

June 2, 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

June 2, 1998

A special meeting of the City Council of the City of Benicia was called by Mayor Jerry Hayes at 7:00 p.m. Tuesday, June 2, 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 Labor Negotiator
Agency Negotiator: Assistant City Manager/Personnel Services Manager
Employee Organization: Communication Workers of America
(CWA)/Dispatchers Unit

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

MINUTES OF THE REGULAR MEETING - CITY COUNCIL JUNE 2, 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, June 2, 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, Messina and Mayor Hayes
Present via telephone: Councilmember Gizzi
Absent: None

Mayor Hayes explained how Councilmember Gizzi will participate. He is out of town, but will be able to participate via a conference phone that will be monitored by the City Clerk.

PLEDGE OF ALLEGIANCE

Mayor Hayes led the pledge to the flag.

ANNOUNCEMENTS

Mayor Hayes reminded the public that it is an election day and urged the citizens of Benicia to vote.

Mayor Hayes announced action taken in Closed Session, as follows:
Conference With Labor Negotiator re: Communication Workers of America
(CWA)/Dispatchers Unit - no action taken.

APPOINTMENT:

Mayor Hayes announced the reappointment of Lorraine Atkins to the Library Board of Trustees.

Council took the following action:

RESOLUTION NO. 98-73 - A RESOLUTION CONFIRMING MAYOR'S REAPPOINTMENT OF
LORRAINE ATKINS TO THE LIBRARY BOARD OF TRUSTEES FOR A FULL TERM

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

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

Noes: None

PRESENTATION:

SOLANO PARTNERSHIP AGAINST VIOLENCE

Reginald Garcia, Chairperson, made a presentation. This is a task force formed to bring
awareness to the issue of domestic violence. A request was made for Council support and the
appointment of a Council Member to serve on the Task Force.

Councilmember Cox-Golovich stated she will volunteer to be a member.

Councilmember Corbaley suggested sending a letter of support from Council.

Mayor Hayes stated that by a minute action of the Council, the letter of support will be sent.

ADOPTION OF AGENDA:

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

On motion of Councilmember Corbaley, seconded by Councilmember Cox-Golovich, and
unanimously carried, Agenda was adopted.

CONSENT CALENDAR:

Mayor Hayes stated he has a request from the audience to pull Items B and C; asked if there
were any other changes to the Agenda.

Councilmember Corbaley requested Item D be pulled.

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

Minutes of May 19 and May 27, 1998.

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

(END OF CONSENT CALENDAR)

NAMING BENICIA PUBLIC LIBRARY ART GALLERY THE "MARILYN C. O'ROURKE ART GALLERY"

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; square footage is not correct - it should be 31,700 square feet; approves of the Resolution.

Councilmember Corbaley read the entire Resolution into the record.

Councilmember Corbaley amended the Resolution to change the square footage of the Library from 23,000 to 31,700 square feet.

Council took the following action:

RESOLUTION NO. 98-74 - A RESOLUTION AFFIRMING UNANIMOUS VOTE OF LIBRARY BOARD OF TRUSTEES TO NAME THE BENICIA PUBLIC LIBRARY ART GALLERY THE "MARILYN C. O'ROURKE ART GALLERY"

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

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

Noes: None

ACCEPTING BIDS AND AWARDING CONSTRUCTION CONTRACT TO PACIFIC UNDERGROUND SERVICES FOR EAST G STREET ALLEY STORM WATER PUMP STATION IMPROVEMENT PROJECT, AND APPROPRIATING \$20,000 FROM ACCOUNT NO. 080-0080-099-865 FOR SAID PROJECT

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; is in favor of the Resolution - old problem finally will be solved.

Mayor Hayes voiced his concern about this project exceeding the engineer's cost estimate.

