

February 2, 1999

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  
FEBRUARY 2, 1999

A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 7:15 p.m. Tuesday, February 2, 1999.

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: Waldsmith v. City of Benicia

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

MINUTES OF THE  
REGULAR MEETING - CITY COUNCIL  
FEBRUARY 2, 1999

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, February 2, 1999, 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 asked WEBELOS-Den 6-Pack 108 to lead the pledge to the flag.

ANNOUNCEMENT:

Mayor Hayes announced no action was taken in Closed Session - for information only.

PROCLAMATION:

FUTURE BUSINESS LEADERS OF AMERICA/PHI BETA LAMBDA WEEK - FEBRUARY 7-13, 1999

Mayor Hayes read the Proclamation; accepted by Craig Souder and Nesan Waran.

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated he had requests from the community to discuss the General Plan at an earlier hour and suggested that the discussion begin by 9:00 p.m. at future meetings.

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

CONSENT CALENDAR:

Mayor Hayes stated he has a request from the audience to pull Item C; asked if there were any other items to be pulled from the Consent Calendar

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

Minutes of January 19, 1999.

Monthly Investment Report for October 1998.

RESOLUTION NO. 99-6 - A RESOLUTION ACCEPTING THE EAST K STREET STORM DRAIN REPLACEMENT PROJECT, AUTHORIZING CITY MANAGER TO SIGN NOTICE OF COMPLETION AND CITY CLERK RECORD SAME WITH SOLANO COUNTY RECORDER

(END OF CONSENT CALENDAR)

CONTRACT CHANGE ORDER NO. 5, C. OVERAA AND COMPANY, WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; is in favor with reservations.

Council took the following action:

RESOLUTION NO. 99-7 - A RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 5 IN THE AMOUNT OF \$32,000 WITH C. OVERAA AND COMPANY FOR WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

On motion of Councilmember Gizzi, 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

REPORTS FROM CITY COUNCIL COMMITTEE: VARIOUS AGREEMENTS RELATED TO CLEAN UP OF PORTION OF FORMER BENICIA ARSENAL, INCLUDING MEMORANDUM OF AGREEMENT, U.S. ARMY CORPS OF ENGINEERS DISTRICT; SIDE AGREEMENT, GRANITE MANAGEMENT CORPORATION; CONSULTANT AGREEMENT, MARGE MACRIS; COST REIMBURSEMENT AGREEMENT, GRANITE MANAGEMENT CORPORATION

Mayor Hayes and Councilmember Corbaley, Arsenal/Rose Drive Committee, presented background information on this item; spoke on all of the Agreements that are before the Council to review and approve.

The Committee has been meeting for over a year to restore the Tourtelot property. In 6-8 weeks the Committee will present a range of issues dealing with the Rose Drive remediation.

Councilmember Corbaley explained that because of budget cuts by the U. S. Congress to the Army Corps of Engineers, the remediation would not be able to begin until the year 2000, at the earliest. The clean up can be accelerated by being done by others ("Support For Others" program) with Army Corps oversight. Granite Management would provide all the funding for the clean up; the Army Corps would provide technical support; the remediation would be done to Army Corps standards.

Councilmember Corbaley stressed the fact that under the "Support For Others" program, the City will be the lead agency and that is very important.

Scott McKinley, Senior Vice President, Granite Management Corporation, spoke on "Support For Others" program; making the property safe and following Army protocol. The members their oversite team were introduced.

A tape was shown.

Peter Russel, Environmental Engineer, spoke on background of property.

Sherry Brothers, Ordnance Specialists, spoke on remediation; procedures to be used and timeline.

Scott Goldy, Granite Management Corporation, spoke on additional safety measures; cut and fill procedure; and enhancement of wetlands and open space.

Councilmember Gizzi requested adding language to Memorandum of Agreement (MOA); questioned the level of technical expertise that the principal representative of the City would require; and requested the names of specific sites that have been remediated by the proposed consultant.

Heather McLaughlin, City Attorney, stated she would be Project Manager, but that Jody Sparks of TAG would be reviewing technical aspects of the project.

Councilmember Cox-Golovich explained why she did not believe the City should be the lead agency; disputed background information; clean up technology only 80-85% safe; community trust; public participation process; end result for Granite Management to build houses on the site; safety of the site even with remediation.

One concerned citizen expressed her views.

Mayor Hayes called for a break at 9:13 p.m.

