

September 15, 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 15, 1998

ROLL CALL

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

Absent: None

ANNOUNCEMENT:

Mayor Hayes announced action taken in Closed Session - Conference With Legal Counsel Re: Two Claims, as follows:

- 1) Taylor - authorized settlement;
- 2) Thomsen - authorized settlement.

Mayor Hayes announced that the Army Corps Of Engineers will hold an Arsenal Update Meeting October 27, 1998 from 12:00 to 8:00 p.m.

APPOINTMENT - YOUTH COMMISSION

Mayor Hayes announced the appointment of Sara Flores to the Youth Commission.

RESOLUTION NO. 98-140 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF SARA FLORES TO THE YOUTH 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

ADOPTION OF AGENDA:

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

Otto Giuliani, City Manager, stated that a report, on a Seminar held by the League of California Cities, would be added under New Business. The report will be given by Councilmember Gizzi.

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

CONSENT CALENDAR:

Mayor Hayes asked if there were any requests to pull an item.

Councilmember Gizzi requested Items D and H be pulled.

Councilmember Cox-Golovich requested Item E be pulled. Mayor Hayes stated that he also had a request from the audience to pull Item E.

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

Minutes of September 1, 1998.

Monthly Investment Report for June 1998.

TRANSFERRING OF PROPERTY OF THE SURPLUS PROPERTY AUTHORITY OF THE CITY OF BENICIA AND DISSOLVING THE SURPLUS PROPERTY AUTHORITY:

ADOPTION OF ORDINANCE NO. 98-6 N.S. - AN ORDINANCE TRANSFERRING PROPERTY OF THE SURPLUS PROPERTY AUTHORITY TO THE CITY OF BENICIA

ADOPTION OF ORDINANCE NO. 98-7 N.S. - AN ORDINANCE DISSOLVING THE SURPLUS PROPERTY AUTHORITY AND REPEALING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.60 (SURPLUS PROPERTY AUTHORITY) OF THE BENICIA MUNICIPAL CODE

RESOLUTION NO. 98-141 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

RESOLUTION NO. 98-142 - A RESOLUTION DECLARING INTENTION TO VACATE PORTIONS OF RIGHTS-OF-WAY ALONG THE WEST SIDE OF EAST 5TH STREET, THE 400 BLOCK OF EAST F STREET AND THE 400 BLOCK OF EAST G STREET

RESOLUTION NO. 98-143 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 1998-1999, AND AUTHORIZING THE INTERIM LIBRARY DIRECTOR TO SIGN DOCUMENTS

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

(END OF CONSENT CALENDAR)

FILM ORDINANCE:

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 OF MUNICIPAL CODE

Councilmember Gizzi requested this item be pulled from the Consent Calendar to reaffirm that he would be voting against the Ordinance.

Councilmember Cox-Golovich asked for clarification of the term "still photography".

Heather McLaughlin, City Attorney, stated that the word "still" as used in this Ordinance was the opposite of a motion picture or video.

Michael Alvarez, Parks and Community Services Director, explained the fee structure of this Ordinance.

Council took the following action:

ADOPTION OF ORDINANCE NO. 98-8 N.S. - AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 5.48 "MOTION PICTURE

PRODUCTION, TELEVISION PRODUCTIONS AND COMMERCIAL STILL PHOTOGRAPHY" TO TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS OF MUNICIPAL CODE

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

Ayes: Councilmembers Corbaley, Messina and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Gizzi

NATIONWIDE AUCTION SYSTEMS PROJECT:

ADOPTION OF ORDINANCE APPROVING A ZONE CHANGE FROM IW (WATER-RELATED INDUSTRIAL) TO IG (GENERAL INDUSTRIAL) FOR PROPERTY LOCATED AT 1 OAK ROAD (ZC 98-1)

ADOPTION OF ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH ASSET MANAGEMENT GROUP

Councilmember Cox-Golovich and James O. Milburn, 280 East J Street, requested this item be pulled from the Consent Calendar.

Councilmember Cox-Golovich stated that she is against the zoning change; asked for clarification of the role of the Planning Commission.

Heather McLaughlin, City Attorney, clarified that in all actions involving ordinances, the Planning Commission is only advisory. The final decision to adopt ordinances and to make changes to the General Plan rest with the City Council. If the Planning Commission is the final decision-making body on an item, then there can be an Appeal of that decision to the City Council.

James O. Milburn, 280 East J Street, spoke in favor of the project.

Councilmember Corbaley stated support of the project, but will vote against the zoning change.

Council took the following actions:

ADOPTION OF ORDINANCE NO. 98-9 N.S. - AN ORDINANCE APPROVING A ZONE CHANGE FROM IW (WATER-RELATED INDUSTRIAL) TO IG (GENERAL INDUSTRIAL) FOR PROPERTY LOCATED AT 1 OAK ROAD

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

Ayes: Councilmembers Gizzi, Messina and Mayor Hayes

Noes: Councilmembers Corbaley and Cox-Golovich

ADOPTION OF ORDINANCE NO. 98-10 N.S. - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH ASSET LIQUIDATION GROUP (NATIONWIDE AUCTION SYSTEMS) (DA 98-1)

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

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

Noes: None

PROVIDE FOR DELEGATION OF AUTHORITY TO THE CITY MANAGER OR CITY ATTORNEY TO INVESTIGATE AND RESOLVE GENERAL CIVIL LIABILITY CLAIMS FILED AGAINST THE CITY OF BENICIA

Councilmember Gizzi requested this item be pulled from the Consent Calendar; would like to continue to review claims; \$25,000 limit too high.

Councilmember Messina not in favor of any change; leave process as it is now.

Heather McLaughlin, City Attorney, stated that a list of claims and their status would continue to be provided to the Council on a monthly basis.

Councilmember Cox-Golovich made a motion to amend the amount stated in Item H (Resolution) to \$10,000.

Council took the following action:

RESOLUTION NO. 98-144 - A RESOLUTION PROVIDING FOR THE DELEGATION OF AUTHORITY TO THE CITY MANAGER OR CITY ATTORNEY TO INVESTIGATE AND RESOLVE GENERAL CIVIL LIABILITY CLAIMS FILED AGAINST THE CITY OF BENICIA
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 and Mayor Hayes

Noes: Councilmember Messina

REPORTS FROM CITY MANAGER:

GENERAL PLAN STATUS REPORT

Otto Giuliani, City Manager, reported that the Planning Commission has already met 17 times and has projected completion of their review by the end of October.

NEW BUSINESS:

REPORT ON SEMINAR HELD BY THE LEAGUE OF CALIFORNIA CITIES

Councilmember Gizzi requested this item be added to the Agenda. Many of the Economic Development strategies recommended, Benicia has already had in place for many years; reported on Senate Bill 110, which allows cities to apply for their own use tax permit.

Otto Giuliani, City Manager, stated that the City is looking into obtaining that type of permit.

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read a statement about hair styles, then and now.

ADJOURNMENT:

Mayor Hayes adjourned the meeting at 8:15 p.m.

Linda S. Purdy, City Clerk