

April 16, 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
APRIL 16, 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, April 16, 2002, in the 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.

ANNOUNCEMENTS:

INTRODUCTION OF NEW COMMUNITY DEVELOPMENT DIRECTOR

Otto Giuliani, City Manager, introduced the new Community Development Director, Colette Meunier; also introduced Lamont Thompson, Associate Planner.

One concerned citizen spoke on this matter.

Mayor Messina announced that Solano Bank was offering loans to enable First Street Merchants to repair their sidewalks; introduced Nancy Martinez, Solano Bank Representative, who explained the loan program.

Libby McKendry, Director, Benicia Main Street Program, thanked Solano Bank; announced the opening of the new offices of Main Street Program and the annual Benicia Farmers Market on Thursday, April 25, 2002.

PROCLAMATIONS:

CITY CLERKS WEEK - APRIL 28-MAY 4, 2002 Mayor Messina read the Proclamation; accepted by Linda S. Purdy, City Clerk.

ADMINISTRATIVE PROFESSIONALS WEEK - APRIL 22-26, 2002

Mayor Messina read the Proclamation.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda; requested that the Public Hearing be moved prior to the Consent Calendar, due to the large number of citizens in attendance for that hearing.

On motion of Council Member Bidou, seconded by Council Member Whitney, and unanimously carried, the Agenda was adopted as amended.

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Dan Smith, Council Member, clarified a question he had received on the Police Firing Range; stated the total cost to date of the Patterson lawsuit as \$48,919; cost does not reflect staff time or the final bill from outside counsel; requested that the Council place on the Agenda a review of the Capital Improvement Plan; previous request had been made to the City Manager and turned down; would like to review this Plan due to the critical need for a community center and the increased cost of the proposed police facility; expressed concern about the displacement of the Boy Scouts and Girl Scouts meeting sites to accommodate affordable housing needs.

Otto Giuliani, City Manager, stated that Capital Improvements are usually reviewed at a workshop prior to Budget Hearings and discussed again during those hearings; Plan is a blueprint that is constantly changing.

Mayor Messina requested clarification from Council Member Smith as to the exact projects that he would like to review; suggested that community space needs be addressed by the staff and brought back to the Council.

Otto Giuliani, City Manager, stated that he could bring this back to the Council in June.

Consensus of the Council was to direct staff to bring a report back at a Council Meeting in June, or before if possible.

Donald Dean, 257 West I, gave a brief update of the Commandant's Restoration Fund.

Steve Padilla, 1458 Drolette Way, expressed concerns about a letter he had received concerning removal of graffiti on a sound barrier behind his home; willing to work with the City on the removal of that graffiti and possible future graffiti problems.

Cathy Ann Hewitt, 266 East B Street, welcomed the new Community Development Director; expressed concerns on possible consumer scams.

John Woods, 355 West M Street, thanked the Council for delaying the transportation/open space issue; sign at the pool still not put back; no city photographer as yet.

John Von Landschoot, 175 West H Street, expressed concerns about setting a precedent by approval of the Northgate Church site.

Linda Lewis, 282 West I Street, stated that the cost of monitoring air pollution was expensive; would like to see Benicia get the highest quality of monitoring possible.

Tom Campbell, Vice Mayor, asked for clarification on access to public documents.

Heather McLaughlin, City Attorney, explained the law recently passed that governs public document requests.

PUBLIC HEARINGS: CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE NORTHGATE CHURCH PROJECT PROPOSED TO BE LOCATED NEAR THE NORTHWEST CORNER OF LAKE HERMAN ROAD AND EAST SECOND STREET

RESOLUTION APPROVING AN INITIAL STUDY/MITIGATION NEGATIVE DECLARATION FOR THE PROPOSED NORTHGATE CHURCH SITE

ORDINANCE APPROVING A PREZONE OF A PORTION OF THE I.T. CORPORATION SITE TO OPEN SPACE (OS) FOR THE PROPOSED NORTHGATE CHURCH SITE

RESOLUTION SUPPORTING THE APPLICANT'S REQUEST FOR ANNEXATION OF A PORTION OF THE I.T. CORPORATION SITE INTO THE CITY AND AUTHORIZING THE CITY MANAGER TO PROVIDE A "WILL PROVIDE" PUBLIC SERVICE LETTER TO THE LOCAL AREA FORMATION COMMISSION (LAFCO)

Lamont Thompson, Associate Planner, gave a brief description of the site and the multi-level process required to annex the property; General Plan allows for religious assembly in an Open Space District by use permit; Mitigated Negative Declaration allowed because the applicant has addressed all significant and potentially significant impacts.

