

May 24, 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 24, 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:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(pursuant to Subdivision (a) of Government Code Section 54956.9)
Name of Cases - 1. WALDSMITH v. City of Benicia
2. BENICIA INDUSTRIES v. City of Benicia

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

ROLL CALL

Present: Councilmembers Corbaley, Messina and Mayor Hayes

Absent: Councilmembers Cox-Golovich and Gizzi

(Councilmember Cox-Golovich arrived at 7:15 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Hayes led the pledge to the flag.

CONVENE OPEN SESSION

ROLL CALL

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

Absent: Councilmember Gizzi

ANNOUNCEMENTS

Mayor Hayes announced the following:

Gave direction to legal counsel - WALDSMITH

Gave direction to legal counsel - BENICIA INDUSTRIES

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 8:15 p.m.

Linda S. Purdy, City Clerk

MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
MAY 18, 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 led the pledge to the flag.

UNFINISHED BUSINESS:

CONTINUED PUBLIC HEARING RE: BENICIA GENERAL PLAN
CONTINUED DISCUSSION OF EDITED DRAFT GENERAL PLAN; DISCUSSION OF
REMAINING ISSUES FOR CHAPTER 3; CHAPTER 4: PART A: HEALTHY COMMUNITY;
PART B: HAZARDS TO THE COMMUNITY; PART C: RESPONSE TO HAZARDS; AND PART
D: NOISE AND COMPLETE DISCUSSION OF REMAINING ISSUES IN CHAPTER 2
Mayor Hayes opened the continued Public Hearing. Written comments were received.

Consensus of the Mayor and Council was to continue without Councilmember Cox-Golovich being present.

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.

Mayor Hayes stated he will abstain on any discussion and voting on land use, Change No. 15 - properties and business are located in area. John Bunch, Planning Director, gave an overview report and summary of those items discussed at the last meeting; the items in Chapter 4 will be discussed first in order to ensure that they are completed this evening, then go back to the unresolved issues in Chapter 2.

Mr. Bunch stated staff wants direction on 1) a proposed environmental commission; 2) additional language to be added to the plan regarding fire hazards in Southampton buffer.

Chapter 4

Jack Hanstein, 77 Denfield, Chairman, Healthy Community Task Force, informed Mayor and Council that our City is one of five cities leading the State by including this task force in its General Plan.

John Bunch, Planning Director, stated he has received a lot of comments from the public re: Noise. There is a complicated process to measure noise and the way it affects people; standards need to be readily applicable. Concerns raised by Exxon, they provided an expert to work with staff to clarify standards and their application; issues have been resolved.

Councilmember Gizzi concurs with the staff that there is no need for an additional commission to be formed, process is in place; confident that the language in reference to the fire hazards is adequate.

Councilmember Corbaley agrees about the language for fire hazards; would like to see the formation of an ad hoc environmental task force to assist the City with the implementation of programs.

Councilmember Messina clarified that there are already other procedures in place to handle identification of fire hazards; does not see the need for another commission to be formed.

Mayor Hayes agrees with staff as to the deletion of 4.12.D; however, would like to pursue the language that was presented by Councilmember Corbaley; no additional language required for fire hazards, but will see if additional language is submitted by Councilmember Cox-Golovich at the next meeting.

John Bunch, Planning Director, requested direction if the role of Human Services Fund Board was expanded and then would require additional staff support to be assigned.

Mayor Hayes corrected the name of the Board for the record and read their duties; questioned whether this would be a duplication of the CAC.

Jack Hanstein, 77 Denfield, confirmed that CAC has many of these responsibilities. Mayor Hayes referred to the risk-based scoring system proposed for development; this program serves no purpose.

John Bunch, Planning Director, stated that an EIR would be required for any new development that was involved with hazardous materials.

Consensus of the Council was to eliminate this program.

Chapter 2 A & B

Brian Tulloch, Tulloch Construction, 3428 Ellie St., Oakland, is in opposition of risk-based scoring system; definition of view corridors.

Chapter 3

Larry Hazard, 12 Dianne Court, Lafayette, spoke on landscaping requirements and outdoor storage in the Industrial Park.

Heather McLaughlin, City Attorney, reminded Mayor and Council that Chapter 3 is not on the Agenda.

Chapter 2 Mixed Use/Land Use- lower arsenal-downtown

Staff recommendation: leave as two separate districts

Mayor Hayes - agrees with staff

Councilmember Messina - agrees with staff

Councilmember Gizzi - agrees with staff
Councilmember Corbaley - agrees with staff

West Channel buffer

Staff has provided additional language

Councilmember Messina - concerned with 200 ft. limit

Mayor Hayes - comfortable with 200 ft.

