



**BENICIA CITY COUNCIL MEETING  
CITY COUNCIL MEETING AGENDA**

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

**CALL TO ORDER (6:00 P.M.)**

**1. CLOSED SESSION**

**1.A - LABOR NEGOTIATIONS**

CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6 (a))  
Agency Negotiators: Interim City Manager, Fire Chief/Assistant City Manager, Acting Human Resources Manager  
Employee organizations: Benicia Police Officers' Association, Benicia Dispatchers' Association, Senior Managers, Benicia Public Service Employee Association

**2. CONVENE OPEN SESSION (7:00 P.M.)**

**3. ROLL CALL**

**4. PLEDGE OF ALLEGIANCE**

**5. 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.

**6. ANNOUNCEMENTS**

**6.A - ANNOUNCEMENT OF ACTION TAKEN AT CLOSED SESSION, IF ANY**

**6.B - 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 City Hall by calling 746-4200

**6.C - BENICIA ARSENAL UPDATE**

Update from City Attorney.

**6.D - OPENINGS ON BOARDS AND COMMISSIONS**

Benicia Housing Authority  
1 Full Term

Human Services Board  
1 Full Term

Sky Valley Open Space Committee  
2 Unexpired Terms

More information can be found on the City's website at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under Government, then Boards and Commissions.

**7. PROCLAMATIONS**

**7.A - PROCLAMATION IN RECOGNITION OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2016**

[Domestic Violence Awareness Proclamation 2016](#)

**7.B - PROCLAMATION IN RECOGNITION OF FIRE PREVENTION WEEK**

[Fire Prevention Week, Proclamation](#)

**8. APPOINTMENTS**

**8.A - APPOINTMENT OF COUNCIL MEMBER ALAN SCHWARTZMAN TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JULY 31, 2017**

[Schwartzman, Resolution](#)

**8.B - APPOINTMENT OF MARY EICHBAUER TO THE BENICIA LIBRARY BOARD OF TRUSTEES FOR A FULL TERM ENDING JULY 31, 2019**

[Eichbauer, Resolution](#)

[Eichbauer, Redacted Application](#)

## **8.C - APPOINTMENT OF SEAN FINN TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2020**

[Finn, Resolution](#)

[Finn, Redacted Application](#)

## **9. PRESENTATIONS**

### **9.A Presentation by Kosmont Companies on the proposed Enhanced Infrastructure Financing District (EFID).**

### **9.B - UPDATE ON WATER REUSE PROJECT (Public Works Director)**

The City entered into an Agreement with Brown and Caldwell (BC) in August 2015 to conduct a Feasibility Study and prepare an environmental document for the Water Reuse Project. The Feasibility Study is nearing completion and is within budget, and is on schedule. The Environmental Review has also been completed, and a draft Initial Study/Mitigate Negative Declaration (IS/MND) was released on September 16 for a public comment period ending on October 17. Additional information received from the State Water Resource Control Board (SWRCB) indicates that the unexpectedly high volume of recycled water project applications received have depleted State Revolving Fund (SRF) funds used for grants and loans. The SWRCB is seeking additional funds for SRF loans.

It is recommended that the City complete the Feasibility Study and IS/MND documentation, and submit a completed application to the SWRCB to qualify the City for low interest loans when funds become available, and to position the City favorably for future grant opportunities at the State or Federal level.

Recommendation:

Receive an update on the Water Reuse Project.

[Benicia Water Reuse Project Update, Staff Report](#)

[Benicia Water Reuse Project Update - Init. Study Mitigated Neg. Dec.](#)

[Benicia Water Reuse Project Update, Financial Outlook & Financing Forecast](#)

## **10. ADOPTION OF AGENDA**

## **11. 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.

**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 THE MINUTES OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING (City Clerk)**

[Meeting Minutes, September 20, 2016](#)

**14.B - DENIAL OF THE CLAIM AGAINST THE CITY BY JAMES HAMILTON AND REFERRAL TO INSURANCE CARRIER (City Attorney)**

The claimant alleges non-repairable damage was done to his tire while driving on Lake Herman Road.

Recommendation:

Deny the Claim Against the City by James Hamilton and referral to insurance carrier.

