

June 15, 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
JUNE 15, 1999

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 15, 1999.

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
(pursuant to Subdivision(a) of Government Code Section 54956.9)
Name of Case: WINTERHAWK v. City of Benicia

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

MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JUNE 15, 1999

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:44 p.m. Tuesday, June 15, 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

PLEDGE OF ALLEGIANCE:

Mayor Hayes led the pledge to the flag.

ANNOUNCEMENT:

Mayor Hayes announced action taken in Closed Session, as follows - gave direction to City staff.

APPOINTMENTS:

Mayor Hayes stated at the next meeting he will make an appointment to the Design Review Commission.

PROCLAMATION:

"PARKS & RECREATION MONTH"

Mayor Hayes read the Proclamation; accepted by Larry Melandez, Chairman, Parks, Recreation and Cemetery Commission.

ADOPTION OF AGENDA:

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

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

CONSENT CALENDAR:

Mayor Hayes stated he has requests from the audience to pull Items F, H and K; asked if there were any other items to be pulled.

Staff requested Item A be pulled.

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

Denial of Claim and referral to insurance carrier - SCHIEVE.

Check Registers for May 1999.

RESOLUTION NO. 99-60 - A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999 FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR CANDIDATES

RESOLUTION NO. 99-61 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS TO THE CITY OF BENICIA FOR THE TREATMENT OF WATER

RESOLUTION NO. 99-62 - A RESOLUTION DECLARING PORTION OF CITY CEMETERY SURPLUS AND ORDERING SAID PARCEL OF LAND TO BE SOLD FOR APPRAISED VALUE TO THE ADJACENT PROPERTY OWNER

CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FY 1999/2000

RESOLUTION NO. 99-63 - A RESOLUTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR FY 1999/2000

RESOLUTION NO. 99-64 - A RESOLUTION DETERMINING TO UNDERTAKE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO AN EXISTING ASSESSMENT DISTRICT KNOWN AS "CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT" PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

RESOLUTION NO. 99-65 - A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND SETTING A PUBLIC HEARING THEREFOR ON JULY 6, 1999

RESOLUTION NO. 99-66 - A RESOLUTION ADOPTING 1999-2001 BUDGET

ADOPTION OF ORDINANCE NO. 99-7 - AN ORDINANCE ADDING SECTION 17.08.020(M) NONDISCRIMINATION AND AMENDING SUBSECTION 17.70.060(C.4) PARKING STANDARD FOR ACCESSORY UNITS OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

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

(END OF CONSENT CALENDAR)

MINUTES OF JUNE 1, 1999 AND JUNE 5, 1999

Staff requested this item be pulled from the Consent Calendar.

Heather McLaughlin, City Attorney, referred to page 3 of June 1, 1999 Minutes; suggested changing the wording to "The Mayor continued the Public Hearing until June 15, 1999 and adjourned the meeting at 7:29 p.m. to a Closed Session".

On motion of Councilmember Cox-Golovich, seconded by Councilmember Corbaley, and unanimously carried, Minutes of June 1 and June 5, 1999 were approved, as amended.

AMENDMENTS TO CHAPTER 13.52, RATES AND CHARGES, OF DIVISION II SEWER SYSTEM OF TITLE 13, PUBLIC SERVICES OF THE BENICIA MUNICIPAL CODE

Stuart Posselt, 423 York Drive, requested this item be pulled from the Consent Calendar; spoke on General Obligation Bond and placing a Measure on the November ballot to redefine the use of Bond funds.

Virgil Mustain, Public Works Director, clarified that only certain portions of the project fit the State criteria, so the loan was smaller.

Otto Giuliani, City Manager, stated no additional money would be spent without approval of Council.

Council took the following action:

ADOPTION OF ORDINANCE NO. 99-8 - AN ORDINANCE AMENDING CHAPTER 13.52, RATES AND CHARGES, OF DIVISION II SEWER SYSTEM OF TITLE 13, PUBLIC SERVICES OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

NAMING PARK AT THE FOOT OF FIRST STREET "FIRST STREET GREEN"

James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar; he is in favor of the name change.