Councilmember Corbaley - comfortable with proposed language

Councilmember Gizzi - abstain

John Bunch, Planning Director, stated all directions from this meeting will come back. Planning Commission representative will comment on Council changes at next meeting; staff will then prepare a draft resolution.

Mayor Hayes stated we are on schedule - final hearing should be on June 15.

Mayor Hayes closed the continued Public Hearing at 7:40 p.m. to the next meeting.

Mayor Hayes called for a break at 7:40 p.m.

Mayor Hayes reconvened to the regular meeting at 8:00 p.m.

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
MAY 18, 1999

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 8:00 p.m. Tuesday, May 18, 1999, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL

Present: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Absent: Councilmember Cox-Golovich

APPOINTMENTS:

Mayor Hayes announced the appointment of Michael Caplin to the Human Services Fund Board to fill an unexpired term.

RESOLUTION NO. 99-41 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF
MICHAEL CAPLIN TO THE HUMAN SERVICES FUND BOARD TO FILL AN UNEXPIRED
TERM TO JULY 1, 2001

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: None

Absent: Councilmember Cox-Golovich

Mayor Hayes announced the appointment of Sheila Doyle to the Human Services Fund Board to fill an unexpired term.

RESOLUTION NO. 99-42 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF SHEILA DOYLE TO THE HUMAN SERVICES FUND BOARD TO FILL AN UNEXPIRED TERM TO JULY 1, 2000

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: None

Absent: Councilmember Cox-Golovich

Mayor Hayes announced the appointment of Ray Shehan to the Design Review Commission to fill an unexpired term.

RESOLUTION NO. 99-43 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF RAY SHEHAN TO THE DESIGN REVIEW COMMISSION TO FILL AN UNEXPIRED TERM TO JULY 1, 2000

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: None

Absent: Councilmember Cox-Golovich

Mayor Hayes announced the appointment of Tom Adams to the Design Review Commission for a full term.

RESOLUTION NO. 99-44 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF TOM ADAMS TO THE DESIGN REVIEW COMMISSION FOR A FULL TERM FROM JULY 1, 1999 TO JULY 1, 2003

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: None

Absent: Councilmember Cox-Golovich

PROCLAMATIONS

BENICIA HISTORICAL MUSEUM - "HISTORY HONORS AWARDS DAY" MAY 21, 1999
Mayor Hayes read the Proclamation; accepted by Jackie Hebson.

"ELDER ABUSE AWARENESS AND PREVENTION MONTH" JUNE 1999
Mayor Hayes read the Proclamation; accepted by Jamie Mortensen, who would like to come back to a meeting in June to make an additional presentation.

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.

Councilmember Gizzi requested Item K be pulled from the Consent Calendar.

Councilmember Corbaley requested Item E 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 May 3, 1999 and May 4, 1999.

Denial of Claims and referral to insurance carrier - FOSTER and ORTEGA.

Check Registers for the month of April 1999.

RESOLUTION NO. 99-45 - A RESOLUTION DESCRIBING IMPROVEMENTS AND ORDERING PREPARATION OF ENGINEER'S REPORT, LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 1999-2000

RESOLUTION NO. 99-46 - A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH BID ADVERTISEMENT FOR LAKE HERMAN DAM OUTLET TOWER (PHASE I) PROJECT

RESOLUTION NO. 99-47 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A CONSULTANT AGREEMENT TO PREPARE THE ENVIRONMENTAL IMPACT REPORT FOR THE BENICIA BUSINESS PARK (PRJ 98-18)

RESOLUTION NO. 99-48 - A RESOLUTION APPROVING A CONSENT TO FORMATION OF ASSESSMENT DISTRICT AGREEMENT BETWEEN CITY OF BENICIA AND SANDRA SHANNONHOUSE, TRUSTEE OF THE ARNESON-SHANNONHOUSE TRUST

Special Purpose Audit Report-federal financial assistance ending June 30, 1998

ADOPTION OF ORDINANCE NO. 99-6 - AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 2.48.060 "MEETING TIME" OF THE PARKS, RECREATION AND CEMETERY COMMISSION

RESOLUTION NO. 99-49 - A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION

HISTORIC SOUTHERN PACIFIC DEPOT

RESOLUTION NO. 99-50 - A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH BID ADVERTISEMENT FOR HISTORIC S.P. DEPOT EXTERIOR REHABILITATION PROJECT

RESOLUTION NO. 99-51 - A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AND CITY CLERK ATTEST PROGRAM SUPPLEMENT AGREEMENT NO. 006-R1 OF AGENCY-STATE AGREEMENT NO. 10-5003 COVERING PRELIMINARY ENGINEERING, CONSTRUCTION ENGINEERING, AND CONSTRUCTION OF THE HISTORIC S.P. DEPOT EXTERIOR REHABILITATION PROJECT

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

(END OF CONSENT CALENDAR)

Mayor Hayes stated that there was a member of the audience that had requested that Item N be pulled from the Consent Calendar and that the card had been overlooked.