[Claim Denial James Hamilton - Staff Report](#)

[Redacted Hamilton Claim Form](#)

**14.C - DENIAL OF THE CLAIM AGAINST THE CITY BY ELSA VALLEJOS AND REFERRAL TO INSURANCE CARRIER (City Attorney)**

The claimant alleges she tripped and fell on a manhole cover in the sidewalk that was slightly ajar.

Recommendation:

Deny the claim against the City by Elsa Vallejos and referral to insurance carrier.

[Claim Denial for Elsa Vallejos, Staff Report](#)

[Redacted Vallejos Claim Form](#)

**14.D - APPROVAL OF A THREE YEAR AGREEMENT WITH I.D. MODELING, INC. FOR SEDARU UTILITY MANAGEMENT SOFTWARE AND IMPLEMENTATION FOR PUBLIC WORKS MAINTENANCE (Public Works Director)**

The City does not have the specialized software or sufficient hardware to implement this program in-house. The three-year agreement with ID Modeling, Inc. will provide Sedaru software including set up, configuration and training along with integration of the City's GIS data. Information from water distribution, sewer collections and streets assets will be consolidated into a single mobile computerized maintenance management system (CMMS) that City staff can access in the field on mobile devices or in the office.

Recommendation:

Adopt the resolution approving a three-year Agreement with ID Modeling, Inc. for Sedaru utility management software and implementation for Public Works Maintenance for \$184,710. and \$4,000. for hardware acquisition, and authorizing the Interim City Manager to sign the Agreement on behalf of the City.

[Approval of Agreement for Sedaru Management Software Staff Report](#)

[Approval of Agreement for Sedaru Management Software, Resolution](#)

[Approval of Agreement for Sedaru Management Software, Agreement](#)

[Approval of Agreement for Sedaru Management Software, Screen Shots of Dashboard](#)

**14.E - APPROVAL OF AGREEMENT WITH WATERSMART SOFTWARE, INC. TO CONTINUE THE WATERSMART PROGRAM WITH WATER METER AUTOMATED METERING INFRASTRUCTURE (AMI) INTEGRATION (Public Works Director)**

The City does not have the specialized software to implement this program in-house. The five year agreement with WaterSmart Software, Inc. will provide customized Home Water Reports to all single family homes in Benicia, a web and mobile customer portal for interactive and personalized online data for customers to access, and utility analytics software for City staff to utilize. It also will provide for AMI integration as the new water meters are installed. This will provide real time water usage data via the City's billing system by wireless network.

Recommendation:

Adopt a resolution approving an Agreement with WaterSmart Software, Inc. to continue the WaterSmart program from 2017 through 2021, including water meter Automated Metering Infrastructure (AMI) integration at a total cost of \$181,500 and authorizing the City Manager to sign the Agreement on behalf of the City.

[Approval of Agreement with Watersmart Software, Inc., Staff Report](#)

[Approval of Agreement with Watersmart Software, Inc., Resolution](#)

[Approval of Agreement with Watersmart Software, Inc., Agreement](#)

[Approval of Agreement with Watersmart Software, Inc., Dashboard and Portal Samples](#)

#### **14.F - MONTHLY WATER UPDATE (Public Works Director)**

In July, Benicia's water conservation rate was 37%, compared to the statewide average of 20%. Benicia's per capita water use was 87 gallons per person per day (GPPD) in July, compared to the statewide average of 113.5 GPPD, which is the latest information available. Benicia was specifically mentioned in a September 7, 2016 media release issued by the State Water Resources Control Board for maintaining strong water conservation efforts and reduced water use compared to 2015. In August, Benicia's water use was reduced by 38% compared to August 2013 with residents using 83 gallons per person per day.

[Monthly Water Update, Staff Report](#)

[Monthly Water Update, Reservoir Conditions](#)

[Monthly Water Update, SCWA Weekly Report](#)

[Monthly Water Update, 2016-2019 Water Supply Demand Table](#)

#### **14.G - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO TO REFINANCE THE COSTS OF ENERGY CONSERVATION PROJECTS AND THE REFUNDING OF THE CITY'S OUTSTANDING CERTIFICATES OF PARTICIPATION (2011 ENERGY CONSERVATION PROJECT) AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO (Finance Director)**

In April 2011, the City caused the execution and delivery of \$13,195,000 Certificates of Participation (COPs) to finance various energy conservation projects throughout the City. At the December 15, 2015 City Council meeting, the Council directed staff to evaluate the opportunity to refinance the 2011 COPs. Given the current favorable interest rates in the tax-exempt bond market, an opportunity exists for the City to cause the delivery of Certificates of Participation to refund the 2011 COPs, and thereby lower the annual payments made by the City from its General Fund and other City funds. The City Council is being asked at this time to adopt a resolution approving the form and authorizing execution of documents for the refunding COPs.

