

November 7, 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.

REGULAR MEETING - CITY COUNCIL

November 7, 2000

MINUTES OF THE  
SPECIAL MEETING - CITY COUNCIL  
NOVEMBER 7, 2000

A special meeting of the City Council of the City of Benicia was called by Mayor Steve Messina at 7:15 p.m. Tuesday, November 7, 2000.

CITY CLERK ANNOUNCEMENT OF CLOSED SESSION

Linda S. Purdy, City Clerk, stated the Benicia City Council meeting is called to order and announced that the Council will immediately convene in Closed Session to discuss the following:

CLOSED SESSION

Conference With Legal Counsel - Existing Litigation  
(pursuant to Government Code Section 54956.9(a))  
Name of Case: REED vs. City of Benicia

Notice was duly given twenty-four hours prior to the meeting by the City Clerk.

MINUTES OF THE  
REGULAR MEETING - CITY COUNCIL  
NOVEMBER 7, 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, November 7, 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 led the pledge to the flag.

ANNOUNCEMENT:

Mayor Messina announced action taken in Closed Session re: Conference With Legal Counsel - Existing Litigation re: Reed vs. City - gave direction to staff to settle the matter.

APPOINTMENTS:

Mayor Messina announced the appointment of George Harris to the Human Services Fund Board to fill an unexpired term to July 1, 2001.

RESOLUTION NO. 00-158 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF GEORGE HARRIS TO THE HUMAN SERVICES FUND BOARD TO FILL AN UNEXPIRED TERM TO JULY 1, 2001

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 Ann Hansen to the Library Board of Trustees to fill an unexpired term to February 24, 2001.

RESOLUTION NO. 00-159 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENT OF ANN HANSEN TO THE LIBRARY BOARD OF TRUSTEES TO FILL AN UNEXPIRED TERM TO FEBRUARY 24, 2001

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

Mr. Harris and Ms. Hansen thanked the Mayor and Council for the appointments.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read a commentary on the similarities between past and current politicians.

Tom Adams, 288 East 2nd Street, Planning Commissioner, responded to those who have criticized the recent appointments to the Planning Commission made by the Mayor; concerned about perception that a businessman cannot also be an environmentalist; all should work together.

Councilmember Bill Whitney stated that he had attended the dedication of Wastewater Treatment Plant; extended thanks to Virgil Mustain, Public Works Director, and his staff for bringing this project in under budget; stated the capacity of the WWTP is to serve a population of 32,000, in order to dispel any rumors that there might be additional development in the Sky Valley area; asked for clarification of the zoning and uses in the Urban Growth Boundary.

John Bunch, Planning Director, stated some of the allowable uses in the Open Space-Urban Growth Boundary were agriculture, horticulture and active and passive recreation, cemeteries, government and public safety offices, some commercial usage tied to recreational uses, like a golf course. These areas are not intended for typical subdivisions, but rather larger rural lots.

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled.

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

Minutes of October 17, 2000.

Check Registers for September 2000.

ADOPTION OF ORDINANCE NO. 00-7 - AN ORDINANCE APPROVING A ZONE CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FOR HABITAT FOR HUMANITY FOR PROPERTY LOCATED AT 201 AND 205 EAST E STREET \* corrected on November 21, 2000 to reflect an abstention by Mayor Messina on this item due to a Conflict of Interest.

ADOPTION OF ORDINANCE NO. 00-8 - AN ORDINANCE AMENDING SECTION 16.36.080 (IMPROVEMENT SECURITY) OF CHAPTER 16.36 (IMPROVEMENTS) OF TITLE 16 (SUBDIVISIONS) OF THE MUNICIPAL CODE BY ADDING A NEW SUBSECTION H TO PROVIDE CITY COUNCIL WITH THE AUTHORITY TO DETERMINE THE AMOUNT OF IMPROVEMENT SECURITY FOR AFFORDABLE HOUSING PROJECTS

RESOLUTION NO. 00-160 - A RESOLUTION ACCEPTING THE YEAR 2000 SLURRY SEAL PROJECT, CITY MANAGER TO SIGN NOTICE OF COMPLETION, AND CITY CLERK RECORD SAME WITH SOLANO COUNTY RECORDER

RESOLUTION NO. 00-161 - A RESOLUTION ACKNOWLEDGING THE SOLANO COUNTY SESQUICENTENNIAL COMMITTEE FOR THEIR WORK ON THE SESQUICENTENNIAL PROJECT AND THE ESTABLISHMENT OF THE FIFTY (50) YEAR TIME CAPSULE

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

ISSUANCE OF \$9,000,000 IN TAX-EXEMPT INDUSTRIAL REVENUE BONDS FOR ROMAK IRON WORKS, INC.

