Supervisors was currently seeking applicants for this Committee; applicants should have some understanding of funding processes, financial planning for health and social service programs, preventive health care for indigent populations and reducing rates of tobacco, alcohol and other drug use.

HELEN PUTNAM AWARD

Mayor Messina announced that the City of Benicia received the "Helen Putnam Award of Excellence" during the annual League of California Cities 104th Annual Conference; the Award was in recognition for exceptional Intergovernmental Relations and Grassroots Advocacy for the Tourtelot Cleanup Project; thanked those that participated in this process.

APPOINTMENTS:

Mayor Messina stated that he had received a number of requests from members of the public to speak on this issue.

Nine concerned citizens spoke on this matter.

Vice Mayor Campbell expressed concerns about changing the members of the Planning Commission at this time; proposed a compromise that the reappointment be made and the Commissioner would serve until the three current major projects had been reviewed and then a new appointment could be made.

Council Member Smith endorsed the compromise presented by Vice Mayor Campbell; disappointed in the appointment process; this type of change would politicize the Commission appointment process in an unacceptable manner.

Mayor Messina clarified the process by which appointments are made; any Council Member or citizen can provide input or opinions; terms on Commissions are staggered; fresh perspectives are needed.

Mayor Messina announced the appointment of Nancy Cockerham to the Parks, Recreation and Cemetery Commission to fill a full term to September 17, 2006.

RESOLUTION NO. 02-164 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF NANCY COCKERHAM TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO FILL A FULL TERM TO SEPTEMBER 17, 2006

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

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

Noes: None

Mayor Messina announced the appointment of Cristina Rowe as Youth Commission Representative to the Parks, Recreation and Cemetery Commission.

RESOLUTION NO. 02-165 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CRISTINA ROWE AS YOUTH COMMISSION REPRESENTATIVE 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, Campbell, Smith, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the appointment of Nancy Martinez to the Planning Commission to fill a full term to October 7, 2006.

RESOLUTION NO. 02- 166 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF NANCY MARTINEZ TO THE PLANNING COMMISSION TO FILL A FULL TERM TO OCTOBER 7, 2006

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

Ayes: Council Members Bidou, Whitney and Mayor Messina

Noes: Council Members Campbell and Smith

Mayor Messina announced the reappointment of Alan Schwartzman to the Planning Commission to fill a full term to October 7, 2006.

RESOLUTION NO. 02-167 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ALAN SCHWARTZMAN TO THE PLANNING COMMISSION TO FILL A FULL TERM TO OCTOBER 7, 2006

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina
Noes: None

PRESENTATIONS:

DOWNTOWN MARKET FEASIBILITY STUDY

Mike Ioakimedes, Chairperson, Economic Development Board and Janet Smith-Heimer, Bay Area Economics, made the presentation; gave an overview and synopsis of the study.

Council Member Smith stated that the report did not mention Heritage Tourism; suggested the possible use of a billboard on Highway 80.

One concerned citizen spoke on this matter.

PROCLAMATIONS:

GRAPES OF WRATH MONTH, OCTOBER 2002

Mayor Messina read the Proclamation; accepted by Fran Martinez-Coyne, Reference Librarian.

TEEN READ WEEK, OCTOBER 12-19, 2002

Mayor Messina read the Proclamation; accepted by Kate Brown, Young Adult Librarian.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Jackie Benson, 664 Hubbs Court, supports keeping the pool open longer; questioned whether or not pool could be open all year if additional funds were generated.

Donnell Rubay, 175 West H Street, stated that the Mills Act is a valuable tool to help buyers of old properties; proposed program has too many restrictions and needs to be modified to make it practical.

Marilyn Bardet, 333 East K Street, apologized for speaking earlier about the Helen Putnam Award.

Chris Strawbridge, Benicia Main Street, announced the Wedding Showcase, Sunday, October 20, 2002, from 11:00 a.m. to 4:00 p.m.

J. B. Davis, 385 West K Street, requested that Item XIV - Council Requests for New Agenda Items- be continued to the next meeting; questioned when the Capital Improvement Plan became a "list".

Jon Von Landshoot, 175 West H Street, encouraged people to attend meeting on the Downtown Market Feasibility Study; suggested having a plaque or certificate of appreciation for those that worked on the Tourtelot Clean-up.

