

December 18, 2001

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 18, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Messina at 7:31 p.m. Tuesday, December 18, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Present: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina
Absent: None.

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

PRESENTATIONS:

AMORE LIMOUSINE AND SEDAN SERVICE- CERTIFICATE OF RECOGNITION FOR RECEIVING THE SPIRIT OF SOLANO AWARD FOR THE BENICIA CHAMBER OF COMMERCE

Mayor Messina presented a Certificate of Recognition to Toni Schmit-Whitfield, owner.

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, spoke about the old frontage road, which is now Jefferson Court, and the current restricted access.

Cathy Ann Hewitt, 266 East B Street, thanked the business community for the Annual Christmas Open House; expressed concerns about the children in town; possible use of places like the Senior Center or Library's basement for children's activities.

Council Member Whitney explained about the water damage that had occurred in the music room at the middle school; donations can be made to the Viking Music Boosters; asked for the status on the use of Solar Heating at the City Pool.

Otto Giuliani, City Manager, stated that the City was working toward a full energy audit; grants for that audit have been applied for.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled. Council Member Campbell requested Items V-E and F be pulled. Mayor Messina requested that Item V-G be pulled.

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

Approval of Minutes of December 4, 2001, Meeting A.

Approval of Minutes of December 4, 2001, Meeting B.

Approval of Check Registers for November 2001.

RESOLUTION NO. 01-195 A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE CLIPPER BAY SUBDIVISION

RESOLUTION NO. 01-196 – A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$51,364 TO ALLAN AUTOMATIC SPRINKLER CORPORATION OF SOUTH SAN FRANCISCO FOR A FIRE PROTECTION SPRINKLER SYSTEM FOR THE HISTORIC S.P. DEPOT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

(END OF CONSENT CALENDAR)

RESOLUTION REQUESTING THE GOVERNOR AND LEGISLATORS OF THE STATE OF CALIFORNIA TO DENY SUPPORT OF ANY STATE BUDGET PROPOSAL THAT INCLUDES CUTS TO LOCAL REVENUES AS A MEANS OF BALANCING THE STATE'S BUDGET DEFICIT

Council Member Campbell requested that this item be pulled from the Consent Calendar; questioned the impact on the General Fund if the State pulls additional revenue from cities.

Otto Giuliani, City Manager, stated that the General Fund would lose \$1.6 million dollars in the first year alone; significant impact on the General Fund; noted that there are form letters to State officials that can be downloaded from the website and sent in by the citizens to request that local revenues not be used to balance the State's budget.

Council took the following action:

RESOLUTION NO. 01-197 A RESOLUTION REQUESTING THE GOVERNOR AND LEGISLATORS OF THE STATE OF CALIFORNIA TO DENY SUPPORT OF ANY STATE BUDGET PROPOSAL THAT INCLUDES CUTS TO LOCAL REVENUES AS A MEANS OF BALANCING THE STATE'S BUDGET DEFICIT

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

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

Noes: None

RESOLUTION AWARDING THE ENGINEERING CONTRACT TO ERWIN INTEGRATION IN THE AMOUNT OF \$67,125 TO DESIGN, MANAGE, AND INTEGRATE THE INSTALLATION OF A NEW TELEMTRY SYSTEM FOR THE DRINKING WATER FACILITIES

Council Member Campbell requested this item be pulled from the Consent Calendar; requested an explanation of this item.

Virgil Mustain, Public Works Director, stated that all the City's facilities need to be tied together; project has been planned for some time; will help operators in the field with enhanced security, control and monitoring of equipment and processes.

Council took the following action:

RESOLUTION NO. 01-198 A RESOLUTION AWARDING A CONSULTANT CONTRACT IN THE AMOUNT OF \$67,125 TO ERWIN INTEGRATION FOR THE EXPANSION OF THE WATER FACILITIES SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) TELEMTRY SYSTEM

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

RESOLUTION ACCEPTING THE INTERIM DRY WEATHER FLOW DIVERSION FACILITY PROJECT, AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

Mayor Messina requested this item be pulled from the Consent Calendar; stated that there was a Conflict of Interest for himself, Council Member Bidou and Otto Giuliani, City Manager.

Vice Mayor Campbell chaired the discussion on this item.

Virgil Mustain, Public Works Director, explained that this was a small 24 line that worked during dry weather; interim step until a permanent solution can be found; several options will be presented after the first of the year.

Council took the following action:

RESOLUTION NO. 01-199 A RESOLUTION ACCEPTING THE MARINA AREA STORM DRAIN INTERIM DRY WEATHER FLOW DIVERSION FACILITY PROJECT, AUTHORIZING THE ASSISTANT CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

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 and Whitney

Noes: None

Abstain: Council Member Bidou and Mayor Messina

PUBLIC HEARINGS: RESOLUTION ADOPTING THE UPDATE TO THE 2001 URBAN WATER MANAGEMENT PLAN

Virgil Mustain, Public Works Director, stated that an update of the Urban Water Management Plan must be done every five years; the Plan is available for review; correction of a typographical error noted.

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

Mayor Messina closed the Public Hearing.

Council Member Smith questioned the significant changes in the water delivery numbers for Commercial and Industrial use.

Council Member Whitney asked about the use of Lake Herman as a back-up water source for the City; requested clarification of the contract with Valero Refinery.

