

August 15, 2000

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  
REGULAR MEETING - CITY COUNCIL  
AUGUST 15, 2000

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 15, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape

ROLL CALL:

Present: Councilmembers Bidou, Gizzi, Whitney and Mayor Messina

Absent: Councilmember Corbaley

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

APPOINTMENTS:

Mayor Messina announced openings on Civil Service Commission, Planning Commission, Human Services Fund Board and Library Board of Trustees; applications available at the City Clerk's office.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

Mayor Messina noted a letter received from the IT Corporation dated August 15, 2000.

PUBLIC COMMENT:

Kitty Griffin, 236 Baker Street, referred to the law suit against a current Planning Commissioner; questioned whether this suit was a staff decision or Council decision; asked if there was a legal way that the public would be able to know how Council votes in Closed Session; more information should be available to the public.

Gretchen Burgess, 28 Buena Vista, thanked the City, Parks and Recreation Department, businesses and volunteers in the community for helping finalize the Phoenix Dog Park; efforts of the volunteers saved thousands of dollars; invited everyone to come to the opening of the park on Sunday, August 20, 2000.

Anthony Shannon, 28 Buena Vista, applauded Council's decision to review and send back to staff the ordinance referring to dogs at fairs; public health and safety and is a concern.

Cathy Ann Hewitt, 266 East B Street, Space #68, encouraged City Manager and Parks and Recreation to contact people ahead of time and get their input; suggested how to get rid of dog waste. She also spoke on the City's acceptance of the Kaufman & Broad public improvements, personal property damage and overwatering lawn.

James O. Milburn, 280 East J Street, read his poem regarding depot restoration and other buildings on First Street.

John Woods, 355 West M Street, referred to newspaper article regarding a Planning Commissioner being sued by the City for a code violation and expressed his concerns; suggested the Commissioner be asked to step down on a temporary basis until this can be resolved.

Marilyn Bardet, 333 East K Street, spoke on Planning Commissioner law suit; all details should be heard before conclusions are made; thanked the City and the Mayor for cooperation in helping to form the Braito CAG; spoke on the Rose Drive cleanup and announced first meeting to be held Wednesday, September 6, at the Fire Station, 601 Hastings Drive.

Janet Mohr, 1721 Stuart Circle, stated her goal to have a pedestrian crosswalk chirper installed at the intersection of 7th and Military West, which would enable the sight impaired and others to cross safely; cost is approximately \$5000; willing to obtain donations if the City is unable to fund.

Vickie Kennedy, 801 Goettel Court, accompanied by her guide dog, spoke on crossing at intersections and not knowing when it is safe to cross; asked if City could have chirper installed.

CONSENT CALENDAR:

Mayor Messina stated he had a request from the public to pull Item D; asked if there were any other items to be pulled from the Consent Calendar.

Councilmember Gizzi requested Items E and F be pulled.

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

Minutes of August 1, 2000.

Denial of Claim and referral to insurance carrier - SIMPSON.

RESOLUTION NO. 00-122 - A RESOLUTION APPROVING THE FINAL MAP FOR THE HEARTHSTONE VILLAGE SUBDIVISION AND AUTHORIZING CITY CLERK TO SIGN FINAL MAP AND CITY MANAGER EXECUTE SUBDIVISION IMPROVEMENT AGREEMENT

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

(END OF CONSENT CALENDAR)

RESPONSE TO 1999-2000 SOLANO COUNTY GRAND JURY FINAL REPORT

Cathy Ann Hewitt, 266 East B Street, Space #68, requested this item be pulled from the Consent Calendar; spoke on the evasiveness of answers; Grand Jury is a safeguard.

Councilmember Gizzi stated that the City was not evasive; Grand Jury not specific initially about what they wanted; there were only two items that needed to be addressed; this is a very impressive report and resents the allegations of evasiveness.

Council took the following action:

On motion of Councilmember Gizzi, seconded by Councilmember Whitney, and unanimously carried, Response To 1999-2000 Solano County Grand Jury Final Report was approved.

JULY 1, 2000 TO JUNE 30,2005 AMENDMENT TO THE AGREEMENT WITH THE BENICIA FIREFIGHTERS ASSOCIATION (BFA)

Councilmember Gizzi requested this item be pulled from the Consent Calendar.

