

May 4, 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
MAY 4, 1999

A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 6:12 p.m. Tuesday, May 4, 1999, for the following purpose:

Continued Public Hearing
re: BENICIA GENERAL PLAN

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

ROLL CALL

Present: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes
Absent: Councilmember Cox-Golovich

PLEDGE OF ALLEGIANCE

Mayor Hayes asked Tiger Cubs-Den 14 to lead the pledge to the flag.

(Councilmember Cox-Golovich arrived at 6:14 p.m.)

UNFINISHED BUSINESS:

CONTINUED PUBLIC HEARING RE: BENICIA GENERAL PLAN

CONTINUED DISCUSSION OF EDITED DRAFT GENERAL PLAN; DISCUSSION OF REMAINING ISSUES FOR CHAPTER 2; CHAPTER 3: PART A: HISTORIC RESOURCES; PART B: CULTURAL RESOURCES; PART C: VISUAL CHARACTER; AND PART D: OPEN SPACE AND CONSERVATION OF RESOURCES
John Bunch, Planning Director, gave a briefing on what will be discussed at this meeting.

Councilmember Messina stated he will abstain on any discussion and voting on land use, Change No. 15 - properties are located nearby.

Councilmember Gizzi stated he will abstain on any discussion and voting on land use, Change No. 3, West Channel Road and California Court - has interest in property located nearby.

Councilmember Corbaley stated she will abstain on any discussion and voting on land use, Change No. 1 and UGB, because her home is nearby.

Councilmember Cox-Golovich has no abstentions from any discussions.

Mayor Hayes stated he will abstain on any discussion and voting on land use, Change No. 15 - properties and business are located in area.

Mayor Hayes opened the continued Public Hearing. Written comments were received.

John Bunch, Planning Director, reviewed those changes that were proposed for Chapter 2 at the last meeting.

A discussion was held on the deletion of Program 2.57A and possible inclusion of language addressing a non-discrimination statement.

Mayor Hayes questioned the changes made regarding downtown and lower Arsenal mixed use.

Master Plans

John Bunch, Planning Director, listed those properties that would be subject to the Master Plan requirement and clarified those properties that have proposed Development Agreements.

Councilmember Cox-Golovich stated that the Master Plan process provides for more public participation. The following persons spoke:

Cathy Hewitt, 266 East B Street, spoke on overpopulation.

Jeff Brinton, Attorney representing Benicia Industries; asked for clarification on what size project would trigger the need for Master Plan requirements.

Bob Berman, 250 West K Street, supports the 40-acre minimum to begin the Master Plan process.

Councilmember Gizzi asked if this restriction would be a deterrent to businesses trying to locate in Benicia.

Rob Braulik, Economic Development Director, cited the Fleetside area of the Industrial Park as one that had been Master Planned. Therefore, new businesses know up front what is required, because the issues have already been addressed.

Master Plan

Councilmember Messina agrees with concept on raw land; would like a 20% threshold limit to trigger Master Plan.

Councilmember Gizzi supports Master Planning; would like a compromise; a small project should not cause the need for a Master Plan.

Councilmember Corbaley - supports - with the language clarification proposed by staff.

Councilmember Cox-Golovich - Yes on Master Plan.
Yes on 40 acres.

Mayor Hayes - Yes on Master Plan.
comfortable with 40 acres.

Mayor Hayes confirmed that the staff will return to Council at a later date with the proposed language on how the buffer area can be established.

LOC

Mayor Hayes stated that as far as he knew no one had changed their mind from the last meeting regarding the levels of service proposed.

Chapter 3 - Community Identity

The following person spoke:

Cathy Hewitt, 266 East B Street, visual image of the town; landscaping as an inexpensive upgrade.

John Bunch, Planning Director, stated that because businesses come and go that specific names should be deleted.

Mayor Hayes closed the continued Public Hearing at 8:05 p.m. to the next meeting.

Mayor Hayes called for a break at 8:05 p.m.

Mayor Hayes reconvened to the regular meeting at 8:15 p.m.

MINUTES OF THE REGULAR MEETING - CITY COUNCIL MAY 4, 1999

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 8:15 p.m. Tuesday, May 4, 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

ANNOUNCEMENTS: DISPLAYS AT LIBRARY RE: WATER AWARENESS MONTH AND NATIONAL PUBLIC WORKS WEEK

Mayor Hayes stated Public Works Department will have two displays at the Library during the month of May.

