



BENICIA PLANNING COMMISSION REGULAR MEETING MINUTES

**City Hall Council Chambers
Thursday August 14, 2014
7:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Cohen-Grossman, Oakes, Sherry, Smith,
Sprague, Young and Chair Dean

Absent: None

Staff Present: Dan Marks, Interim Community Development Director
Amy Million, Principal Planner
Kat Wellman, Contract Attorney
Bradley Hogin, Special CEQA Counsel
Tim Morgan, ESA
Jim Lydon, Fire Chief
Frank Hartig, Police Lieutenant
Teresa Olson, Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Young, seconded by Commissioner Sprague, the agenda was adopted by the following vote:

Ayes: Commissioners Cohen-Grossman, Oakes, Smith, Sherry, Sprague,
Young, Chair Dean

Noes: None

Absent: None

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN- Letter from Jan Cox-Golovich dated July 21, 2014

B. PUBLIC COMMENT-

Jan Cox Golovich, a member of Benicians for a Safe and Healthy Community, spoke on overall the lack of knowledge within the community about the project. She asked that the applicant be required to pay for informational mailers to all citizens in Benicia.

Rabecca Ramos, Benicia resident, spoke in support of the written comment submitted by Jan Cox Golovich.

Pat Toth-Smith, Benicia resident, spoke on the lack of public knowledge of the project.

IV. CONSENT CALENDAR

A. APPROVAL OF MINUTES OF JULY 10, 2014 REGULAR MEETING

On motion of Commissioner Young, seconded by Commissioner Cohen-Grossman, the minutes were adopted with a minor revision by the following vote:

Ayes: Commissioners Cohen-Grossman, Oakes, Smith, Sprague,
Young and Chair Dean
Noes: None
Absent: None
Abstain: Commissioner Sherry

V. REGULAR AGENDA ITEMS

A. DESIGNATE A REPRESENTATIVE FOR THE BENICIA VULNERABILITY ASSESSMENT AND ADAPTATION PLAN COMMUNITY ADVISORY GROUP

Ms. Million provided an overview of the project and asked for a representative from the Planning Commission to serve on the advisory group.

Mr. Marks explained the vulnerability study and adaptability plan.

Commissioners Oakes, Sherry and Young expressed interest in serving as representatives.

The Commission appointed Commissioner Sherry as the representative with Commissioner Young as an alternate.

B. CONTINUED PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE VALERO CRUDE BY RAIL PROJECT

Application No. 12PLN-00063 Use Permit
Project Address: 3400 East Second Street; APN: 0080-110-480

Commissioner Sherry recused himself from this item due to conflict.

Ms. Million summarized the item and purpose for the public comment on the DEIR. She introduced the panel and reminded everyone that the public comment period on the DEIR concludes on September 15, 2014.

Chair Dean discussed the ground rules for public comment and code of conduct.

Commissioner Young thanked Mildred Brennan for the donation of CEQA books and reminded the Commission the books are available as a resource.

Ms. Wellman advised the audience that any speakers who spoke on the item during the July 10, 2014 Planning Commission meeting have had their public comment and are not permitted to speak again during the meeting.

Public Comment was opened.

Marilyn Bardet spoke on behalf of Benicians for a Safe and Healthy Community, voiced concerns about the lack of information in the DEIR on rail traffic, the lack of specific information on the number of deliveries per day, type of locomotives to be used, train speeds, train routes, and logistics of the project including adverse effects to up rail communities, and potential negative impacts to the Benicia Industrial Park. She further questioned having additional information about potential train derailments.

Ed Ruszel spoke on behalf of Benicians for a Safe and Healthy Community, delivered a power point presentation, which included maps of the areas of the proposed project and surrounding areas questioning potential rail traffic impacts within the Industrial Park and surrounding freeways. He provided a letter including a list of other businesses in the BIP who expressed concern about the project specific to the traffic impacts.

Ron Dial, Benicia Resident, stated he previously submitted written comments on July 28, 2014, spoke in support of the project and believes the DEIR is a complete and sufficient document. He cited a website to substantiate his position on the project(www.environmental-research.com)

Hadieh Elias, Benicia resident, stated seismic issues are not addressed in the DEIR and that too much information is not detailed in the DEIR; rather it is listed as proprietary information.

Joshua Cross, Benicia resident, spoke in support of the project.

