

December 4, 2001

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
DECEMBER 4, 2001

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Messina at 7:30 p.m. Tuesday, December 4, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Present: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Absent: None.

PLEDGE OF ALLEGIANCE:

Mayor Messina announced that David and Erin Gizzi and Andrew Cortland would lead the Pledge of Allegiance.

PRESENTATIONS:

COMPLETION OF THE CLEAN UP OF ROSE DRIVE, TOURTELOT, AND I.T. PANOCHE
Mayor Messina presented Certificates of Appreciation to Dorothy Rice, DTSC; Scott Goldie, Granite Management/Pacific Bay Homes; and Bruce Handel, Army Corp of Engineers.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

James O. Milburn, 280 East J Street, read his comments on historical restoration; gave a donation of \$1000.00 toward the restoration of the Commanding Officers Quarters Bldg. 28.
Mark Appel, 580 West I Street, thanked retiring Council Members and welcomed new Council Members.

Bonnie Silveria, 641 West I Street, thanked outgoing Council Members Corbaley and Gizzi; requested the new Council look into the possibility of an anti-ugly ordinance; would like more Code Enforcements.

Dana Dean, 503 Cambridge Drive, stated her appreciation for the outgoing Council Members, although she may have disagreed or used different methods than they did.

Dave Batke, 285 West K, announced the upcoming activities scheduled for Arts Benicia.

Marilyn Bardet, 333 East K, made comments to the outgoing Council Members; proud of the Rose Drive clean up.

Kitty Griffin, 236 Baker Street; thanked Council Member Corbaley for her work on the General Plan update.

Bill Tanner, Valero Refinery, gave an update on the purchase of the Ultra Mar Refinery; timeline for the Cogeneration facility currently in the early construction phase; start up for the Cogeneration Plant will be in April 2002.

Mayor Messina applauded the efforts to build a Cogeneration Plant; requested that a hard look be taken at the problem of emissions and the need to reduce those things that are put into the environment.

Bill Tanner, Valero Refinery, stated that he would accept the challenge to pursue the items that the Mayor had presented.

John Ash, 266 East B Street, Benicia Harbor Corporation, made comments on the dredging report; scope of the project was larger than the time provided; extension of permit will help to complete more of the dredging.

CONSENT CALENDAR:

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

On motion of Council Member Corbaley, seconded by Council Member Whitney, and unanimously carried, the following items were approved under the Consent Calendar:

Minutes of November 20, 2001

RESOLUTION NO. 01-190 - A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

RESOLUTION NO. 01-191 - A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

ORDINANCE NO. 01-11 - AN ORDINANCE AMENDING SECTION 17.04.02B OF THE BENICIA MUNICIPAL CODE TO REZONE CERTAIN PARCELS WITHIN THE CITY OF BENICIA TO COMPLY WITH THE GENERAL PLAN USE DIAGRAM (WITH ABSTENTIONS AS NOTED)

ORDINANCE NO. 01- 12- AN ORDINANCE REPEALING ORDINANCE NO. 01-7, AN ORDINANCE APPROVING A REZONING FOR THE JEFFERSON PARK PROJECT (PLN 2001-08)

ORDINANCE NO. 01- 13 - AN ORDINANCE REPEALING ORDINANCE NO. 01-8, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH PACIFIC BAY HOMES FOR THE JEFFERSON PARK PROJECT

Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS: RESOLUTION APPROVING THE EXTENSION OF THE TENTATIVE SUBDIVISION MAP FOR THE HEARTHSTONE PROJECT

Otto Giuliani, City Manager, stated that it had taken the applicant additional time to secure financing for the project; extension needed in order to complete the project.

Mayor Messina opened the Public Hearing. No written protest received. No one spoke for or against this item.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO- 01-192 - A RESOLUTION APPROVING AN EXTENSION OF THE TENTATIVE SUBDIVISION MAP FOR THE HEARTHSTONE PROJECT

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

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER: EAST H STREET ACCESS BETWEEN THE ARSENAL AND DOWNTOWN

Otto Giuliani, City Manager, stated that the City had obtained access from the property owners for emergency situations; owners are not interested in granting additional access at this time; condemnation would be very expensive.

One concerned citizen spoke on this issue.

Council Member Gizzi stated that maybe this issue could be addressed on a short-term basis, possibly when the Open Studios are held.

Council Member Bidou pointed out that this is an industrial area and there are major security issues; Coast Guard should be contacted.