First, in observance of Water Awareness Month May 1999, there will be an exhibit promoting water conservation practices in our community. Adults and children may obtain free educational material including water conserving tips and landscape methods. This exhibit will be on display May 3 through May 15 and May 23 through May 31.

Second, in celebration of National Public Works Week, the Public Works Department will present an informational exhibit depicting Public Works activities in Benicia and recognize the contributions which the professional public works staff make every day to uphold our health, safety and comfort. This exhibit will be on display May 16 through May 22.

Mayor Hayes stated he will be making appointments to the Design Review Commission and Human Services Fund Board at the next meeting and thanked citizens for responding to an article placed in local paper requesting applicants.

PRESENTATION:

PROSPECTIVE NOMINEES TO SERVE ON THE 1999-2000 SOLANO COUNTY GRAND JURY Margaret Ruszel and Don Enneking, Foreman, Solano County Grand Jury, gave a presentation. Nominations are needed by May 21 to serve on the Grand Jury. The term is for 12 months - July 1 thru June 30.

PROCLAMATIONS:

"WATER AWARENESS MONTH" MAY 1999
Mayor Hayes read the Proclamation.

"NATIONAL PUBLIC WORKS WEEK MAY 16-22, 1999
Mayor Hayes read the Proclamation.

"A WOMAN'S HEALTH DAY" MAY 15, 1999
Mayor Hayes read the Proclamation; presented it to Jennifer Barton, representative from the office of Assemblywoman Helen Thomson.

ADOPTION OF AGENDA:

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

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

CONSENT CALENDAR:

Mayor Hayes asked if there were any items to be pulled from the Consent Calendar.

Otto Giuliani, City Manager, requested Item F be pulled from the Consent Calendar. Mayor Hayes stated that he also had a request from a member of the public to pull Item F.

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

Minutes of April 20, 1999.

INTRODUCTION OF ORDINANCE NO. 99- N.S. - AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 2.48.060 "MEETING TIME" OF THE PARKS, RECREATION AND CEMETERY COMMISSION

RESOLUTION NO. 99-35 - A RESOLUTION AUTHORIZING DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENTS PROGRAM FUNDING FOR \$26,000 TO CONSTRUCT A LIGHTED CROSSWALK ON MILITARY WEST

RESOLUTION NO. 99-36 - A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH BID ADVERTISEMENT FOR THE EAST SECOND STREET IMPROVEMENT PROJECT

RESOLUTION NO. 99-37 - A RESOLUTION AUTHORIZING CITY STAFF TO ADVERTISE FOR BIDS, SUBJECT TO APPROVAL OF CALTRANS FOR THE CHELSEA HILLS DRIVE PAVEMENT REHABILITATION PROJECT

ADOPTION OF ORDINANCE NO. 99-4 N.S. - AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.08 (PURCHASE AND DISPOSITION OF PROPERTY) OF MUNICIPAL CODE

ADOPTION OF ORDINANCE NO. 99-5 N.S. - AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), TO ADD CHAPTER 3.10 (CONTRACTING FOR SERVICES) TO MUNICIPAL CODE

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

(END OF CONSENT CALENDAR)

FIRE STATION HEADQUARTERS FACILITY

Otto Giuliani, City Manager, requested this item be pulled from the Consent Calendar; spoke on the team effort by staff that enabled this facility to be built. There is a \$55,000.00 surplus of funds.

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; suggested putting surplus monies toward building a police station.

Council took the following action:

RESOLUTION NO. 99-38 - A RESOLUTION ACCEPTING NEW FIRE STATION HEADQUARTERS FACILITY, AUTHORIZING CITY MANAGER TO SIGN NOTICE OF COMPLETION AND CITY CLERK TO RECORD SAME

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

PUBLIC HEARING:

VACATION OF FIRST STREET BETWEEN RIVERHILL DRIVE AND "P" STREET, AND WAIVING THE ENCROACHMENT PERMIT FEES

Councilmember Cox-Golovich stated she would abstain due to location being near her home.

Mayor Hayes opened the Public Hearing. Legal notice was given. No written comments received.

The following persons spoke:

Robert Moore, representing Housing Authority; supports project.

Cathy Hewitt, 266 East B Street; Riverhill Drive area very clean; need property maintenance ordinance.

