

December 15, 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 15, 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 15, 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 - Existing Litigation
(Subdivision (a) of Section 54956.9)
Name of Case: Benicia Industries vs. City of Benicia

Conference With Labor Negotiator
Agency Negotiator: Linda Johnson
Employee Organization: Benicia Firefighters Association

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

MINUTES OF THE REGULAR MEETING - CITY COUNCIL
DECEMBER 15, 1998

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:30 p.m. Tuesday, December 15, 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, as follows:

Conference With Legal Counsel - Existing Litigation re: Benicia Industries vs. City of Benicia - direction to staff.

Conference With Labor Negotiator, Linda Johnson, re: Benicia Firefighters Association - direction to negotiator.

APPOINTMENTS:

Mayor Hayes announced that appointments will be made to (1) Parks, Recreation and Cemetery Commission and (2) Economic Development Board at the first meeting in January.

Mayor Hayes also announced other openings and encouraged citizens to apply.

PRESENTATIONS:

U. S. ARMY CORPS OF ENGINEERS REPORT ON THE ARSENAL

Mike Metro, FUDS (Formerly Used Defense Sites), Program Manager for the Army Corp of Engineers, introduced Brenda Peterson, Project Manager, Jim Taylor and Gary Ritter, Public Affairs Office; spoke on clean up of site. There are two phases (1) soil and ground water contamination - clean up will be a 2-3 year effort, (2) location of ordnance on the Tourtelot property - permission that is needed from the property owners; cost estimate should be done by November, 1999. Ordnance project is funded until September 1999 and then additional funding will be provided. Cleanup phase will require new funding and funding at this point does not look good.

Questions were asked and comments made by Mayor, Council and City Manager.

Councilmember Cox-Golovich requested clarification of the Community Relations Plan; asked for public meetings that could be video taped and recorded.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, requested Items D and H be pulled from the Consent Calendar for comment.

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

CONSENT CALENDAR:

Mayor Hayes stated he has a request from the audience to pull Items D and H; asked if there were any other items to 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 December 1, 1998.

Check Register for November 1998.

Denial of Application For Leave To Present Late Claim and referral to insurance carrier - REYES and CASILANG.

RESOLUTION NO. 98-189 - A RESOLUTION APPROVING THE JULY 1, 1997 TO JUNE 30, 2000 AMENDMENT TO MEMORANDUM OF UNDERSTANDING WITH BENICIA FIREFIGHTERS ASSOCIATION

RESOLUTION NO. 98-190 - A RESOLUTION EXTENDING THE TIME FOR PURCHASE OF BONDS RELATED TO THE BENICIA HOUSING AUTHORITY (CASA DE VILARRASA)

RESOLUTION NO. 98-191 - A RESOLUTION ACCEPTING THE BIDS FOR THE EAST SECOND STREET LANDSCAPE IMPROVEMENTS AND AWARDED CONTRACT TO STONEWATER LANDSCAPES, INC.

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

(END OF CONSENT CALENDAR)

REVISED CLOS DUVALL SUBDIVISION IMPROVEMENT AGREEMENT

Otto Giuliani, City Manager, requested this item be pulled from the Consent Calendar; there is a minor change in the Resolution presented to Council. The words "sign lot line adjustment" have been added to the last paragraph. Mr. Giuliani further stated a new developer has taken over this project and this item before Council will allow City to move the project forward. It will provide two (instead of four) units of affordable housing to the community and it will require some minor lot line adjustments.

Councilmember Gizzi expressed his concern on the loss of the two potential affordable housing units and how that may appear in light of the ongoing Winterhawk litigation.

James O. Milburn, 280 East J Street, also requested this item be pulled from the Consent Calendar; in opposition.

Council took the following action:

RESOLUTION NO. 98-192 - A RESOLUTION APPROVING REVISED CLOS DUVALL SUBDIVISION IMPROVEMENT AGREEMENT AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT

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, Messina and Mayor Hayes

Noes: None

ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.08 (CITY MANAGER), SECTION 2.08.070 (POWERS AND DUTIES GENERALLY) OF MUNICIPAL CODE

Otto Giuliani, City Manager, requested this item be pulled from the Consent Calendar; he wanted to avoid the possible perception that this is being hidden on the Consent Calendar; spoke on the Attorney General's opinion and explained similarities with City of San Jacinto.

Councilmember Messina handed out a Memorandum to Mayor, Council, City Attorney and City Manager explaining his areas of concern; not comfortable with the dual roles; not a reflection of the current City Manager, but rather a structural issue.

Mayor Hayes reminded Councilmember Messina this is not agendaized for discussion; item could be reviewed during budget hearings.

Councilmember Messina stated he is proposing that we table this item and deal with it at a subsequent Council meeting.

Councilmember Messina made a motion to table this item, seconded by Councilmember Cox-Golovich.