Rick Stierwalt, Benicia resident, stated the DEIR is unsafe, unclear and incomplete. He voiced concerns about potential derailments, spills, aftermath from derailments or spills and liability resulting from potential spills. He stated the DEIR did not list the train routes, or adequately address safety concerns about the volatility of the crude. He further questioned the lack of disclosure from the railroads.

Lisa Reinerton, Benicia resident, voiced concerns about the amount of daily rail traffic, asking that daily rail traffic to be limited, questioned the time of day deliveries would occur, liability resulting from potential derailments, and environmental hazards from spills or derailments.

Shannon Walsh-Hill, Benicia resident, spoke in support of the project and turned in a card with 100 names supporting the project.

Roger Straw, Benicia resident, voiced concerns about tank car standards, derailments, spills, positive train controls, and safety issues. He asked about the used of automated train controls, and how will Valero's commitment to compliance be monitored.

Gordon Thielvoldt, Benicia resident, spoke in support of the project, commented on the high safety standards of Valero, and great level of community involvement.

Jim Jacobs, Representative of the International Union of Operating Engineers Local 3, spoke in support of the project.

Bobbi Rubinstein, Benicia resident, stated the impact of proposed new jobs as a result of the project are not significant nor are growth impacts to the population of Benicia.

Rudy Holthuis, Benicia resident, spoke in support of the project.

Paul Leimone, Benicia resident, spoke in support of the project.

Herbert Forthuber, Benicia resident spoke in support of the project and commented on the reduction in pollution as a result of the project.

Jack Bethards, 4001 Industrial, spoke in support of the project commenting on the positive economic impacts to the community.

Pat Toth-Smith, Benicia resident, spoke on safety concerns of the project. She questioned which type of rail cars would be used to transport the

crude and potential negative environmental effects to up rail communities such as Davis, Roseville, Sacramento, Fairfield, and Suisun Marsh. She submitted written documents to support her concerns.

Michelle Rowe-Shields, agreed with the comments of Pat Toth-Smith.

Don Shields, voiced concerns about disaster plans and presented a video, which simulated a train derailment and explosion.

Jackie Prange, attorney with the Natural Resources Defense Council, stated the DEIR is legally inadequate, it does not disclose all environmental impacts such as air quality, nor does it list all feasible mitigated impacts. She stated the DEIR is lacking in the potential impacts as a result of a major accident. She asked that the DEIR be revised and recirculated to the public. Additionally, she stated she will be submitting detailed written comments on the DEIR.

Giovanna Sensi-Isolani, Benicia resident, voiced concerns about potential dangers of derailments, accidents, and safety of train travel over rail bridges. She questioned the accuracy of the air quality measurements listed in the DEIR; taking air quality measurements from the middle of the bay rather than within the City limits. She voiced concerns about liability in the case of any accidents.

Katherine Black, Benicia resident, member of Benicians for a Health and Safety Community, spoke on the accuracy of data cited in the DEIR of possible derailments. She questioned the reliability of the consultants who wrote the DEIR. She asked for the data for train derailments from 2010-2013, which would be more accurate.

Jon VanLandschoot, Benicia resident, questioned the amount of public outreach on the project. He mentioned his concerns about safety, and the preparedness of fire services to handle a derailment or explosion.

Rebekah Ramos, Benicia resident, spoke in opposition of the project. She stated that the project is in direct opposition with the City's Climate Action Plan and the DEIR lacks information illustrating emergency preparedness in the event of a disaster; spill, derailment, or explosion.

Chair Dean called for a break at 9:03 p.m.

Chair Dean resumed the meeting at 9:16 p.m.

Kathy Kerridge, Benicia resident, stated the DEIR is inadequate in many ways, she mentioned that there is a lack of information as to what oil and products Valero wants to bring into the refinery. She asked for the true greenhouse gas emissions. She asked what crude the refinery going to produce. She stated there is a deficiency in the risk analysis information

because the DEIR only focuses on the rail safety routes from Roseville to Benicia and does not mention any other communities or rail routes. She further questioned the lack of analysis in the DEIR about emergency response teams, safety of the rail cars, risk of derailments, and explosions.

Madeline Koster, Benicia resident, spoke in opposition of the project, voicing concerns about air quality issues citing Table 2-1 of the DEIR.

Norma, Benicia resident, questioned the air quality effects specific to air quality in Benicia rather than the entire Bay Area region.

