



## **BENICIA CITY COUNCIL CITY COUNCIL MEETING AGENDA**

**Benicia City Hall, 250 East L Street, Council Chamber  
Benicia, CA 94510**

**June 21, 2022  
6:00 PM**

### **Accessing The Meeting**

How to Participate in the Meeting:

- 1) Attend in person at Council Chambers
- 2) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 3) Livestream online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).
- 4) Zoom Meeting (link below)

The public may view and participate (via computer or phone) link:

<https://us02web.zoom.us/j/81419977929?pwd=aUU1WjlOa2Vmd1lMa3h4MlJnWUZEdz09>

- If prompted for a password, enter 503719.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one.

1 669 900 9128  
1 346 248 7799  
1 253 215 8782  
1 646 558 8656  
1 301 715 8592  
1 312 626 6799

- Enter the meeting ID number: 814 1997 7929 \*please note this is an updated ID number\*.

- Enter password: 503719
- When prompted for a Participant ID, press #.
- Press \*9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

Any member of the public who needs accommodations should email City Clerk Lisa Wolfe at [lwlfe@ci.benicia.ca.us](mailto:lwlfe@ci.benicia.ca.us), who will use her best efforts to provide as much accessibility as possible while also maintaining public safety.

**1. Call To Order (6:00 P.M.)**

**2. Convene Open Session**

**3. Roll Call**

**4. Pledge Of Allegiance**

**5. Reference To The Fundamental Rights Of The Public**

The fundamental rights of each member of the public can be found in the municipal code posted on the City’s website and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia’s Open Government Ordinance.

**6. Announcements**

**6.A - MAYOR'S OFFICE HOURS**

Mayor Young is maintaining an open office on the first and third Mondays of the month (except holidays) in the Mayor's office of City Hall from 4:30 to 6:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

**6.B - OPENINGS ON BOARDS AND COMMISSIONS**

Interviews were recently conducted and appointments will be made on 7/19/2022 for all current openings on boards and commissions.

- Arts & Culture Commission  
1 Partial Term, Expiring January 31, 2024

- Building Code Board of Appeals  
1 Full Term, Expiring July 31, 2025

- Community Sustainability Commission  
1 Full Student Term, Expiring July 31, 2023

- Economic Development Board  
1 Full Term, Expiring July 31, 2026

- Historic Preservation Review Commission  
1 Partial Term, Expiring January 31, 2024  
1 Full Term, Expiring July 31, 2026

- Library Board of Trustees  
3 Full Terms, Expiring July 31, 2025

- Sky Valley Open Space Committee  
1 Partial Term, Expiring January 31, 2023

## **7. Proclamations**

### **7.A - PROCLAMATION - BENICIA HIGH SCHOOL VARSITY SOFTBALL TEAM (City Manager's Office)**

[Proclamation - Benicia High School Varsity Softball Team](#)

## **8. Adoption Of Agenda**

## **9. Opportunity For Public Comments**

How to Submit Public Comments for this City Council meeting:

Besides appearing in person and offering public comments, members of the public may provide public comment via Zoom, or to the City Clerk by email at [lwlfe@ci.benicia.ca.us](mailto:lwlfe@ci.benicia.ca.us). Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.
- Comments received after 2:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council, but will not be posted on the City's website.

## **10. Written Comment**

## **11. Public Comment**

## **12. Consent Calendar**

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, Staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

### **12.A - APPROVAL OF BUDGET APPROPRIATIONS FROM GRANTS FOR THE CALIFORNIA WATER AND WASTEWATER ARREARAGES PAYMENT PROGRAM (Public Works Director)**

The City has applied for, and was awarded, two grants from the State Water Resources Control Board (SWRCB) for the California Water and Wastewater Arrearages Payment Program. Both grants require Council approval to appropriate funds into the FY 2021-22 budget.

Recommendation:

Move to adopt a resolution (Attachment 1) approving a budget amendment increasing appropriations by \$455,886.68 within the FY 2021-22 budget for the two grants awarded (Attachments 2-3), and delegate the Finance Director as the authority to make the necessary revenue and expenditure increase associated with the grants.

