

September 1, 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.

REGULAR MEETING - CITY COUNCIL  
SEPTEMBER 1, 1998

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.

APPOINTMENTS:

ECONOMIC DEVELOPMENT BOARD

Mayor Hayes announced the appointment of Randy Rogers to the Economic Development Board.

RESOLUTION NO. 98-124 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RANDY ROGERS TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM TO JULY 1, 2002

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

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

Noes: None

HOUSING ELEMENT ADVISORY COMMITTEE

Mayor Hayes announced the appointment of Debbie Armstrong to the Housing Element Advisory Board.

Roll call vote for Mayor's appointment of Debbie Armstrong to the Housing Element Advisory Committee was unanimous.

PARKS, RECREATION & CEMETERY COMMISSION

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

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

Noes: None

Mayor Hayes announced the appointment of Lora Schachtli to the Parks, Recreation and Cemetery Commission for a full term.

RESOLUTION NO. 98-126 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LORA SCHACHTILI TO THE PARKS, RECREATION AND CEMETERY COMMISSION FOR A FULL TERM TO SEPTEMBER 17, 2002

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

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

Noes: None

**PROCLAMATION:**

"POLLUTION PREVENTION WEEK" SEPTEMBER 21-27, 1998 Mayor Hayes read the Proclamation; Public Works Department will have a display in the Library September 14 to September 30; in addition there will be an informational video on Channel 6.

**ADOPTION OF AGENDA:**

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

Otto Giuliani, City Manager, stated Item IV.G., Consent Calendar, has been pulled by Applicant and will return at a later meeting.

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

**CONSENT CALENDAR:**

Mayor Hayes stated he has a request from the audience to pull Item M; asked if anyone else wanted to pull an item.

Councilmember Gizzi and Mayor Hayes requested Item H be pulled.

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

Minutes of Special Meeting of August 14, 1998, Regular Meeting of August 18, 1998 and Special Meeting of August 24, 1998.

Denial of Claim and referral to insurance carrier - BERNAL

Check Registers for July 1998.

**RESOLUTION NO. 98-127 - A RESOLUTION ACCEPTING THE BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR THE EAST B STREET SEWER LIFT STATION RENOVATION PROJECT IN THE AMOUNT OF \$145,000 TO ARA ENGINEERING GROUP**

**RESOLUTION NO. 98-128 - A RESOLUTION SETTING THE 1998-99 SECURED TAX RATES FOR THE 1978 SEWER BONDS AND THE 1997 SEWER BONDS**

**TRANSFERRING OF PROPERTY OF THE SURPLUS PROPERTY AUTHORITY OF THE CITY OF BENICIA TO THE CITY OF BENICIA AND DISSOLVING THE SURPLUS PROPERTY AUTHORITY**

**INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE TRANSFERRING PROPERTY OF THE SURPLUS PROPERTY AUTHORITY TO THE CITY OF BENICIA**

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE DISSOLVING THE SURPLUS PROPERTY AUTHORITY AND REPEALING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.60 (SURPLUS PROPERTY AUTHORITY) OF THE MUNICIPAL CODE

RESOLUTION NO. 98-129 - A RESOLUTION APPROVING TASK ORDER NO. 30 FOR ENGINEERING SERVICES WITH CAMP DRESSER AND MC KEE, INC. FOR PHASE 2 OF THE INFLOW/INFILTRATION IMPROVEMENT PROJECT FOR A COST NOT-TO-EXCEED \$246,660

RESOLUTION NO. 98-130 - A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO DECLARE AS SURPLUS AND SELL TO THE CITY OF SANTA CLARA THE HSQ SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FORMERLY USED AT THE WASTEWATER TREATMENT PLANT

AMENDMENT OF THE CONTRACT BETWEEN THE CITY AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 21574 (FOURTH LEVEL OF 59 SURVIVOR BENEFITS) FOR LOCAL POLICE MEMBERS

RESOLUTION NO. 98-131 - A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

RESOLUTION NO. 98-132 - A RESOLUTION ACCEPTING THE WASTEWATER TREATMENT PLANT OUTFALL DIFFUSER PIPELINE PROJECT, APPROVING CONTRACT CHANGE ORDER NO. 2, AUTHORIZING CITY MANAGER TO SIGN NOTICE OF COMPLETION AND CITY CLERK RECORD SAME

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

(END OF CONSENT CALENDAR)

APPROVE FINAL PARCEL MAP LOCATED AT 717 WEST SECOND STREET, ACCEPT SEWER EASEMENT AND CLERK OF THE CITY COUNCIL STATEMENT BE EXECUTED BY CITY CLERK ON THE FINAL PARCEL MAP

Councilmember Gizzi and Mayor Hayes requested this item be pulled from the Consent Calendar so they can abstain because their homes are in close proximity to the property.

