

December 17, 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
DECEMBER 17, 2002

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 6:49 p.m. Tuesday, December 17, 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

Conference with Legal Counsel - Anticipated Litigation
(Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9 of the Government Code)

1 case

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 ON CLOSED SESSION

WRITTEN:

PUBLIC COMMENT:

None

Adjourn to Closed Session at 6:50 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
DECEMBER 17, 2002

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:31 p.m. Tuesday, December 17, 2002, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Smith, Whitney and Mayor Messina

Absent: Council Member Bidou

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina requested that Vice Mayor Campbell announce action taken in Closed Session; Vice Mayor Campbell announced action taken in Closed Session, as follows:

Re: Conference with Legal Counsel - Anticipated Litigation - Marina Arbitration -information was received from staff and gave direction to staff to bring item back at the January 7, 2003 meeting for action,

Mayor Messina announced action taken in Closed Session, as follows:

Re: Public Employee Appointment - City Manager - Council Member Bidou participated in this discussion via telephone - received update from subcommittee and unanimously agreed on candidate James R. Erickson.

APPOINTMENTS:

Mayor Messina announced the appointments of Dave Wagner, Jim Conlow and Pat Donaghue to the Uniform Code Board of Appeals to fill four-year terms.

RESOLUTION NO. 02 - 201 – - RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF DAVE WAGNER, JIM CONLOW AND PAT DONAGHUE TO THE UNIFORM CODE BOARD OF APPEALS TO FILL FOUR-YEAR TERMS

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

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

Noes: None

Absent: Council Member Bidou

PROCLAMATIONS:

KAUFMAN CHIROPRACTIC (GREG AND LORRI KAUFMAN) FOR RECEIVING THE SPIRIT OF SOLANO AWARD

Mayor Messina read the Proclamation; accepted by Greg Kaufman; Mr. Kaufman presented a check for the Commandant's Restoration Fund in the amount of \$102.00.

Mayor Messina announced openings on various Boards and Commission; will fill some vacancies at the next meeting.

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:

Gary Kalian, Board Member, Habitat for Humanity, introduced the two families that reside in the homes built by funding received from the Habitat for Humanity Program; dedication of the homes will be Friday, December 20, 2002.

Council Member Bill Whitney commended everyone involved in the process of hiring the new City Manager; referred to the fact that the names of the candidates were made public sooner than they should have been; requested a recommitment by the members of the Council to the policy of confidentiality; important concept.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar.

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 December 3, 2002.

Denial of claim and referral to insurance carrier - PG & E.

ORDINANCE NO. 02 -6 - AN ORDINANCE AMENDING TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW CHAPTER 12.44 (CURB PAINTING)

INTRODUCTION OF ORDINANCE NO. 02 - AN ORDINANCE AMENDING CHAPTER 9.06 (SMOKING IN ENCLOSED PUBLIC PLACES) OF TITLE 9 (PUBLIC PEACE, MORALS, AND WELFARE) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 9.06.110 (PROHIBITION OF SMOKING IN OUTDOOR PUBLIC PLACES)

RESOLUTION NO. 02 - 202 - A RESOLUTION APPROVING THE LICENSE AGREEMENT FOR USE OF CITY OWNED PROPERTY-FIFTH STREET PIER WITH PONDER ENVIRONMENTAL AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

RESOLUTION NO. 02 - 203 - A RESOLUTION APPROVING THE NEW JOB DESCRIPTIONS FOR FIELD UTILITIES AND STREETS APPRENTICE, AND FIELD UTILITIES AND STREET WORKER

RESOLUTION NO. 02 - 204 - A RESOLUTION APPROVING MODIFICATION OF THE JOB DESCRIPTIONS FOR THE ACCOUNT CLERK SERIES AND ACCOUNTING TECHNICIAN

RESOLUTION NO. 02 - 205 - A RESOLUTION APPROVING THE REVISED JOB DESCRIPTION FOR THE CLASSIFICATION OF PUBLIC WORKS DIRECTOR

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

(END OF THE CONSENT CALENDAR)

REPORTS FROM CITY MANAGER:
MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, stated that \$1977.00 had been received since the last report; total funds to date \$48,024.59; thanked Council Member Whitney for his purchase of calendars in support of the Fund.

Mayor Messina requested the status of the grant funding application approval from the State Office of Historic Preservation.

