

August 7, 2001

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

AUGUST 7, 2001

MINUTES OF THE

REGULAR MEETING - CITY COUNCIL

AUGUST 7, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:32 p.m. Tuesday, August 7, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Bidou, Corbaley, Gizzi and Mayor Messina

Absent: Council Member Whitney

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced that Benicia has a new Postmaster; there will be a Town Hall Meeting held at the Post Office on August 23, 2001 at 6:30 p.m. to discuss concerns of the citizens about local postal service.

PRESENTATION:

Otto Giuliani, City Manager, stated that a survey had been conducted at the request of the City; introduced Mr. Neil Hall, Fairfield Research Group, who gave a presentation on the results of that survey; results of the survey will be posted on the City Web Site and will be available at the Library.

ADOPTION OF AGENDA:

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

On motion of Council Member Corbaley, seconded by Council Member Bidou, and unanimously carried, Agenda was adopted as presented.

WRITTEN COMMUNICATIONS:

PUBLIC COMMENT:

Kenneth Bowman, Jr., 45 Buena Vista, great-nephew of former Council Member James Kurtz, who passed away recently, read the Obituary into the record.

Sandy Moriarty, 584 Hastings Drive, spoke on the City's support of Historical Preservation.

Kitty Griffin, 236 Baker Street, proposed the possibility of an Historical Park in the area of the Jefferson Park Residential Project.

Bob Match, 695 Knight, gave an update on the X-Park fund raising; the unofficial total is \$100,000.

James O. Milburn, 280 East J Street, reminded the Council that the last vote on Redevelopment failed by 60%; read his suggestions for development or location of various recreation sites.

Susanne Jahn, 118 Warwick #54, requested the Council look into Rent Control; has had significant increases in her rent during the last nine months.

Bill Tanner, representing Valero Refinery, stated that it was the Refinery's intent to resolve any water usage issues; there will be no net increase in the water usage by using recycling; there will also be a study done.

Vincent Morretti, 1795 Ellie Court, commented on the Survey that was presented to the Council earlier in the evening.

Linda Lewis, 282 West I Street, expressed concerns about Cogeneration Plant; would like more public meetings to discuss health and safety issues.

Mayor Messina pointed out that this evening there was a Court Reporter in the audience transcribing the proceedings.

CONSENT CALENDAR:

Mayor Messina stated that he had requests from Council Member Bidou to pull Item F and Council Member Gizzi to pull Item H.

Council Member Corbaley requested that Item A be pulled.

On motion of Council Member Corbaley, seconded by Council Member Bidou, and unanimously carried, the following items were approved under the Consent Calendar:

Approval of Check Registers for June 2001.

RESOLUTION NO 01-122 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR A NEW CLASSIFICATION OF DEPARTMENT AIDE AND ESTABLISHING THE SALARY RANGE

RESOLUTION NO 01-123 - A RESOLUTION CODIFYING THE JOB DESCRIPTION FOR THE CLASSIFICATION OF LIBRARY PAGE, AND ESTABLISHING THE SALARY

RESOLUTION NO. 01-124 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE SIRI FAMILY TRUST FOR THE PROPERTY AT 3300 PARK ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THE QUITCLAIM DEED RELINQUISHING THE CITY'S OWNERSHIP OF THE PROPERTY AND ACCEPT THE GRANT OF A PUBLIC SERVICE EASEMENT

RESOLUTION NO 01- 125 - A RESOLUTION APPROVING A LICENSE AGREEMENT WITH FCI CONSTRUCTORS/INTERBETON, INC. FOR THE USE OF CITY OWNED PROPERTY AT THE FIFTH STREET PIER

APPROVAL BY MOTION A CONTRACT AMENDMENT FOR BRUCE RANDOLPH ANDERSON TO INCLUDE ADDITIONAL WORK TASKS NOT ANTICIPATED WITH THE ORIGINAL SCOPE OF WORK FOR THE TRI-CITY AND COUNTY OPEN SPACE GROUP

RESOLUTION NO. 01- 126 - A RESOLUTION SETTING THE 2001-2002 SECURED TAX RATES FOR THE 1978 SEWER BONDS AND THE 1997 SEWER BONDS

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

(END OF CONSENT CALENDAR)

APPROVAL OF MINUTES OF JUNE 19, 2001 AND JULY 17, 2001.