[Staff Report - Approval of Budget Appropriations from Grants for the California Water and Wastewater Arrearages Payment Program](#)

[1. Resolution - Budget Appropriations from Grants Awarded](#)

[2. Water Arrearages Disbursement Request Form](#)

[3. Wastewater Arrearages Disbursement Request Form](#)

### **12.B - APPROVAL OF BUDGET APPROPRIATIONS FROM GRANTS (Public Works Director)**

The City has applied for, and was awarded, a micro-grant for Rectangular Rapid Flashing Beacon (RRFB) installation from Solano Transportation Authority (STA), a Transportation Development Act (TDA) grant from the Metropolitan Transportation Commission (MTC) for Military West and West 5th pedestrian and bicycle improvements, a State Senate Bill 1383 grant for organics recycling public education and outreach from California Department of Resources Recycling and Recovery (CalRecycle), and a Local Roadway Safety Plan (LRSP) grant from the Department of Transportation (CalTrans) for a pedestrian improvement plan. All four grants require Council approval to appropriate funds into the FY 2021-22 budget.

Recommendation:

Move to adopt a resolution (Attachment 1) approving a budget amendment increasing appropriations by \$309,237 within the FY 2021-22 budget for the four grants awarded (Attachments 2-5), and delegate the Finance Director as the authority to make the necessary revenue and expenditure increase associated with the grants.

Staff Report - Approval of Budget Appropriations from Grants

1. Resolution - Budget Appropriation for Grants Awarded

2. Micro-Grant Agreement – East 2nd Street

3. TDA Funding Allocation – Military West and West 5th Street

4. Notice of Award CalRecycle - SB 1383 Organics

5. Master Agreement - Local Roadway Safety Plan

**12.C - AWARD OF CHEMICAL PURCHASE ORDERS FOR WATER AND WASTEWATER TREATMENT DIVISIONS FOR FISCAL YEAR 2022-2023 (Public Works Director)**

This proposed action allows the City of Benicia to purchase chemicals necessary for water and wastewater treatment for Fiscal Year (FY) 2022-2023. Since 1994, the City, and other agencies in and around Solano, Napa, and Yolo counties, used the group purchasing entity, North Bay Agency Chemical Pool (Chemical Pool or NBACP), to obtain the best possible pricing through bulk purchasing. The City also solicits bids for specific polymer chemicals not included in the Chemical Pool solicitation process.

Recommendation:

Move to adopt a resolution (Attachment 1) accepting the bids (Attachment 2) and approving purchase orders to the lowest responsive and responsible bidders for furnishing chemicals for water and wastewater treatment for FY22-23 and authorizing the City Manager, or designee, to sign the purchase orders on behalf of the City along with approving budget amendments to add \$346,000 to the water chemical budget and \$192,000 to the wastewater chemical budget to cover the significant price increases.

Staff Report - Award of Chemical Purchase Orders for Water and Wastewater Treatment for FY22-23

1. Resolution - Award of Chemical Purchase Orders for Water and Wastewater Treatment for FY22-23

2. Bid Summary FY22-23 (from Chemical Pool)

**12.D - SECOND READING OF AN ORDINANCE AMENDING THE ZONING REGULATIONS (TITLE 17) OF THE BENICIA MUNICIPAL CODE PERTAINING TO DAY CARE CENTER USE IN THE OPEN SPACE DISTRICT**

The proposed amendments to Title 17 (Zoning) of the Benicia Municipal Code (BMC) would conditionally allow Day Care Center uses in the Open Space (OS) District, when sited on the grounds

of a permitted religious assembly use. This ordinance was introduced at the City Council meeting on June 7, 2022.

Recommendation:

Move to waive the second reading, read by title only, and adopt the ordinance (Attachment 1) of the City Council amending Title 17 (Zoning) of the Benicia Municipal Code and find that the ordinance is exempt under the California Environmental Quality Act.

[Staff Report - Day Care Center Use - Zoning Text Amendment](#)

[1. Ordinance Amending Benicia Municipal Code Title 17 \(Zoning\)](#)

**12.E - ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) PURSUANT TO ARTICLE XIIIIB OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2022-23 (Finance Director)**

The Article XIIIIB of the California Constitution, informally known as the Gann Appropriations Limit, provides limits to the total amount of appropriations in any fiscal year from the “proceeds of taxes”. The article further provides that appropriations from designated reserve funds are not appropriations from the proceeds of taxes. Additionally, appropriations from sources other than taxes are not controlled by the limit. The resolution establishes the appropriations limit for Fiscal Year 2022-23.