Patrick Ward, 230 West K Street, stated that the Mills Act uses tax incentives to help people maintain small town character; proposed Resolution is onerous and financially risky; put faith in the historic property owner.

Vice Mayor Campbell encouraged the public to attend the Workshop on the Urban Growth Boundary to be held on October 22, 2002.

CONSENT CALENDAR:

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

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

Minutes of October 1, 2002 and October 8, 2002

RESOLUTION NO. 02-168 - A RESOLUTION APPROVING THE REVISED JOB DESCRIPTIONS FOR THE CLASSIFICATION SERIES OF LABORATORY TECHNICIAN

RESOLUTION NO. 02-169 - A RESOLUTION AUTHORIZING A CORRECTION TO THE AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BENICIA

RESOLUTION NO. 02-170 - A RESOLUTION ACCEPTING A GRANT DEED FROM THE BENICIA UNIFIED SCHOOL DISTRICT FOR PROPERTY TO ACCOMMODATE TWO NEW CUL-DE-SACS ON EAST K STREET AND AUTHORIZING THE CITY CLERK TO RECORD THE GRANT DEED

RESOLUTION NO. 02-171 - A RESOLUTION GRANTING VACATED EAST K STREET RIGHT-OF-WAY TO THE BENICIA UNIFIED SCHOOL DISTRICT, AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT DEED ON BEHALF OF THE CITY, AND AUTHORIZING THE CITY CLERK TO RECORD THE GRANT DEED

RESOLUTION NO. 02-172 - A RESOLUTION ACCEPTING VARIOUS EASEMENTS AT THE BLAKE COURT SITE

RESOLUTION NO. 02-173 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A QUITCLAIM DEED TO GRANITE MANAGEMENT CORPORATION, ON BEHALF OF THE CITY FOR THE PREVIOUSLY VACATED BLAKE COURT RIGHT-OF-WAY

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

(END OF CONSENT CALENDAR)

Denial of claim and referral to insurance carrier (Tuite)

Vice Mayor Campbell requested that this item be pulled from the Consent Calendar; stated he would abstain from voting on this item due to Conflict of Interest.

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

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

Noes: None

Abstain: Council Member Campbell

RESOLUTION AWARDING THE CONTRACT TO JONES AND STOKES TO PREPARE ENVIRONMENTAL STUDIES AND DOCUMENTATION FOR THE INTERMODAL TRAIN STATION PROJECT

Council Member Smith requested this item be pulled from the Consent Calendar; stated he did not have enough information on this item to vote on it.

Mayor Messina asked Council Member Smith, if assurances could be given that this item was in no way related to housing on the site, if a vote could be taken.

Council Member Bidou and Karen Majors, Assistant City Manager, affirmed that there were no housing proposals in the project description; this project is for environmental studies only. Council took the following action:

RESOLUTION NO. 02-174 - A RESOLUTION AWARDING THE CONTRACT TO JONES AND STOKES TO PREPARE ENVIRONMENTAL STUDIES AND DOCUMENTATION PURSUANT TO CEQA AND NEPA AT AN AMOUNT NOT TO EXCEED \$321,304.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

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

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

Noes: Council Member Campbell

APPROVAL OF AN AGREEMENT WITH MEYERS NAVE FOR LEGAL SERVICES RELATED TO THE MARINA

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not participate in this discussion due to Conflict of Interest. Vice Mayor Campbell chaired this portion of the meeting.

Heather McLaughlin, City Attorney, stated that it was necessary to engage a law firm to maintain a high level of quality legal services, with expertise in Marina related issues, that are facing the City; contract will exceed \$25,000 due to possible litigation.

Vice Mayor Campbell questioned the amount of the contract; requested a monthly update on the costs.

On motion of Council Member Smith, seconded by Council Member Whitney, Approval of an Agreement with Meyers Nave for Legal Services Related to the Marina was approved by the following vote:

Ayes: Council Members Campbell, Smith and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

Mayor Messina called for a break at 9:52 p.m.

Mayor Messina reconvened the meeting at 9:55 p.m.

PUBLIC HEARINGS:

RESOLUTION AWARDING U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, LOCAL LAW ENFORCEMENT BLOCK GRANT

Otto Giuliani, City Manager, stated that this Grant is awarded on an annual basis; some matching funds are required; monies received would be used to resume the bicycle patrol program.

