

October 16, 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  
REGULAR MEETING - CITY COUNCIL  
OCTOBER 16, 2001

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 6:55 p.m. Tuesday, October 16, 2001.

CITY CLERK ANNOUNCEMENT OF CLOSED SESSION

Gina D. Eleccion, Sr. Administration 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

Threat to Public Services or Facilities  
(Consultation with: Police Chief pursuant to Government Code Section 54957)

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

No Public Comment was made.

Adjournment to Closed Session at 6:56 p.m.

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

MINUTES OF THE  
REGULAR MEETING - CITY COUNCIL  
OCTOBER 16, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Messina at 7:50 p.m. Tuesday, October 16, 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.

ANNOUNCEMENTS:

Mayor Messina announced that the Police Chief, Fire Chief and Public Works Director were present during the Closed Session to discuss specific security measures and the emergency response capabilities of the City; Council remains united in their efforts to ensure a safe community; the City has established an adequate security plan.

**ADOPTION OF AGENDA:**

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

Otto Giuliani, City Manager, requested Item IX-C - Report on Open Space be continued to a future meeting.

On motion of Council Member Corbaley, seconded by Council Member Whitney, and unanimously carried, Agenda was adopted as amended, continuing Item IX-C to a future meeting.

**COMMUNICATIONS:**

**WRITTEN:**

**PUBLIC COMMENT:**

Dan Smith, 365 Military East, spoke on the 3rd Annual Solano County Child Abuse Awards Banquet honoring Benicia School Psychologist Keith Jordan and Benicia Police Officer Rick Gomes for their work with abused children.

Council Member Whitney welcomed Otto Giuliani, City Manager, back from his vacation. Bill Tanner, Valero Refinery spokesperson, presented a donation of \$40,000 to Bob Munch, President, X-Park Committee.

Bob Munch, 695 Knight Drive, thanked Valero for its donation and spoke about the four objectives of the X-Park Committee and the timeline of the project.

Council Member Gizzi thanked the members of the Historical Preservation and Parks Commissions for their work and excellent presentations during the Historic Cemetery Tour.

**CONSENT CALENDAR:**

Mayor Messina asked if there were any items to be pulled.

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

Approval of Minutes of October 2, 2001.

**RESOLUTION NO. 01- 169 - A RESOLUTION ACCEPTING A GRANT DEED OF EASEMENT FOR A PUBLIC SEWER AND STORM DRAIN LINE AT 225 ST. AUGUSTINE AND AUTHORIZING THE CITY CLERK TO RECORD THE EASEMENT WITH THE SOLANO COUNTY RECORDER'S OFFICE**

**RESOLUTION NO. 01- 170 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUPPORTING THE EXPENDITURE OF FUNDS AWARDED BY THE STATE CONTROLLER'S OFFICE FOR CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP)**

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

(END OF CONSENT CALENDAR)

**PUBLIC HEARINGS:**

**INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING A REZONING FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT DISTRICT TO ALLOW TWO RESIDENCES ON TWO SEPARATE LOTS AT 601 EAST L STREET**

John Bunch, Planning Director, gave a report; project proposed is to construct two single-family dwelling units on the parcel; project has received unanimous approval from both the Design Review and Planning Commissions.

Gene Dalaba, Developer, gave a history of the project; stated that the high cost of the permit process determined what was economically feasible on this site.

Mayor Messina opened the Public Hearing.

The following person spoke:

James O. Milburn, 280 East J Street, supports the project; read his comments on Planned Development.

Mayor Messina closed the Public Hearing.

Council Member Gizzi requested clarification on current and past zoning.

John Bunch, Planning Director, stated that this parcel has been zoned Medium Density.

Mayor Messina asked if it would be correct to consider Planned Development downzoning.

John Bunch, Planning Director, confirmed that statement.

Council took the following action:

**ORDINANCE NO. 01- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A ZONE CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT DISTRICT AT 601 EAST L STREET**

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

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

Noes: None

**REPORTS FROM CITY MANAGER:**

**BUDGET STATUS REPORT**

Mayor Messina stated that he had received numerous phone calls questioning the status of the City's finances.

