



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Videoconferencing Meeting
February 1, 2022
6:00 PM**

Coronavirus (Covid-19) Advisory Notice

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, the meeting will not be physically open to the public. Members of the City Council and staff will participate in this meeting via videoconferencing as permitted under Government Code section 54953(e).

As always, the public may submit public comments in advance and may view the meeting from home. Below is information on how to watch the meeting via cable and/or live stream and how to send in public comments that will be part of the public record.

How to Watch the Meeting:

- 1) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 2) Livestream online at www.ci.benicia.ca.us/agendas.
- 3) Zoom Meeting (link below)

How to Submit Public Comments for this videoconferencing meeting:

Members of the public may provide public comments to the City Clerk by email at lwolfe@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, and will not be read into the record.

- Comments received after the start time of the meeting, but prior to the close of the public comment period for an item will be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Mayor's discretion.

Additionally, the public may view and provide public comment via Zoom (via computer or phone) link: <https://us02web.zoom.us/j/86562683742?pwd=REZ3bjZmVjAzSnFsNXRYVGducFZzZz09>

- If prompted for a password, enter 284708.
- 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: 865 6268 3742 *please note this is an updated ID number*.
- Enter password: 284708
- 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 lwolfe@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 per section 4.04.030 of the City of Benicia's Open Government Ordinance.

6. Announcements

6.A - MAYOR'S OFFICE HOURS

Starting Monday, February 7th, Mayor Young will be 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

- Building Code Board of Appeals
1 Full Term, Expiring July 31, 2025
- Housing Authority Board
1 Tenant Term, Expiring January 31, 2024
- Human Services Board
1 Full Term, Expiring July 31, 2025
- Library Board of Trustees
1 Partial Term, Expiring July 31, 2022
- Open Government Commission
2 Full Terms, Expiring January 31, 2026
- Parks, Recreation & Cemetery Commission
1 Full Term, Expiring January 31, 2026
- Sky Valley Open Space Committee
1 Full Term, Expiring January 31, 2023

7. Proclamations

8. Appointments

8.A - MAYOR'S RE-APPOINTMENT OF NEEMA HEKMAT TO THE ARTS AND CULTURE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2026.

[Resolution Re-Appointing Neema Hekmat to the Arts and Culture Commission](#)

8.B - MAYOR'S RE-APPOINTMENT OF THOMAS DEMASI TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2026.

[Resolution Re-Appointing Thomas Demasi to the Community Sustainability Commission](#)

8.C - MAYOR'S RE-APPOINTMENT OF MISTY BOSTATER TO THE HOUSING AUTHORITY BOARD FOR A FULL TENANT TERM ENDING JANUARY 31, 2024

[Resolution Re-Appointing Misty Bostater to the Housing Authority Board](#)

8.D - MAYOR'S APPOINTMENT OF KELSEY BYE TO THE OPEN GOVERNMENT COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2026.

[Resolution Appointing Kelsey Bye to the Open Government Commission](#)

8.E - MAYOR'S RE-APPOINTMENT OF JARROD SLATE TO THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2026.

[Resolution Re-Appointing Jarrod Slate to the Planning Commission](#)

8.F - MAYOR'S RE-APPOINTMENT OF KARI BIRDSEYE TO THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2026.

[Resolution Re-Appointing Kari Birdseye to the Planning Commission](#)

9. Presentations

9.A - COMMUNITY DEVELOPMENT DEPARTMENT ANNUAL REPORT (Community Development Director)

10. Adoption Of Agenda

11. Opportunity For Public Comments

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12. Written Comment

13. Public Comment

14. 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.

14.A - APPROVAL OF AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MANAGEMENT EMPLOYEES (Human Resources Manager)

The City’s contract with the Police Management Employees expired on June 30, 2021. The City has reached a tentative agreement on a three-year successor Memorandum of Understanding (MOU) with the Police Management Employees.

Recommendation:

Move to adopt the resolution (Attachment 1) approving the January 21, 2022 through June 30, 2024 Memorandum of Understanding (MOU) between the City of Benicia and the Police Management Employees (Attachment 1a).