Virgil Mustain, Public Works Director, stated that Lake Herman was an emergency source of water only; term of agreement with Refinery is approximately 50 to 60 years; Valero may require more water when the Cogeneration plant is finished, but it would not be a significant amount; possible use of reclaimed water.

Council Member Campbell spoke on the use of reclaimed water; questioned if there were any additional sources of water in the southern part of the State; requested that a status report on this subject be brought back to the Council on a quarterly basis.

Mayor Messina asked if staff would think about a drought plan.

Virgil Mustain, Public Works Director, stated that March or April would be an appropriate time to bring back a status report.

Council took the following action:

RESOLUTION NO. 01-200 A RESOLUTION ADOPTING THE 2001 URBAN WATER MANAGEMENT PLAN (UWMP)

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

REPORTS FROM CITY MANAGER: ORAL REPORT ON MAYOR'S COMMANDANT'S RESTORATION FUND

Otto Giuliani, City Manager, reported that the current balance in the fund is \$1725; will give a status report on a monthly basis; attempting to seek grant funding; requests for donations will be done through a notice in the water bills.

REPORT FROM ASSISTANT CITY MANAGER MARINA DREDGING UPDATE

Vice Mayor Campbell chaired this portion of the meeting due to a Conflict of Interest for Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager.

Karen Majors, Assistant City Manager, reported that this dredging episode had been completed; some dredging had been done at all of the docks; process for applying for next years dredging

permit had been started; a full report on the Marina will be presented at the January 15, 2002 Council meeting.

Vice Mayor Campbell stated that he would like to see a dredging plan presented for the next 10 years.

Virgil Mustain, Public Works Director, stated that it was the desire of both the City and the Benicia Harbor Corporation to have a dredging episode each year.

One concerned citizen spoke on this matter.

REPORTS FROM CITY COUNCIL COMMITTEES: BI-MONTHLY COMMITTEE REPORTS

MAYOR'S COMMITTEE MEETING

Mayor Messina stated that the meeting had been cancelled.

SOLANO WATER AUTHORITY

Mayor Messina stated that the meeting had been cancelled.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated that the Minutes for this meeting were available in the City Manager's Office.

SEDCORP BOARD OF DIRECTORS

Council Member Campbell - No report given.

SOLANO TRANSPORTATION AUTHORITY

Council Member Bidou reported that Council Member Smith had been sworn in as a member of the Board; Minutes of the meeting had been placed in Council mailboxes.

YOUTH ACTION TASK FORCE

Council Member Bidou stated that the Master Plan questionnaire, which will be sent to all students, was being printed.

AUDIT AND FINANCE COMMITTEE

Council Member Whitney stated that the Committee, including the citizen members, had met; all meetings are open to the public.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney stated that the meeting in December had not been held; discussions will be held at the January meeting on the status of the Cogeneration facility and security measures.

TRI-CITY COUNTY REGIONAL PARK AND OPEN SPACE COMMITTEE

Council Member Whitney reported that an approval had been given on a request by the City of Fairfield; future discussions pending on Open Space.

ARSENAL RESTORATION ADVISORY BOARD

Council Member Campbell No report given.

UNFINISHED BUSINESS: RESOLUTION ALLOWING STAFF TO CONDUCT A ONE-YEAR TRIAL PERIOD TO EXTEND THE ACCESS FOR DOGS TO THE THREE (3) PUBLIC AREAS
Mike Alvarez, Director of Parks and Community Services, stated that this would be a trial program to allow access for dogs at the First Street Green, First Street Beach and Promenade Beach.

Dan Moitoza, Chairperson, and members of the Parks, Recreation and Cemetery Commission, gave a presentation; major issues of safety, access, liability, enforcement and health had been discussed; explained the pilot program which would measure complaints, effects on special events, and animal control; reports would be monitored on a quarterly basis.

Seven concerned citizens spoke on this issue.

Council Member Smith stated his approval of the program; sites were well chosen; responsibility of the dog owners as to whether this program works.

Council Member Whitney questioned the effect on special events, problem of aggressive dogs, and liability issues.

Council Member Campbell expressed concerns about the health risks.

Mike Alvarez, Parks and Community Services Director, acknowledge that there would be some health issues; disposal bag stations would be provided.

Council took the following action:

RESOLUTION NO. 01 201 A RESOLUTION PROVIDING AUTHORIZATION TO CITY STAFF TO CONDUCT A ONE-YEAR TRIAL PERIOD TO PROVIDE AN EXEMPTION TO ALLOW DOGS IN CERTAIN AREAS OF CITY PARKS

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 Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

RESOLUTION APPROVING A CHANGE ORDER FOR STRUCTURAL AND GUTTER REPAIRS TO THE DIVE POOL AT THE JAMES LEMOS SWIM CENTER

Otto Giuliani, City Manager, stated a previous change order had been authorized to replace an existing fiberglass surface that had separated and during this repair structural and gutter damage had been discovered; repairs were necessary in order to finish replacement of fiberglass.

Council took the following action:

RESOLUTION NO. 01-202 A RESOLUTION APPROVING CONTRACT CHANGE ORDER WITH CALIFORNIA COMMERCIAL POOLS FOR STRUCTURAL AND GUTTER REPAIRS TO THE DIVE POOL AT THE JAMES LEMOS SWIM CENTER

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina
Noes: None

Mayor Messina wished everyone a Happy Holiday.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:45 p.m.