Council took the following action:

RESOLUTION NO. 99-67 - A RESOLUTION NAMING THE PARK AT THE FOOT OF FIRST STREET "FIRST STREET GREEN"

On motion of Councilmember Messina, 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

JOB DESCRIPTION FOR NEW CLASSIFICATION OF RECREATION MANAGER AND MINOR REVISIONS TO RECREATION SUPERVISOR JOB DESCRIPTION, AMENDMENT OF CLASSIFICATION PLAN, AND ESTABLISHMENT OF SALARY RANGE FOR NEW CLASSIFICATION

Cathy Hewitt, 266 East B Street, requested this item be pulled from the Consent Calendar; questioned educational requirement wording.

Linda Johnson, Assistant City Manager/Personnel Services Manager, responded that in order not to discriminate against any individual, certain wording is used.

Council took the following action:

RESOLUTION NO. 99-68 - A RESOLUTION APPROVING JOB DESCRIPTION FOR NEW CLASSIFICATION OF RECREATION MANAGER AND MINOR REVISIONS TO RECREATION SUPERVISOR JOB DESCRIPTION, AMENDMENT OF CLASSIFICATION PLAN, AND ESTABLISHMENT OF SALARY RANGE FOR NEW CLASSIFICATION

On motion of Councilmember Cox-Golovich, seconded by Councilmember Gizzi, 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 HEARINGS:

BACKFLOW AND CROSS CONNECTION PROGRAM:

AMEND CHAPTER 13.28 OF MUNICIPAL CODE PERTAINING TO CONTROL OF BACKFLOW AND CROSS CONNECTION TO CITY WATER SYSTEM

REVISIONS TO SECTION 6 AND STANDARD PLAN W-10 OF ENGINEERING DESIGN STANDARDS AND STANDARD PLANS, AUTHORIZING LOAN PROGRAM FOR QUALIFYING PROPERTY OWNERS FOR THE INSTALLATION OF REQUIRED BACKFLOW ASSEMBLIES

Otto Giuliani, City Manager, gave a report; this is a health and safety issue to ensure clean water; commercial property/multi-family dwelling will be affected; the deadline for compliance will be December 31, 1999.

Mayor Hayes stated this is to protect drinking water from contamination from backflow and cross connection; cited examples in Benicia and Fairfield.

Mayor Hayes opened the Public Hearing. Legal notice was given. No written protests received. No one spoke for or against this item.

Mayor Hayes closed the Public Hearing.

Council took the following actions:

INTRODUCTION OF ORDINANCE NO. 99- - AN ORDINANCE AMENDING CHAPTER 13.28 OF MUNICIPAL CODE PERTAINING TO CONTROL OF BACKFLOW AND CROSS CONNECTION TO THE CITY WATER SYSTEM

On motion of Councilmember Gizzi, seconded by Councilmember Messina, 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 meeting.)

RESOLUTION NO. 99-69 - A RESOLUTION APPROVING REVISIONS TO SECTION 6 AND STANDARD PLAN W-10 OF THE ENGINEERING DESIGN STANDARDS AND STANDARD PLANS AND AUTHORIZING A LOAN PROGRAM FOR QUALIFYING PROPERTY OWNERS FOR THE INSTALLATION OF REQUIRED BACKFLOW ASSEMBLIES

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

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

Noes: None

AMENDMENT TO THE GENERAL PLAN IN ORDER TO REVISE THE TRI-CITY AND COUNTY COOPERATIVE PLAN FOR AGRICULTURAL AND OPEN SPACE PRESERVATION:

CERTIFYING THE FINAL ENVIRONMENT IMPACT REPORT ON THE DRAFT BENICIA GENERAL PLAN AND ADOPTING THE MITIGATION MONITORING PROGRAM

UPDATE TO BENICIA GENERAL PLAN, INCLUDING CHANGES RELATED TO THE TRI-CITY AND COUNTY COOPERATIVE PLAN

Heather McLaughlin, City Attorney, stated the Tri-City and County Cooperative Plan Public Hearing needs to be held before the General Plan item. No resolution is provided for the Tri-City action, because it is included in the adoption of the new General Plan. The two actions are combined because State law limits the number of amendments the City can make to elements of the General Plan.

