

October 17, 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
OCTOBER 17, 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, October 17, 2000, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina asked Councilmember Gizzi to introduce his children, David and Erin Gizzi, who led the pledge to the flag.

APPOINTMENTS:

Mayor Messina announced the appointment of Fred Newhouse to the Human Services Fund Board to fill an unexpired term to July 1, 2002.

RESOLUTION NO. 00-147- A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF FRED NEWHOUSE TO THE HUMAN SERVICES FUND BOARD TO FILL AN UNEXPIRED TERM TO JULY 1, 2002.

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the appointment of Alan Schwartzman to the Planning Commission to fill an unexpired term to October 7, 2002.

RESOLUTION NO. 00-148- A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF ALAN SCHWARTZMAN TO FILL AN UNEXPIRED TERM TO OCTOBER 7, 2002.

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

PROCLAMATIONS:

"WINTER WEATHER AND FLOOD PREPAREDNESS

Mayor Messina read the Proclamation.

LUNG CANCER AWARENESS MONTH" NOVEMBER 2000

Mayor Messina read the Proclamation.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

PUBLIC COMMENT:

Debbie Rogers, 611 Crested Drive, Suisun, President, Solano County Habitat for Humanity, introduced additional Board members present; thanked the staff for their help with this project; explained how Habitat for Humanity builds houses and obtains funding.

Cathy Ann Hewitt, 266 East B #68, stated a list of issues that she would like discussed at the Town Meeting to be held in November regarding the Marina; provided some photographs of the Marina for the record.

James O. Milburn, 280 East J Street, read his statement about the history of how the current Skateboard Park came into existence; the relationship of that history and the recent action taken against a former Planning Commissioner; suggested that the Community Park might be a good site for a skateboard park.

Beverly Sherman, 456 Turner Drive, stated her long-term affiliation with Habitat for Humanity; agrees with the decision to build two affordable homes in Benicia.

Stuart Posselt, 423 York Drive, spoke about the upcoming election on November 7, 2000; a tape of a recent Congressional Debate can be seen on Channel 27.

Ann Hansen, 300 East H Street, Space #149, spoke on her involvement with Habitat for Humanity; the number of homes that Habitat will build nationwide in the next five years; happy to realize this dream of building here in Benicia.

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled from the Consent Calendar.

Councilmember Whitney requested Items E and J be pulled.

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

Minutes of September 19 and October 3, 2000.

RESOLUTION NO. 00-149- A RESOLUTION VERIFYING "MAINTENANCE OF EFFORT" AND DEFINITION OF PUBLIC SAFETY SERVICES IN COMPLIANCE WITH PROPOSITION 172 AND ASSEMBLY BILL 2788

RESOLUTION NO. 00-150- A RESOLUTION ACCEPTING BIDS, AWARDED CONTRACT TO SOARES PIPELINE, INC. FOR THE EAST K AND 7TH STREET WATER LINE IMPROVEMENT PROJECT, AND CITY MANAGER SIGN SAME

RESOLUTION NO. 00- 151- A RESOLUTION APPROVING CONSULTANT AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR PARK ROAD OVERLAY PROJECT AND CITY MANAGER EXECUTE AGREEMENT

RESOLUTION NO. 00-152- A RESOLUTION ACCEPTING GRANT OF EASEMENT FOR PUBLIC WATER LINE AT 400 BLOCK OF EAST F STREET

ADOPTION OF ORDINANCE NO. 00- 6- AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE SECTION 21362.2 (3% @50 FULL FORMULA) FOR LOCAL SAFETY MEMBERS; SECTION 21574 (FOURTH LEVEL 1959 SURVIVOR BENEFITS) FOR LOCAL FIRE MEMBERS; AND SECTION 21548 (PRE-RETIREMENT OPTIONAL SETTLEMENT 2 DEATH BENEFIT) FOR LOCAL POLICE MEMBERS ONLY

RESOLUTION NO. 00-153- A RESOLUTION ADOPTING THE ICMA VANTAGECARE RETIREE HEALTH SAVINGS PLAN

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

(END OF CONSENT CALENDAR)

RESOLUTION VACATING A WATER LINE EASEMENT AT 433 INDUSTRIAL WAY AND AUTHORIZING THE CITY MANAGER TO SIGN THE QUITCLAIM DEED
Councilmember Whitney requested this item be pulled from the Consent Calendar; questioned who had installed the water line; maintenance of the easement and access to the fire hydrants.