Otto Giuliani, City Manager, stated that this was an opportunity to continue the economic vitality of Benicia; explained that the City acts as a conduit for issuance of the Bonds; no risk to the City and is consistent with previous policy.

Councilmember Gizzi questioned whether or not the company would continue to maintain their Oakland facility; asked for clarification of sales tax revenue.

Otto Giuliani, City Manager, responded that there would not be any sales tax revenue but the utility users tax would apply.

Mayor Messina opened the Public Hearing.

Legal notice was given. No written protests received.

The following person spoke:

Kevin Romak, President, Romak IronWorks, Inc., 380 Industrial Court, stated that the facility was already under construction; corrected the amount of the bond; the Oakland property would be retained, but the entire Company would move to Benicia.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 00-162 - A RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 IN TAX-EXEMPT INDUSTRIAL REVENUE BONDS FOR ROMAK IRON WORKS, INC.

On motion of Councilmember Bidou, 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

ORDINANCE ADDING A NEW SECTION 17.70.320 (INCLUSIONARY HOUSING) TO CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) OF THE MUNICIPAL CODE  
Otto Giuliani, City Manager, commended staff, Legal Services and Pacific Bay Homes for their effort to bring this to the Council; State of California requires each City to meet the needs of affordable housing; this is consistent with the newly revised General Plan; allows the City to meet its affordable housing needs and comply with the ruling in the Winterhawk lawsuit.

John Bunch, Planning Director, stated proposed Ordinance is consistent with General Plan; provides the Housing Element required; stated the three options available to developers, single residential projects with accessory units, in-lieu land dedication at another location, or in-lieu Housing fees.

Councilmember Bidou questioned how the units would be monitored to insure that they remained available to low and very low-income residents; disposition of in-lieu fees; expressed concern about costs being passed onto the consumer.

Otto Giuliani, City Manager, stated that there would be individual agreements with the developer; Housing Authority would monitor the units; fees would be put into the in-lieu Housing Fee Account.

Deborah Collins, Legal Services, thanked staff, Mr. Giuliani, City Manager, Heather McLaughlin, City Attorney, and Pacific Bay Homes; strong Ordinance; encouraged approval.

Scott Goldie, Pacific Bay Homes, thanked the City and Legal Services; looks forward to providing housing for all; supports Ordinance.

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

The following persons spoke:

James O. Milburn, 280 East J Street, on planned development; effect this will have on the East side town.

Stuart Posselt, 423 York Drive, stated low cost housing is not created by growth; program is discriminatory; possibility if Proposition 37 passes that this may be illegal; problems with enforcement and retention of the unit as affordable housing; against this Ordinance.

Dick Shafer, 304 Stevens Circle, stated inclusionary housing does not work; cited a study done by Sonoma State University; consider mobile home parks as an alternative; against passing this Ordinance.

Mayor Messina closed the Public Hearing.

Councilmember Corbaley stated that the State Legislature has mandated that affordable housing be provided for low and very low-income residents; gave a brief history of the events concerning this Ordinance and its relationship to the Stipulated Settlement Agreement; supports the introduction of this Ordinance.

Councilmember Gizzi commented that the original decision that prompted this was made on the best advice that was given at the time; concept is distasteful, but supports because there is no other alternative.

Councilmember Whitney questioned whether or not this ordinance will enable our housing element to be certified.

Otto Giuliani, City Manager, stated that the Regional numbers needed to be certified first, but that this was a major stepping stone in the process.

Councilmember Bidou stated that he does not consider this affordable housing; expressed concern about monitoring and sales of the units; will support.

Council took the following action:

INTRODUCTION OF ORDINANCE NO. 00- - AN ORDINANCE ADDING A NEW SECTION 17.70.320 (INCLUSIONARY HOUSING) TO CHAPTER 17.70 (SITE REGULATIONS)M OF TITLE 17 (ZONING) OF MUNICIPAL CODE

On motion of Councilmember Corbaley, seconded by Councilmember Messina, the above Ordinance was introduced by title only 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.)

REPORTS FROM COUNCIL COMMITTEES:

HISTORICAL REVIEW OF TRAIN STATION

Councilmember Bidou, as representative of Solano Transportation Authority, spoke on concerns at meeting held in reference to additional growth in the Sky Valley area; any questions please contact him at his home or at City Manager's office.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:55 p.m.

Linda S. Purdy, City Clerk