

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers**

**June 17, 2014**

**6:00 PM**

**Teleconference Location – 839 17<sup>th</sup> Street, NW, Washington, DC**

*Times set forth for the agenda items are estimates.*

*Items may be heard before or after the times designated.*

**Please Note:**

**Regardless of whether there is a Closed Session scheduled, the open session will begin at 7:00 PM**

**I. CALL TO ORDER (6:00 PM):**

**II. CLOSED SESSION (6:00 PM):**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6 (a))**

**Agency negotiators: City Manager, Assistant City Manager, Senior HR Analyst**

**Employee organizations: Senior Managers, Middle Management, Local 1,**

**Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers**

**Association (BPOA), Benicia Firefighters Association (BFA), Benicia**

**Dispatchers Association (BDA), Police Management, Unrepresented.**

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9**

Number of potential cases: 1.

III. **CONVENE OPEN SESSION (7:00 PM):**

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. **ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:**

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 full term

Open until filled

Historic Preservation Review Commission

1 unexpired term

Open until filled

Economic Development Board

1 unexpired term

Open until filled

Finance Committee

1 unexpired term

Open until filled

3. Boards & Commissions - Council Subcommittee Recommendations:  
Subcommittee recommendation to Mayor of Nancy Craig-Schram to the  
Arts & Culture Commission for a four year term ending January 31, 2018

4. **Mayor's Office Hours:**  
Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

5. **Benicia Arsenal Update**

Update from City Attorney

**B. PROCLAMATIONS.**

**C. APPOINTMENTS.**

**D. PRESENTATIONS.**

1. Every 15 Minutes Presentation

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**VII. CONSENT CALENDAR (7:15 PM):**

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.

**A. APPROVAL OF THE MINUTES OF THE MAY 27, 2014 SPECIAL AND REGULAR CITY COUNCIL MEETINGS, AND THE JUNE 3, 2014 REGULAR CITY COUNCIL MEETING (City Clerk)**

**B. RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2014. (City Clerk)**

This resolution is required pursuant to Elections Code Section 10002.

**Recommendation: Adopt the Resolution which will enable the City of Benicia to obtain the services of the Registrar of Voters office in the November 4, 2014 Election.**

**C. RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 4, 2014 AND FEES RELATED TO THAT ELECTION. (City Clerk)**

This Resolution meets the requirement of the Government Code calling for a General Municipal Election, setting a date for that election, and identifying the officers of the City for which the election is proposed. It also continues the past practice of waiving statement fees for the candidates.

**Recommendation: Adopt the Resolution calling and giving Notice of the General Municipal Election to be held Tuesday, November 4, 2014, and waiving the fees to the candidates for publication of their statements.**

**D. DENIAL OF THE CLAIM AGAINST THE CITY BY JESSICA CARPINO AND REFERRAL TO INSURANCE CARRIER. (City Attorney)**

The claimant alleges that the Fire Department was called out to turn off the water main near 542 West K Street, and when the City employee stood the water main cover on end, it fell over onto her foot.

**Recommendation: Deny the claim against the City by Jessica Carpino.**

**E. ACCEPTANCE OF KEARNEY STREET PRESSURE REDUCING STATION PROJECT. (City Manager)**

This project, which has been planned for some time, installed a pressure reducing station in the City's underground piping system that relieved the high pressure of the water being delivered to over 600 homes in the Southamptton area. The developer of Waters End is contributing \$62,000 as this subdivision is included in the new reduced pressure zone, while the remaining funding for this capital improvement project was budgeted in the Water Connection Fund for FY 2013-2014.

**Recommendation: Adopt a resolution accepting the Kearney Street Pressure Reducing Station Project as complete, including Change Order Nos. 1-3, for a total cost of \$152,815.50, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.**

**F. AWARD OF CHEMICAL CONTRACTS FOR THE TREATMENT OF WATER FOR FISCAL YEAR 2014/2015. (City Manager)**

This action allows the City to purchase chemicals necessary for water and wastewater treatment for Fiscal Year 2014-2015. Since 1994, Benicia and other agencies in and around Solano, Napa, and Yolo Counties have used the North Bay Agency Chemical Pool to obtain the best possible pricing through bulk purchasing. Sufficient funds have been budgeted in the operations accounts of the water treatment and wastewater treatment divisions to cover the chemical costs.

**Recommendation: Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for water and wastewater treatment for Fiscal Year 2014-2015 and authorizing the City Manager to sign the contracts on behalf of the City.**

**G. RESPONSE TO 2013-2014 GRAND JURY REPORT "REGISTRAR OF VOTERS". (Library Director)**

The 2013-2014 Solano County Grand Jury reported on the operational procedures of Registrar of Voters Office for Solano County. The Grand Jury issued a report on May 28, 2014, which identified one finding and associated recommendation to which the City of Benicia needs to respond in writing. Under State Law, the City Council must approve the response.