Council Member Corbaley requested that this item be pulled from the Consent Calendar; asked to have each of the minutes voted on separately; continue the Minutes of July 17, 2001, due to the lack of a quorum that are eligible to vote on those Minutes this evening.

On motion of Council Member Corbaley, seconded by Council Member Bidou, and unanimously carried, Minutes of June 19, 2001 were approved and Minutes of July 17, 2001 were continued.

RESOLUTION CONFIRMING THE DECISION OF THE CITY OF BENICIA TO PARTICIPATE IN THE STATE REVIEW PROCESS OF THE VALERO COGENERATION PROJECT AS AN INTERVENOR, RATHER THAN AN INFORMAL PARTICIPANT

Council Member Bidou requested this item be pulled from the Consent Calendar due to a conflict of interest.

Council took the following action:

RESOLUTION NO 01-127 - A RESOLUTION CONFIRMING THE PETITION FOR INTERVENTION IN THE VALERO COGENERATION REVIEW PROCESS

On motion of Council Member Gizzi, seconded by Council Member Corbaley, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

Abstain: Council Member Bidou

ACCEPTANCE OF 2000/2001 SOLANO COUNTY GRAND JURY FINAL REPORT

Council Member Gizzi requested that this item be pulled from the consent Calendar; stated that he has not seen or read the report; requested this item be continued.

Consensus of the Council was to continue this item.

PUBLIC HEARINGS:

ADOPTING INCREASES FOR THE CAPITAL IMPROVEMENTS LICENSE TAX FOR CONSTRUCTION OR ALTERATION OF SINGLE-FAMILY RESIDENCES, MULTIPLE-DWELLING STRUCTURES, AND COMMERCIAL OR INDUSTRIAL FACILITIES

Otto Giuliani, City Manager, stated that the fees proposed were in keeping with the past practice of adjusting these fees per the Construction Cost Index.

Mayor Messina opened the Public Hearing. No written protest received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council Member Gizzi stated that he would not be supporting this item; does not see the necessity of an increase at this time.

Council took the following action:

RESOLUTION NO. 01-128 - A RESOLUTION ADOPTING INCREASES FOR THE CAPITAL IMPROVEMENT LICENSE TAX FOR CONSTRUCTION OR ALTERATION OF SINGLE-FAMILY RESIDENCES, MULTIPLE-DWELLING STRUCTURES, AND COMMERCIAL OR INDUSTRIAL FACILITIES

On motion of Council Member Corbaley, seconded by Council Member Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley and Mayor Messina

Noes: Council Member Gizzi

Absent: Council Member Whitney

ADOPTING AN INCREASE IN THE LIBRARY BOOK FEE

Otto Giuliani, City Manager, stated that this increase would be 6.5% based upon the Consumer Price Index.

Mayor Messina opened the Public Hearing. No written protests received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 01-129 - A RESOLUTION ADOPTING AN INCREASE IN THE LIBRARY BOOK FEE

On motion of Council Member Corbaley, seconded by Council Member Gizzi, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

ADOPTING AN INCREASE IN THE PARK LAND DEDICATION FEE

Otto Giuliani, City Manager, stated that this would allow the City to collect an additional \$7600 for approximately 20 single-family residential dwelling units and 5 multi-family residential units to be built in 2001-02.

Mayor Messina opened the Public Hearing. No written protests received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council Member Gizzi stated his opposition to the increase.

Council took the following action:

RESOLUTION NO.- 01-130- A RESOLUTION ADOPTING AN INCREASE IN THE PARK LAND DEDICATION FEES

On motion of Council Member Corbaley, seconded by Council Member Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, and Mayor Messina

Noes: Council Member Gizzi

Absent; Council Member Whitney

APPROVING THE ANNUAL (1999) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM GRANTEE PERFORMANCE REPORTS

Brenda Gillarde, Principal Planner, explained that this was a required hearing; named the various programs that are funded by this Grant Program.

Mayor Messina opened the Public Hearing. No written protests received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 01-131- A RESOLUTION APPROVING THE 2001 ANNUAL GRANTEE PERFORMANCE REPORTS FOR THE 1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOUSING REHABILITATION REVOLVING LOAN FUND

On motion of Council Member Gizzi, seconded by Council Member Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

Mayor Messina called for a break at 8:45 p.m.

