

**December 1, 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.**

**MINUTES OF THE SPECIAL MEETING - CITY COUNCIL**

**DECEMBER 1, 1998**

**A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 6:30 p.m. Tuesday, December 1, 1998.**

**CITY CLERK 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**

**(pursuant to Government Code Section 54956.9(a))**

**Pending Litigation - Name of Cases:**

- 1. Aqua Vista v. City of Benicia**
- 2. B.I. v. City of Benicia**
- 3. Smiley v. City of Benicia**

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

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**MINUTES OF THE REGULAR MEETING - CITY COUNCIL**

**DECEMBER 1, 1998**

**The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:45 p.m. Tuesday, December 1, 1998, 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 - Conference With Legal Counsel, as follows:**

- 1. Aqua Vista v. City of Benicia - direction to staff.**
- 2. B.I. v. City of Benicia - no action taken.**
- 3. Smiley v. City of Benicia - direction to staff.**

**APPOINTMENTS:**

**Mayor Hayes announced the appointment of Ted Todd to the Civil Service Commission for a full term.**

**RESOLUTION NO. 98-177 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF TED TODD TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM TO SEPTEMBER 3, 2001**

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

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

**Noes: None**

**Mayor Hayes stated he will appoint an Interim Advisory Committee for Historic Preservation; provided some parameters for their guidance; to work with the Planning staff and have as their initial focus the exploration of funding resources.**

**Mayor Hayes announced the appointments of Gladys Wold, Jane Lauder, Neel Rich, Peggy Martin, Toni Houghey, Mike Ioakimedes and Ron Rice to the Historic Preservation Advisory Committee.**

**A discussion was held by the Mayor and Council on the goals of the Committee and the duration of the current appointments.**

**RESOLUTION NO. 98-178 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS TO THE HISTORIC PRESERVATION ADVISORY COMMITTEE**

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

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

**Noes: Councilmember Messina**

**Mayor Hayes announced the appointment of James Conlow to the Planning Commission for an unexpired term.**

**RESOLUTION NO. 98-179 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF JAMES CONLOW TO THE PLANNING COMMISSION FOR AN UNEXPIRED TERM TO OCTOBER 7, 2000**

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

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

**Noes: None**

**Mayor Hayes announced the appointment of Brad MacLane to the Planning Commission for a full term.**

**RESOLUTION NO. 98-180 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF BRAD MAC LANE TO THE PLANNING COMMISSION FOR A FULL TERM TO OCTOBER 7, 2002**

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

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

**Noes: None**

**Mayor Hayes announced the appointment of Elizabeth Patterson to the Planning Commission for a full term.**

**RESOLUTION NO. 98-181 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF ELIZABETH PATTERSON TO THE PLANNING COMMISSION FOR A FULL TERM TO OCTOBER 7, 2002**

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

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

**Noes: None**

**Mayor Hayes thanked each of the interested citizens who submitted an Application.**

**ADOPTION OF AGENDA:**

**Mayor Hayes asked if there were any changes to the Agenda.**

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

**CONSENT CALENDAR:**

**Mayor Hayes stated he has a request from the audience to pull Items D and E; asked if there**

were any other requests to pull an item.

Councilmember Cox-Golovich requested Items D and E be pulled.

Councilmember Messina requested Item G be pulled.

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

Minutes of November 17, 1998.

Monthly Investment Report for September 1998.

**RESOLUTION NO. 98-182 - A RESOLUTION APPROVING RESULTS OF SPECIAL MUNICIPAL ELECTION HELD NOVEMBER 3, 1998**

	MEASURE	
	D	E
VOTES CAST AT PRECINCTS	6,664	6,664
ABSENTEE VOTES	1,970	1,979
TOTAL VOTES CAST	8,634	8,643
TOTAL REGISTERED VOTERS	16,362	16,362
PERCENT TURNOUT	53%	53%

**RESOLUTION NO. 98-183 - A RESOLUTION ESTABLISHING A "401A" MONEY PURCHASE RETIREMENT PLAN AND A "401A" PROFIT SHARING PLAN**

Waive the reading of all ordinances introduced and adopted pursuant to this Agenda.  
(END OF CONSENT CALENDAR)

**INCREASING COMPENSATION OF CITY MANAGER AND CITY ATTORNEY**

Councilmember Cox-Golovich requested this item be pulled from the Consent Calendar so that she can vote no for philosophical reasons.

James O. Milburn, 280 East J Street, also requested this item be pulled; read his statement against approval of this item.

Council took the following action:

**RESOLUTION NO. 98-184 - A RESOLUTION APPROVING THE INCREASE OF COMPENSATION OF CITY MANAGER AND CITY ATTORNEY AS AUTHORIZED UNDER SECTION 3 OF EMPLOYMENT**

**AGREEMENT OF CITY MANAGER, AND UNDER SECTION 4 OF EMPLOYMENT AGREEMENT OF CITY ATTORNEY**

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

**Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes**

**Noes: Councilmember Cox-Golovich**

**CONSULTANT CONTRACT FOR ENVIRONMENTAL REVIEW SERVICES FOR MARINA AREA STORM DRAIN PROJECT**

Councilmember Cox-Golovich requested this item be pulled from the Consent Calendar for clarification of letter just received at the meeting.

Virgil Mustain, Public Works Director, and Otto Giuliani, City Manager, responded.