Mayor Hayes closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 99-39 - A RESOLUTION ORDERING THE VACATION OF FIRST STREET BETWEEN RIVERHILL DRIVE AND "P" STREET, AND WAIVING THE ENCROACHMENT PERMIT FEES

On motion of Councilmember Corbaley, 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: None

Abstain: Councilmember Cox-Golovich

REPORTS FROM CITY COUNCIL COMMITTEES:

UPDATE ON ABAG GENERAL ASSEMBLY MEETING OF FRIDAY, APRIL 23, 1999

Mayor Hayes reported that transportation for schools and safety issues were the major topics discussed. Funding for local bus service to keep congestion down was also discussed.

ABAG UPDATE RE: HOUSING METHODOLOGY COMMITTEE MEETINGS

Mayor Hayes gave an update report. State law requires all California cities and counties to prepare and update Housing Elements as part of each General Plan. The last time ABAG established a methodology, in the late 80's, there was very little input from Bay area cities and counties. The resulting housing numbers created major problems for Benicia in the last several years. After six years, ABAG has begun the process with the creation of a 22-member committee to help formulate a new method to obtain these numbers. Mayor Hayes and John Bunch, Planning Director, are members of the Committee. The Committee has met twice and has concluded that the current methodology is too complex; the new formula should be simple and easy to follow; and housing needs numbers should be allocated within City boundaries and not include spheres of influence.

CONTRACT WITH EARTH TECH FOR AN ENVIRONMENTAL AGREEMENT AND AMENDMENT OF REIMBURSEMENT AGREEMENT (PROJECT MANAGER MC LAUGHLIN, MAYOR HAYES AND COUNCILMEMBER CORBALEY

Councilmember Corbaley stated there would be no budget impacts to the City; Earth Tech has been hired. The law requires an EIR for the clean-up and special expertise is needed. Of the five firms that were contacted there was only one viable response; two of the firms had a conflict of interest.

Heather McLaughlin, City Attorney, stated that because of ordinance issues that staff was interested in having a peer review of the work; currently in discussions with Tetra Tech to do this review.

Councilmember Cox-Golovich asked the difference between CEQA and NEPA.

Heather McLaughlin, City Attorney, explained that NEPA, the National Environmental Policy Act is the federal regulation and CEQA, the California Environmental Quality Act, is the state regulation that governs the EIR; however only one document will be done.

Councilmember Cox-Golovich spoke on the need for public scoping sessions; questioned whether or not there was a document available outlining the project. Heather McLaughlin, City Attorney, stated the meeting held on April 27 was to allow public to be more informed; viewing of video tape of that meeting is available on Channel 6.

Councilmember Cox-Golovich stated she wants a working document. Lead agency should be providing all kinds of things to the public; preferred alternative has not been chosen yet; questioned if Granite Management will pay additional costs; staff time on this project; and the need for a peer review.

Heather McLaughlin, City Attorney, stated the work description will be available.

Councilmember Corbaley stated every household received Notice of Preparation (NOP). Scoping session is not required by law, but City is doing it; the development will be cleaned up to the highest standard, which is residential use.

Three concerned citizens expressed their views.

Otto Giuliani, City Manager, stated the wetlands will be improved; will be done in the EIR. If required, the area will be monitored.

Heather McLaughlin, City Attorney, stated City's plan goes above and beyond what is required.

Council took the following action:

RESOLUTION NO. 99-40 - A RESOLUTION APPROVING AN AMENDMENT TO MASTER CONSULTING AGREEMENT WITH EARTH TECH, INC. FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE CLEARANCE AND CLEANUP OF TOURTELOT PROPERTY; AN AMENDMENT TO THE AGREEMENT WITH GRANITE MANAGEMENT FOR FUNDING THE AMENDED EARTH TECH, INC. AGREEMENT; AND AGREEMENTS RELATED TO PEER REVIEW OF WORK OF EARTH TECH, INC.

On motion of Councilmember Messina, seconded by Councilmember Corbaley, the above resolution was adopted on roll call by the following vote:

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: Councilmember Cox-Golovich

PUBLIC COMMENT:

Cathy Hewitt, 266 East B Street, asked when notice of items on the Agenda is given; making cities a better place to live; people being unlawful; fund transportation, books, and tuition for low income residents; not enough child care.

James O. Milburn, 280 East J Street, said thank you to the Mayor and Councilmembers for statements made that were printed in a newspaper article about his attendance at Council meetings.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 10:10 p.m.

Linda S. Purdy, City Clerk