



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall 250 East L Street
June 19, 2018
7:00 PM**

CALL TO ORDER

1. CLOSED SESSION (5:30 PM)

1.A CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Name of case: Fein vs. City of Benicia

1.B CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Name of case: APS West Coast dba Amports v. City of Benicia et al. regarding Oak Road

1.C CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) or (3):

Number of potential cases: 1

1.D PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

2. CONVENE OPEN SESSION (7:00 PM)

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

7. PROCLAMATIONS

7.A - PARKS MAKE LIFE BETTER PROCLAMTION

[Parks Make Life Better, Proclamation](#)

8. APPOINTMENTS

9. PRESENTATIONS

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 - CITY COUNCIL MEETING MINUTES FROM JUNE 5, 2018 CITY COUNCIL MEETING (City Clerk)

[June 5, 2018 City Council Meeting Minutes](#)

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

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

The claimant alleges that there was a broken pipe under the street causing a backup into her shower. Roto-Rooter states they found a break in the lower lateral.

Recommendation:

Deny the claim against the city by Bernice Cure and refer to insurance carrier.

[Staff Report - Cure Claim](#)

[1. Redacted Claim Form - Cure Claim](#)

[2. Roto-Rooter Plumbers Work Order - Cure Claim](#)

14.D - APPROVAL OF CHEMICAL PURCHASES FOR WATER AND WASTEWATER TREATMENT FOR FISCAL YEAR 2018-2019 (Public Works Director)

This action allows the City to purchase chemicals necessary for water and wastewater treatment for Fiscal Year 2018-2019. 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 these costs.

Recommendation:

Adopt a resolution accepting bids and approving purchase orders to the lowest responsible bidders for furnishing chemicals for water and wastewater treatment for Fiscal Year 2018-2019 and authorizing the City Manager or designee to sign the purchase orders on behalf of the City.

[Staff Report - Approval of Chemical Purchase Orders for Water and Wastewater Treatment for Fiscal Year 2018-2019](#)

[1. Proposed Resolution - Approval of Chemical Purchase Orders for Water and Wastewater Treatment for Fiscal Year 2018-2019](#)

[2. Bid Summary - Approval of Chemical Purchase Orders for Water and Wastewater Treatment for Fiscal Year 2018-2019](#)

14.E - PURCHASE OF MAINTENANCE DIVISION PRODUCTION SUPPLIES FOR FISCAL YEAR 2018-2019 (Public Works Director)

The purchase of crushed aggregate rock for repair and maintenance of City streets and utility pipelines is necessary in the day-to-day maintenance operations as well as the purchase of fittings and hardware for repair and maintenance of water distribution pipelines.

Recommendation:

Adopt the following resolutions:

1. Authorizing the purchase of crushed aggregate rock for Fiscal Year 2018-2019 from Syar Industries Inc. of Vallejo, California, for a not-to-exceed cost of \$56,000.
2. Authorizing the purchase of water distribution pipeline fittings and hardware for Fiscal Year 2018-2019 from Roberts & Brune Co. of Oakley, California, for a not-to-exceed cost of \$75,000.

[Staff Report - Purchase of Maintenance Division Production Supplies for Fiscal Year 2018-2019](#)

[1. Resolution \(Crushed Aggregate Rock\) - Purchase of Maintenance Division Production Supplies for Fiscal Year 2018-2019](#)

[2. Resolution \(Fittings and Hardware\) - Purchase of Maintenance Division Production Supplies for Fiscal Year 2018-2019](#)

14.F - AWARD OF CONTRACT FOR STORM WATER MANAGEMENT & FLOOD MITIGATION PLAN (Public Works Director)

Storm water management is a critical municipal responsibility. The effectiveness and efficiency of storm water management have direct impact on public health and safety, surface water quality, environmental habitat, and future development. The Storm Water Management and Flood Mitigation Plan provides a roadmap for the City to manage and improve its infrastructure to provide flood protection for the City. The findings of the Storm Water Management and Flood Mitigation Plan provide the basis for recommendations on the City's flood management policy, land use planning, and coordination with other City infrastructure management initiatives.