Tom Carroll, 495 Camellia Court, spoke in favor of Valero and the project.

Jan Cox Golovich, Benicia resident, spoke in opposition of the project. She mentioned the safety of transporting crude by rail and the speed of rail cars. She stated the DEIR is inadequate and needs to be recirculated. She spoke on potential over capacity of the rail industry with the growth of crude by rail projects across the country. She mentioned the lack of mention of positive train control in the DEIR.

Isis Dempsey, Glen Cove resident spoke in opposition of the project. She questioned the accuracy of the statistics listed in item 4.2-7 of the DEIR.

Aimee Durfee, Martinez resident, spoke in opposition of the project. She asked about precautions addressing water supply and water ways in the case of an emergency. She also asked about possible refinery closures and where the rail traffic would be rerouted. She questioned the preparedness of emergency services in the case of accidents.

Jim Kirchoffer, Benicia resident, spoke in opposition of the project, questioned the accuracy of the statistics listed in the DEIR section 4.7-2, which cite the potential frequency of explosions and derailments. He asked that the figures used for the statistics be made available to the public in order to be analyzed.

Paula Szloboda, Benicia resident, spoke in opposition of the project, asking about the reduction in the greenhouse gas emissions as a result of the project as stated in the DEIR. She raised questions about the existence of an emergency preparedness plan also asking for a blast zone map.

Andres Soto, Benicia resident, asked for the DEIR to be recirculated stating that the DEIR was flawed, asking about looking at alternatives such as electrifying the dock or solar alternatives.

John Matthews, Benicia resident, spoke in favor of the project and approval of the DEIR.

Frank Saitz, Benicia resident, spoke in favor of the project, and approval of

the DEIR.

Greg Mitchell, allocated his time to Phil Daum, Senior Managing Consultant for Engineering Systems Incorporated, spoke in favor of the project. He spoke about the safety of the rail cars Valero uses and updated Department of Transportation federal mandates covering rail regulations.

Davita Cawood, Benicia resident, stated she has not received enough information on the project and has concerns about noise pollution, emergency preparedness and long-term ramifications of the project.

Bill Welch, Benicia resident, spoke in favor of the project.

Desiree Labar, Benicia resident, spoke in favor of the project, citing a reduction in greenhouse gas emissions, creation of new jobs, and positive impacts to the economy.

Gino DiCaro, Vice President of CMTA, spoke in support of the project, stating the project has positive environmental impacts, creation of new jobs, and positive impacts to both the state and local economy.

Dan Smith, Benicia resident, spoke in opposition of the project. He stated the DEIR does not reflect the potential safety risks accurately, asking the commission to reject the DEIR.

Alan Miller, Davis Resident, spoke in opposition of the project, citing lack of safety regulations in the rail industry, and suggested Valero build an alternate rail route. He submitted a map of the recommended alternative route for the record.

Dale Cross, Benicia resident, spoke in favor of the project, citing a reduction in green house gas emissions, creation of new jobs, reducing dependency on foreign oil, increase in tax revenues, and keeping the refinery competitive.

Dave Fry, Benicia resident, spoke in favor of the project, citing creation of new jobs, reducing dependency in foreign oil.

Jasmin Powell, Benicia resident, business owner in the industrial park, supports the validity of the DEIR and supports the project. She mentioned Valero's high safety standards and encouraged the commission to accept the DEIR.

Sil Preciado, Benicia resident, spoke in favor of the project.

Craig Snider, Benicia resident, raised concerns about the bias of the DEIR. He asked about alternative depot locations. He asked about the

cumulative effects of the hazardous materials listed in section 4.7 of the DEIR.

Anna Rikkelman, Bay Area resident, spoke in support of the project, citing the creation of new jobs, economic benefits, and reduction of air emissions.

Larry Fullington, Benicia resident, spoke in favor of the project. He mentioned Valero's safety history and noted the refinery was the recipient of the VPP Star award from CAL OSHA for safety, and the creation of new jobs as a result of the project.

Nick Daspota, Richmond resident, spoke in opposition of the project, stating the project was unnecessary and to look at alternatives such a solar and wind power.

Dan Broadwater, business manager for IBEW Local 180, spoke in favor of the project, stating the DEIR is a completed and thorough document. He asked the commission to make a decision based on factual information.