Mayor Messina stated that additional discussion was required on this item; requested that staff contact the property owners; a report should be brought back at a future Council meeting.

WRITTEN REPORT FROM ASSISTANT CITY MANAGER MARINA DREDGING UPDATE

Mayor Messina, Council Member Bidou and Otto Giuliani, City Manager, did not participate in this discussion due to Conflict of Interest.

Karen Majors, Assistant City Manager, reported that an extension of the current dredging permit had been received earlier in the day; extension was given until December 16, 2001; Benicia Harbor Corporation would resume dredging operations on December 5, 2001; now anticipated that BHC would complete 50% of their portion of the dredging; addition dredging would be required next year.

NEW BUSINESS: RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2001

Linda S. Purdy, City Clerk, read the results of the November 6, 2001 General Municipal Election certified by the Solano County Registrar of Voters.

Council took the following action:

RESOLUTION NO. 01-193

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2001

WHEREAS, on November 6, 2001 a General Municipal Election was held to elect two Council Members and to determine the passage of Measure T by the voters; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENICIA GENERAL MUNICIPAL ELECTION held in the City of Benicia on November 6, 2001 to elect two Council Members and to submit to the voters Measure T were as follows:

VOTES CAST AT PRECINCTS	4220
ABSENTEE VOTES	1481
TOTAL VOTES CAST	5701
TOTAL REGISTERED VOTERS	15755
PERCENT TURNOUT	36.1%

TOM CAMPBELL received the following vote for COUNCIL MEMBER (for a full term)

Precinct No. 1020	179
Precinct No. 1030	128
Precinct No. 1040	85
Precinct No. 1050/1140	134
Precinct No. 1060	100
Precinct No. 1110	131
Precinct No. 1115/1120	205
Precinct No. 1125/1130	228
Precinct No. 1135	106
Precinct No. 1150	53
Precinct No. 1155/1170	116
Precinct No. 1160/1198	138
Precinct No. 1171	141
Precinct No. 1180	118
Precinct No. 1190	116
Precinct No. 1195	99
Precinct No. 1196	112
Precinct No. 1197	112
Precinct No. 1199	117
Absentee	
836	
TOTAL VOTE:	3254

MARK LOBDELL received the following vote for COUNCIL MEMBER (for a full term)

Precinct No. 1020	83	
Precinct No. 1030	52	
Precinct No. 1040	43	
Precinct No. 1050/1140		67
Precinct No. 1060	57	
Precinct No. 1110	83	
Precinct No. 1115/1120		87
Precinct No. 1125/1130		172
Precinct No. 1135	54	
Precinct No. 1150	58	
Precinct No. 1155/1170		102
Precinct No. 1160/1198		133
Precinct No. 1171	135	
Precinct No. 1180	95	
Precinct No. 1190	71	
Precinct No. 1195	79	
Precinct No. 1196	101	
Precinct No. 1197	69	
Precinct No. 1199	79	
Absentee		
601		
TOTAL VOTE:	2221	

NANCY MARTINEZ received the following vote for COUNCIL MEMBER (for a full term)

Precinct No. 1020	103	
Precinct No. 1030	65	
Precinct No. 1040	52	
Precinct No. 1050/1140		00
Precinct No. 1060	70	
Precinct No. 1110		
93		
Precinct No. 1115/1120		103
Precinct No. 1125/1130		175
Precinct No. 1135	71	
Precinct No. 1150	55	
Precinct No. 1155/1170		100
Precinct No. 1160/1198		107
Precinct No. 1171	95	
Precinct No. 1180	109	
Precinct No. 1190	73	
Precinct No. 1195	79	
Precinct No. 1196	67	
Precinct No. 1197	73	
Precinct No. 1199	69	
Absentee		

596

TOTAL VOTE: 2255

DAN SMITH received the following vote for COUNCIL MEMBER (for a full term)

Precinct No. 1020	161	
Precinct No. 1030	125	
Precinct No. 1040	86	
Precinct No. 1050/1140		110
Precinct No. 1060	87	
Precinct No. 1110	95	
Precinct No. 1115/1120		184
Precinct No. 1125/1130		175
Precinct No. 1135	87	
Precinct No. 1150	57	
Precinct No. 1155/1170		103
Precinct No. 1160/1198		79
Precinct No. 1171	103	
Precinct No. 1180	88	
Precinct No. 1190		
82		
Precinct No. 1195	90	
Precinct No. 1196	90	
Precinct No. 1197	100	
Precinct No. 1199	66	
Absentee		
567		
TOTAL VOTE:	2535	