There will be an environmental study done by Summer, 1999; final repairs by Spring, 2000; until repairs are completed the temporary remedy will continue to be used.

John Ash, President, Benicia Harbor Corporation, 266 East B Street, also requested this item be pulled from the Consent Calendar; they had their own study done; questioned contamination of mud and increase of toxicity in the last six months; wants to be present when testing is done.

Council took the following action:

**RESOLUTION NO. 98-185 - A RESOLUTION APPROVING THE CONSULTANT CONTRACT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR ENVIRONMENTAL REVIEW SERVICES FOR MARINA AREA STORM DRAIN PROJECT**

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

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

**Noes: None**

**JOB DESCRIPTION FOR NEW CLASSIFICATION OF ASSISTANT FIRE MARSHALL, PLACEMENT OF CLASSIFICATION IN PROFESSIONAL AND CONFIDENTIAL EMPLOYEE UNIT, AND AMEND CLASSIFICATION PLAN**

Councilmember Messina requested this item be pulled from the Consent Calendar; is not persuaded that City needs another layer of management.

Linda Johnson, Assistant City Manager/Personnel Services Manager, explained that current position is not being changed. After thorough study, it has been determined that the work currently being done is on a much higher level and that this position belongs in Professional and Confidential Employee Unit.

Council took the following action:

**RESOLUTION NO. 98-186 - A RESOLUTION APPROVING JOB DESCRIPTION FOR NEW CLASSIFICATION OF ASSISTANT FIRE MARSHALL, PLACEMENT OF CLASSIFICATION IN PROFESSIONAL AND CONFIDENTIAL EMPLOYEE UNIT, AND AMEND CLASSIFICATION PLAN**

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

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

**Noes: Councilmember Messina**

**PUBLIC HEARING:**

**AWARD OF U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS-LOCAL LAW ENFORCEMENT BLOCK GRANT**

Otto Giuliani, City Manager, explained the City is receiving the lowest amount in the County because we have the lowest crime rate in the County; lap top computers will be bought with the money.

Mayor Hayes opened the Public Hearing. No written protests received. No one spoke for or against this item.

Mayor Hayes closed the Public Hearing.

Council took the following action:

**RESOLUTION NO. 98-187 - A RESOLUTION ACKNOWLEDGING AWARD OF U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS-LOCAL LAW ENFORCEMENT BLOCK GRANT WHICH LISTS USES OF MONEY TO BE REVIEWED BY THE LOCAL LAW ENFORCEMENT ADVISORY BOARD AT THE COUNTY LEVEL**

On motion of Councilmember Messina, seconded by Councilmember Cox-Golovich, 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 COUNCIL COMMITTEES:**

### **I.T. COMMITTEE REPORT**

Mayor Hayes and Councilmember Cox-Golovich gave reports. Drum Burial Area 5 has been excavated; out of 4000-6000 drums, only 15 were found intact. DBA 1, 2 and 4 were also excavated, treated and transplanted to the central area of the site. Portion 13A, closest area to Paddy Creek, has been excavated. The closure is about one-third complete.

### **NEW BUSINESS:**

#### **PURCHASE OF BOND ISSUED BY HOUSING AUTHORITY TO ENABLE AUTHORITY TO PURCHASE CASA DE VILARRASA II**

Otto Giuliani, City Manager, explained the background of the loan; reasons for the current default situation; Housing Authority's need for a bridge loan so they may purchase the property.

Councilmember Gizzi requested additional language in the Resolution to incorporate a provision for the Housing Authority to continue to seek outside funding.

Heather McLaughlin, City Attorney, suggested the wording to amend the Resolution, adding language for the Housing Authority to use its best effort to pursue commercial financing until successful and report to the Council at least once a year. Also add to

Section I E the date of December 15, 1998 if the sale is postponed beyond that date.

Council took the following action:

#### **RESOLUTION NO. 98-188 - A RESOLUTION AUTHORIZING PURCHASE OF BOND ISSUE BY THE HOUSING AUTHORITY TO ENABLE THE AUTHORITY TO PURCHASE CASA DE VILARRASA II, AS AMENDED**

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

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

**Noes: None**

### **WRITTEN COMMUNICATIONS:**

#### **CONSIDERATION OF POLICY REQUIRING THIRTY (30) DAY PUBLIC NOTICE FOR ANY CITY ACTION INVOLVING FEE INCREASES**

Otto Giuliani, City Manager, stated this item had been placed on the Agenda by Councilmember Cox-Golovich; no action can be taken at this meeting, but if Council is interested, it can be referred back to staff.

Councilmember Cox-Golovich explained she is looking for a way to show consideration to the public on all issues - build public confidence.

Mayor Hayes suggested agendizing for next meeting.

(Councilmember Gizzi left the meeting at 9:32 p.m.)

Otto Giuliani, City Manager, suggested holding over this item until second meeting in January, because the next two meetings have full agendas.

Consensus of the Council was to hold over until second meeting in January, so staff can follow up.

**PUBLIC COMMENT:**

1. George Whitney, 540 Military East, read his statement re: Signage at Gas City and his continuing problems with the staff; liability issue for an off street driveway.

Mayor Hayes gave direction to staff to work with Mr. Whitney and report back to Council.

2. James O. Milburn, 280 East J Street, read his statement regarding politics and truth.

**ADJOURNMENT:**

Mayor Hayes adjourned the meeting at 9:44 p.m.

Linda S. Purdy, City Clerk