Recommendation:

Adopt a resolution awarding the contract to West Yost Associates of Davis, California for the Storm Water Management and Flood Mitigation Plan in the amount of \$269,249 and authorizing the City Manager to sign the agreement on behalf of the City.

[Staff Report - Award of Contract Storm Water Management and Flood Mitigation Plan](#)

[1. Resolution - Award of Contract for Storm Water Management and Flood Mitigation Plan](#)

[2. Agreement - Award of Contract for Storm Water Management and Food Mitigation Plan](#)

14.G - APPROVAL OF PURCHASE OF REPLACEMENT TURBIDIMETERS FOR THE WATER TREATMENT PLANT (Public Works Director)

This report recommends the purchase of a replacement turbidimeter system that monitors the water treatment process. This system provides for continuous and accurate measurement of water clarity along with the disinfection process, which are critical requirements for the delivery of treated water to the public.

Recommendation:

Adopt the resolution approving the purchase of Hach TU5300 series turbidimeter system for the Water Treatment Plant from Hach Company in the amount of \$44,264.54; and authorizing the City Manager to sign the purchase order on behalf of the City.

[Staff Report - Approval of Purchase of Replacement Turbidimeters for the Water Treatment Plant](#)

[1. Proposed Resolution - Approval of Purchase of Replacement Turbidimeters for the Water Treatment Plant](#)

14.H - CUSTODIAL SERVICES CONTRACT (Parks & Community Services Director)

The custodial service contract will provide limited custodial services to City Hall, the Senior Center, and the Family Resources Center/IT Building.

Recommendation:

Adopt a resolution authorizing the City Manager to sign a contract with Important Details Inc. of Vallejo, CA, in the amount of \$51,667.20 for custodial services to be provided during Fiscal Year 2018 -2019.

[Staff Report - Custodial Services Contract](#)

[1. Proposed Resolution - Custodial Services Contract](#)

[2. Agreement for Custodial Services](#)

14.I - AWARD OF CONTRACT FOR STREET LIGHT AND FACILITY LIGHT MAINTENANCE AND REPAIR SERVICES (Public Works Director)

The City owns more than 2,000 street lights and is also responsible for maintaining park lighting, parking lot lighting and other city facility external lighting that requires monthly maintenance and repair services in order to ensure proper and safe operation. After conducting the required bid process, DC Electric Group, Inc. is being recommended to perform the work with a two-year contract. There is sufficient funding in the current fiscal year budget for the \$81,500, which is the cost of the two-year contract.

Recommendation:

Adopt a resolution accepting the bids, awarding a two-year contract for Street Light and Facility Light Maintenance and Repair Services not-to-exceed \$81,500 to DC Electric Group, Inc., and authorizing the City Manager to execute the contract on the behalf of the city.

[Staff Report - Award of Contract For Street Light & Facility Light Maintenance & Repair Services](#)

[1. Resolution - Award of Contract For the Street Light & Facility Light Maintenance & Repair Services](#)

[2. Agreement - Award of Contract For the Street Light & Facility Light Maintenance & Repair Services](#)

14.J - APPROVAL OF CHANGE ORDER NO. 2 TO TEAM GHILOTTI, INC. FOR EAST 5th STREET PIPELINE REPLACEMENT PROJECT- FULL STREET PAVING (Public Works Director)

This report recommends executing a change order with Team Ghilotti, Inc. of Petaluma, CA to grind and pave the entire width of East 5th Street between La Prenda and Hillcrest Avenue as part of the Lower Arsenal/East 5th Street Pipeline Replacement Project, PW Project #17-01.

Recommendation:

Adopt the resolution for the following:

- Issue Change Order No. 2 to Team Ghilotti, Inc. for a full grinding and asphalt paving, including thermoplastic striping and legends, on East 5th Street from La Prenda to Hillcrest Avenue for a proposed price of \$160,682, and;
- Authorize the Finance Director to transfer \$160,682 from Water Enterprise Fund General Reserve into the Lower Arsenal/East 5th Street Project account, and;
- Authorize the City Manager to approve the change order to the contract on behalf of the City.

