

October 20, 1998

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.

A special meeting was held on October 13, 1998. View the minutes [here](#).

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
OCTOBER 20, 1998

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:32 p.m. Tuesday, October 20, 1998, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL

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

Absent: Councilmember Corbaley

PLEDGE OF ALLEGIANCE

Mayor Hayes led the pledge to the flag.

APPOINTMENTS:

Mayor Hayes announced the appointment of Pat Collins to the Economic Development Board for a full term.

RESOLUTION NO. 98-156 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF PAT COLLINS TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM TO JULY 1, 2002

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

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

Noes: None

Absent: Councilmember Corbaley

Mayor Hayes announced openings available on Boards and Commissions.

PRESENTATION - YOUTH ACTION TASK FORCE

Councilmember Gizzi gave a presentation. R & R Guide was sent to all households with children ages 6-12; offers advice on resources available to families and how to handle problems; presented a plaque to Amy Beauregard, Project Coordinator, for all of her help in putting the guide together.

PROCLAMATION:

RECOGNIZING THE 50TH ANNIVERSARY OF THE VETERANS MEMORIAL BUILDING

Mayor Hayes read the Proclamation; accepted by Frank Fiori. Celebration will be held Saturday, October 24, 1998, 2:00-4:00 p.m.

ADOPTION OF AGENDA:

Mayor Hayes asked if there were any changes to the Agenda; points out that substituting for City Manager, Otto Giuliani, is Assistant City Manager, Rob Braulik.

Rob Braulik, Acting City Manager, requested Item I, Adoption of Ordinance amending the Development Agreement with Asset Liquidation Group (Nationwide Auction Systems) re: signage, Consent Calendar, be postponed to meeting of November 3, 1998 to look further into landscaping at base of sign.

On motion of Councilmember Cox-Golovich, seconded by Councilmember Messina, and unanimously carried, Agenda was adopted as amended.

CONSENT CALENDAR:

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

Councilmember Messina requested Item G be pulled from the Consent Calendar.

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

Minutes of October 6 and October 13, 1998.

Check Registers for September 1998.

RESOLUTION NO. 98-157 - A RESOLUTION RE-ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR FEDERALLY FUNDED PROJECTS

RESOLUTION NO. 98-158 - A RESOLUTION IN OPPOSITION OF PROPOSITION 9 - UTILITY RATE REDUCTION AND REFORM ACT - ELECTRICITY RESTRUCTURING

RESOLUTION NO. 98-159 - A RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 3 FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

RESOLUTION NO. 98-160 - A RESOLUTION ACCEPTING THE 1998 STREET SLURRY SEAL PROJECT, SIGN NOTICE OF COMPLETION, AND RECORD

RESOLUTION NO. 98-161 - A RESOLUTION SUPPORTING "TRANSPORTATION AWARENESS WEEK OCTOBER 25-31, 1998, READ MEASURE F"

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

(END OF CONSENT CALENDAR)

LICENSE AGREEMENT WITH FLATIRON STRUCTURES, LLC, FOR USE OF CITY-OWNED PROPERTY AT THE FIFTH STREET PIER AND TERMINATING THE LICENSE AGREEMENT WITH SANDERS TOWBOAT SERVICE

Councilmember Messina requested this item be pulled from the Consent Calendar; requested clarification on the expiration date of current Contract with Sanders Towboat Service; had

received a call from Gail Skarich, owner, stating they would like to continue lease until January 31, 1999.

Rob Braulik, Acting City Manager, explained the new Agreement with Flatiron and the City's ability to terminate current agreement; discussions with Sanders; City's willingness to work with Sanders until the end of January.

Mayor Hayes questioned if Flatiron and Sanders had entered into a sub-lease.

Rob Braulik, Acting City Manager, stated that the City was not aware of any official agreement between the two parties; termination of agreement originally contingent on asset liquidation; tonight's action will authorize City Manager to sign License Agreement with Flatiron upon the termination of this Agreement at the end of January.

Councilmember Gizzi asked for clarification of the difference between a license agreement and lease agreement.

Heather McLaughlin, City Attorney, stated the difference is generally in the amount of rights transferred; lease agreement has more rights to property, license agreement less. License Agreement will give the City the ability to use space in the future.

James O. Milburn, 280 East J Street, also requested this item be pulled from the Consent Calendar; logical place for ferry slip; read verse.

Motion made by Councilmember Cox-Golovich that Resolution be adopted approving License Agreement with Flatiron Structures striking out the third paragraph and amending the final paragraph to read that the City Manager is authorized to execute License Agreement with Flatiron Structures, LLC, upon termination or expiration of License Agreement with Sanders Towboat Service.

Council took the following action:

RESOLUTION NO. 98-162 - A RESOLUTION APPROVING A LICENSE AGREEMENT WITH FLATIRON STRUCTURES, LLC, FOR USE OF CITY-OWNED PROPERTY AT THE FIFTH STREET PIER AND TERMINATING THE LICENSE AGREEMENT WITH SANDERS TOWBOAT SERVICE, AS AMENDED

On motion of Councilmember Cox-Golovich, seconded by Councilmember Gizzi, the above resolution was adopted on roll call by the following vote:

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

Noes: None

Absent: Councilmember Corbaley

PUBLIC COMMENT:

Cathy Hewitt, 266 East B Street, asked when property maintenance ordinance will be brought before Council; spoke on early childhood development; physical look of schools and beautification; future projects needed.

James O. Milburn, 280 East J Street, spoke on palm trees lower First Street; read his statement.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 8:15 p.m.

Linda S. Purdy, City Clerk