



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Videoconferencing Meeting
March 15, 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 but will not be read into the record.
- 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/87829396254?pwd=ZGNHNVp2dTdralFob2NtSlJKeEFOZz09>

- If prompted for a password, enter 534104.
- 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: 878 2939 6254 *please note this is an updated ID number*.
- Enter password: 534104
- 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

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

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

- Housing Authority Board
1 Tenant Term, Expiring January 31, 2024

- Library Board of Trustees
1 Partial Term, Expiring July 31, 2022

- Open Government Commission
2 Full Terms, Expiring January 31, 2026

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

7. Proclamations

7.A - PROCLAMATION - GENDER EQUALITY AWARENESS (City Manager)

[Proclamation - Gender Equality Awareness Week](#)

7.B - PROCLAMATION - WOMEN'S HISTORY MONTH (City Manager)

[Proclamation - Women's History Month](#)

8. Presentations

8.A - FIRE DEPARTMENT ANNUAL REPORT (Fire Department)

9. Adoption Of Agenda

10. Opportunity For Public Comments

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 but will not be read into the record.
- 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/87829396254?pwd=ZGNHNVp2dTdraIFob2NtSlJKeEFOZz09>

- If prompted for a password, enter 534104.
- 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: 878 2939 6254 *please note this is an updated ID number*.
- Enter password: 534104
- 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.

11. Written Comment

12. Public Comment

13. 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.

13.A - HOUSING ELEMENT UPDATES AND NEXT STEPS (Community Development Director)

Every eight years, each California city and county must update the Housing Element of their General Plan and have it certified by the California Department of Housing and Community Development (HCD). The new Housing Element cycle begins in January 2023, which is the deadline to adopt the plan. In advance of the adoption deadline, the City will need to complete the draft Housing Element for initial review by the California Housing and Community Development Department by June, 2022. This report details the status of the Housing Element and upcoming community meetings for the 2023-2031 Housing Element.

Recommendation:

Accept the report and receive public comment. No formal action is requested.

[Staff Report -Housing Element Update](#)

13.B - 2021 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (Community Development Director)

Section 65400 of the California Government Code requires that cities submit an annual report detailing their progress towards implementation of established General Plan goals, including the adopted Housing Element. This report is submitted to the Governor’s Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year. Each year, this report is reviewed by the Planning Commission and City Council.

Recommendation:

Accept the 2021 General Plan and Housing Element Annual Progress Report.

[Staff Report - General Plan and Housing Element Annual Progress Report](#)

[1. General Plan and Housing Element Annual Progress Report](#)

[2. Appendix A - General Plan Implementation Report](#)

[3. Appendix B - Housing Element Annual Progress Report](#)

13.C - AGREEMENT FOR VEGETATION MANAGEMENT SERVICES (Fire Chief)

The Fire Department’s vegetation management program consists of numerous projects designed to limit the impact of wildfires in our community. One of these projects is the annual development of fire breaks in our open space areas. In 2021, the Department transitioned from contracting with heavy equipment disking companies to utilizing goats to manage the vegetation around the perimeter of each open space. The disruption of vegetation creates fire breaks designed to slow the spread of fire to give firefighters

time to respond and extinguish fires before they impact developed properties. The project went well and the Department is now recommending a renewal of the agreement with Goats R Us for the 2022 vegetation management season. Recommendation: Adopt the resolution (Attachment 1) approving the agreement with Goats R Us for vegetation management services for 2022 for a not-to-exceed cost of \$120,522.50 and authorizing the City Manager to execute the agreement on behalf of the City.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the agreement with Goats R Us for vegetation management services for 2022 for a not-to-exceed cost of \$120,522.50 and authorizing the City Manager to execute the agreement on behalf of the City.

[Staff Report - Agreement for Vegetation Management Services](#)

[1. Resolution - Agreement for Vegetation Management Services](#)

[2. Agreement for Vegetation Management Services](#)

13.D - MODERNIZATION AND COMMUNICATIONS UPGRADES TO THE COMMISSION ROOM AT CITY HALL (City Manager)

As with many of the spaces in City Hall, the Commission Room is outdated, lacks modern communication equipment and effective meeting infrastructure, and does not provide the added value that a space this large in our limited facilities should provide. Staff proposes a complete update of the communications and presentation equipment and audio/visual (A/V) capabilities to create a modern, up-to-date space that serves multiple purposes including as an enhanced meeting space for staff, as well as for staff meetings with the community and elected representatives. This upgrade would include hybrid and virtual meeting capabilities. It would also allow the space to be used as a staging/gathering place for elected representatives in the case of a disaster or activation of the Emergency Operations Center (EOC) requiring elected involvement, as a Department Operations Center (DOC) when appropriate, and as a location for press conferences and media interviews when necessary.

Recommendation:

Approve a resolution (Attachment 1) approving the project and the necessary budget amendments.