Recommendation:

Adopt the resolution authorizing the execution of certain lease financing documents in connection with the delivery of Certificates of Participation to refinance the costs of the

energy conservation projects and refunding of the City's outstanding Certificates of Participation (2011 Energy Conservation Project) and authorizing and directing certain actions with respect thereto.

[2016 Solar Refi, Staff Report](#)

[Solar, Resolution](#)

**14.H - APPROVE RESOLUTION TO AUTHORIZE AGREEMENT WITH WELLS FARGO FOR AN EQUIPMENT LEASE PURCHASE AGREEMENT OF SEVEN VEHICLES (Finance Director)**

On July 5, 2016, the City Council authorized the purchase of seven vehicles and directed Staff to seek financing terms for a ten-year loan (lease purchase agreement). Finance sent out a Request for Quote (RFQ) for financing equipment up to \$2,300,000., which closed on September 9, 2016. The City received five responses with interest rates from 1.902% to 2.60%. The lowest term was received by Wells Fargo. The proposals were discussed at the Finance Committee on September 22, 2016 and they recommended Wells Fargo's terms for consideration.

Recommendation:

Approve resolution to enter a ten-year equipment lease purchase agreement between the City of Benicia and Wells Fargo for \$2,300,000. for the purchase of seven large vehicles and authorize the Interim City Manager to sign the documents on behalf of the City.

[Lease Agreement, Staff Report](#)

[Lease Agreement, Resolution](#)

[Equipment Lease Financing RFP Summary](#)

[Loan Amortization Schedule 1, Fire](#)

[Loan Amortization Schedule 1 PW, Sewer](#)

[Loan Amortization Schedule 1 PW, Maintenance](#)

**14.I - RESOLUTIONS TO SUPPORT THE LEAGUE OF CALIFORNIA CITIES (LEAGUE) POSITION IN OPPOSING PROP 53 AND SUPPORTING PROP 54 (Deputy City Manager/Economic Development Manager)**

The League of California Cities Board of Directors adopted a resolution in June to support and oppose various measure on the State ballot this November. Of particular concern to the League of California Cities is opposing Proposition 53 and supporting Proposition 54.

Recommendation:

Adopt two proposed resolutions which support the League of California Cities (League) position in opposing Proposition 53 and supporting Proposition 54.

[League of CA Resolution for Ballot Measure, Staff Report](#)

[Opposition to Prop 53, Resolution](#)

[Support of Prop 54, Resolution](#)

[Prop 53 Title, Summary, Analysis and Text](#)

[Prop 54 Title, Summary, Analysis and Text](#)

**14.J - APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CONTRACT WITH ABM FOR A NOT TO EXCEED AMOUNT AN ADDITIONAL \$25,000 TO FURTHER IMPLEMENT THE CITY OF BENICIA BUSINESS RESOURCE INCENTIVE PROGRAM EVERY DROP COUNTS PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AMENDMENT ON BEHALF OF THE CITY (Deputy City Manager/Economic Development Manager)**

Due to the success and interest in the EDC project, Staff proposes to add an additional \$25,000 to the contract with ABM, enabling a total of 412 fixtures to be audited and repaired.

Recommendation: Recommend, by resolution, an amendment to the agreement for professional services with ABM, a Benicia company, allocating an additional \$25,000 to further implement the Every Drop Counts (EDC) water reduction project as part of the City of Benicia Business Resource Incentive Program (BRIP).

Due to the success and interest in the EDC project, staff proposes to add an additional \$25,000 to the contract with ABM, enabling a total of 412 fixtures to be audited and repaired.

[ABM, Staff Report](#)

[ABM, Resolution](#)

[ABM, Agreement](#)

**14.K - APPROVE THE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA FIREFIGHTERS' ASSOCIATION (Acting Human Resources Manager)**

The City's contract with the Benicia Firefighters' Association expired on June 30, 2016. The City has reached a tentative agreement on a three year Successor Memorandum of Understanding (MOU) with the Benicia Firefighters' Association, and the association has ratified their agreement.