Ken Jensen, Pastor, Northgate Fellowship Church, gave a summary of the search for a site for the Church; project follows the guidelines set by the General Plan.

Council Member Campbell questioned why a conservation easement was not appropriate for this property.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received.

Cathy Ann Hewitt, 266 East B Street, stated that the Church would have a positive impact in the area.

James O. Milburn, 280 East J Street, read a statement regarding future development in the area and impact on Lake Herman Road.

Betty Jensen, 711 Larkspur Court, stated that the Church has outgrown its current site; no place within the City for a site to adequately provide for the spiritual needs of the community.

Dick Shafer, 304 Steven Circle, stated that if proper planning had been done in the past the City would not be facing this issue; supports project.

Saye Higashi, 116 Mountview Terrace, gave a list of the worldwide projects that the Church has participated in; support project.

Ric Small, 567 Cooper Drive, explained use of the Church for the Young Life Program; provides a meeting place for 300 to 350 teens per week; support project.

Dave King, 561 Capitol Drive, benefits of this project outweigh objections; Church will have a positive effect on many lives; supports project.

Peg Thomas, 423 O'Farrell Drive, supports project.

Mayor Messina closed the Public Hearing.

Council Member Bidou stated that he could not find anything that supports that this project does not follow the General Plan; General Plan is a guide; supports project.

Council Member Smith stated that he had grave concerns about Lake Herman Road but that this project was not one of them; would not impact traffic in the area; sites for churches had not been addressed by the City; suggested that the developer of the Tourtelot Property listen to this discussion.

Council Member Whitney commented that this project was in line with the goals of the General Plan; supports.

Council Member Campbell questioned why the property had been given outside the Urban Growth Boundary; suggested additional wording to be added to the findings of the Ordinance regarding the rezoning of the area.

Mayor Messina stated that there was a need for places for religious worship and for youth to meet; Industrial Park not the place; supports the Lake Herman Road area to fill this need.

Council took the following action:

RESOLUTION NO. 02-47 - A RESOLUTION APPROVING THE INITIAL STUDY/MITIGATION NEGATIVE DECLARATION FOR THE PROPOSED NORTHGATE CHURCH SITE (PLN2000-88), AS AMENDED

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

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

Noes: None

INTRODUCTION OF AN ORDINANCE NO. 02 - - AN ORDINANCE APPROVING A PREZONE OF A PORTION OF THE I.T. CORPORATION SITE TO OPEN SPACE (OS) FOR THE PROPOSED NORTHGATE CHURCH SITE (PLN2000-88), AS AMENDED

On motion of Council Member Whitney, seconded by Council Member Bidou, the above Ordinance was introduced, as amended, on roll call by the following vote:

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

Noes: None

RESOLUTION NO. 02-48 - A RESOLUTION SUPPORTING THE APPLICANT'S REQUEST FOR ANNEXATION OF A PORTION OF THE I.T. CORPORATION SITE INTO THE CITY AND AUTHORIZING THE CITY MANAGER TO PROVIDE A WILL PROVIDE PUBLIC SERVICES LETTER TO THE LOCAL AREA FORMATION COMMISSION (LAFCO) (PLN2000-88)

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 Member Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

Mayor Messina called for a break at 10:00 p.m.

Mayor Messina reconvened the meeting at 10:10 p.m.

CONSENT CALENDAR:

Mayor Messina stated that he had a request from a member of the audience to pull Items C and F.

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

Minutes of April 2, 2002

Check Registers for March 2002

RESOLUTION NO. 02- 49 - A RESOLUTION AUTHORIZING COMPLETION OF THE EMERGENCY REPAIR WORK TO THE WEST 7TH STREET SEWER LINE, SOUTH OF LORI DRIVE, AND DIRECTING STAFF TO SUBMIT A FINAL REPORT WITH A SUMMARY OF COSTS AT THE NEXT SCHEDULED CITY COUNCIL MEETING

RESOLUTION NO. 02-50 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE PRESBYTERY OF THE REDWOODS TO ALLOW A COMMUNITY GARDEN AT THE CORNER OF MILITARY AND EAST SECOND STREET

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

(END OF CONSENT CALENDAR)

RESOLUTION ADOPTING THE NEW CITY EMERGENCY PLAN

John Woods, 355 West M, requested that this item be pulled from the Consent Calendar; stated that the plan was still inadequate; no provisions to cover the public sector; expressed concerns about looting.