**Recommendation: Approve, by minute action, the response to the 2013-2014 Grand Jury Report entitled "Registrar of Voters."**

**H. RESOLUTION AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS FOR THE ISSUANCE OF LIMITED OBLIGATION REFUNDING BONDS FOR THE BENICIA MCCALLISTER AREA ASSESSMENT DISTRICT, DESIGNATING**

**CONSULTANTS AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO. (Interim Finance Director)**

The City, in 2004, issued \$11,700,000 principal amount of Limited Obligation Improvement Bonds for the Benicia McAllister Area Assessment District in order to finance various public improvements and to refund a portion of certain outstanding assessment bonds. The 2004 bonds are payable from special assessments levied on properties in the Assessment District. The current outstanding principal amount of the 2004 bonds is \$8,570,000.

Due to the current low interest rates in the tax-exempt bond market, an opportunity exists for the City to issue bonds to refund the 2004 bonds, and thereby lower the annual assessments on properties in the Assessment District. The City Council is being asked at this time to adopt a resolution directing staff to proceed with the preparation of documents for the refunding bonds, and designating the consultants necessary to assist City Staff with that effort.

**Recommendation: Adopt resolution authorizing the commencement of proceedings for the issuance of limited obligation refunding bonds for the Benicia McAllister Area Assessment District, designating consultants and authorizing and directing certain actions with respect thereto.**

**I. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND MANAGEMENT PARTNERS. (Assistant City Manager)**

Staff is proposing to amend the contract with Management Partners for the management services for the Public Works Department.

**Recommendation: Adopt the resolution approving the amendment to the agreement with Management Partners for interim Public Works management services.**

**J. CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2014-2015. (City Manager)**

The City of Benicia Landscaping and Lighting District consists of five separate zones, with the largest being the residential zone. The other four zones are smaller

commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis

**Recommendation: City Council adopt the attached Resolutions pertaining to the subject district:**

- 1. Initiate Proceedings for the Annual Levy and Collection of Assessments for the City of Benicia Landscape and Lighting District, fiscal year 2014-2015.**
- 2. Preliminary approval of the Engineer's Report for the City of Benicia Landscaping and Lighting District, fiscal year 2014-2015.**
- 3. Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and Therefore Setting a Public Hearing on July 1, 2014 for the City of Benicia Landscaping and Lighting District, fiscal year 2014-2015.**

**K. AWARD OF CONSULTANT CONTRACT FOR VULNERABILITY ASSESSMENT AND ADAPTATION PLAN. (City Manager)**

The California State Coastal Conservancy (Conservancy) awarded Benicia a Climate Ready grant in the amount of \$150,000 to help it prepare for various climate change risks by advancing planning and implementation of on-the-ground actions that lessen impacts in Benicia while reducing greenhouse gas emissions. The City will conduct an assessment of climate change risks to natural resources and public infrastructure and develop an adaptation plan that outlines strategies to reduce impacts to the community (the Project). The Project will incorporate lessons learned from the University of California Berkeley Innovative Solutions project and leverage the existing Business Resource Incentive Program (BRIP) to make a private business owner more resilient to climate change impacts while reducing operating costs.

**Recommendation: Adopt a resolution accepting the proposals and approving the contract for the Benicia Vulnerability Assessment and Adaptation Plan, and authorizing the City Manager to sign the contract on behalf of the City.**

**L. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE REGULATIONS TO INCREASE THE PUBLIC NOTICING REQUIREMENT FROM 300 FEET RADIUS TO 500 FEET RADIUS FOR SITE-SPECIFIC PROJECT. (City Manager)**

On September 17, 2013, City Council directed staff to draft an ordinance amending the public notification requirement from 300 feet radius to 500 feet radius. A notice of public hearing is required whenever the City seeks to adopt or amend an ordinance or take action on a discretionary permit such as a use permit, design review, variance and environmental review. A notice of public hearing is provided to all property owners within 300 feet radius of the project location. In addition to the draft ordinance, staff has included an update to the City's California Environmental Quality Act (CEQA) Guidelines, which also requires a notice of public hearing for action on environmental documents.

