

December 3, 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
REGULAR MEETING - CITY COUNCIL
DECEMBER 3, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. Tuesday, December 3, 2002, in the City 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.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, commented on proposed funding mechanisms for the Police Facility.

CONSENT CALENDAR:

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

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

Approval of Check Register for October 2002.

RESOLUTION NO. 02-195 - A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT/STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2002-03

INTRODUCTION OF ORDINANCE NO. 02- - AN ORDINANCE AMENDING TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW CHAPTER 12.44 (CURB PAINTING)

RESOLUTION NO. 02 - 196 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT TO MEYER CONTROL CORPORATION OF VACAVILLE IN THE AMOUNT OF \$146,520.46 FOR THE DISTRIBUTION SYSTEM SCADA TELEMETRY PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION NO. 02-197 - A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS AND OFFERS OF DEDICATION FOR THE CLOS DUVAL SUBDIVISION

RESOLUTION NO. 02-198 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR CITY-OWNED PROPERTY LOCATED AT FIRST STREET AND N STREET, RESERVING THE PUBLIC UTILITY EASEMENTS, RESERVING STREET RIGHT-OF- WAY FOR N STREET, GRANTING A PRIVATE ACCESS AND PARKING EASEMENT, AUTHORIZING THE CITY MANAGER TO EXECUTE THE OWNER'S CERTIFICATE, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ALL AS SHOWN ON THE FINAL PARCEL MAP ON BEHALF OF THE CITY

RESOLUTION NO. 02-199 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR CITY-OWNED PROPERTY LOCATED AT EAST THIRD STREET AND EAST I STREET, RESERVING THE ROADWAY EASEMENT, AUTHORIZING THE CITY MANAGER TO EXECUTE THE OWNER'S CERTIFICATE, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ALL AS SHOWN ON THE FINAL PARCEL MAP ON BEHALF OF THE CITY

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

(END OF THE CONSENT CALENDAR)

Approval of Minutes of November 19, 2002 and November 20, 2002.

Council Member Smith requested that this item be pulled from the Consent Calendar; under Reports from City Council Committees, School District Liaison, would like to add the word "more" in his sentence referring to usage of the Youth Center.

On motion of Council Member Smith, seconded by Council Member Bidou, and unanimously carried, Minutes of November 19, 2002 and November 20, 2002 were approved as amended.

NEW BUSINESS:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BENICIA HOUSING AUTHORITY TO LOAN THE AUTHORITY \$70,000

Otto Giuliani, City Manager, stated that the Housing Authority was involved in litigation concerning ownership issues of the Casa de Vilarrasa low-income housing complex; the Housing Authority cannot sustain the expense; City Attorney is exploring the possibility of providing legal service to the Housing Authority.

Council Member Smith questioned the funding source and the impact on other affordable housing projects.

Otto Giuliani, City Manager, affirmed the funding source as appropriate and stated that there would not be any negative impact on the other projects.

Vice Mayor Campbell asked for clarification on combining of the legal services.

Heather McLaughlin, City Attorney, stated that the concern would be a possible conflict of interest; an Agreement separating the two entities would need to be signed; defending both would be more efficient.

Otto Giuliani, City Manager, suggested any additional discussion be held during Closed Session; lawsuit is outrageous.

Council took the following action:

RESOLUTION NO. 02-200 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT WITH THE BENICIA HOUSING AUTHORITY IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000)

On motion of Council Member Bidou, seconded by Council Member Whitney, the above Resolution was adopted on roll call by the following vote:

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

Noes: None

ORAL REPORT BY ASSISTANT CITY MANAGER ON THE MARINA

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 excellent progress had been made on the dredging by the Benicia Harbor Corporation; maintenance continues to be done on a regular basis; landscaping is good; work will begin on dock listing at the end of the dredging episode; statistical guidelines for dock listing have been requested from Cal Boating.

Vice Mayor Campbell requested a status report on repairs to B Street.

Karen Majors, Assistant City Manager, stated that the permit had been received, signed and work would begin on Thursday, December 5, 2002.

ADJOURNMENT:

Vice Mayor Campbell adjourned the meeting at 7:50 p.m.

Linda S. Purdy, City Clerk