Vice Mayor Campbell questioned the cost of the bicycles to be purchased for this program.

Jim Trimble, Police Chief, stated that the bicycles were specially designed for this purpose. Mayor Messina opened the Public Hearing. No written protests received. Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 02-175 - A RESOLUTION ACKNOWLEDGING AWARD OF U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS-LOCAL LAW ENFORCEMENT BLOCK GRANT WHICH LISTS USES OF MONEY WHICH HAVE BEEN REVIEWED BY THE LOCAL LAW ENFORCEMENT ADVISORY BOARD AT THE COUNTY LEVEL AND APPROVING THE EXPENDITURE OF \$1,179 FROM THE ASSET SEIZURE FUND FOR THE MATCH FUND

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

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

Noes: None

RESOLUTION APPROVING THE USE OF SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND AB 3229 CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)

Otto Giuliani, City Manager, stated that this was an annual funding opportunity; funding provides one additional police officer and partial funding for another.

Mayor Messina opened the Public Hearing. No written protests received.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 02-176 - A RESOLUTION AUTHORIZING THE EXPENDITURES OF THE SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND CREATED BY ASSEMBLY BILL 3229

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

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

Noes: None

RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY FOR THE INFLOW/INFILTRATION (I/I) IMPROVEMEND PROJECT

RESOLUTION APPROVING THE FINAL DESIGN FOR THE INFLOW/INFILTRATION IMPROVEMENT PROJECT

Otto Giuliani, City Manager, explained the problems created by storm-water run off on the existing sewer pipeline system; most cost effective solution is to build a 3-mile relief sewer pipeline across the City to convey peak wet weather flow at the cost of \$11 million; a neighborhood meeting and Council Workshop have been held; funding has been applied for through a State Revolving Loan.

Mayor Messina opened the Public Hearing. Legal Notice was given. No written protests received.

Mayor Messina closed the Public Hearing.

Vice Mayor Campbell questioned what effect this loan would have on the General Fund.

Otto Giuliani, City Manager, stated that there would be no effect on the General Fund; Loan would be paid back through the Wastewater Enterprise Fund.

Council took the following actions:

RESOLUTION NO. 02-177 - A RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY FOR THE INFLOW/INFILTRATION IMPROVEMENT PROJECT

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

RESOLUTION NO. 02-178 - A RESOLUTION APPROVING THE FINAL DESIGN FOR THE INFLOW/INFILTRATION IMPROVEMENT PROJECT

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

INTRODUCTION AND FIRST READING OF ORDINANCES AMENDING THE BENICIA MUNICIPAL CODE

ORDINANCE AMENDING OR ADDING VARIOUS CHAPTERS OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE BENICIA MUNICIPAL CODE AND PROVIDING FOR CERTAIN AMENDMENTS REQUIRED TO ADDRESS LOCAL CONDITIONS

ORDINANCE AMENDING CHAPTER 8.28, FIRE PREVENTION AND LIFE SAFETY CODE, TITLE 8, HEALTH & SAFETY, OF THE BENICIA MUNICIPAL CODE BY ADOPTING THE 2001 CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION

Otto Giuliani, City Manager, stated that these changes are an annual requirement to bring the Codes into State compliance.

Council Member Smith questioned the use of a misdemeanor penalty for code violations.

Otto Giuliani, City Manager, clarified that health and safety violations warrant the use of a misdemeanor penalty.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received.

Mayor Messina closed the Public Hearing.

Council took the following actions:

INTRODUCTION OF ORDINANCE - 02- - AN ORDINANCE AMENDING OR ADDING VARIOUS CHAPTERS OF TITLE 15 BUILDINGS AND CONSTRUCTION AND PROVIDING FOR CERTAIN AMENDMENTS REQUIRED TO ADDRESS LOCAL CONDITIONS

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

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

Noes: None

INTRODUCTION OF ORDINANCE - 02 - - AN ORDINANCE ADOPTING THE 2001 CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS ESTABLISHING A DIVISION OF FIRE AND LIFE SAFETY AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES BY AMENDING CHAPTER 8.28, FIRE PREVENTION AND LIFE SAFETY CODE, TITLE 8, HEALTH AND SAFETY, OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

(Further consideration of the above Ordinances will be held at the next Council Meeting.)

