



**BENICIA CITY COUNCIL  
CITY COUNCIL SPECIAL & REGULAR MEETING AGENDA**

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

**Benicia, CA 94510**

**July 5, 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)

<https://us02web.zoom.us/j/89272690971?pwd=7ArvPHJj1Mnq4zSby-UaAK-FXONqrm.1>

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

- If prompted for a password, enter 905440.
- 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: 892 7269 0971 \*please note this is an updated ID number\*.
- Enter password: 905440
- 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 Special Meeting To Order (5:00 P.M.)**

**2. Convene Open Session**

**3. Roll Call**

**4. 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.

**5. Public Comment For Closed Session**

Public comments on the closed session items must be made in person, they will not be accepted via Zoom.

**6. Adjourn To Closed Session**

**6.A - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (1 potential case)**

**Government Code Claim dated November 11, 2022, by Gary Gregory on file with the City Clerk’s Office.**

**7. Reconvene Open Session**

**8. Announcement From Closed Session, If Any**

**9. Adjournment Of Special Meeting And Call Regular Meeting To Order (6:00 P.M.)**

**10. Roll Call**

**11. Pledge Of Allegiance**

**12. 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.

**13. Announcements**

**13.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.

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

- Building Code Board of Appeals  
1 Partial Term, Expiring July 31, 2025
  
- Sky Valley Open Space Committee  
1 Partial Term, Expiring January 31, 2023

**14. Proclamations**

**14.A - TERI DAVENA, MANAGEMENT ANALYST II, RETIREMENT**

[Proclamation - Teri Davena, Management Analyst II, Retirement](#)

**14.B - WALTER CARROLL'S 100th BIRTHDAY**

[Proclamation - Walter Carroll's 100th Birthday](#)

**14.C - PARKS MAKE LIFE BETTER MONTH**

[Proclamation - Parks Make Life Better Month](#)

**15. Appointments**

**15.A - CITY COUNCIL APPOINTMENTS; SUBCOMMITTEE'S PREFERENCES FOR BOARDS AND COMMISSIONS**

Subcommittee's preference to the Mayor of Joseph O'Malley, appointment to the Arts and Culture Commission for a Partial Term Ending January 31, 2024.

Subcommittee's preference to the Mayor of Michelle Han, appointment to the Community Sustainability Commission for a Full Student Term Ending July 31, 2023.

Subcommittee's preference to the Mayor of Penny Nichols-Stell, re-appointment to the Economic Development Board for a Full Term Ending July 31, 2026.

Subcommittee's preference to the Mayor of Britt Schlosshardt, appointment to the Historic Preservation Review Commission for a Partial Term Ending January 31, 2024.

Subcommittee's preference to the Mayor of Jon Van Landschoot, re-appointment to the Historic Preservation Review Commission for a Full Term Ending January 31, 2026.

Subcommittee's preference to the Mayor of Denise Kaufman, re-appointment to the Human Services Board for a Full Term Ending July 31, 2026.

Subcommittee's preference to the Mayor of Eric Ruchames, appointment to the Library Board of Trustees for a Full Term Ending July 31, 2025.

Subcommittee's preference to the Mayor of Lois Kazakoff, appointment to the Library Board of Trustees for a Full Term Ending July 31, 2025.

Subcommittee's preference to the Mayor of Carolyn Cadloni, re-appointment to the Library Board of Trustees for a Full Term Ending July 31, 2025.

Subcommittee's preference to the Mayor of Ronald Kane, appointment to the Parks, Recreation and Cemetery Commission for a Partial Term Ending January 31, 2026.

Subcommittee's preference to the Mayor of Daniel Zhang, appointment to the Parks, Recreation and Cemetery Commission for a Full Student Term Ending July 31, 2023.

Subcommittee's preference to the Mayor of Sandy Kirkpatrick, re-appointment to the Parks, Recreation and Cemetery Commission for a Full Term Ending July 31, 2026.

