

April 21, 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.

SPECIAL MEETING - CITY COUNCIL

APRIL 21, 1998

A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 7:15 p.m. Tuesday, April 21, 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 Government Code Section 54956.9)
Name of Claim: Calvary Community Church

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

MINUTES OF THE REGULAR MEETING - CITY COUNCIL APRIL 21, 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, April 21, 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.

ANNOUNCEMENTS:

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

Conference With Legal Counsel - Existing Litigation
Calvary Community Church - authorized settlement of Claim.

YOUTH FORUM MEETING MAY 1, 1998, 9:00 A.M. TO 3:00 P.M. AT CLOCKTOWER
Mayor Hayes made the announcement; 38 youths will facilitate the Forum.

BENICIA FESTIVAL OF LIFE MAY 2, 1998, 10:00 A.M. TO 12:00 MIDNIGHT AT FRANCESCA PARK

Mayor Hayes made the announcement. This event is in conjunction with the Youth Forum to be held on May 1, 1998.

CANCELLATION OF I.T. PUBLIC WORKSHOP APRIL 23, 1998 AT 7:00 P.M.

Mayor Hayes made the announcement; conflict with Planning Commission (GPOC review) postponed until mid-May.

APRIL 26, 9:00 A.M. TO 3:00 P.M., TRAIL DAY, BAY AREA RIDGE TRAIL, CHANNING CIRCLE PARK TO BANTRY WAY

Mayor Hayes made the announcement; workers needed.

APPOINTMENTS:

Mayor Hayes announced the appointment of Tom Busfield to the Economic Development Board to fill an unexpired term.

RESOLUTION NO. 98-47 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF TOM BUSFIELD TO THE ECONOMIC DEVELOPMENT BOARD TO FILL AN UNEXPIRED TERM

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

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

Noes: None

Mayor Hayes announced the appointment of Sandy Moriarty to the Parks, Recreation and Cemetery Commission to fill an unexpired term.

RESOLUTION NO. 98-48 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF SANDY MORIARTY TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO FILL AN UNEXPIRED TERM

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

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

Noes: None

PRESENTATIONS:

COMMUNITY PRESENTATION TO LIBRARY (ON BEHALF OF WEST COAST BEAUTY SUPPLY, PACIFIC GAS & ELECTRIC AND TULLOCH CONSTRUCTION

COMMUNITY PRESENTATION TO THE FIRE DEPARTMENT (ON BEHALF OF WEST COAST BEAUTY SUPPLY)

Otto Giuliani, City Manager, introduced Tom Amen, West Coast Beauty Supply; Tim Kelly, P.G.& E. Co.; and Brian Tulloch, Tulloch Construction.

Tom Amen, West Coast Beauty Supply, gave presentations to Kathy Mattice, Library Board of Trustees, and Ken Hanley, Fire Chief.

SOLANO TROPHY PRESENTATION

E. Jean Krack, Vacaville Chamber of Commerce, spoke on the 15th Air Force Trophy, a new trophy for Solano County; is asking for a donation toward this worthy cause.

PROCLAMATION - WATER AWARENESS MONTH MAY 1998

Mayor Hayes read the Proclamation.

ADOPTION OF AGENDA:

Mayor Hayes asked if there were any changes to the Agenda.

Otto Giuliani, City Manager, requested that an Oral Report regarding Police Activities over the weekend be added to the Agenda under Reports From City Manager.

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

CONSENT CALENDAR:

Mayor Hayes stated he has a request from Councilmember Gizzi to pull Item F.

Councilmember Cox-Golovich requested Item C be pulled.

Councilmember Gizzi also requested Item D be pulled for purposes of abstaining.

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

Minutes of April 7, 1998.

Check Registers for March 1998.

RESOLUTION NO. 98-49 - A RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS IN THE PARKS AND COMMUNITY SERVICES DEPARTMENT

Authorization to advertise for bids for the East G Street Alley Storm Water Pump Station Improvement Project.

RESOLUTION NO. 98-50 - A RESOLUTION ACCEPTING THE GRANT DEED ALONG INDUSTRIAL WAY FOR STREET PURPOSES (CUSTOMER CO., TRIOND)

RESOLUTION NO. 98-51 - A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN A REVISED LEASE AGREEMENT WITH BENICIA VOLUNTEER FIREMEN, INC. FOR THE RELOCATED FIRE MUSEUM FACILITY

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

(END OF CONSENT CALENDAR)

RESOLUTION AMENDING CERTAIN PORTIONS OF THE PARKS, TRAILS AND OPEN SPACE MASTER PLAN DATED JULY 1997

Councilmember Cox-Golovich requested this item be pulled from the Consent Calendar; requested word changes and deferring this item until City Attorney can determine ownership and property lines of certain properties deeded to the City during the 1975 Land Exchange.

On motion of Councilmember Cox-Golovich, seconded by Councilmember Messina, and unanimously carried, above item was DEFERRED.

CONTRIBUTE FUNDS FOR FABRICATION OF SOLANO TROPHY FOR PRESENTATION TO THE 15TH AIR FORCE AT TRAVIS AIR FORCE BASE

Councilmember Gizzi requested this item be pulled from the Consent Calendar for purposes of abstaining.