James O. Milburn, 280 East J Street, favors the project; presented a donation.

Mayor Hayes thanked the staff and Chris Tomasik, Public Works Department.

DISTRIBUTION OF 1999-2001 PROPOSED CITY BUDGET AND SETTING DATE FOR BUDGET WORKSHOP

Councilmember Corbaley requested this item be pulled from the Consent Calendar; questioned whether or not the proposed time schedule would be able to be followed.

Otto Giuliani, City Manager, stated that he felt that the time schedule was realistic; commended Finance staff for an excellent job.

On motion of Councilmember Corbaley, seconded by Councilmember Messina, and unanimously carried, date for Budget Workshop was approved.

TRANSIT FUND AUDIT REPORT

Councilmember Gizzi requested this item be pulled from the Consent Calendar; requested clarification of 1997-1998 additional \$65,000 - questioned if this cost was due to going back and forth to Fairfield; would like this item looked in to and brought back to council.

Alan Nadrich, Finance Director stated he would research the item.

On motion of Councilmember Gizzi, seconded by Councilmember Corbaley, and unanimously carried, Transit Fund Audit Report for the period ending June 30, 1998 was accepted.

REPORTS FROM CITY COUNCIL COMMITTEES

CONTRACT WITH EDAAW

Heather McLaughlin, City Attorney, explained the process by which the consultant was chosen; this contract covers both Rose Drive and the Tourtelot property; Granite Management will pay for the cost of the studies.

Council took the following action:

RESOLUTION NO. 99-52 - A RESOLUTION APPROVING A CONTRACT WITH EDAAW, INC. FOR ENVIRONMENTAL IMPACT REPORTS FOR THE CLEANUP AND DEVELOPMENT OF THE ROSE DRIVE/BLAKE COURT AREA AND FOR THE RESIDENTIAL DEVELOPMENT OF UNITS D-6, D-7, AND D-1 OF THE TOURTELOT PROPERTY AND PARCEL G-3

On motion of Councilmember Gizzi, 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: None

Absent: Councilmember Cox-Golovich

NEW BUSINESS:

CONFIRM CITY IMPLEMENTATION OF VARIOUS HOUSING PROGRAMS AND IMPLEMENTING CERTAIN RELATED AMENDMENTS TO THE BENICIA MUNICIPAL CODE
Otto Giuliani, City Manager, spoke on the implementation of the various amendments that were brought about due to the court decision on the Winterhawk case; 13 separate items have been or can be implemented. None are controversial.

Two concerned citizens expressed their views.

Mayor Hayes stated this is the first step in order to reach compliance; City is doing its best to comply with the law; current meetings with ABAG will hopefully result in better numbers.

Councilmember Corbaley stated that due to the loss of the court case, the City is not negotiating from a position of strength; the Council does not necessarily agree with the SSA.

Council took the following action:

RESOLUTION NO. 99-53 - A RESOLUTION CONFIRMING CITY IMPLEMENTATION OF VARIOUS HOUSING PROGRAMS AND IMPLEMENTING CERTAIN RELATED AMENDMENTS TO BENICIA MUNICIPAL CODE

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: None

Absent: Councilmember Cox-Golovich

PUBLIC COMMENT

Walter Cross, 1105 Church Street, spoke on his continuing concerns about high school students on Church Street; would like a sign prohibiting parking by teens during school hours.

Mayor Hayes stated that staff would respond to Mr. Cross about his concerns.

James O. Milburn, 280 East J Street, pointed out that tonight's Council meeting is being attended by some students from the high school; bringing up a golf course is to distract the public from real issues.

Hung Tran, Benicia High School student, member of Mr. Bowles Economic class.

Jeremy Wong, Benicia High School student, member of Mr. Bowles Economic class.

Leslie Williams, 124 Carlisle Way, Benicia High School student, member of Mr. Bowles Economic class, spoke on violation of rights if a certain group is banned from an area.

ADJOURNMENT

Mayor Hayes adjourned the meeting at 9:05 p.m.