[Staff Report - Police Managers MOU](#)

[1. Resolution - Police Management Employees MOU](#)

[1a. Exhibit A - Police Management Employees MOU 1-1-2022 to 6-30-2024](#)

[2. Resolution - Eliminating EPMC for Police Management Classifications](#)

14.B - WATER SUPPLY PROCUREMENT (Public Works Director)

The City of Benicia is currently in its third consecutive dry year and needs to purchase additional water to preserve water availability through a multi-year drought. The University of California, Davis (UC Davis) is offering to sell 2,000 acre-feet of Solano Project water to the City for \$200 per acre-foot, for a total purchase price of \$400,000.

Recommendation:

Move to adopt a resolution (Attachment 1) authorizing an additional water purchase from UC Davis at a not-to-exceed cost of \$400,000 and approving the necessary budget adjustment.

[Staff Report - Water Supply Procurement](#)

[1. Resolution - Water Supply Procurement](#)

14.C - AUTHORIZATION OF CONTINUATION OF VIRTUAL MEETINGS (City Attorney)

The State recently enacted AB 361, amending the Brown Act. AB 361 allows the City to continue with virtual meetings, as long as certain findings are made that in-person meetings would present an imminent risk to the health and safety of attendees. On October 5, 2021, the City Council adopted Resolution No. 21-127 with necessary findings to maintain virtual meetings. State legislation requires that local jurisdictions adopt a resolution every thirty days to affirm such findings in order to continue virtual meetings for all its legislative bodies. During the state of emergency, this item will be presented to Council at least every thirty days.

Recommendation:

Move to adopt the resolution (Attachment 1), affirming the findings that current conditions authorize virtual (teleconference) public meetings, and authorizing the City's legislative bodies to conduct virtual meetings.

[Staff Report - Authorization of Continuation of Virtual Meetings](#)

[1. Resolution - Authorization of Continuation of Virtual Meetings](#)

14.D - APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA (City Attorney)

15. Business Items

15.A - REVIEW CITY OF BENICIA URBAN GROWTH BOUNDARY (MEASURE K) BEFORE THE SUNSET DATE (Deputy City Manager)

In 2003, an initiative of the voters established an Urban Growth Boundary line through passing Measure K. Measure K sunsets on December 31, 2023 (Attachment 1 & 2). Staff is seeking Council direction regarding the City's urban growth boundary line in advance of the sunset date so that there is sufficient time to put an initiative on the November 2022 election, if Council provides such direction.

Recommendation:

Discuss if there is a desire to pursue a ballot measure to either renew, update or let expire Measure K, which sunsets on December 31, 2023, then provide direction to staff.

[Staff Report - Urban Growth Boundary](#)

[1. Measure K Full Text from 2003](#)

[2. City Land Use Map](#)

[3. Ordinance 20-5 \(Solar Utilities Regulation\)](#)

[4. Resolution 20-88 \(Solar Permits\)](#)

[5. Resolution 16-75 \(Wind Turbine Permits\)](#)

15.B - APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH CITY MANAGER ERIK UPSON (Human Resources Manager)

Upon completion of the City Manager's performance evaluation, the City Council directed the Mayor to negotiate a contract amendment with the City Manager to amend the employment agreement between City of Benicia and City Manager to create a term to his agreement.

Recommendation:

Move to adopt the resolution (Attachment 1) approving Amendment No. 1 to the City Manager's Agreement (Attachment 2) with Erik Upson, authorizing the Mayor to execute the agreement on behalf of the City Council, and consider awarding a one-time cash payment as an appropriate incentive to retain Mr. Upson of up to ten percent of his base salary.

[Staff Report - Approval of an Amendment to the Agreement With City Manager Erik Upson](#)

[1. Resolution - Approval to the Amendment to City Manager Erik Upson's Agreement](#)

[1a. Amendment to the City Manager's Employment Agreement](#)

16. Adjournment (9:00 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 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