MEASURE T received the following vote:

Yes	No		
Precinct No. 1020	175	76	
Precinct No. 1030	113	72	
Precinct No. 1040	91		
44			
Precinct No. 1050/1140		148	61
Precinct No. 1060	95		
65			
Precinct No. 1110	136	64	
Precinct No. 1115/1120		194	99
Precinct No. 1125/1130		258	
103			
Precinct No. 1135	109	46	
Precinct No. 1150	88		
26			
Precinct No. 1155/1170		136	68
Precinct No. 1160/1198		136	99

Precinct No. 1171	168	81
Precinct No. 1180	143	68
Precinct No. 1190	105	58
Precinct No. 1195	116	57
Precinct No. 1196	145	46
Precinct No. 1197	112	59
Precinct No. 1199	121	38
Absentee	862	446
TOTAL VOTE:	3451	
	1676	

BE IT FURTHER RESOLVED that Tom Campbell and Dan Smith are declared elected as Council Members and that Measure T was approved and is adopted and ratified and that the results of the General Municipal Election are declared final.

On motion of Council Member Bidou, seconded by Council Member Corbaley, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 4th day of December, 2001 and adopted by the following vote:

Ayes: Council Members Bidou, Corbaley, Gizzi, Whitney and Mayor Messina
 Noes: None

PRESENTATION TO OUTGOING ELECTED OFFICIALS BY MAYOR MESSINA

Mayor Messina thanked both outgoing Council Members and presented each with a gift from the City.

COMMENTS BY OUTGOING COUNCIL MEMBERS

Council Members Corbaley and Gizzi made their final comments.

ADJOURNMENT SINE DIE:

Mayor Messina adjourned the meeting sine die at 9:30 p.m. .

Linda S. Purdy, City Clerk

**MINUTES OF THE
 REGULAR MEETING - CITY COUNCIL
 DECEMBER 4, 2001**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Messina at 9:38 p.m. Tuesday, December 4, 2001, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS:

Linda S. Purdy, City Clerk, administered the oath of office to Tom Campbell and Dan Smith, Council Members.

ROLL CALL:

Present: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

REMARKS BY ELECTED OFFICIALS:

Mayor Messina welcomed the new Council Members.

Council Members Campbell and Smith thanked their supporters and outlined their goals for the next four years.

Council Member Smith requested that staff provide a definition of the mixed-use zoning classification and ownership of the streets in the Arsenal.

NOMINATION AND ELECTION OF THE OFFICE OF VICE MAYOR:

Mayor Messina stated that historically this position was given to the person with the highest number of votes received in the election.

Council Member Campbell stated he would abstain from this vote.

On motion of Council Member Bidou, seconded by Council Member Whitney, and unanimously carried, nomination of Council Member Campbell as Vice-Mayor was approved.

ADOPTION OF AGENDA:

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

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

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

Kitty Griffin, 236 Baker Street, spoke on obtaining funds for the restoration of the Commandant's Residence.

Donald Dean, 257 West I Street, spoke about public access on Jefferson Street; presented (for the record) a letter from Jane Lauder, Civil Engineer, on public access and street right away.

J.B. Davis, 385 West K Street, congratulated new Council Members.

Jon Van Landschoot, 175 West H Street, expressed concerns about the building materials permitted in the downtown area for new construction, as opposed to the restrictions placed on owners of older homes in that area when they replace an item; would like to see a list of historical assets; preserve and fix up historical buildings.

James O. Milburn, 280 East J Street, stated that East H Street was prone to flooding; closure of East K Street takes away another route of access to Military East.

Diana Smith, 365 Military East, suggested making some of the historical buildings into tourist attractions; look into funding by State Grants.

CONSENT CALENDAR:

There were no items presented on the Consent Calendar.

REPORTS FROM CITY MANAGER:

DISCUSSION ABOUT THE POSSIBLE CANCELLATION OF THE CITY COUNCIL MEETING
SCHEDULED FOR TUESDAY, JANUARY 1, 2002

On motion of Council Member Bidou, seconded by Council Member Whitney, and unanimously carried, the Council Meeting of January 1, 2002 was cancelled.

NEW BUSINESS:

RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY
COUNCIL TO COUNCIL COMMITTEES

Mayor Messina read the Resolution appointing members of the City Council to various Council Committees.

Council took the following action:

RESOLUTION NO. 01-194- A RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF
MEMBER OF THE CITY COUNCIL TO COUNCIL COMMITTEES

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 10:12 p.m.