



**BENICIA CITY COUNCIL
CONTINUED REGULAR MEETING AGENDA**

**Council Chamber 250 East L Street
April 04, 2016
7:00 PM**

1. **CALL TO ORDER**

2. **The Times Set Forth For The Agenda Items Are Estimates. Items May Be Heard Before Or After The Times Designated.**

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

4. **ROLL CALL**

5. **PLEDGE OF ALLEGIANCE**

6. **REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE 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.

7. **ANNOUNCEMENTS**

8. **PROCLAMATIONS**

9. **APPOINTMENTS**

10. PRESENTATIONS

11. ADOPTION OF AGENDA

12. OPPORTUNITY FOR PUBLIC COMMENTS

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.

13. WRITTEN COMMENT

14. PUBLIC COMMENT

15. BUSINESS ITEMS

15.A REQUEST FOR CONTINUANCE AND PROCESS FOR APPEAL OF THE PLANNING COMMISSION'S DECISION TO NOT CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND TO DENY THE USE PERMIT FOR THE VALERO CRUDE BY RAIL PROJECT

Open the public hearing and solicit public comment. After public testimony at this meeting:

1. Add an additional hearing date of April 18, 2016

At the following meeting(s), staff recommends that the City Council continue to take public comment, consider all appropriate documents and testimony, and then consider the following actions:

1. Consider and reject the applicant's request for continuance.
2. Deny the appeal and uphold the Planning Commission's unanimous decision to deny certification of the EIR and to deny the Use Permit; or
3. Decline to certify the EIR and provide specific comments on the deficiencies of the EIR and direction on what needs to be improved in the EIR and remand back to staff with direction to return to Council with the EIR and Use Permit; or
4. Uphold the appeal and

- i. Adopt the draft Resolution certifying the Final Environmental Impact Report, adopting CEQA findings for the Project and adopt the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program and
- ii. Uphold the appeal and adopt the draft Resolution approving the Use Permit for the Valero Crude by Rail Project, with the findings and conditions listed in the resolution.

[CBR Staff Report](#)

[PDO Procedure](#)

[2016-03-28 - Letter to Mayor Patterson and Members of the City Council from Valero attorney](#)

[Public Comment March 16-25, 2016](#)

16. ADJOURNMENT (11:00 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) 746-4200. 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 Patterson: 746-4212
- Vice Mayor Hughes: 746-4213
- Council Member Campbell: 746-4213
- Council Member Schwartzman: 746-4213
- Council Member Strawbridge: 746-4213