

October 19, 1999

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 19, 1999

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:33 p.m. Tuesday, October 19, 1999, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Hayes led the pledge to the flag.

ANNOUNCEMENT

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

Benicia Industries v. City of Benicia - received a status update from the City Attorney.

Winterhawk v. City of Benicia - (1) directed staff to continue negotiations with representatives of Legal Services; (2) directed staff to cease the process for the proposed rezoning of any open space and any historic Arsenal parcels for compliance with the Winterhawk Stipulated Settlement Agreement.

PRESENTATIONS:

SOLANO ECONOMIC DEVELOPMENT CORPORATION (SEDCORP)

Mary McCarthy, Executive Director, gave a presentation describing the goals of SEDCORP; marketing that attracts companies to Solano County providing capital investments and quality jobs. Representatives from City of Benicia are Councilman Gizzi and Rob Braulik, Economic Development Director.

ADOPTION OF AGENDA:

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

On motion of Councilmember Gizzi, seconded by Councilmember Corbaley, and unanimously carried, Agenda was adopted as presented.

CONSENT CALENDAR:

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

Mayor Hayes and Councilmember Messina requested Item C be pulled.

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

Minutes of October 5, 1999.

Check Registers for September 1999.

RESOLUTION NO. 99-129 - A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR FACILITY MAINTENANCE IMPROVEMENTS FOR THE BENICIA STATE CAPITOL HISTORIC PARK

RESOLUTION NO. 99-130 - A RESOLUTION AUTHORIZING CITY TO PURCHASE SOFTWARE, HARDWARE, INSTALLATION AND CONFIGURATION SERVICES FROM A COMBINATION OF THREE VENDORS, RYNO TECHNOLOGY, SSP DATA PRODUCTS AND COMPUCOM, FOR TOTAL AMOUNT OF \$108,838.23 FOR THIN-CLIENT NETWORK SYSTEM

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

(END OF CONSENT CALENDAR)

CARQUINEZ STRAIT RESOURCE PLAN

Mayor Hayes and Councilmember Messina requested this item be pulled from the Consent Calendar; thanked the many members of the community who helped.

Councilmember Corbaley gave special thanks to Michael Alvarez, Parks and Community Services Director.

Council took the following action:

RESOLUTION NO. 99-131 - A RESOLUTION APPROVING THE CARQUINEZ STRAIT RESOURCE PLAN

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

Ayes: Councilmembers Corbaley, Cox-Golovich, Gizzi, Messina and Mayor Hayes

Noes: None

REPORTS FROM CITY MANAGER RE: BROWN ACT

Otto Giuliani, City Manager, gave a report; staff sought outside counsel to look into this matter. An oral report was received conveying that no violations of the Brown Act had occurred; a written report will be forthcoming.

Councilmember Cox-Golovich requested her questions in reference to the Rose Drive/Tourtlot Committee be submitted to the Attorney General; outside counsel was given incorrect facts.

Heather McLaughlin, City Attorney, stated that Paul Anderson, Attorney, was given the file and will be speaking to the members of the Council that are involved.

Mayor Hayes stated that the application of the Brown Act is a subjective process; very poorly written; would not support going to the Attorney General.

A concerned citizen mentioned Brown Act violations of various commissions and boards.

Councilmember Gizzi requested that any specific violations of the Brown Act be brought to his attention.

Councilmember Messina stated the Council should follow the letter of the law and that Councilmember Cox-Golovich should pursue her questions with the Attorney General.

REPORTS FROM CITY COUNCIL COMMITTEES:

REPORT FROM ROSE DRIVE/ARSENAL COMMITTEE (MAYOR HAYES AND COUNCILMEMBER CORBALEY)

Mayor Hayes stated that Selection Committee was chosen at last meeting for CAG; they have had one organizational meeting to talk about the process and criteria (per the statute); next meeting to be held on October 25, 1999. DTSC will hold their next informational meeting in the Library on October 27, 1999.

Several questions were asked by Councilmember Cox-Golovich.

Mayor Hayes, Heather McLaughlin, City Attorney, and John Bunch, Planning Director, responded.

UNFINISHED BUSINESS:

REPORT FROM COUNCILMEMBER MESSINA AND CITY ATTORNEY HEATHER MC LAUGHLIN RE: OPEN SPACE RESOLUTION

Councilmember Messina stated he had a discussion with City Attorney regarding 1) City owned open space, 2) privately owned open space, 3) allowable uses, and 4) binding provisions; spoke on possible advisory vote; additional research is required and the item will be brought back at a subsequent meeting.

Heather McLaughlin, City Attorney, suggested that a better way would be an initiative of the people, which would carry more weight than a Council resolution.

Councilmember Cox-Golovich asked if a Council can do an initiative.

Heather McLaughlin, City Attorney, stated Council can put an initiative on, but if the people do it, it is stronger.

PUBLIC COMMENT:

Councilmember Gizzi spoke on the possible sale of Exxon; facilitation of communication and rights of the City.

Otto Giuliani, City Manager, stated staff shares the concerns of the Council; some contracts will remain in place even with a sale; the City is maintaining contact with Exxon.

Howard Sherman, 456 Turner Drive, had sent questions to City Attorney; asked what if CAG has not been selected prior to election and if there was a new Mayor if he would be a part of the CAG Selection Committee.

Heather McLaughlin, City Attorney, stated she needed to review some additional items and would get back to Mr. Sherman.

Cathy Ann Hewitt, 266 East B Street, spoke on grants available for agricultural and horticultural opportunities; also spoke on School Board Candidates Night on Wednesday, October 20.

James O. Milburn, 280 East J Street, spoke on a silent majority being against redevelopment; also presented a check to the City Manager for Pony Express monument.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 8:32 p.m.

Linda S. Purdy, City Clerk