

November 19, 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
NOVEMBER 19, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 6:00 p.m. Tuesday, November 19, 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

Public Employee Appointment
(Government Code Section 54957)

Title: City Manager

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

None

Adjourn to Closed Session at 6:01 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
NOVEMBER 19, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:44 p.m. Tuesday, November 19, 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: Public Employee Appointment - City Manager - direction had been given to Bob Murray, Consultant, to continue the search for a new City Manager.

Mayor Messina announced an opening on the Parks, Recreation and Cemetery Commission.

APPOINTMENTS:

Mayor Messina announced the appointment of Fred Railsback to the Historic Preservation Commission (Planning Commission Member) to fill an unexpired term to April 18, 2005.

RESOLUTION 02-189 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF FRED RAILSBACK TO THE HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED TERM TO APRIL 18, 2005

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 J. B. Davis to the Economic Development Board to fill an unexpired term to July 1, 2006.

RESOLUTION NO. 02 -190 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF J. B. DAVIS TO THE ECONOMIC DEVELOPMENT BOARD TO FILL AN UNEXPIRED TERM TO JULY 1, 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 Teresa Hurlbut to the Civil Service Commission to fill an unexpired term to September 3, 2004.

RESOLUTION NO. 02-191 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF TERESA HURLBUT TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM TO SEPTEMBER 3, 2004

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

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated that he was removing Item E, from the Consent Calendar.

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, spoke on the anticipated changes to the reserves in the General Fund.

Bob Craft, 323 Columbia Circle, expressed concerns over the lawsuit between the City and the Benicia Unified School District; would like to see this settled by mediation; taxpayers will bear the burden of cost for this lawsuit.

Cathy Ann Hewitt, 266 East B Street, suggested donations of supplies to the City's schools; supports the idea for a Sister City Program.

Council Member Smith reminded the public of the upcoming meetings to be held on the Draft Environmental Impact Report on the Valero Improvement Project.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; a request to pull Item F was made by Council Member Smith.

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

Minutes of November 5, 2002.

RESOLUTION NO. 02-192 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT FOR THE PRESSURE REDUCING VALVE STATIONS REPLACEMENT PROJECT IN THE AMOUNT OF \$108,000 TO TRINET CONSTRUCTION INC. OF SAN FRANCISCO, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 02-193 - A RESOLUTION APPROVING TASK ORDER NO. 36 FOR ENGINEERING SERVICES WITH CAMP DRESSER & MCKEE, INC. FOR A COST NOT-TO-EXCEED \$498,000 FOR THE WATER FACILITIES IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENTS ON BEHALF OF THE CITY

RESOLUTION NO. 02-194 - A RESOLUTION AWARDING A CMAS CONTRACT #4-02-00-0078A, IN THE AMOUNT OF \$70,408.52 TO FLOORTEC OF BENICIA FOR CARPET REPLACEMENT IN THE BENICIA PUBLIC LIBRARY AND AUTHORIZING THE CITY MANAGER TO SIGN THE CMAS CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

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

(END OF THE CONSENT CALENDAR)

APPROVAL OF AN AGREEMENT WITH MCDONOUGH, HOLLAND, & ALLEN FOR LEGAL SERVICES AND TECHNICAL SERVICES RELATED TO THE CABLE FRANCHISE
Vice Mayor Campbell did not participate in this discussion due to Conflict of Interest.

Council Member Smith requested this item be pulled from the Consent Calendar; would like to see a cap on the dollar amount for this contract and then bring back to the Council for review; suggested the amount of \$25,000.

On motion of Council Member Smith, seconded by Council Member Whitney, the Agreement with McDonough, Holland, & Allen for Legal Service and Technical Services related to the Cable Franchise, was approved, as amended (review by Council when costs reach \$25,000) by the following vote:

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

Noes: None

Abstain: Council Member Campbell

REPORTS FROM CITY MANAGER:

MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, reported an additional \$75.00 had been received since last report.

Council Member Whitney challenged other members of the Council to purchase a large quantity of the calendar as a promotional or Christmas gift to clients; his firm has purchased \$1500.00 of the calendars.

BUDGET STATUS UPDATE AND REQUEST TO DEVELOP A BALLOT MEASURE FOR THE NOVEMBER 2003 ELECTION TO FUND THE CONSTRUCTION OF THE POLICE DEPARTMENT AND CIVIC CENTER IMPROVEMENTS

Otto Giuliani, City Manager, reported on the current status of the City's budget in light of the additional request for funds from the California Public Retirement System (PERS) and possible loss of revenue from the State; can no longer recommend use of Certificates of Participation to fund the proposed Police Facility and Civic Center Improvements; requested direction to staff from the Council to look into a possible bond measure, parcel tax or other means of funding the facility.