[Staff Report -Approval of Change Order No. 2 to Team Ghilotti, Inc. for East 5th Street Pipeline Replacement Project](#)

[1. Proposed Resolution - Approval of Change Order No. 2 to Team Ghilotti, Inc. for East 5th Street Pipeline Replacement Project](#)

[2. Contract Change Order No. 2 - Approval of Change Order No. 2 to Team Ghilotti, Inc. for East 5th Street Pipeline Replacement](#)

14.K - AMENDMENT TO ACCEPTANCE OF THE FIRST STREET CURB RAMP AND BRICK PATTERN SIDEWALK REPLACEMENT PROJECT (Public Works Director)

The First Street Curb Ramp and Brick Pattern Sidewalk Replacement Project was accepted by the City on February 6, 2018. After the acceptance of the project, the contractor submitted a claim of substantial change to the original contract work and is seeking an additional \$20,052.53 in compensation as allowed by Caltrans Specifications governing this project.

Recommendation:

Adopt a resolution amending the final amount of the Acceptance of the First Street Curb Ramp and Brick Pattern Sidewalk Replacement Project to compensate Elizalde Construction, Inc. an additional amount of \$20,052.53 and bringing the total project cost to \$202,228.26.

[Staff Report - Amendment to Acceptance of First Street Curb Ramp and Brick Pattern Sidewalk Replacement Project](#)

[1. Resolution - Amendment to Acceptance of First Street Curb Ramp and Brick Pattern Sidewalk Replacement Project](#)

14.L - APPROVAL OF PURCHASE ORDER INCREASE FOR EMERGENCY GENERATOR RENTAL AT THE WASTEWATER TREATMENT PLANT (Public Works Director)

This report recommends the approval of a \$38,000 purchase order increase with Aggreko, LLC for the rental of an emergency generator for the Wastewater Treatment Plant.

Recommendation:

Adopt the resolution approving the purchase order increase with Aggreko, LLC in the amount of \$38,000 for emergency generator rental for the Wastewater Treatment Plant.

[Staff Report - Approval of PO Increase for Generator](#)

[1. Proposed Resolution - Generator Purchase Order Increase](#)

14.M - AWARD OF CONSTRUCTION CONTRACT FOR THE WATER TREATMENT PLANT SLUDGE COLLECTOR REPLACEMENT PROJECT (Public Works Director)

The Water Treatment Plant (WTP) Sludge Collector Replacement Project, PW #18-04 will consist of the demolition of the existing sludge collector in sedimentation basin #1 and installation of a new sludge collector.

Recommendation:

Adopt the resolution accepting the bids for the Water Treatment Plant Sludge Collector Replacement Project, awarding the construction contract to W.M. Lyles Company of Rocklin, CA, in the amount of \$236,000 with a contingency of \$23,600, and authorizing the City Manager to sign the contract on behalf of the City.

[Staff Report - Award of Construction Contract for the WTP Sludge Collector Replacement Project](#)

[1. Proposed Resolution - Award of Construction Contract for the WTP Sludge Collector Replacement Project](#)

[2. Contract Agreement - Award of Construction Contract for the Water Treatment Plant Sludge Collector Replacement Project](#)

[3. Bid Proposal - Award of Construction Contract for the Water Treatment Plant Sludge Collector Replacement Project](#)

[4. Bid Summary - Award of Construction Contract for the Water Treatment Plant Sludge Collector Replacement Project](#)

14.N - AWARD OF CONSTRUCTION CONTRACT FOR REPAIR OF LINE VALVE ON RAW WATER TRANSMISSION LINE (Public Works Director)

The Line Valve 4 (LV4) Replacement Project involves the replacement of an inoperable butterfly valve on the City's 36-inch Raw Water Transmission Line (RWTL).