Otto Giuliani, City Manager, gave a report; explained that certain funds had been transferred from the General Fund to a savings account for future use in the construction of the Police Department and Intermodal Train Station; these funds were still there and earning interest; the budget was sound and not in deficit spending.

**FERRY SERVICE STATUS REPORT**

Otto Giuliani, City Manager, reaffirmed the Council's direction to staff that ferry service is a number one priority; will require considerable financial resources; the City is pursuing acquisition of additional property; the site at East 5th Street appears to be an ideal location for parking.

#### EMERGENCY PREPAREDNESS UPDATE

Jim Trimble, Police Chief, Ken Hanley, Fire Chief, and Virgil Mustain, Public Works Director, reported on the steps that each of their respective departments have taken to provide for the safety of the community.

Council Member Gizzi complimented Karen Majors, Assistant City Manager, for her performance as Acting City Manager during the absence of Otto Giuliani, City Manager.

#### REPORTS FROM ASSISTANT CITY MANAGER:

##### MARINA DREDGING STATUS REPORT

Karen Majors, Assistant City Manager, gave a report on the status of the dredging at the Benicia Marina; as of October 13, 2001, 26,000 cubic yards have been dredged; the dredging company has been given formal notice that they must be out of the Marina by October 19, 2001; it was anticipated that the Benicia Harbor Corporation would obtain their permit to dredge from the Army Corps of Engineers by the end of the week and will have forty-one (41) days to complete their portion of the project; dredging of the Marina will be an annual project and the City is preparing to apply for next years permit.

##### MARINA STORM DRAIN STATUS REPORT

Karen Majors, Assistant City Manager, stated that the report on this item will be given by Virgil Mustain, Public Works Director.

Virgil Mustain, Public Works Director, stated that the Dry Weather Flow project is operational, but is only a temporary fix; heavy rain will cause the flow to empty into the Marina.

Council Member Gizzi questioned whether or not the flapper had been installed.

Virgil Mustain, Public Works Director, stated that the manual gate had been installed, but that the flapper, which would require electricity, had not been installed; described the operation of the interim Storm Drain.

#### REPORTS FROM CITY COUNCIL COMMITTEES:

##### BI-MONTHLY COMMITTEE REPORTS

##### TOURTELOT COMMUNITY ADVISORY GROUP (CAG)

Council Member Corbaley reported that drafts of the Remedial Action Plan (RAP) and Environmental Impact Report (EIR) have been completed; review period is still open for public comment; citizens should contact the City Attorney's office, the Library, or members of the CAG for information; the cleanup should begin in December and is very similar to what was proposed originally; next CAG meeting will be November 14, 2001.

Council Member Corbaley requested an acknowledgement of those community members involved in the CAG be placed on the Agenda for November 6, 2001.

#### MAYORS' COMMITTEE MEETING

Mayor Messina reported that the Committee continues to focus on the cooperation of the cities in the County; discussions regarding Open Space and Transportation are being held.

#### BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated that there was a tour of the Suisun Marsh areas; Minutes are available in the City Manager's office.

#### SOLANO WATER AUTHORITY

Mayor Messina reported that security would be major topic at the next meeting.

#### SEDCORP BOARD OF DIRECTORS

Council Member Whitney stated that the SEDCORP Director has resigned and a replacement has not been announced.

#### AUDIT & FINANCE COMMITTEE

No report was given as the budget was discussed earlier; Council Members Bidou and Whitney both commented on the benefits of the Citizens Audit Committee.

#### ARSENAL RESTORATION ADVISORY BOARD

Council Member Whitney stated that a meeting had not been held; commented on the quantity of ordnance that was found and destroyed.

#### VALERO COMMUNITY ADVISORY PANEL (CAP)

Council Member Whitney stated that a meeting had not been held.

Council Member Whitney also reported on the Tri-City County Open Space Committee meeting which was an opportunity for the Committee to meet with the Solano Transportation Authority.

#### SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou gave a report on the Ferry System and the cooperation of the City of Vallejo; Minutes from the last meeting are available at the City Manager's office.

#### YOUTH ACTION TASK FORCE

Council Member Bidou stated that an office has been set up for the Director; meetings are held regularly to discuss the Youth Master Plan.

#### ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:30 p.m.

Linda S. Purdy, City Clerk