Mayor Hayes reconvened the meeting at 9:24 p.m.

Two concerned citizens expressed their views.

Mayor Hayes commented on the need for the City to take the leadership role; any question of the safety of the property will come back to the Council.

Councilmember Messina made a motion to approve the Resolution with amendment suggested by Councilmember Gizzi "as soon as is safely and practically feasible" added to the Memorandum of Agreement (MOA).

Mayor Hayes asked Linda Finley Miller, the Army Corps of Engineers representative, if she felt the added language would be acceptable.

Linda Finley Miller responded that there should not be a problem with the proposed change in the MOA.

Council took the following action:

RESOLUTION NO. 99-8 - A RESOLUTION APPROVING VARIOUS AGREEMENTS RELATED TO CLEAN UP OF A PORTION OF THE FORMER BENICIA ARSENAL INCLUDING A MEMORANDUM OF AGREEMENT WITH U.S. ARMY CORPS OF ENGINEERS DISTRICT, AS AMENDED; SIDE AGREEMENT WITH GRANITE MANAGEMENT CORPORATION; CONSULTANT AGREEMENT WITH MARGE MACRIS; COST REIMBURSEMENT AGREEMENT WITH GRANITE MANAGEMENT CORPORATION

On motion of Councilmember Messina, 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

UNFINISHED BUSINESS - CONTINUED PUBLIC HEARING:

REVIEW AND DISCUSSION OF CHAPTER 2: PART A: LAND USE AND GROWTH MANAGEMENT; AND PART B: ECONOMIC DEVELOPMENT

Mayor Hayes stated there will be a time limit of 11:15 p.m.

Councilmember Corbaley stated she will abstain from voting on Land Use Change, page 34; Land Use Change No. 11, page 35; and the Urban Growth Boundary, because of the property being within 2500 feet of personal residence.

Councilmember Gizzi stated he will abstain from voting on Land Use Change No. 3 because of his property located nearby.

Councilmember Messina stated he will abstain from voting on Land Use Change No. 15 because of his property located nearby.

Mayor Hayes stated he will abstain from voting on Land Use Change Nos. 21 and 15 because of location of property owned by him.

Councilmember Cox-Golovich stated she will not have to abstain.

Mayor Hayes reopened the Public Hearing. Written communications were received.

The following persons spoke:

Al Lavezzo, Attorney, 300 Tuolumne Street, Vallejo, representing the Zocchis, who own property off Lake Herman Road; referred to a letter previously sent to City; asked for confirmation that he may, on behalf of his client, speak at a subsequent meeting.

Rich Marcogliese, representing Benicia Industrial Park Association and Chamber of Commerce; would like a strong economic development plan for the Industrial Park.

Leah Shelhorn, 700 First Street; retain Industrial Park for industrial uses.

Claire McFadden, Best Western Hotel, 1955 East 2nd Street, representing Board of Chamber of Commerce; spoke on the direct and secondary impacts of the Industrial Park.

Bill Sinclair, 2A Lake Herman Road, rancher; industry will come if you have good facility - give industry a place to grow.

Crowell Sinclair, 2A Lake Herman Road; Industrial Park growth.

Fred Newhouse, representing Exxon U.S.A., 816 Bantry Way; supports the recommendations in the Draft; compromises with the Planning Commission; need for an open space buffer between Exxon and residential development.

Mayor Hayes referred to a 1975 newspaper article; Exxon was concerned years ago about need for a buffer zone.

Andy Siri, 716 West H Street, referred to page 34 - West Channel Road; keep Zoning General Industrial - do not change to Limited Industrial.

Mike Anderson, 68 La Prenda, referred to the changes made in the last Draft limiting the locations for churches.

John Bunch, Planning Director, explained Planning Commission changes relating to churches.

Kenneth Jensen, 711 Larkspur Court; his church has a restricted use permit; churches do not pose a threat to existing businesses.

Jack Bell, 921 Bayshore Rd.; business owner in Industrial Park for the last 33 years; port should be able to work 7 days a week, 24 hours a day; still against live/work and mixed use.

Samuel Huddleston, 2165 Clearview Circle; allow churches in industrial parks and other areas.

Anne Moore, representing I.T.; referred to letter previously sent; consider original GPOC recommendation.

Mayor Hayes continued the Public Hearing to Tuesday, March 2, 1999.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 11:20 p.m.

Linda S. Purdy, City Clerk