[Staff Report - Commission Room Upgrades](#)

[1. Resolution - Approving Commission Room Upgrades](#)

13.E - APPROVAL OF CONTRACT CHANGE ORDER FOR EAST H STREET SANITARY SEWER MAIN REPAIR PROJECT (Public Works Director)

On December 9, 2021, the City Manager approved a construction contract with Kerex Engineering, Inc. (Kerex) in an amount of \$39,000 for the East H Street Sanitary Sewer Repair Project. On February 14, 2022, during excavation, the contractor and staff discovered the sewer pipe was in worse condition than expected and staff determined the best plan of action was to replace approximately 180 linear feet of 24-inch diameter pipe. Staff recommends approving a \$220,000 contract change order to

the East H Street Repair Project contract with Kerex to replace approximately 180 linear feet of sanitary sewer pipe.

Recommendation:

Move to adopt the resolution (Attachment 1) approving a contract change order (Attachment 2) in the amount of \$220,000 to the contract with Kerex Engineering, Inc. for the East H Street Sanitary Sewer Main Repair Project (Attachment 3).

[Staff Report - Approval of Contract Change Order for East H Street Sanitary Sewer Main Project](#)

[1. Resolution - East H Street Sanitary Sewer Main Project](#)

[2. Contract with Kerex Engineering Inc. - East H Street Sanitary Sewer Main Repair Project](#)

[3. Proposal by Kerex Engineering, Inc. - East H Street Sanitary Sewer Repair Project](#)

[4. Contract Change Order - East H Street Sanitary Sewer Main Repair Project](#)

13.F - RATIFYING THE DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR EMERGENCY RAW WATER TRANSMISSION LINE REPAIRS (Public Works Director)

The Public Works Director initiated an emergency repair of the Raw Water Transmission Line (RWTL) to provide a safe and adequate water supply to residents and businesses within the City. Using authority under Benicia Municipal Code Section 3.09.050 Emergency Contracting, staff proposes to issue a change order to an existing construction contract with Kerex Engineering, Inc. (Kerex) to complete repairs on the RWTL. If approved, the total value of this contract will be for an amount not-to-exceed \$257,400.

Recommendation:

Move to adopt a resolution (Attachment 1) ratifying the declaration of a contracting emergency and approving a contract change order (Attachment 2) with a not-to-exceed amount of \$200,000 to the contract with Kerex Engineering, Inc. for the East Second Street Storm Drain Repair Project (Attachment 3).

[Staff Report - Ratifying Contracting Emergency - East Second Street Storm Drain Project](#)

[1. Resolution – East Second Street Storm Drain Repair Project](#)

[2. Contract Change Order – East Second Street Storm Drain Repair Project](#)

[3. Contract with Kerex Engineering Inc. - East 2nd Street Storm Drain Repair Project](#)

13.G - SUBMITTAL OF NOTIFICATION OF INTENT TO COMPLY WITH SENATE BILL 1383 REGULATIONS (Public Works Director)

Effective January 1, 2022, all California residences, multifamily complexes, and businesses are required to separate organic waste from trash and participate in an organics collection program per State Senate Bill (SB) 1383, California's Short-Lived Climate Pollutant Reduction Strategy. SB 619 (Laird, 2021) created a mechanism for local jurisdictions to delay implementation of SB 1383 if certain metrics are met. Staff recommends filing a Notification of Intent to Comply with the California Department of Resources Recycling and Recovery (CalRecycle).

Recommendation:

Move to adopt a resolution (Attachment 1) approving the submittal of Notification of Intent to Comply with SB 1383 Regulations (Exhibit A) and authorizing the Public Works Department staff to submit application to CalRecycle on behalf of the City.

[Staff Report - Notification of Intent to Comply with Senate Bill 1383 Regulations](#)

[1. Resolution - Notification of Intent to Comply with Senate Bill 1383 Regulations](#)

13.H - AUTHORIZATION FOR CONTINUATION OF VIRTUAL MEETINGS (City Attorney)

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

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

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

14. Business Items

14.A - REVIEW AND DISCUSSION OF THE FY 2021/22 MID-YEAR BUDGET REPORT, APPROVAL OF A CONTRACT AMENDMENT WITH BEAUCHAINE CONSULTING GROUP LLC, AND APPROVAL OF THE NECESSARY BUDGET AMENDMENTS (Finance Director)

A mid-year review of the City's fiscal status, focusing particularly on the General Fund, is part of the City's on-going fiscal monitoring process. Using actual revenue and expenditures from the first six months of the fiscal year, the Finance Department works with department staff to forecast revenue and expenditures through the end of the fiscal year. This review enables the City to address any current-year budget concerns in a timely manner. Additionally, staff is requesting an amendment to the contract with Beauchaine Consulting Group, LLC allowing services to continue through the end of the calendar year to assist with ongoing legal and financial statements while the onboarding of new accounting staff is completed.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the necessary budget amendments outlined in the Mid-Year Budget Amendments Table (Exhibit A) related to the review of FY 2021/22 budget and

approving the contract amendment (Attachment 2) with Beauchaine Consulting Group, LLC for a new no-to-exceed amount of \$475,000 and authorizing the Finance Director to sign the agreement.

[Staff Report - Mid-Year FY 2021-22 Budget Review](#)

[1. Resolution - Mid-Year Budget Amendments and Contract Amendment](#)

[2. Contract Amendment - Beauchaine Consulting Group, LLC](#)

[3. FY 2021/22 Mid Year Review Memo](#)

15. 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.)

15.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#)

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