Recommendation:



Adopt the resolution approving October 1, 2016 – June 30, 2019 Memorandum of Understanding (MOU) for the Benicia Firefighters' Association.

[BFA Successor MOU, Staff Report](#)

[BFA MOU, Resolution](#)

[City of Benicia and BFA Tentative Agreement MOU](#)

## **15. BUSINESS ITEMS**

### **15.A - CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224**

The Finance Department currently has an opening for a Senior Accountant that will not be filled prior to the retirement of the current Accounting Systems Supervisor, Alyson Kauzer. In order to employ Ms. Kauzer as a retired annuitant until the position can be filled and to assist with transition, it is necessary to certify the nature of the employment and appointment of Alyson Kauzer as a retired annuitant with CalPERS. With the approval of the proposed resolution, as of October 17, 2016, Ms. Kauzer will be able to serve in a part-time/temporary position with the City of Benicia, consistent with the requirements of Public Employee's Retirement Law (PERL), Government Code Sections 7522.56 and 21224.

Recommendation:

Approve a resolution certifying the nature of the employment and appointment of Alyson Kauzer as a retired annuitant serving as part-time/temporary Accounting Systems Supervisor.

[Retired Annuitant, Staff Report](#)

[Retired Annuitant, Resolution](#)

### **15.B - MAYOR PATTERSON REQUEST TO AGENDIZE DISCUSSION OF AUTHORIZING A STUDY OF INNOVATIVE FIRE DEPARTMENT EMS DEPLOYMENT STRATEGIES (Interim City Manager)**

Consider Mayor Patterson's request to agendize a discussion on authorizing a study to investigate EMS deployment strategies.

During discussion of the First Responder Fee at the City Council meeting on September 6, 2016, Mayor Patterson expressed a desire to explore alternative methods to responding to medical calls. The intent of this request is to allow the City Council the opportunity to further explore this concept and provide direction to staff.

Recommendation:

Consider Mayor Patterson's request to agendize a discussion on authorizing a study to investigate EMS deployment strategies.

[2-Step Request for Fire Expenditures, Staff Report](#)

[EMS Study, 2-Step Request Form](#)

**15.C - MAYOR PATTERSON REQUEST TO AGENDIZE DISCUSSION OF ADOPTION OF RESOLUTION FROM BENICIA CITY COUNCIL ENCOURAGING THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) BOARD OF DIRECTORS TO ADOPT NEW RULE TO CAP EMISSIONS FROM OIL REFINERIES (Deputy City Manager/Economic Development Manager)**

The Mayor seeks to have the City Council discuss and consider a resolution from the City Council encouraging the staff at the BAAQMD to complete the work of drafting a new rule that sets limits on emissions from oil refineries in the Bay Area.

Recommendation: Consider Mayor Patterson's request to agendize a discussion of adopting a resolution encouraging the Board of Directors of the BAAQMD to approve a new rule known as Rule 12-16, which would place greater restrictions on oil refineries.

[2-Step Request for BAAQMD Final, Staff Report](#)

[Council Member Request Form BAAQMD](#)

[Sample BAAQMD Resolution Rule 12-16](#)

[Community-Worker Emission Caps Full Proposal](#)

[Refinery Emissions, Letter](#)

[BAAQMD, Resolution](#)

[CBE-AQMD Rule 12-16 EIR](#)

[Collaborativ, BAAQMD](#)

**15.D - CONFIRMATION OF THE RESOLUTION TO DENY THE USE PERMIT FOR THE VALERO CRUDE BY RAIL PROJECT (City Attorney)**

At the September 20, 2016 City Council meeting, the Council denied the use permit for the Valero Crude By Rail project and requested a revised resolution be brought back for final approval at the October 4th Council meeting. The proposed resolution incorporates some General Plan policies as well as issues raised by the state Attorney General, the Bay Area Air Quality Management District and Caltrans.

Recommendation:

Review and approve the resolution denying the use permit for the Valero Crude By Rail project.

[Crude By Rail, Staff Report](#)

[CBR Denial with Findings, Resolution](#)

[Redlined Reso](#)

[Attachments](#)

[Sept 28, 2016, Letter on Findings](#)

**16. ADJOURNMENT (9:30 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 Rick Knight, 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 Patterson: 746-4212

Vice Mayor Hughes: 746-4213

Council Member Campbell: 746-4213

Council Member Schwartzman: 746-4213

Council Member Strawbridge: 746-4213