Mayor Messina reconvened the meeting at 8:55 p.m.

CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE JEFFERSON PARK SINGLE FAMILY RESIDENTIAL PROJECT:

FIRST READING OF AN ORDINANCE APPROVING A PLANNED DEVELOPMENT DISTRICT

RESOLUTION DENYING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A PLANNED DEVELOPMENT PLAN AND MITIGATION MONITORING PROGRAM FOR THE JEFFERSON PARK PROJECT (PLN 2000-55)

RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP FOR THE JEFFERSON PARK PROJECT (PLN 2000-56)

FIRST READING OF AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT

Mayor Messina explained the procedure that will be used during the Public Hearings of these items; requested that speakers limit their comments to three minutes.

A motion by Council Member Gizzi, seconded by Council Member Corbaley, to limit each speaker to three minutes, unless otherwise stated, was unanimously approved.

Otto Giuliani, City Manager, reviewed each item and the number of required findings that need to be made by the Council.

John Bunch, Planning Director, gave a report; listed the various reviews that had been made of the proposed project.

Heather McLaughlin, City Attorney, reminded the public that the discussion was to be limited to only those four items that were noted on the Agenda and not the Negative Declaration that was previously voted on.

Scott Goldie, representing Granite Management-Pacific Bay Homes, proponent, reviewed the process to date for this project; all decisions have been made using both the General Plan and Arsenal Historic Conservation Plan guidelines; changes have been made after various comments by the public. Jane Lauder, 176 West H Street, representing Arsenal Preservation Task Force, opponent, gave a report on the history of the area; listed the items that needed more review; noted the letters that had been received from the Office of State Historic Preservation.

Mayor Messina opened the Public Hearing.

Robert Whitehead, 502 Breck Court, supports project.

Christina Toph, 45 Buena Vista, opposes the project; uses the area for a Historical field trip each year for her 4th grade class; presented letters from 300 students in opposition to the project.

Alan Almazan, Jr., 501 Glen Cove Way, opposes project; would like a park on site.

Kristie Kramm, 501 Fairhaven, expressed concern about trees in the area.

Michelle Thieme, 501 Glen Cove Way, opposes project.

Steve Ridge, 609 Kerney Street, supports project.

Janet Almazan, 501 Glen Cove Way, opposes; preserve history.

Anthony Thie, 1365 Creekside, Walnut Creek, representing the Jefferson Street Mansion, this project would have significant impact on this business.

Sandy Moriarty, 584 Hastings, supports project; explains the various items that need to be done to restore the Commandant's Residence.

Susan Marcus, 1548 Sherman Drive, read a letter from her son, Mike Marcus, stating his opposition to the project.

Kirk Pulver, 885 Jefferson Street, supports project; currently the site is a dumping area for trash.

Roberta Deering, California Preservation Foundation Director, against project; full EIR needed; grants available for development of a park.

Chris Knight, 888 Jefferson Street, supports; historically this area has always been residential.

Kitty Griffin, 236 Baker Street, against project; a park would benefit both the public and the city.

James O. Milburn, 280 East J Street, supports project.

Michael Remy, 455 Capital Mall, legal representative of the Arsenal Preservation Task Force, would like to resolve issue out of court; subject needs further study.

Patrick Ward, 230 West K, against project; save historical assets.

Richard Bortolazzo, 846 Dorset Way, supports; project is consistent with the General Plan.

Elizabeth Patterson, 1215 West 2nd Street, opposes project; not consistent with the spirit and intent of General Plan.

William Blair, 149 West J Street, project would provide capital to revitalize the Arsenal District.

Sara Palmer, 620 Santa Clara, against; this project has not had an archeological review and does not follow preservation guidelines.

Toni Haughey, 251 West J Street, against project; development fees are being used for the Commandant's restoration; only \$10,000 of new money being provided by Pacific Bay.

Kenneth Bowman, 45 Buena Vista, opposes project; preserve the area's historical sites.

Marilyn Bardet, 333 East K Street, against project; significant impact on view corridors.