Otto Giuliani, City Manager, brought to the Council's attention that line staff of the Fire Association has not yet voted on this Contract. It is on the Agenda because the negotiating committee did accept it; believes they will meet this week, so this is being submitted for Council consideration.

Councilmember Gizzi stated this is not the type of item that should be placed on the Consent Calendar; will not support. This is not a reflection on the firefighters, this is about common sense and reserves; this is a five year-one million dollar contract based on a salary survey where not all the cities relate to Benicia; City is going to fall below its reserves in three years; need to take a look at the larger picture. Staff does deserve raises, firefighters do an outstanding job, but should focus on needs in the coming years.

Council took the following action:

RESOLUTION NO. 00-123 - A RESOLUTION APPROVING THE JULY 1, 2000 TO JUNE 30, 2005 AMENDMENT TO THE AGREEMENT WITH THE BENICIA FIREFIGHTERS ASSOCIATION (BFA)

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

Ayes: Councilmembers Bidou, Whitney and Mayor Messina

Noes: Councilmember Gizzi

Absent: Councilmember Corbaley

AMENDMENT TO AGREEMENT WITH EDAW, INC. FOR ENVIRONMENTAL IMPACT REPORTS FOR THE CLEANUP AND DEVELOPMENT OF THE ROSE DRIVE/BLAKE COURT AREA AND FOR THE RESIDENTIAL DEVELOPMENT OF THE TOURTELOT PROPERTY AND PARCEL G-3 IN THE SOUTHAMPTON AREA

Councilmember Gizzi requested this item be pulled from the Consent Calendar; wanted to make sure the highest and best cleanup is received; make sure that in pulling the residential development off, as this proposes, we are not going to be lowering that standard at all for the purposes of the environmental impact report.

Heather McLaughlin, City Attorney, stated that by deleting this portion of the EIR, so that there will no longer be an EIR for the Tourtelot Development Agreement, it will not impact the cleanup standard for the project. City Council has directed staff not to issue any building permits for the area until it is safe for residential development; criteria that EDAW will be following will not change at all. The reason for doing this is because the State law requires City to process applications in a timely fashion, including EIR's.

Two concerned citizens expressed their views.

Council took the following action:

RESOLUTION NO. 00-124 - A RESOLUTION APPROVING AMENDMENT TO THE AGREEMENT WITH EDAW, INC. FOR ENVIRONMENTAL IMPACT REPORTS FOR THE

CLEANUP AND DEVELOPMENT OF THE ROSE DRIVE/BLAKE COURT AREA AND FOR THE RESIDENTIAL DEVELOPMENT OF THE TOURTELOT PROPERTY AND PARCEL G-3 IN THE SOUTHAMPTON AREA

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

Ayes: Councilmembers Bidou, Gizzi, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

PUBLIC HEARING:

GOLF COURSE PLANNING IN THE SKY VALLEY AREA

Otto Giuliani, City Manager, introduced this item; will provide IT an opportunity to develop a golf course and do it in a way that does not impact Resolution 93-57 issued by the Council and will not provide any hazardous effects or present a safety hazard to the public.

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

Dave McMurtry, 141 Ardmore Way, Vice President, Real Estate Restoration, IT Corporation, Proponent, stated there is support from the community; this will be a 9 hole Golf Course with a Club House and Learning Center; site is not close to the wastefill site or the drum burial site; encouraged adopting this Resolution so planning can proceed.

Mayor Messina asked for the timing of the project and the possibility of expansion.

Mr. McMurtry stated construction could begin by next summer; possibility of some expansion in the future.

The following persons spoke:

Cathy Ann Hewitt, 266 East B Street, Space #68, on contamination; is concerned about safety issues and the need to be careful.

Kitty Griffin, 236 Baker Street; not opposed to golf course; concerned about time spent by the Planning staff; obligation of DTSC; spoke on land use and the specific reference in the General Plan to the land north of Lake Herman Road.

James O. Milburn, 280 East J Street, spoke on City not having a permanent, reliable source of water; water rationing has been necessary in the past; read his poem.