Council took the following action:

RESOLUTION NO. 98-133 - A RESOLUTION APPROVING THE FINAL PARCEL MAP LOCATED AT 717 WEST SECOND STREET, ACCEPTING A SEWER EASEMENT AND CLERK OF THE CITY COUNCIL STATEMENT BE EXECUTED BY THE CITY CLERK ON THE FINAL PARCEL MAP

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 and Messina

Noes: None

Abstain: Councilmember Gizzi and Mayor Hayes

AMEND PORTIONS OF FACILITY USE FEE SCHEDULE FOR THE SPECIAL EVENT APPLICATION PROCESSING FEE

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

Council took the following action:

RESOLUTION NO. 98-134 - A RESOLUTION AMENDING PORTIONS OF THE FACILITY USE FEE SCHEDULE FOR THE SPECIAL EVENT APPLICATION PROCESSING FEE

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:

APPROVE ISSUANCE OF NOTES, BONDS, OR OTHER EVIDENCE OF INDEBTEDNESS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR BENICIA FABRICATION AND MACHINERY, INC.

Otto Giuliani, City Manager, gave a report; these are tax exempt bonds and there will be no financial impact to City. It will create new jobs and is consistent with the Economic Development Resolution.

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.

Councilmember Cox-Golovich questioned whether or not the Federal Government has bonds available for Historical restoration.

Robert Braulik, Economic Development Director, responded that this type of bond does not exist.

Mayor Hayes explained that there is intense lobbying in Sacramento for this type of funding.

Council took the following action:

RESOLUTION NO. 98-135 - A RESOLUTION APPROVING THE ISSUANCE OF NOTES, BONDS, OR OTHER EVIDENCE OF INDEBTEDNESS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR BENICIA FABRICATION AND MACHINERY, INC.

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

NATIONWIDE AUCTION SYSTEMS PROJECT:

NEGATIVE DECLARATION FOR THE NATIONWIDE AUCTION SYSTEMS PROJECT

AMENDMENT TO THE LAND USE DIAGRAM OF THE GENERAL PLAN FROM WATER  
RELATED INDUSTRIAL TO GENERAL INDUSTRIAL

ZONE CHANGE FROM IW TO IG

DEVELOPMENT AGREEMENT WITH ASSET MANAGEMENT GROUP, INC. (NATIONWIDE  
AUCTION SYSTEMS)

Otto Giuliani, City Manager, gave a report. General Fund will receive at least \$150,000 per year and over or ten year period - approximately 2.2 million. License fee would be \$150,000 per year and will never go below that figure. Improvements would be made to Park Road and Oak Road.

Otto Giuliani, City Manager, further stated that at the Planning Commission meeting held on August 20, 1998 there were questions raised that could not be answered at that time; since the Applicant had time constraints, the project was denied in order to bring the decision to the Council level. The items in question had been addressed by staff 1) landscaping entrance to Park Road and Oak Road; trees will be planted to fill in breaks in the tree line; 2) Park Road improvements; traffic concerns were found to not be significant; installation of frontage improvements; 3) automatic sign; new smaller sign which will be located on City property on Highway 680. Approval of the sign will be brought back to the Planning Commission and the City Council at a later date.

Questions were asked by Mayor and Council regarding the proposed sign and zoning changes.

John Bunch, Planning Director, responded that the zoning proposed was what would be most appropriate for the site.

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

Patrick Thompson, Vice President, Nationwide, Applicant, gave a presentation. Nationwide is the third largest auction company in the United States; the current Napa facility was too small; renovations of buildings on site.

The following persons spoke:

Michael Irwin, 701 Scott Court, Novato, CA 94945, read letter of recommendation; represents a dozen charities - supports.

Bernie McKinley, Greater Bay Area, Make-A-Wish Foundation, read a letter into the record - supports.

Annette O'Connor, representing Chamber of Commerce - supports.

Phil Garrett, 424 Executive Court North #D, Fairfield, CA 94585, Real Estate firm representing Toyota, and Nationwide - compatible with site.

Brooks Pedder, 424 Executive Court North #D, Fairfield, CA - site has been vacant for five years; will benefit public.

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

Fred Newhouse, representing Exxon, 816 Bantree Way - commends City staff - supports.

Steve Robbins, 235 East L Street, secrecy of the process; Planning Commission decision ignored; Development Agreement; using the first \$150,000 to restore the Commandant's Residence.

Stephanie Christiansen, President, CEO, Chamber of Commerce - supports.

Doug Watson, Spieker Properties - supports.

Richard Bortolozzo, 846 Dorset Way, wants to extend landscaping to property to the South of proposed site.

Norm Koerner, 275 East H Street - project represents clean industry - supports.