Otto Giuliani, City Manager, stated that the installation of the water line was a part of the development package; maintenance will be done by the property owner; fire hydrants will be available to the City.

Council took the following action:

RESOLUTION NO. 00-154- A RESOLUTION VACATING A WATER LINE EASEMENT AT 433 INDUSTRIAL WAY AND AUTHORIZING THE CITY MANAGER TO SIGN THE QUITCLAIM DEED.

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

INTRODUCTION OF AN ORDINANCE AMENDING SECTION 16.36.080 (IMPROVEMENT SECURITY) OF CHAPTER 16.36 (IMPROVEMENTS) OF TITLE 16 (SUBDIVISIONS) OF THE BENICIA MUNICIPAL CODE

Councilmember Whitney requested this item be pulled from the Consent Calendar; asked for clarification on alternative security options and fee waivers.

Otto Giuliani, City Manager, explained the difficulties in building affordable housing; this provides more flexibility with the current requirements for subdivision improvement securities; the City must participate financially and deferral of fees is one way to accomplish this goal.

Council took the following action:

INTRODUCTION OF ORDINANCE NO.00- - AN ORDINANCE AMENDING SECTION 16.36.080 (IMPROVEMENT SECURITY) OF CHAPTER 16.36 (IMPROVEMENT SECURITY)

OF TITLE 16 (SUBDIVISION) OF MUNICIPAL CODE BY ADDING A NEW SUBSECTION H TO PROVIDE CITY COUNCIL WITH AUTHORITY TO DETERMINE THE AMOUNT OF IMPROVEMENT SECURITY FOR AFFORDABLE HOUSING PROJECTS

On a motion of Councilmember Whitney, seconded by Councilmember Corbaley the above Ordinance was introduced on roll call by the following vote:

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

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

PUBLIC HEARING:

INTRODUCTION OF ORDINANCE APPROVING A ZONE CHANGE FROM RM, MEDIUM DENSITY RESIDENTIAL TO PD, PLANNING DEVELOPMENT, AND A PLANNED DEVELOPMENT PLAN FOR TWO PROPOSED SINGLE FAMILY DETACHED RESIDENCES (201 AND 205 EAST E STREET)

ADOPTION OF RESOLUTION AUTHORIZING PLANNING DIRECTOR TO ENTER INTO AN AGREEMENT WITH HABITAT FOR HUMANITY AND SIGN NECESSARY DOCUMENTS, INCLUDING FEE WAIVERS AND REIMBURSEMENT

Otto Giuliani, City Manager, stated that he would be excusing himself from this discussion due to a Conflict of Interest; John Bunch, Planning Director, would introduce this item and sign all documents.

Heather McLaughlin, City Attorney, advised Mayor Messina to also excuse himself from this discussion due to a Conflict of Interest.

Mayor Messina excused himself and stated that Vice Mayor Bidou would conduct the Public Hearing.

John Bunch, Planning Director, stated that this was an introduction to an ordinance for a zone change that is consistent with the General Plan; a resolution to enter into an agreement with Habitat for Humanity, specifying who is eligible to apply for ownership and the rights of successors; a lot line adjustment; a grant deed; and waiving of various fees. These will be two single story, single family dwellings to be built with volunteer labor.

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

The following persons spoke:

Cathy Ann Hewitt, 266 East B Street, #68 in favor of affordable housing; provided photographs of the Mobile Home property at East 7th and Military for the record.

James O. Milburn, 280 East J Street, read his comments on the zone change; Benicia's lower east side is bearing the brunt with this current plan.