TRI-CITY AND COUNTY COOPERATIVE PLAN FOR AGRICULTURE AND OPEN SPACE PRESERVATION

John Bunch, Planning Director, stated that work on this project has gone on for the last five years; recommend concurrence; conduct a Public Hearing, but no action will be required until the General Plan is adopted.

Councilmember Cox-Golovich spoke on the many significant impacts of such a small parcel that were noted in the EIR.

John Bunch, Planning Director, stated impacts and mitigation were for other portions of Hiddenbrook and not this site.

Mayor Hayes opened the Public Hearing. Legal notice was given.

The following persons spoke:

Bob Berman, 250 West K Street, gave an explanation of the Plan; this secures 50 acres of open space. Before any change can be made to the Plan each City and the County must consent. Mayor Hayes closed the Public Hearing (hold vote until General Plan is approved).

CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT ON DRAFT BENICIA GENERAL PLAN AND ADOPTING THE MITIGATION MONITORING PROGRAM

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 - 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.

Heather McLaughlin, City Attorney, explained that abstentions of Mayor and Council will be included on the back page of the Resolution so that the abstentions will be noted.

John Bunch, Planning Director, spoke on the countless hours that had gone into the preparation of the General Plan. This is a citizen driven plan that is an accurate representation of the City and its vision; explained the two Resolutions.

Councilmember Gizzi referred to the letter from Legal Services received this date stating that the EIR is insufficient; questioned whether or not the mandates of the SSA are in the General Plan.

Heather McLaughlin, City Attorney, stated EIR is sufficient; mandates of the SSA are not in the document, but they are being worked on.

Mayor Hayes opened the Public Hearing. Legal notice was given. One written communication received. No one spoke for or against this item.

Mayor Hayes closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 99-70 - A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT ON THE DRAFT BENICIA GENERAL PLAN AND ADOPTING THE MITIGATION MONITORING PROGRAM (WITH ABSTENTIONS NOTED)

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

UPDATE TO BENICIA GENERAL PLAN, INCLUDING CHANGES RELATED TO THE TRI-CITY AND COUNTY COOPERATIVE PLAN

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

The following persons spoke:

James O. Milburn, 280 East J Street, on the open space issue.

Jeff Brinton, representing Benicia Industries, renoted their prior objections; will now concentrate on implementation of the Plan; futures are intertwined and hopes that solutions can be found.

Cathy Hewitt, 266 East B Street, on Parks and the importance of open space.

Stuart Posselt, 423 York Drive; is concerned about the balance between open space and enough land to build housing.

Mayor Hayes closed the Public Hearing.

Final comments were made by Mayor and Council on this item.

Council took the following action:

RESOLUTION NO. 99-71 - A RESOLUTION APPROVING AN UPDATE TO THE BENICIA GENERAL PLAN, INCLUDING CHANGES RELATED TO THE TRI-CITY AND COUNTY COOPERATIVE PLAN (WITH ABSTENTIONS NOTED)

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

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

Noes: None

REPORTS FROM CITY MANAGER: DISCUSSION OF POSSIBLE CANCELLATION OF JULY 20, 1999 CITY COUNCIL MEETING TO ACCOMMODATE VACATIONS OF SEVERAL COUNCIL MEMBERS

Otto Giuliani, City Manager, informed Mayor and Council some of the Council members are not available on July 20, 1999.

Consensus of the Council was to cancel the July 20, 1999 City Council meeting.

PUBLIC COMMENT:

Stuart Posselt, 423 York Drive, spoke on putting another bond issue on the ballot; have an election on whether citizens want another sewer increase.

Cathy Hewitt, 266 East B Street, spoke on park systems; five hours discussion for budget was not long enough - should have freedom to discuss things.

James O. Milburn, 280 East J Street, spoke on older citizens needing help to keep weeds/trash away.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 9:23 p.m.

Linda S. Purdy, City Clerk