Additional Boards and Commissions Applicants:

Kim Kane, Arts and Culture Commission

Cory Horton, Economic Development Board

Hannah Rice, Economic Development Board

Rachel Noble, Economic Development Board

Sheng Su, Economic Development Board

Sharon Petrellese, Human Services Board

David Peck, Library Board of Trustees

Dushant Puri, Parks, Recreation and Cemetery Commission

[O'Malley, Joseph, Redacted](#)

[Han, Michelle, Redacted](#)

[Nichols-Stell, Penny, Redacted](#)

[Schlosshard, Britt, Redacted](#)

[Van Landschoot, Jon, Redacted](#)

[Kaufman, Denise, Redacted](#)

[Ruchames, Eric, Redacted](#)

[Kazakaff, Lois, Redacted](#)

[Cadloni, Carolyn, Redacted](#)

[Kane, Ron, Redacted](#)

[Zhang, Daniel, Redacted](#)

[Kirkpatrick, Sandy, Redacted](#)

[Kane, Kim, Redacted](#)

[Horton, Cory, Redacted](#)

[Rice, Hannah, Redacted](#)

[Noble, Rachel, Redacted](#)

[Su, Sheng, Redacted](#)

[Petrellese, Sharon, Redacted](#)

[Peck, David, Redacted](#)

[Puri, Dushant, Redacted](#)

**16. Adoption Of The Agenda**

**17. 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 [lwolfe@ci.benicia.ca.us](mailto: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.

## **18. Written Comment**

## **19. Public Comment**

## **20. 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.

### **20.A - APPROVAL OF CITY COUNCIL MINUTES FROM MAY 13, 2022, MAY 17, 2022, MAY 24, 2022, JUNE 7, 2022, JUNE 14, 2022 AND JUNE 21, 2022 SPECIAL AND REGULAR MEETINGS (City Clerk)**

[May 13 2022 City Council Special Meeting Minutes](#)

[May 17 2022 City Council Meeting Minutes](#)

[May 24 2022 City Council Meeting Minutes](#)

[June 07 2022 City Council Meeting Minutes](#)

[June 14 2022 City Council Special Meeting Minutes](#)

[June 21 2022 City Council Meeting Minutes](#)

### **20.B - ACKNOWLEDGE RECEIPT OF THE CALIFORNIA HEALTH AND SAFETY CODE 13146.4 FIRE INSPECTION COMPLIANCE REPORT (Fire Chief)**

State law requires California fire departments to enforce the fire code as adopted. Additionally, fire departments are required to perform annual inspections of every building used as a public or private school, as well as all apartments, hotels, motels, lodging houses, and jails for compliance with adopted fire codes. On September 27, 2018, Governor Brown approved Senate Bill 1205, which added

Section 13146.4 to the California Health and Safety Code. Section 13146.4 requires every fire department to report annually to its administering authority, as defined, on the department's compliance with the above-described inspection requirements. The section requires the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. This report serves as the annual report for 2021 compliance and provides additional details of the Benicia Fire Department's Fire and Life Safety Inspection Program.

Recommendation:

Move to adopt a resolution (Attachment 1) acknowledging receipt of the 2021 state mandated Fire Inspection report.

[Staff Report - California Health and Safety Code 13146.4 Fire Inspection Compliance Report](#)

[1. Resolution - 2022 Fire Inspection Compliance Report](#)

**20.C - AUTHORIZE AN AMENDMENT TO THE AGREEMENT WITH MIRROR CONSULTING, LLC AND AUTHORIZE A BUDGET AMENDMENT TO EXECUTE THE CONTRACT TO CREATE A JOINT POWER AGREEMENT FOR A COUNTY-WIDE RADIO SYSTEM (Chief of Police)**

In May 2020, with the approval of the City Council, the City entered into an agreement with Mirror Consulting, LLC to produce a roadmap for the creation of a Joint Power Agreement (JPA) to create the Solano County Regional Radio Communications System. The agreement's term ended on November 30, 2020, prior to the completion of the work due to scheduling and Covid-19 pandemic challenges.