Council took the following action:

RESOLUTION NO. 98-75 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONSTRUCTION CONTRACT IN THE AMOUNT OF \$107,533.40 TO PACIFIC UNDERGROUND SERVICES, EAST G STREET ALLEY STORM WATER PUMP STATION IMPROVEMENT PROJECT AND APPROPRIATING \$20,000 FROM ACCOUNT NO. 080-0080-099-865 FOR PROJECT

On motion of Councilmember Cox-Golovich, 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

ACCEPT BENICIA BIKEWAYS GAP CLOSURE PROJECT, APPROVE CONTRACT CHANGE ORDER NO. 1, AUTHORIZE CITY MANAGER TO SIGN NOTICE OF COMPLETION AND CITY CLERK RECORD SAME WITH SOLANO COUNTY RECORDER

Councilmember Corbaley requested this item be pulled from the Consent Calendar; commended Public Works for coming in under budget.

Council took the following action:

RESOLUTION NO. 98-76 - A RESOLUTION ACCEPTING BENICIA BIKEWAYS GAP CLOSURE PROJECT, APPROVING CONTRACT CHANGE ORDER NO. 1, CITY MANAGER

SIGN AND CITY CLERK RECORD NOTICE OF COMPLETION WITH SOLANO COUNTY RECORDER

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, Gizzi, Messina and Mayor Hayes

Noes: None

PUBLIC HEARING:

CONSIDERATION OF APPEAL OF DENIAL OF PLANNING COMMISSION OF A ZONING TEXT AMENDMENT REGARDING CONVENIENCE MARKETS

Otto Giuliani, City Manager, presented background information and actions taken to date. This is an Appeal of the Zoning Text Amendment only - not an approval of a convenience store at the Chevron Station site; explained the options available to the Council, including an additional option done by staff after the Agenda was distributed.

Heather McLaughlin, City Attorney, clarified that the Ordinance was agendized broadly enough to allow the Council to make the proposed changes.

John Bunch, Planning Director, stated that the Ordinance was originally enacted in 1987 and it provides that use permits for this type of zoning are required.

Timothy Boe, 940 Tyler Street, Suite 23, Benicia, Appellant, representing Chevron, stated the process is complicated and confusing; felt that the Planning Commission decision was based on the staff report presented to them; staff report biased; explains proposed project.

Mayor Hayes opened the Public Hearing. Legal notice was given. Written protests were received including a Petition from neighbors in the vicinity of the Chevron Station objecting to the change in zoning to allow a mini-mart.

The following persons spoke:

Brad MacLane, 436 York Drive, Chairman, Economic Development Board, supports - uphold Appeal; wants to encourage business.

Michael Escobosa, 704 Primrose Lane, supports Appeal; will benefit town.

Cathy Hewitt, 266 East B Street; type of business that promotes problems; 2nd Street not pedestrian friendly.

Carolyn Dubright, 855 East 3rd Street, does not want a convenience store on every corner.

Larry Fullington, 833 Clifton Court; business license fees are the lowest in the Bay Area.

Marilyn Bardet, 333 East K Street; concerned about the impact on the Safeway Store - does not want them to leave.

April Alacon, 424 East H Street, supports project.

James O. Milburn, 280 East J Street, read a statement in reference to St. Catherine's Wood; deny Appeal.

Carl Lusted, 1107 West 7th Street; very close to City Park. There are two Petitions presented that are not in favor of store; deny Appeal.

Elizabeth Patterson, 1215 West 2nd Street; neighborhood very fragile; opposed to the Appeal; spoke on legal status of spot zoning.

Heather McLaughlin, City Attorney, responded that the changes are minor and will not impact the Negative Declaration or present CEQA problems.

Elizabeth Patterson suggested continuing the item; is concerned for Solano Square, Applicant needs clear guidelines, flexibility; protect City's interests.

Mayor Hayes called for a break at 9:55 p.m.

Mayor Hayes reconvened the meeting at 10:06 p.m.

Ross Sagun, 865 Channing Circle, questioned whether this will require more police effort; negative impact on Safeway; would not like to look at parking lot of a convenience store from the park.

Timothy Boe, Appellant, representing Chevron, presented his rebuttal. Something needs to be accomplished; does have time constraints. A conditional use permit is inclusive enough for them to accomplish what they need to; requested Council make a decision.

Heather McLaughlin, City Attorney, stated if Public Hearing is closed, Council has 60 days to decide; Public Hearing should be left open if more opinions are gathered; read findings on use permits from Zoning Ordinance.