Otto Giuliani, City Manager, explained that dealing with the problem of looting is covered in the California Penal Code.

One concerned citizen spoke on this matter.

Council took the following action:

RESOLUTION NO. 02-51 - A RESOLUTION ADOPTING A NEW CITY EMERGENCY PLAN

On motion of Council Member Smith, 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 OF INTENTION AND INTRODUCTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 21354.5 (2.7% @55 FULL FORMULA) FOR LOCAL MISCELLANEOUS MEMBERS

John Woods, 355 West M, requested that this item be pulled from the Consent Calendar; questioned the total cost of this action; staff report states that funding is available for four years.

Otto Giuliani, City Manager, stated that this account has been overfunded for the last several years; employees have been made aware that they will be required to pay any additional premiums, subject to negotiations, should that be necessary.

Council took the following actions:

RESOLUTION 02-52 - A RESOLUTION OF INTENTION APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND CERTIFYING THE REQUIRED MEMBER CONTRIBUTION RATE

ORDINANCE NO. 02 - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

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

Otto Giuliani, City Manager, reported that to date the total in this fund was \$15,040.00; read the names of contributors into the record.

REPORTS FROM CITY COUNCIL COMMITTEES
BI-MONTHLY COMMITTEE REPORTS

MAYORS' COMMITTEE MEETING

Mayor Messina reported that the Board of Supervisors was currently reconsidering the Resolution in support of open space; discussion on separating open space and transportation; until a decision is made by the Board it is premature for cities to vote on a Resolution of support.

TRI-CITY COUNTY REGIONAL PARK AND OPEN SPACE

Council Member Whitney explained that the Board was looking for mechanisms for funding and access and how best to utilize the land.

NORTHERN AREA OPEN SPACE

Mayor Messina stated that two tracts of land had been identified to protect as AG-20; preliminary meetings had been held with property owners to find a way to prevent growth.

Council Member Whitney stated that he hoped that these talks were a step in the right direction; need to ensure open space in the northern border.

ARSENAL RESTORATION ADVISORY BOARD

Vice Mayor Campbell invited everyone to the celebration of the Board's second year; Council Member Smith stated that the celebration would be held in the Library.

AUDIT & FINANCE COMMITTEE

Vice Mayor Campbell reported that the Committee was looking into potential ways to generate more revenue for the City.

SEDCORP BOARD OF DIRECTORS

Vice Mayor Campbell provided a list of the fees that the Board had proposed; announced that the City of Vacaville is facing a large increase in their water and sewer fees.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated a presentation had been made concerning the current petroleum drilling in the Suisun Marsh.

SCHOOL DISTRICT LIAISON

Council Member Bidou stated that the next meeting would be held on May 8, 2002.

SOLANO TRANSPORTATION AUTHORITY (STA)

Council Member Bidou reported that a subcommittee had been formed to look at subjects such as taxation and bridge tolls.

One concerned citizen spoke on this matter.

YOUTH ACTION TASK FORCE

Council Member Smith reported that a meeting had been held on April 10, 2002; presentation made on California Healthy Kids Resilience Model; report specific to Benicia Unified School District provided very revealing information.

SOLANO WATER AUTHORITY

Mayor Messina explained that there was legislation pending that would require cities to provide certification that water would be available for new development; would provide more information in the future.

VALERO CITIZENS ADVISORY PANEL (CAP)

Council Member Whitney announced that Catherine Machalinski had been appointed to the Panel; open meeting to be held on May 9, 2002 to discuss Valero's Improvement Project.

Council Member Smith questioned whether this Panel would consider an oversight role in the Valero Improvement Project.

Council Member Whitney stated that he would be unable to attend the next CAP meeting; requested that Mayor Messina (alternative member) present this item to the members of the Panel for their consideration.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 10:58 p.m.