Recommendation:

Move to adopt a resolution (Attachment 1) approving an amendment (Attachment 2) to the agreement with Mirror Consulting, LLC extending the completion date to June 30, 2023 and authorizing the necessary budget amendments.

[Staff Report - Amendment to JPA Project Agreement](#)

[1. Resolution – Amendment to the Agreement and Budget Adjustments – Mirror Consulting, LLC](#)

[2. Amendment to the Agreement – Mirror Consulting, LLC](#)

[3. Original Agreement – Mirror Consulting, LLC](#)

**20.D - APPROVAL OF PROCUREMENT SOFTWARE AGREEMENT WITH OPENGOV, INC. (Finance Director)**

The City Council will consider approval of a second amendment to an existing agreement with OpenGov, Inc. (OpenGov) for implementation and annual maintenance of the Procurement software module to include solicitation and contract development, electronic proposal evaluations, supplier communications, and contract management and support.

Recommendation:

Move to adopt a resolution (Attachment 1) approving a second amendment (Attachment 2) to the existing software as a service agreement with OpenGov, Inc. to add the Procurement module and authorizing the Finance Director to sign the amendment on behalf of the City and approving the necessary budget amendments.

[Staff Report - Approval of Second Amendment to OpenGov Inc. Agreement](#)

[1. Resolution - Approval of Second Amendment to OpenGov Inc. Agreement](#)

[2. Second Amendment to Agreement for OpenGov, Inc. Agreement](#)

**20.E - CONSIDERATION TO ADOPT A RESOLUTION EXPANDING TELECONFERENCE MEETING OPTIONS DURING PROCLAIMED STATE OF EMERGENCIES (City Attorney)**

The State recently enacted Assembly Bill 361 (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. The resolution before Council would allow the Council and Planning Commission members to participate remotely.

Recommendation:

Move to adopt a resolution (Attachment 1) to implement and utilize teleconference accessibility to conduct public meetings, pursuant to Assembly Bill 361.

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

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

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

**21. Business Items**

**21.A - INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 3.22 OF THE BENICIA MUNICIPAL CODE MODIFYING A GENERAL PURPOSE, TRANSACTION AND USE (“SALES”) TAX TO BE PLACED ON THE NOVEMBER 8, 2022, BALLOT (Deputy City Manager)**

As part of the City's effort to meet the service needs of our community and address millions of dollars in unfunded capital infrastructure needs, the City is seeking an increase of three-quarter of one-cent to our existing transaction and use tax. The decision about whether to enact such a funding measure would be considered by Benicia voters at the general election held on Tuesday, November 8, 2022. If a majority

of voters (50% plus 1) support the measure, it would go into effect on April 1, 2023. The proposed measure will also require oversight review by the City of Benicia Economic Development Board.

Recommendation:

Move to waive the first reading, read by title only, and introduce an ordinance (Attachment 1) of the City Council amending Chapter 3.22 (Transaction and Use Tax) of the Benicia Municipal Code (Exhibit A).

[Staff Report- Sales Tax Amendment of Chapter 3.22 BMC](#)

[1. Draft Ordinance Amending Chapter 3](#)

[2. Proposed Resolution - For Reference Only - To be Acted Upon at the July 19 2022 City Council Meeting](#)

### **21.B - CITY DEBT CAPACITY/FEASABILITY (Finance Director)**

As a continuation of the December 7, 2021 debt study session, the City Manager and Finance Director are seeking direction from Council on the next steps for evaluating General Fund debt capacity, strategies for potential debt usage, and budget viability of increased debt service within the General Fund.

Recommendation:

Staff is seeking direction from Council on the desire to have staff bring back an analysis of the General Fund's debt capacity, strategies for utilizing General Fund debt, and the budget viability of adding debt service costs to the General Fund.

[Staff Report - City Debt Study Request](#)

### **22. Adjournment Of Regular Meeting (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.

<b>Contact Your Council Members</b>
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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