Recommendation:

Move to adopt a resolution (Attachment 1) establishing the maximum allowable appropriations limit (Exhibit A) for Fiscal Year 2022-23 in the amount of \$119,469,132.

[Staff Report - Establishing Appropriation Limit for FY2022-23](#)

[1. Resolution - Establishing Appropriation Limit for FY2022-23](#)

**12.F - FY 2022/23 MID-CYCLE BUDGET AMENDMENTS (Finance Director)**

Although the City creates a biennial budget (two fiscal years), it is a prudent practice to evaluate any necessary changes to revenue and expenses each fiscal year. Typically, in most fiscal years, the number of changes would be minimal. This period, there are more significant amounts (in number) of adjustments due to the City’s ongoing process improvement around budget and overall city finances. The changes being proposed are a combination of one-time needs to continue to address uncovered items in various departments, continuation of work that was not completed in FY 2021/22 (project work), and ongoing changes to operating budget to reflect departmental operating plans more closely. Staff will use the number of changes this year as a baseline to evaluate the next two-year budget cycle (City Council had a similar discussion in March surrounding the FY 2021/22 mid-year budget review). It should be noted, the number of needed adjustments is not a reflection on any department itself, but rather the larger City budget process, which requires and has planned significant changes moving forward.

The net increase to the General Fund from the proposed changes is approximately \$2.3 million dollars. The net increase is slightly misleading in that staff anticipates salary savings within FY 2022/23 that have not been accounted for in the previous budget process, which will reduce the above-mentioned shortfall. Additionally, when the FY 2021/22 financials books are closed (most likely in December) staff anticipates, although not guaranteed, that a surplus will exist which can also be used to offset this amount prior to being used to fill the categories outlined in the fund balance policy.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the necessary budget amendments outlined in the Mid-Cycle Budget Amendment Table (Exhibit A) and provide delegated authority to the Finance Director to make other necessary budget amendments to non-General Fund departments/divisions related to the mid-cycle review.

[Staff Report - Mid-Cycle Amendments FY 2022-23](#)

[1. Resolution - Mid-Cycle Budget Amendments](#)

### **13. Business Items**

#### **13.A - RECOMMENDATION TO DECLARE STAGE 2 AS DESCRIBED IN THE EMERGENCY WATER CONSERVATION PLAN (Public Works Director)**

California, and the City, are experiencing exceptional multiyear drought conditions. To conserve diminishing water supplies, the State Water Resources Control Board adopted emergency water conservation regulations in response to the Governor's March Executive Order on May 24, 2022. The City is required to declare a Stage 2 water shortage per its adopted Water Shortage Contingency Plan (water conservation between ten and twenty percent). The City must also define a base year to measure water conservation. Staff recommends outreach, education, and countywide collaboration to meet conservation targets.

Recommendation:

Move to adopt a resolution (Attachment 1) declaring a Stage 2 Moderate Shortage for all water customers, requiring conservation between ten and twenty percent in accordance California Code of Regulation, Title 23, Section 996 (13 CCR § 996) (Attachment 2); establish calendar year 2020 as the base year per Ordinance 21-6 - Emergency Water Conservation Plan Benicia Municipal Code 13.35.030 (Attachment 3); prohibiting the use of potable water for irrigation of non-functional turf at commercial, industrial, and institutional sites; and terminating this resolution when the emergency water conservation regulation is rescinded by the Governor, State Water Resources Control Board, or City staff, whichever is sooner.

[Staff Report - Stage 2 Water Conservation](#)

[1. Resolution - Stage 2 Water Conservation](#)

[2. State Water Board Proposed Emergency Regulation Text - Section 996 \(Urban Drought Response Actions\)](#)

[3. Ordinance 21-6 Emergency Water Conservation Plan BMC Chapter 13.35](#)

**14. Council Member Committee Reports:**

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

**14.A - COUNCIL MEMBER COMMITTEE REPORTS**

[Committee Reports](#)

**15. Adjournment (8:30 P.M.)**

## **Public Participation**

The Benicia City Council and its Boards and Commissions welcome public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

## **Disabled Access or Special Needs**

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Kim Imboden, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

## **Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

## **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

#### **Contact Your Council Members**

If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

Mayor Young: 707-746-4213

Vice Mayor Campbell: 707-746-4213

Council Member Strawbridge: 707-746-4213

Council Member Largaespada: 707-746-4213

Council Member Macenski: 707-746-4213