Council Member Bidou asked whether or not this was asking the citizens for validation to build the facility or a funding mechanism; stated the need for the police facility was critical; suggested possible separation of civic center improvements; Council Members were elected to make tough decisions; this discussion tells the public there will be a vote; will not support.

Council Member Whitney stated that health and safety were the number one issues; supports a new police facility; do whatever is necessary; feels that there is support in the community to build this facility.

Vice Mayor Campbell approved of allocating staff time to pursue this issue; supports a possible bond measure.

Council Member Smith requested that the staff report contain the impacts of the options on different socio-economic groups and whether or not a tax would be progressive or regressive; continue to explore a bond and parcel tax; a vote of the people will make this a much more solid project.

Mayor Messina stated that direction should be given to staff to look at all the options available and bring back proposals; open to all alternatives.

Consensus of the Council was to give staff direction to look into the various options to fund the Police Department and Civic Center Improvements to include a possible bond measure or parcel tax.

MARINA DREDGING REPORT BY ASSISTANT CITY MANAGER

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 continues to meet their proposed schedule and that significant progress has been made; a request has been made to the Army Corps of Engineers for a 15 day extension; no complaints from the boat owners.

One concerned citizen spoke on this item.

Council Member Whitney questioned when he could expect a report on the current maintenance at the Marina.

Karen Majors, Assistant City Manager, stated a report would be presented at the next Council meeting.

REPORTS FROM CITY COUNCIL COMMITTEES:

BI MONTHLY COMMITTEE REPORTS:

MAYORS' COMMITTEE MEETING

Mayor Messina stated that the last meeting had been cancelled.

ARSENAL RESTORATION ADVISORY BOARD

No report given.

AUDIT AND FINANCE COMMITTEE

Vice Mayor Campbell reported that at the last meeting a discussion was held regarding the Marina; continuing to pursue additional ways to increase revenue.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) Mayor Messina reported that a discussion would be held on non point source pollution with a special workshop in December.

Vice Mayor Campbell questioned the status of the permit approval from BCDC for the B Street Storm Drain problem.

Mayor Messina stated that he would continue to follow-up on the permit.

NORTHERN AREA OPEN SPACE

No report given.

Council Member Smith expressed concerns that the Urban Growth Boundary Committee had not been able to meet.

SOLANO WATER AUTHORITY

No report given.

SCHOOL DISTRICT LIAISON

Council Member Bidou reported that ways to help the School District were being explored; an after school program had been started; looking at Proposition 10 funding for possible financing.

Council Member Smith stated that the after school program was very limited, but a good start; would like to see more use of the Youth Center.

SOLANO TRANSPORTATION AUTHORITY

Council Member Bidou stated that an award night had been held; Solano Transportation Improvement Authority Measure E did not receive the required number of votes and therefore did not pass.

YOUTH ACTION TASK FORCE

No report given.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell stated the meeting had been cancelled.

TRI-CITY AND COUNTY OPEN SPACE

Council Member Whitney announced that the next meeting would be held on December 16, 2002, 7:00 p.m. in the Commission Room; discussions will be held on what steps would be necessary to make the area a Regional Park.

VALERO CITIZENS ADVISORY PANEL

Council Member Whitney stated that although a number of meetings had been scheduled, they had to be rescheduled; he will advise date of next meeting.

COUNCIL REQUESTS FOR NEW AGENDA ITEMS:

ESTABLISHMENT OF A BENICIA-TULA SISTER CITY ASSOCIATION

Council Member Smith requested that this item be placed on the Agenda for discussion; the Benicia-Tula Sister City Association has requested a review of their bi-laws by the City Attorney and that requires direction from the Council.

Lee Ann Cawley, President, Benicia-Tula Sister City Association, reported on the past, present and future activities of the Association; no longer a simple cultural exchange and the bi-laws require a review; bi-laws are submitted to the State with the application for non-profit status.

Mayor Messina stated that there was support for the Sister City Program, however no action could be taken tonight.

Council Member Smith stated that per the Rules of Procedure direction to the City Attorney could be given.

Heather McLaughlin, City Attorney, read a portion of the Rules of Procedure; stated that if desired the Council could give direction for the review; requested clarification of the level of priority this item should receive.

Consensus of the Council was to give direction to the City Attorney to review the bi-laws after the first of the year.

Mayor Messina stated that if there were any attorneys who would like to volunteer their time to review these bi-laws they could contact the city.

ADJOURNMENT:

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

Linda S. Purdy, City Clerk