John Flynn attorney for Valero, spoke on the project and explained what the DEIR is intended to do and the legal aspects covering CEQA. He stated there is no local regulation or local regulatory body covering the rail industry; this is federal preemption, only the federal government governs the rails. He noted that comments surrounding rail safety can be heard by the appropriate agency which is the Pipeline and Hazardous Materials Agency in Washington D.C. the public comment period is open through September 15, 2014.

Wafa Alfatesh, Benicia resident, spoke in favor of the project, and believes the DEIR is factual and complete.

Christine Price, Benicia resident, spoke in opposition of the project. She asked for additional public outreach and information to the public.

Ed Yarbrough, Benicia resident, spoke in support of the project, believes the DEIR is a complete document.

Kevin Coleman, business representative for IBEW Local 180, spoke in favor of the project, citing the creation of new jobs and positive benefits to the local economy.

Rebecca Sgambati, Director of Engineering and Major Projects for Valero, spoke in favor of the project, citing positive impacts to the local economy, creation of new jobs, and tax benefits to the City.

Tom Ruszel, Benicia resident, asked about possible outcomes of the projects according to CEQA requirements. He raised concerns about the

lack of limitations on the amount of crude that can be shipped in or out of the refinery on a daily basis, noting that Union Pacific will not limit rail traffic.

Chris Wilburn, Manager of Business Services for Valero, Benicia resident, spoke in favor of the project and supports the DEIR.

James Bolds, Managing Partner of Bolds Consultants, spoke in support of the project. He has assisted Valero with acquisition of CPC 1232 Specification tank cars, which are newer and safer rail cars for the project.

Joe Muehlbauer, Benicia resident, spoke in favor of the project, citing a reduction in greenhouse gas emissions.

Cameron Wicklow, Benicia resident, spoke in support of the project and the DEIR citing reduction in green house gas emissions, creation of new jobs, and benefits to the local economy.

Don Cuffel, Environmental Manager at Valero, clarified language in the DEIR covering air quality impacts, which vary on the air quality thresholds depending on county. He stated that Valero is not using federal preemption to not disclose information. He stated Valero's intention is to comply with any new federal regulations covering the rail industry in the future and made mention of the safety record of the refinery.

Chair Dean announced at 11:47 p.m. there were twenty-five speaker cards remaining. Fourteen speakers were present in the audience waiting to make public comment.

The Commission agreed to continue the public comment at the next regularly scheduled Planning Commission meeting on Thursday September 11, 2014.

Chair Dean announced that any speaker still present at the meeting wishing to defer their comments until the next meeting was welcome to do so.

Lisa Stark, Union Pacific Railroad, and Bob Livsay, Benicia resident, deferred their comment until the next meeting on September 11, 2014.

Andrew Hosler, President and CEO of Performance Mechanical in Pittsburg California, spoke in favor of the project, stating the DEIR is complete.

John Lazorik, Benicia resident, spoke in favor of the project.

Ray Hartch, President Steamfitters Union, spoke in favor of the project, citing job creation.

Theresa Gray, Benicia resident, spoke in support of the project.

Art Gray, Benicia resident, spoke in support of the project, stating the DEIR is a complete and comprehensive document.

Dora James, Texas resident, spoke in support of the DEIR.

Ramon Castellblanch, spoke against Valero and the project, noting history of environmental violations, which he feels should be included in the DEIR.

Glen Overman, Solano County resident, spoke in support of the DEIR.

On motion of Commissioner Smith, seconded by Commissioner Young, public comment on the DEIR was continued to the September 11, 2014 regularly scheduled Planning Commission meeting by the following vote:

Ayes:	Commissioners Cohen-Grossman, Oakes, Smith, Sprague, Young and Chair Dean
Noes:	None
Absent:	Commissioner Sherry
Abstain:	None

VI. COMMUNICATIONS FROM STAFF

Ms. Million announced a Community Choice Aggregation (CCA) study session will be held on September 9, 2014 at 6 p.m. in the Council Chambers. The study session will be recorded and available on line at sustainablebenicia.org.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Cohen-Grossman announced she completed her time as the Planning Commission representative on the Waterfront Master Plan Community Advisory Committee and that group completed their review of the Waterfront Master Plan. The public review of the Master Plan runs through August 22, 2014. The Master Plan goes to the City Council on October 7, 2014.

VII. ADJOURNMENT

Chair Dean adjourned the meeting at 12:28 a.m.