RESOLUTION APPROVING THE IMPLEMENTATION OF THE MILLS ACT PROGRAM

Otto Giuliani, City Manager, stated that the Historic Preservation Commission had reviewed the Mills Act Program; Commission recommended approval of a categorical exemption under CEQA and the establishment of the Mills Act Program.

Toni Haughey, Chairperson, Historic Preservation Commission, reviewed steps taken by the Commission during the last 1-½ years; extensive research done, workshops and meetings held; this proposal was given a unanimous approval by the Commission.

Council Member Smith questioned the amount of penalty to be charged if there was a breach of the contract and the usage of a timeline; concerns presented by Mr. Ward are legitimate.

Colette Meunier, Community Development Director, suggested that the Council consider amendments that would not penalize a good faith effort; interest rate comes from State law; penalty would come after a review from Council. Mayor Messina opened the Public Hearing. Legal Notice was given. No written protests were received.

The following persons spoke:

Patrick Ward, 230 West K Street, expressed concerns about the use of a time line of projects; suggested that a list of "goals" be substituted; contract should be renewable with more flexibility; add clause that creates a "bright line" determination as to whether or not the homeowner is making a good faith effort.

Jon Von Landshoot, 175 West H Street, stated that this contract should go with the home if it is sold; need some assurances for a good faith effort.

J.B. Davis, 385 West K Street, request made by Mr. Ward is reasonable; ability to show good faith should be the standard.

Mayor Messina closed the Public Hearing.

Vice Mayor Campbell suggested adding a "good faith clause"; set a limit of \$10,000 and review in a year.

Council Member Whitney suggested sending this back to the Historic Preservation Commission to review areas that had been discussed; penalty should not be onerous, but homeowner should be responsible for tracking receipts and showing what has been accomplished; should be written so that it encourages as many homeowners as possible.

Mayor Messina stated that there was a need for a mechanism to make sure the funds were going to be used for Historic Preservation and not household upgrades.

Council Member Smith stated the need to encourage this useful act; Ordinance should be flexible and should set goals, not a timeline; send back to the Commission for review.

Council Member Bidou commended the Commission for their work; should not be wordsmithed; cannot be a free tax benefit for a few citizens; contract should be site specific.

Toni Haughey, Chairperson, Historic Preservation Commission, requested that the Commission be allowed to review the changes suggested; talk with concerned citizens and bring this item back to the Council.

Consensus of the Council was to send this item back to the Historic Preservation Commission for review and changes.

REPORTS FROM CITY MANAGER:

MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, stated that \$45.00 had been received from the sale of calendars.

RECOMMENDATION FROM THE PARKS, RECREATION AND CEMETERY COMMISSION TO EXTEND THE SWIM SEASON AT THE JAMES LEMOS SWIM CENTER

Dan Moitoza, Chairperson, Parks, Recreation and Cemetery Commission, reviewed the study taken to determine the cost of extending the swim season; Commission recommends extending the season to ten months from February to November; monitoring of costs will be done on a month to month basis.

Mike Alvarez, Parks and Community Services Director, stated that there would be limited hours of usage in the colder months; hours determined by usage and demands of swim clubs and lap swimmers; policy for residents and non-residents was determined by past City Councils.

Consensus of the Council was to accept the recommendation of the Parks, Recreation and Cemetery Commission to extend the swim season to ten months.

On motion of Council Member Smith, seconded by Council Member Whitney and unanimously carried, to extend meeting past 11:30 p.m.

RECOMMENDATION THE CITY COUNCIL VOTE BY MINUTE ACTION TO FUND THE X-PARK AS A THE FISCAL YEAR FUNDED PROJECT

Otto Giuliani, City Manager, stated that staff had reviewed and validated all cost projections for this project; shortfall of \$350,000; recommended that the Council allocate not more than \$100,000 per year to be put in a sinking fund for construction starting in Fiscal Year 2004-05; minute action does not bind the Council but makes a political statement of commitment.

Two concerned citizens spoke on this item.

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously carried, Minute action to fund the X-Park for three years, not to exceed \$100,000 per year.

REPORTS FROM CITY COUNCIL COMMITTEES: BI-MONTHLY COMMITTEE REPORTS

MAYORS' COMMITTEE MEETING

Mayor Messina stated that a discussion would be held on the subject of Public Information and Documents; streamlining of the process and training would be held county wide; next meeting will be held on October 16, 2002.