**Recommendation: Adopt an ordinance to amend the Benicia Municipal Code to increase the public noticing requirements from 300 feet radius to 500 feet radius for site-specific projects, after determination that the text amendment is exempt from CEQA.**

- M. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

**VIII. BUSINESS ITEMS (7:30 PM):**

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

- A. VALERO IMPROVEMENT PROJECT (VIP) ACCOUNT COMMUNITY SUSTAINABILITY COMMISSION GRANT FUNDING RECOMMENDATIONS. (City Manager)**

Per the Valero/Good Neighbor Steering Committee Settlement Agreement, the Community Sustainability Commission (CSC) reviews proposals and recommends funding from the VIP account to the City Council for projects that meet the criteria of the Agreement. Funds are disbursed for the projects approved by Council as the VIP Account is replenished by Valero.

**Recommendation: Adopt a resolution approving allocations from the VIP account, and authorize the City Manager to execute grant agreements.**

**B. COMMUNITY CHOICE AGGREGATION (CCA) - MARIN CLEAN ENERGY MEMBERSHIP & TECHNICAL STUDY. (City Manager)**

CCA allows local governments to purchase and/or develop clean power on behalf of their residents, businesses, and municipal accounts. CCA is an energy supply model that works in partnership with Pacific Gas & Electric Company (PG&E) to deliver renewable energy, maintain the energy grid, and provide customer service and billing. As part of the Council approved CAP Coordinator Work Plan 14-15, the CAP Coordinator researched CCA programs and potential funding sources to complete a Marin Clean Energy (MCE) required technical study that assesses the City's electrical load and determines whether MCE can provide cost-effective service to the City. This recommendation is contingent upon City Council approving the Community Sustainability Commission's recommendation to designate \$18,000 from the Valero/Good Neighbor Steering Committee Settlement Agreement or identification of an additional source of funding to pay for the technical study described above. Pending the results of that study and Council direction, Benicia may be able to join in the 2014 energy procurement process.

**Recommendation: Authorize City Manager to submit a letter requesting consideration for membership in Marin Clean Energy (MCE) and to enter a contract with MCE to prepare a required technical study.**

**C. 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.)**

1. Mayor's Committee Meeting.  
(Mayor Patterson)  
Next Meeting Date: TBD

2. **Association of Bay Area Governments (ABAG)**  
<http://www.abag.ca.gov/>.  
(Mayor Patterson and Council Member Strawbridge)  
Next Meeting Date: TBD
  
3. **Finance Committee.**  
**(Vice Mayor Campbell and Council Member Strawbridge)**  
**Next Meeting Date: June 27, 2014**
  
4. **League of California Cities.**  
**(Mayor Patterson and Vice Mayor Campbell)**  
**Next Meeting Date: July 24, 2014**
  
5. **School Liaison Committee.**  
**(Council Members Strawbridge and Council Member Hughes)**  
**Next Meeting Date: September 4, 2014**
  
6. **Sky Valley Open Space Committee.**  
**(Vice Mayor Campbell and Council Member Schwartzman)**  
**Next Meeting Date: TBD**
  
7. **Solano EDC Board of Directors.**  
**(Mayor Patterson and Council Member Strawbridge)**  
**Next Meeting Date: July 10, 2014**
  
8. **Solano Transportation Authority (STA).**  
<http://www.sta.ca.gov/>

**(Mayor Patterson and Council Member Schwartzman)**

**Next Meeting Date: July 9, 2014**

9. **Solano Water Authority-Solano County Water Agency and Delta Committee.**

**<http://www.scwa2.com/>**

**(Mayor Patterson and Council Member Hughes)**

**Next Meeting Date: July 10, 2014**

10. **Traffic, Pedestrian and Bicycle Safety Committee.**

**(Vice Mayor Campbell and Council Member Schwartzman)**

**Next Meeting Date: July 17, 2014**

11. **Tri-City and County Cooperative Planning Group.**

**(Mayor Patterson and Council Member Hughes)**

**Next Meeting Date: September 8, 2014**

12. **Valero Community Advisory Panel (CAP).**

**(Mayor Patterson and Council Member Hughes)**

**Next Meeting Date: TBD**

13. **Youth Action Coalition.**

**(Mayor Patterson, Council Member Strawbridge and Council Member Hughes)**

**Next Meeting Date: June 25, 2014**

14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**<http://www.baywaterforum.org/>

**(Mayor Patterson)**

**Next Meeting Date: TBD**

15. **SOLTRANS Joint Powers Authority**

**(Mayor Patterson, Council Member Hughes and Council Member Schwartzman)**

**Next Meeting Date: June 19, 2014**

**IX. ADJOURNMENT (9:00 PM):**

**Public Participation**

The Benicia City Council welcomes 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 Anne Cardwell, the ADA Coordinator, at (707) 746-4211. 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.