Councilmember Corbaley questioned if the Council was tabling the item, if that was the same as continuing; if so, when is it being continued to. To her, tabling means it is not going to be considered and asked if the maker of the motion would please clarify his motion.

Councilmember Messina stated he would propose that Council table this item until the next meeting.

Councilmember Corbaley stated the motion is to continue this until the next meeting, at which point this will be agendaized and presumably the material presented by Councilmember Messina in his Memorandum will be discussed.

Councilmember Messina stated he would propose this issue be discussed at the next Council meeting.

Mayor Hayes stated Council does have a motion and second on the table to defer this until the next meeting.

Motion made by Councilmember Messina, seconded by Councilmember Cox-Golovich, to defer this item until next meeting so it can be further discussed by Council FAILED by the following vote:

Ayes: Councilmembers Cox-Golovich and Messina

Noes: Councilmembers Corbaley, Gizzi and Mayor Hayes

James O. Milburn, 280 East J Street, also requested this item be pulled from the Consent Calendar; in opposition.

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.08 (CITY MANAGER), SECTION 2.08.070 (POWERS AND DUTIES GENERALLY) OF THE MUNICIPAL CODE

On motion of Councilmember Gizzi, seconded by Councilmember Corbaley, the above Ordinance was introduced by title only by the following vote:

Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Messina

(Further consideration of the above Ordinance will be held at the next regular meeting.)

Motion made by Councilmember Corbaley, seconded by Councilmember Cox-Golovich, to agendaize to a meeting in January the general issue of the propriety of combining the roles of City Manager and Police Chief for further discussion by the Council unanimously carried.

PUBLIC HEARING:

INTRODUCTION OF ZONING TEXT ORDINANCE AMENDMENT CHANGES

John Bunch, Planning Director, gave a report; referred to an error on page VII-A-4, Section 2 - Day Care, Limited should be Day Care, General.

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

Mayor Hayes closed the Public Hearing.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING), WITH TYPO CORRECTION

On motion of Councilmember Corbaley, seconded by Councilmember Gizzi, the above

Ordinance was introduced by title only by the following vote:

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

Noes: None

(Further consideration of the above Ordinance will be held at the next regular meeting.)

REPORTS FROM CITY MANAGER:

SUBMITTAL OF DRAFT GENERAL PLAN

Otto Giuliani, City Manager, referred to clean version of draft presented to Mayor and Council this evening; the public will have access to that document by the end of the week. This document and the staff presentation will be on January 5, 1999; the meeting will be set aside

solely for the purpose of discussing the General Plan update; commends the Planning Department and staff.

UPDATE ON CONTRIBUTIONS TO HISTORIC PRESERVATION FUND

Otto Giuliani, City Manager, gave a report; read letter from Pacific Bay Homes, who contributed \$20,000 toward this Fund; encourages community and Council to solicit additional funds.

UNFINISHED BUSINESS:

COMMUNITY ALERTING AND NOTIFICATION SYSTEM:

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR COMMUNITY ALERTING AND NOTIFICATION SYSTEM

FUNDING PLAN FOR THE SYSTEM

SOLICIT BIDS FOR PURCHASING AND INSTALLATION OF THE SYSTEM THROUGH A REQUEST FOR PROPOSAL PROCESS

Otto Giuliani, City Manager, gave a report on the need to be able to alert our citizens in the event of a disaster.

Two concerned citizens expressed their views.

Ken Hanley, Fire Chief, elaborated on the siren system and the plans for an initial education program for the public.

Mayor Hayes stated Council has two actions - 1) the adoption of a Resolution approving a Negative Declaration for the project, which will be taken separately, and 2) approving a funding plan for the system and directing staff to solicit bids.

Council took the following actions:

RESOLUTION NO. 98-193 - A RESOLUTION APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE COMMUNITY ALERTING AND NOTIFICATION SYSTEM

On motion of Councilmember Messina, 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

Mayor Hayes stated that a Resolution was needed approving the funding plan for the system and directing staff to solicit bids.

Council took the following action:

RESOLUTION 98-194 - A RESOLUTION APPROVING THE FUNDING PLAN FOR THE COMMUNITY ALERTING AND NOTIFICATION SYSTEM AND DIRECTING STAFF TO SOLICIT BIDS

On motion of Councilmember Messina, seconded by Councilmember Corbaley, and unanimously carried, the above resolution was adopted on a roll call by the following vote:

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

Noes: None

Mayor Hayes read the names of those who contributed to the project.

Otto Giuliani, City Manager, congratulated Ken Hanley, Fire Chief, and Rob Braulik, Economic Development Director, who were the ones who actually went out and met with the industrial and business community to solicit these funds.

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, spoke on return of redevelopment, special meeting held last Monday, Fire Station opening/dedication, and extended Holiday Greetings to all.

Mayor Hayes stated this is the last meeting of 1998; wished all Happy Hanukkah, Merry Christmas and Happy New Year from all of the Council.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 10:00 p.m.

Linda S. Purdy, City Clerk