Belinda Smith, 347 Goldenlopes, against project; rezoning is inconsistent with the General Plan; project does not show a benefit to the community.

Craig McAllister 263 East J Street, against project; putting homes in this area will destroy the Arsenal District.

Jane Lauder, 176 West H, reads a letter from Fredrick Gray, 412 York, expressing concern about the projects closeness to the Valero Refinery.

Cathy Forbes, 744 Tulip Court, opposed to project.

Anne Toxey, 925 Jackson Street, against project; negative impact on the artist's community; consider alternatives.

Steve Getz, 347 Goldenslopes, against project; not consistent with the General Plan.

Tom Campbell, 155 East O Street, against project; protect businesses in the area; potential conflict having residential next to industrial uses.

Anthony Shannon, 28 Buena Vista, against project; questioned the low-income housing associated with this project; takes away from the history of the area.

Mayor Messina closed the Public Hearing.

Mayor Messina called for a break at 11:20 p.m.

Mayor Messina reconvened the meeting at 11:32 p.m.

Dan Smith spoke on behalf of the Appellant; accessory units will not be used for low income housing; EIR is missing; current property owners are remiss in keeping the property clean; lack of vision.

Scott Goldie, proponent, stated that the process has not been accelerated; restrictions are listed in the CC & R's; this project is an investment in the lower Arsenal; design guidelines have been met; commented on private property rights; investment in restoration of Commandant's.

John Bunch, Planning Director, stated that this project is consistent with the General Plan and the Historic Conservation Plan; reviewed items in the appeal; public access would be guaranteed.

Council Member Gizzi asked for clarification of the amounts of the donation in cash and the in-kind donation to be made for restoration efforts; questioned the necessity of a full EIR; concerned about private property rights.

Marge Macris, Consultant, stated that there was no adverse impact from this project that could not be mitigated; an EIR is not required in an Historical District.

Council Member Corbaley clarified that the General Plan sets forth the vision for the future of the City; concerns of the citizens are valid, but are being addressed; will support the project; no basis for denial; process is being observed; misconception that a full EIR is required in an Historic District.

Mayor Messina stated that the rezoning is consistent with the General Plan; the Historic Conservation Plan has four pages of guidelines for residential use in this area.

Council Member Bidou stated that the law needed to be followed in reference to personal property rights.

Council Member Gizzi proposed changing the amounts of the contributions for the restoration project of the Commandant's Residence to \$40,000 cash and \$110,000 in-kind.

Council took the following actions:

INTRODUCTION OF ORDINANCE 01- -AN ORDINANCE APPROVING A REZONING FOR THE JEFFERSON PARK PROJECT (PLN 2001-08)

On motion of Council Member Corbaley, seconded by Council Member Bidou, the above Ordinance was introduced on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

RESOLUTION NO. 01-132 - A RESOLUTION DENYING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL IF A PLANNED DEVELOPMENT PLAN AND MITIGATION MONITORING PROGRAM FOR THE JEFFERSON PARK PROJECT (PLN 2000-55)

On motion of Council Member Corbaley, seconded by Council Member Bidou, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

RESOLUTION NO. 01-133 - A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP FOR THE JEFFERSON PARK PROJECT PLAN (PLN 2000-56)

On motion of Council Member Corbaley, seconded by Council Member Gizzi, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Member Bidou, Corbaley, Gizzi, and Mayor Messina

Noes: None

Absent: Council Member Whitney

Council Member Gizzi proposed amending the Development Agreement to change the amounts for the restoration project for the Commandant's Residence to \$25,000 in cash and \$110,000 in-kind, with the approval of Pacific Bay Homes.

Scott Goldie, Pacific Bay Homes, concurred with the proposal.

Council took the following action:

INTRODUCTION OF ORDINANCE 01- - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH PACIFIC BAY HOMES FOR THE JEFFERSON PARK PROJECT, AS AMENDED

On motion of Council Member Gizzi, seconded by Council Member Corbaley, the above Ordinance was introduced on roll call by the following vote:

Ayes: Council Member Bidou, Corbaley, Gizzi and Mayor Messina

Noes: None

Absent: Council Member Whitney

ADJOURNMENT:

Mayor Messina adjourned the meeting at 1:11 a.m.

Linda S. Purdy, City Clerk