Marilyn Bardet, 333 East K Street; questioned who owns the property north of Lake Herman Road and how the Council is going to make a decision about where golf course will be; this is a General Plan issue.

Mayor Messina responded that the property belongs to IT; explained the process and the City's options once the Application is made.

John Wood, 355 West M Street, thanked IT; in favor of golf course; the General Plan is a plan; it is not law.

Jim Cross, President, Benicia Golf Association, encouraged Council to go forward and discuss this with IT; golf course will generate a lot of tax revenue for the City; increase tourism; supports the passing of the resolution.

Mayor Messina closed the Public Hearing.

Councilmember Gizzi stated Council is being asked to authorize City staff to proceed with planning for a golf course in the Sky Valley area. General Plan is the law, but does not keep the Council from doing something that is beneficial for the community; need staff to do research and allow the planning process to proceed; if there are issues, see if they can be mitigated and then proceed one way or the other at that point; commented on the water problem; supports this project.

Councilmember Whitney concurred with Councilmember Gizzi comments; questioned whether or not this is a proper use and the amount of staff time that would be required.

John Bunch, Planning Director, stated the zoning in this area is open space; this is an allowable use if a use permit is approved; this project will require a substantial amount of staff time; applicant would be asked to help provide planning support.

Councilmember Whitney requested information about a youth program and the number of golfers anticipated to utilize this course.

Algie Pulley, Golf Course Design Group, Lafayette, stated a learning center for beginners and children, with a nine hole chipping and putting course to learn golf etiquette and the game, is anticipated to be part of the design; would expect 60,000 to 70,000 nine hole rounds to have been played by the third year of operation.

Councilmember Bidou stated this would allow planning to move forward.

John Bunch, Planning Director, stated the process will be through DTSC and the County, with oversight monitoring to be done by the City.

Councilmember Gizzi stated he would like to make a motion that City staff be authorized to proceed with planning for a golf course in Sky Valley area to include a condition that they look at all of the alternatives for the project providing its own water.

Mayor Messina requested amendment to that motion by adding that staff look at an alternative of providing water, but consider other alternatives, as well.

Councilmember Gizzi stated he thinks that there needs to be special emphasis on that particular issue, due to past experiences with water shortages in Benicia; pre-planning or putting in a specific category is not necessary, but emphasize that is an area we are going to be looking at.

Council took the following action:

**RESOLUTION NO. 00-125 - A RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH PLANNING FOR A GOLF COURSE IN THE SKY VALLEY AREA, WITH ADDED CONDITION**

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

Ayes: Councilmembers Bidou, Gizzi, Whitney and Mayor Messina

Noes: None

Absent: Councilmember Corbaley

**BI-MONTHLY COMMITTEE REPORTS FROM CITY COUNCIL COMMITTEES**

COMMUNITY ADVISORY GROUP (CAG)

Councilmember Corbaley absent; put off until next meeting.

MAYOR'S COMMITTEE MEETING

Mayor Messina stated Minutes are in City Manager's office.

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina stated he has been asked to serve on BCDC Ports Committee and he has accepted.

ARTERIALS, HIGHWAYS AND FREEWAYS - SUBCOMMITTEE OF SOLANO  
TRANSPORTATION AUTHORITY

Councilmember Gizzi stated he has already reported.

SEDCORP BOARD OF DIRECTORS

AUDIT & FINANCE COMMITTEE

Councilmember Whitney gave a report; checks for the past two weeks have been reviewed.

SOLANO TRANSPORTATION AUTHORITY

Councilmember Bidou stated they did not meet.

ARSENAL RESTORATION ADVISORY BOARD

Councilmember Whitney stated was unable to attend meeting; Heather McLaughlin, City Attorney, gave a report; an informative review of past and present was given to the board.

YOUTH ACTION TASK FORCE

Councilmembers Bidou stated meetings start next month.

NEW BUSINESS:

Councilmember Gizzi requested that the issue that was raised relative to the Planning Commissioner be agendaized; recognizes the merits or concerns relative to the legal aspects cannot be discussed, but felt there were other areas that warranted discussion.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:00 p.m.

Linda S. Purdy, City Clerk