Mayor Hayes asked if the same goals could be accomplished through conditional use process.

John Bunch, Planning Director, responded if Council gave direction to staff, Design Review Commission and Planning Commission, they would proceed accordingly; reviewed the process a project must go through for approval.

Councilmember Cox-Golovich spoke on the following issues and suggested taking them into consideration:

Blending in with neighborhood and being sensitive to the surrounding area.

Pedestrian safety that needs to be addressed at the conditional use level.

Light pollution.

Traffic circulation.

Noise.

Litter

Loitering.

Economic impact of the retail food and beverage sale establishment that is nearby, which, in this particular case, would be Safeway.

Public participation in terms of meeting with neighborhood people and going over the proposed plan with them - outreach.

Alcoholic beverages.

Councilmember Gizzi made a motion to uphold the Appeal and approve the Negative Declaration and the Ordinance as amended by staff, seconded by Councilmember Corbaley.

Heather McLaughlin, City Attorney, suggested that two separate actions be taken and clarified that tonight is the introduction of the Ordinance.

Councilmember Corbaley clarified the motion and second.

Councilmember Cox-Golovich asked staff if the issues that she raised were going back specifically to the Planning Department and the Planning Commission and they will be specifically addressed through the conditional use permit process.

John Bunch, Planning Director, stated they would unless Council directs otherwise.

Mayor Hayes closed the Public Hearing.

Council took the following actions:

RESOLUTION NO. 98-77 - A RESOLUTION APPROVING AN APPEAL AND APPROVING A NEGATIVE DECLARATION FOR THE PROPOSED ZONING TEXT AMENDMENT (EA 98-1)

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

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE AMENDING SECTION 17.28.020 L-4 OF THE MUNICIPAL CODE RELATING TO THE LOCATION OF CONVENIENCE MARKETS (ZO 98-1)

On motion of Councilmember Corbaley, seconded by Councilmember Gizzi, the above Ordinance was introduced by title only by the following vote:

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

Noes: None

(Further consideration of the above Ordinance will be held at the next regular Council meeting.)

Councilmember Corbaley stated she would like to propose a minute action incorporating the issues articulated by Councilmember Cox-Golovich to provide the direction requested by our Planning Director for Planning staff and Planning Commission.

On motion of Councilmember Corbaley, seconded by Councilmember Messina, to give direction to staff to look into points raised by Councilmember Cox-Golovich passed by the following vote:

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

Noes: Councilmember Gizzi

(At 10:40 p.m. Councilmember Gizzi terminates the phone connection and ceases his participation in the meeting.)

Otto Giuliani, City Manager, announced the current total for Measure B, Library tax issue.

REPORTS FROM CITY COUNCIL COMMITTEES:

SOLANO WATER AUTHORITY UPDATE ON CALFED

Councilmember Messina gave an update report. This Program is to restore the Ecological Health of Bay/Delta.

I.T. COMM. UPDATE RE: LETTER TO JIM PAPPAS DATED APRIL 22, 1998

Mayor Hayes and Councilmember Cox-Golovich gave update reports. Times and dates were given for the video replaying of the Public Forum that was held regarding the remediation of the I.T. site.

UPDATE ON ROSE DRIVE

Mayor Hayes and Councilmember Corbaley gave update reports. EIR and PEA schedule of completion timelines were discussed.

PUBLIC COMMENT:

Joe Jacobson spoke on meeting held May 27 re: WWTP project; commends process; read list of those who helped.

Brad MacLane, 436 York Drive, spoke on attending the meeting for plans for new Benicia Bridge; would like support to help retain vehicle access to the overlook.

Cathy Hewitt, 266 East B Street, thanked City Attorney for coming to Human Services Committee meeting; spoke on separation of church and state; thanked Councilmember Cox-Golovich re: Domestic Violence.

James O. Milburn, 280 East J Street, spoke on the permit charge for Holy Ghost Parade. Councilmember Cox-Golovich confirmed re: Holy Ghost to feed those less fortunate.

ADJOURNMENT

Mayor Hayes adjourned the meeting at 12:10 p.m.

Linda S. Purdy, City Clerk