Vice Mayor Bidou closed the Public Hearing.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 00- - AN ORDINANCE APPROVING ZONE CHANGE FROM RM, MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FOR HABITAT FOR HUMANITY FOR PROPERTY LOCATED AT 201 AND 205 EAST E STREET

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, and Whitney

Noes: None

Abstain: Mayor Messina

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

Council took the following action:

RESOLUTION NO. 00-155- A RESOLUTION AUTHORIZING THE PLANNING DIRECTOR TO ENTER INTO AN AGREEMENT WITH HABITAT FOR HUMANITY AND TO SIGN NECESSARY DOCUMENTS , INCLUDING FEE WAIVERS AND REIMBURSEMENT

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, and Whitney

Noes: None

Abstain: Mayor Messina

REPORTS FROM CITY MANAGER:

RESOLUTION OPPOSING PROPOSITION 36

Jim Trimble, Chief of Police, recommended that the Council oppose this Proposition; decriminalizes various drugs and illegal substances; allows all offenders, regardless of their criminal background, to attend drug diversion programs.

Councilmember Bidou stated that he strongly supports the opposition of this Proposition; poor legislation; does not lead to treatment; California Narcotics Officers Association against the passage of this Proposition.

Councilmember Corbaley requested clarification on current spending for prosecution; types of options available to the sentencing authority; the ways that this would hurt current treatment programs.

Jim Trimble, Chief of Police, stated that judges will have the option to send someone directly to a rehabilitation center; takes the hammer away to keep people clean and sober; creates competition for the funding available.

Comments were made by one concerned citizen.

Councilmember Corbaley stated there are differing views on how to deal with the drug problem; questioned how effective we are being with the current approach; not convinced that this proposal is the answer; more emphasis placed on treatment.

Council took the following action:

RESOLUTION NO. 00-156- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA TO OPPOSE PROPOSITION 36

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

Ayes: Councilmembers Bidou, Gizzi, Whitney and Mayor Messina

Noes: Councilmember Corbaley

RESOLUTION OPPOSING PROPOSITION 37

Otto Giuliani, City Manager, explained the impact that this Proposition would have on local government; most directly affects fees imposed for environmental pollution and treatment of health conditions associated with exposure or use of a product; cited the elimination of fees for alcohol licenses and operation of landfills as examples.

Council took the following action:

RESOLUTION NO. 00-157- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OPPOSING PROPOSITION 37, WHICH PROPOSES FURTHER CURBS ON LOCAL FEE AUTHORITY

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

Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REPORTS FROM COUNCIL COMMITTEES:

BI-MONTHLY COMMITTEE REPORTS

COMMUNITY ADVISORY GROUP (TOURTELOT-CAG)

Councilmember Corbaley requested that this CAG be referred to as the Tourtelot Community Advisory Group; the Army Corps of Engineers has provided a written opinion on the acceptable minimum distance; major reports will be available for public review after the first of the year.

MAYOR' COMMITTEE MEETING

BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Mayor Messina announced that minutes for both of these meetings are available in the City Manager's Office for review.

SEDCORP BOARD OF DIRECTORS

Councilmember Whitney reported that the focus of the last meeting was on transportation issues that effect economic development.

ARSENAL RESTORATION ADVISORY BOARD

Councilmember Whitney commented on a Public Tour that visited the UXO sites held in September.

VALERO COMMUNITY ADVISORY PANEL (CAP)

Councilmember Whitney reported that applications had been received and forwarded to Valero; off to a good start.

SOLANO TRANSPORTATION AUTHORITY

Councilmember Bidou stated that an informative flyer would be mailed within a few days; announced that Alan Nadritch, Finance Director had been nominated for Transit Employee of

the Year; STA Board voted to hire a consultant to make recommendations for the future Railroad Station.

YOUTH ACTION TASK FORCE

Councilmember Bidou stated a successful concert was held; meeting will be held next week to discuss the Master Action Plan.

AUDIT AND FINANCE COMMITTEE

Councilmember Bidou announced a meeting was held and all was well.

Mayor Messina announced that the Executive Director of BCDC had been invited to Benicia at the end of the month.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 9:51 p.m.

Linda S. Purdy, City Clerk