Gregg Renfrow, 1060 Jackson Street, questioned the process; protection of scenic gateway; zoning.

Mayor Hayes closed the Public Hearing.

Councilmember Gizzi requested agendaing for first meeting in October a report on the Commandant's Residence.

Council took the following actions:

RESOLUTION NO. 98-136 - A RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE NATIONWIDE AUCTION SYSTEMS PROJECT

On motion of Councilmember Messina, 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

RESOLUTION NO. 98-137 - A RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE DIAGRAM OF THE GENERAL PLAN FROM WATER RELATED INDUSTRIAL TO GENERAL INDUSTRIAL

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

Ayes: Councilmembers Gizzi, Messina and Mayor Hayes

Noes: Councilmembers Corbaley and Cox-Golovich

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE APPROVING A ZONE CHANGE FROM IW TO IG

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

Ayes: Councilmembers Corbaley, Gizzi, Messina and Mayor Hayes

Noes: Councilmember Cox-Golovich

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

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH ASSET MANAGEMENT GROUP, INC. (NATIONWIDE AUCTION SYSTEMS), WITH MODIFICATION TO SECTION 4.2A (PAGE 3); EXHIBIT B

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

RESOLUTION NO. 98-138 - A RESOLUTION APPROVING AN ASSIGNMENT OF A  
SUBLEASE OF CITY PROPERTY

On motion of Councilmember Messina, 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

Otto Giuliani, City Manager, requested the Council, by minute action, authorize him to sign an Application for Nationwide, to submit an Application for the Company to apply for an offsite electronic message sign on City-owned property (somewhere along Highway 680). The sign will then come back to both the Planning Commission and the City Council for approval.

On motion of Councilmember Gizzi, seconded by Councilmember Messina, and unanimously carried, City Manager was authorized to sign an Application for Applicant to apply for an offsite electronic message sign.

Mayor Hayes called for a break at 9:25 p.m.  
Mayor Hayes reconvened the meeting at 9:34 p.m.

UNFINISHED BUSINESS:

FILM ORDINANCE

AMEND MUNICIPAL CODE BY ADDING CHAPTER 5.48 "MOTION PICTURE PRODUCTION,  
TELEVISION PRODUCTIONS AND COMMERCIAL STILL PHOTOGRAPHY" TO TITLE 5,  
BUSINESS TAXES, LICENSES AND REGULATIONS  
ESTABLISHMENT OF A SCHEDULE OF FEES FOR CITY SERVICES AND USE OF CITY  
PROPERTY FOR MOTION PICTURE PRODUCTION, TELEVISION PRODUCTIONS AND  
COMMERCIAL STILL PHOTOGRAPHY

Otto Giuliani, City Manager, explained the Ordinance; it has been shortened and modeled after the California Film Ordinance.

Councilmember Cox-Golovich asked for the definition of commercial still photography.

Heather McLaughlin, City Attorney, clarified the definition which came from the State Film Commission sample: commercial still photography is photography by a photographer who for profit uses public property and impedes the use of public property by others with props and equipment.

One concerned citizen expressed her views.

Council took the following actions:

INTRODUCTION OF ORDINANCE NO. 98- N.S. - AN ORDINANCE AMENDING THE  
MUNICIPAL CODE BY ADDING CHAPTER 5.48 "MOTION PICTURE PRODUCTION,

TELEVISION PRODUCTIONS AND COMMERCIAL STILL PHOTOGRAPHY" TO TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS, AS AMENDED

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

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

Noes: Councilmember Gizzi

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

RESOLUTION NO. 98-139 - A RESOLUTION ESTABLISHING A SCHEDULE OF FEES FOR CITY SERVICES AND USE OF CITY PROPERTY FOR MOTION PICTURE PRODUCTION, TELEVISION PRODUCTIONS AND COMMERCIAL STILL PHOTOGRAPHY

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, Messina and Mayor Hayes

Noes: Councilmember Gizzi

Heather McLaughlin, City Attorney, requested additional action by the Council to direct the Planning Commission to eliminate the Use Permit for filming over six days.

On motion of Councilmember Gizzi, seconded by Councilmember Messina, and unanimously carried, to eliminate fees for Use Permit.

NEW BUSINESS:

DISCUSSION REGARDING THE PROCEDURE FOR APPROVING COMMISSION APPOINTMENTS

Councilmember Messina requested this item be placed on the Agenda; stated his concerns and suggested alternatives to the current process.

Mayor Hayes stated that the alternatives proposed might politicize the selection process and deter citizens from volunteering; takes appointment process seriously.

Councilmember Gizzi spoke about the importance of the Planning Commission.

Mayor Hayes stated he will give the Council members two weeks notice prior to appointment, plus a list of those that have applied.

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, spoke on City Manager and the Benicia Library.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 10:32 p.m.