Council took the following action:

RESOLUTION NO. 90-52 - A RESOLUTION AUTHORIZING CITY MANAGER TO CONTRIBUTE FUNDS FOR FABRICATION OF SOLANO TROPHY FOR PRESENTATION TO THE 15TH AIR FORCE AT TRAVIS AIR FORCE BASE

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, Messina and Mayor Hayes

Noes: None

Abstain: Councilmember Gizzi

ORDINANCE AMENDING MUNICIPAL CODE BY DELETING CHAPTER 9.28 "CURFEW" OF TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, AND ADDING CHAPTER 9.28 "NIGHTTIME CURFEW ORDINANCE" TO TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, TO MUNICIPAL CODE

Councilmember Gizzi requested this item be pulled from the Consent Calendar; requested Item C. under Offenses be removed from the Ordinance.

Councilmember Cox-Golovich requested clarification of the definition of loitering; a clearer explanation of where children can and cannot be; possible over-regulation of kids.

Mayor Hayes stated that this Ordinance gives lawful authority to the Police; the City has a legal responsibility and needs proper defenses.

Councilmember Messina asked if there had been any outreach to the youth community.

Otto Giuliani, City Manager, stated that there had been no initial contact, but that the staff would meet with the Youth Commission and the High School to explain the Ordinance if it was adopted.

Councilmember Corbaley would like to see the weekend curfew changed to 12:00 A.M. and expressed concerns about the definition of loitering.

Three youth and two adults expressed their concerns.

On motion of Councilmember Cox-Golovich, seconded by Councilmember Messina, and unanimously carried, adoption of above Ordinance was DEFERRED, with specific changes to be made; amend the curfew on Friday and Saturday nights to 12:00 A.M.; delete Section 9.28.030, Item C. Offenses and Section 9.28.040, Item B. Defenses and to come back to Council after Youth Forum Meeting May 1 and Benicia Festival of Life May 2 in order to receive input from the youth of the community.

Mayor Hayes called for a break at 9:15 p.m.
Mayor Hayes reconvened the meeting at 9:26 p.m.

REPORTS FROM CITY MANAGER:

REPORT ON POLICE ACTIVITIES DURING THE PAST WEEKEND

Otto Giuliani, City Manager, explained the events of April 17, 1998 when BPD was serving a Warrant in Vallejo, a dog attacking an officer and the dog subsequently being killed, handcuffing of the 13 year old owner of the dog; apologized for the insensitive response made to the news media concerning this event; and responding to the phone calls received concerning the incident.

NEW BUSINESS:

DIRECTING BENICIA PLANNING COMMISSION TO PERFORM A SUBSTANTIAL REVIEW OF THE DRAFT BENICIA GENERAL PLAN

Otto Giuliani, City Manager, gave a report explaining that the purpose of the Resolution is to give direction and expectations from the Council to the Planning Commission.

A discussion was held by Mayor and Council. Councilmember Corbaley made a motion, seconded by Councilmember Cox-Golovich, to adopt Resolution proposed by Councilmember Cox-Golovich, adding a sentence directing the Planning Commission to provide the Council with an edited version of the draft General Plan and complete its review by August 30.

Councilmember Messina suggested modifications to the wording of the Resolution.

Councilmember Gizzi stated he cannot support the adoption of proposed Resolution presented by Councilmember Cox-Golovich; feels it is inconsistent.

Three concerned citizens spoke in support of the Resolution in the Agenda packet and one concerned citizen stated needed editing, not rewriting.

Councilmember Corbaley stated she would incorporate some, but not all of the proposed amendments, and in her amended motion made changes to the alternative Resolution proposed by Councilmember Cox-Golovich, using the following language:

Use the community survey as the guiding document by which the draft General Plan goals, policies and programs are determined to be consistent with the public's interest and benefit;
Reduce the length of the Plan to make it more concise and succinct, give greater clarity, and make it more easily readable;

Remove internal inconsistencies and duplication;

Recommend any deletions, modifications or additions necessary to bring the document further in line with the community survey;

Make recommendations to the Council concerning issues raised during the current public review process.

In addition, adding the language proposed by Heather McLaughlin, City Attorney, directing the Planning Commission to complete its review by August 31 and give its recommendations to the Council for the revised document in redline/strikeout text.

Councilmember Messina made further suggestions.

Councilmember Corbaley stated she understood Councilmember Messina, but was not prepared to incorporate changes suggested by him, and left her motion as proposed.

Councilmember Cox-Golovich seconded the amended motion.

Council took the following action:

RESOLUTION NO. 98-53 - A RESOLUTION DIRECTING THE PLANNING COMMISSION TO PERFORM A REVIEW OF THE DRAFT GENERAL PLAN

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, Messina and Mayor Hayes

Noes: Councilmember Gizzi

PUBLIC COMMENT:

George Whitney, 540 Military East, spoke on his rights being violated by City officials; Building Ordinance not being followed re: Gas City; the sign at Gas City being a safety issue; requested written answer from City Manager/Planning Director.

Mayor Hayes assured Mr. Whitney that he will receive a response from the City Manager or Planning Director.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 11:02 p.m.

Linda S. Purdy, City Clerk