Otto Giuliani, City Manager, stated that the application was pending before the State; possible start of the restoration project by spring of next year.

REPORTS FROM CITY COUNCIL COMMITTEES:
BI-MONTHLY COMMITTEE REPORTS:

MAYORS COMMITTEE MEETING

Mayor Messina reported that a discussion had been held on LAFCO. The cities will carry out their own local service reviews to minimize costs.

ARSENAL RESTORATION ADVISORY BOARD

No report given.

AUDIT & FINANCE COMMITTEE

Council Member Whitney stated that the Committee is reviewing revenue-generating options; cutting expenses in light of possible cuts from the State; will be meeting with Department Heads to discuss possible cost saving measures; tour of the Corporation Yard to be held on January 17, 2003.

Mayor Messina suggested a possible workshop for the Council after the Committee meets with the Department Heads.

TRI-CITY AND COUNTY OPEN SPACE

Council Member Whitney stated that at the last meeting updates of Phase II of the Open Space Project and the City Manager's Meeting were given; stated that one of his goals was the establishment of a Regional Park System in Solano County.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney reported a discussion was held on the results of a survey that the Refinery conducted; announced an opening on the Panel. Vice Mayor Campbell asked if discussions had been held on hiring of an independent consultant for the Valero Improvement Project and possible funding options for that consultant.

Council Member Whitney stated that a discussion was not held; no definitive answer at this time.

Council Member Smith asked if comments had been made on the Draft Environmental Impact Report for the Improvement Project; concerned about the Scrubber being listed as an optional item.

Council Member Whitney stated that a discussion was held; concerns were expressed about water and air quality and the health and safety of the community; Scrubber is the key to keeping

emissions down; very large project and economics will be the determining factor to the project proceeding.

SCHOOL DISTRICT LIAISON

Council Member Smith stated that a discussion of the School District Budget was held at the last meeting; next meeting would be on January 8, 2003; joint use of districts facilities by community groups enabled the Nutcracker Ballet to return to the High School Performing Arts Center.

YOUTH ACTION TASK FORCE

Council Member Smith stated that various grant-funding options were reviewed at the meeting of December 11, 2002; named the various grants.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina reported that due to financial constraints and staff reductions meetings would now be held on a monthly basis; a funding mechanism will need to be found to deal with non-source pollution.

NORTHERN AREA OPEN SPACE

Mayor Messina stated that it had been agreed to conduct a telephone survey; questions for that survey need to be formulated; suggested that because of scheduling conflicts questions be done on the Internet.

Heather McLaughlin, City Attorney, stated that to be in compliance with the Brown Act questions needed to be done during a public meeting.

Council Member Smith expressed concerns about meeting the timeline to put the measure on the November 2003 ballot; questioned whether or not the Attorney the City had hired could draft the language while the polling was taking place; stated that direction by the City Attorney had not been given to consulting attorney to move forward.

Vice Mayor Campbell suggested a more formalized approach; would like an update at each Council Meeting; concerned that the General Plan would be in opposition with Urban Growth Boundary issues.

One concerned citizen spoke on this item.

Mayor Messina suggested that a report from the Committee Meeting of January 6, 2003 be placed on the Agenda for the Council Meeting of January 7, 2003; asked if survey results were provided by early to mid-February if election timelines could be met.

Heather McLaughlin, City Attorney, stated that February would be acceptable; will check with consulting attorney on status of project.

SOLANO WATER AUTHORITY

Mayor Messina reported that the Authority was working on the Habitat Conservation Plan; identifying endangered species and habitats.

SEDCORP BOARD OF DIRECTORS

No report given.

SOLANO TRANSPORTATION AUTHORITY (STA)

No report given.

NEW BUSINESS:

APPOINTMENT OF NEW CITY MANAGER

Mayor Messina stated that a new City Manager had been chosen by a unanimous vote of the Council; reviewed the process used to hire the City Manager and read the Resolution.

One concerned citizen spoke on this item.

Council took the following action:

RESOLUTION NO. 02-206 - A RESOLUTION APPOINTING A CITY MANAGER

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

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

Noes: None

Absent: Council Member Bidou

Mayor Messina introduced James R. Erickson; Mr. Erickson thanked and the Council.

ADJOURNMENT:

Vice Mayor Campbell adjourned the meeting at 8:35 p.m.

Linda S. Purdy, City Clerk