ARSENAL RESTORATION ADVISORY BOARD (RAB)

No report given.

AUDIT & FINANCE COMMITTEE

Vice Mayor Campbell reported that the Committee would hear a speaker on Redevelopment at the next meeting.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated that two important topics were coming up for discussion - non-point source pollution of the Bay and the Seaport Plan.

NORTHERN AREA OPEN SPACE

Mayor Messina showed a picture of the King Ranch that was acquired by the Solano Land Trust that was presented to the City; thanked those that supported the project; Council Member Whitney reported that the possible focus and direction of the Sky Valley-Cordelia Hills Open Space Committee was to create funding for a future Regional Park System.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney reminded the community that on Thursday, October 17, 2002 a bus tour of the Valero Refinery, with a focus on the Valero Improvement Project, would be held; tour is open to the public; next regular meeting would be held on November 14, 2002.

Vice Mayor Campbell referred to questions asked previously by a citizen; would like the answers put in layman's terminology.

SCHOOL DISTRICT LIAISON

Council Member Bidou stated that at the last meeting an update had been given on the High School tennis courts and sharing of services.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou reported that the Benicia/Martinez Bridge would be delayed by one year; Carquinez Bridge is currently on schedule.

SEDCORP BOARD OF DIRECTORS

No report given.

YOUTH ACTION TASK FORCE

Council Member Smith stated that a discussion was held on Integrated Family Support Initiative, a muted disciplinary approach to issues; additional discussions were held on the reduction of alcohol and tobacco usage.

Mayor Messina called for a break at 12:16 a.m.

Mayor Messina reconvened the meeting at 12:29 a.m.

UNFINISHED BUSINESS:

REPORT FROM CITY COUNCIL COMPENSATION COMMITTEE:

RESOLUTION APPROVING AN INCREASE IN PAY FOR THE CITY ATTORNEY

Mayor Messina stated that a sub-committee consisting of himself and Council Member Smith had looked into this issue; a salary survey had been done; last increase in compensation had been in January, 2001; proposed a 7.92% increase plus a 2.5% COLA in January, 2003.

Council Member Smith stated that he was not comfortable with paying the average; all cities surveyed had larger populations; proposed taking the increase to 2.71% plus the COLA, which would bring the increase to ½ of the survey average.

Council Member Bidou supported bringing the salary up to the average of the surveyed cities.

Council Member Whitney endorsed the Mayor's proposal.

Council took the following action:

RESOLUTION NO. 02-179 - A RESOLUTION APPROVING AN INCREASE IN THE COMPENSATION FOR THE CITY ATTORNEY PURSUANT TO SECTION 4 OF THE EMPLOYMENT AGREEMENT FOR THE CITY ATTORNEY

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

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

Noes: Council Member Smith

MARINA DREDGING REPORT

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not participate in this discussion due to Conflict of Interest. Vice Mayor Campbell chaired this portion of the meeting.

Karen Majors, Assistant City Manager, reported that the Benicia Harbor Corporation was making good progress with the dredging; dredging was now being done 4 days per week and 10 hours per day; at current production rate it was anticipated that the dredging would be completed on time.

COUNCIL REQUEST FOR NEW AGENDA ITEMS:

TWENTY (20) YEAR CAPITAL IMPROVEMENT LIST

Council Member Smith requested that this item be placed on the Agenda for discussion; stated that it was not responsible to review the new Police Station without reconstructing this Plan; showed a graphic of a shortfall of funds by years 2006-2011 of \$115 million.

Otto Giuliani, City Manager, stated that this list should be the first priority of the new City Manager; Plan is a working document that is always changing with no legal requirements; Capital Improvements within the budget have a legal requirement.

Mayor Messina clarified that the discussion to be held on the Police Station was about concept, not funding.

Council Member Smith stated that the document (Capital Improvement Plan) should be updated; concerned about the size and scale of the proposed Police Department; once approved commitment has been made.

Council Member Bidou stated that the process should move ahead for the review of the Police Station; wait for the new City Manager to review and revise the Capital Improvement Plan.

Consensus of the Council was to wait until the new City Manager has been hired and then bring the Capital Improvement Plan forward for review.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 1:05 a.m.

Linda S. Purdy, City Clerk