Recommendation:

Adopt the resolution accepting the bid for the Line Valve (LV4) Replacement Project, awarding the construction contract to Ghilotti Construction, Inc. of Santa Rosa, CA, in the amount of \$75,000, and authorizing the City Manager to execute the construction contract on behalf of the City.

[Staff Report - Award of Construction Contract for Repair of LV4](#)

[1. Resolution - Award of Construction Contract for Repair of Line Valve on Raw Water Transmission Line](#)

[3. Proposal - Award of Construction Contract for Repair of Line Valve on Raw Water Transmission Line](#)

[2. Agreement - Award of Construction Contract for Repair of Line Valve on Raw Water Transmission Line](#)

14.O - APPROVAL OF CONTRACT FOR TREATMENT OF WASTEWATER TREATMENT PLANT BIOSOLIDS (Public Works Director)

This report recommends entering into a contract for biosolids processing services for the Wastewater Treatment Plant. Biosolids (aka sludge) is the residual, semi-solid by-product of wastewater after it is treated. Currently, biosolids are disposed of at a landfill where it is used as cover material. The current contract for this service ends June 30, 2018. Starting in Fiscal Year 2018-19, City staff recommends transitioning to a new, environmentally-friendly method whereby the biosolids will be converted into a saleable bio-fertilizer product.

Recommendation:

Adopt the resolution approving a five-year contract with Lystek International Limited for treatment of wastewater plant biosolids in the amount of \$68.50 per wet ton; and authorizing the City Manager to execute the contract on behalf of the City.

[Staff Report - Approval of Contract for the Treatment of Biosolids](#)

[1. Proposed Resolution - Approval of Contract for the Treatment of Wastewater Treatment Plant Biosolids](#)

[2. Contract Agreement - Approval of Contract for the Treatment of Wastewater Treatment Plant Biosolids](#)

14.P - APPROVAL OF CONTRACT FOR TRANSPORTATION OF BIOSOLIDS FROM THE WASTEWATER TREATMENT PLANT (Public Works Director)

This report recommends entering into a contract for biosolids (aka sludge) transportation services for the Wastewater Treatment Plant. Biosolids are the residual, semi-solid by-product of wastewater after it is treated. This contract is for the hauling of the biosolids from the Wastewater Treatment Plant to a processing facility in Fairfield.

Recommendation:

Adopt the resolution approving a five-year contract with Republic Services for transportation of biosolids from the Wastewater Treatment Plant in the amount of \$512 per load, and authorizing the City Manager to execute the contract on behalf of the City.

[Staff Report - Approval of Contract for Biosolids Transportation](#)

[1. Proposed Resolution - Approval of Contract for Biosolids Transportation](#)

[2. Contract Agreement Republic Services](#)

14.Q - AUTHORIZE GRANT AGREEMENT WITH DEPARTMENT OF JUSTICE FOR YOUTH RELATED TOBACCO WORK (Police Chief)

Since 2002, the Police Department has been working to reduce the underage use of tobacco, alcohol and other drugs (ATOD) through their Benicia Youth Action Coalition. The Department has partnered and been awarded Solano County Health & Social Services Substance Abuse Grants since 2002. However, this year, the County's new ATOD RFP did not allow for any tobacco work, only alcohol and cannabis. Staff quickly determined in order to continue providing important tobacco reducing programs for our youth and the community, funds from the DOJ-Tobacco Grant Program were needed.

Recommendation:

Adopt a resolution authorizing the Benicia Police Department to enter into a contract with the California Department of Justice, to receive grant funding from the Tobacco-Prop 56 Grant, and authorizing the Chief of Police to sign the Memorandum of Understanding.

[Staff Report DOJ Tobacco Grant](#)

[1. Resolution DOJ Tobacco Grant](#)

[2. Initial Grant Response to DOJ Request for Proposal](#)

[3. Second Grant Response to DOJ Request for Proposal](#)

[4. DOJ Tobacco Grant MOU 2018-2020](#)

14.R - AUTHORIZE A GRANT AGREEMENT WITH SOLANO COUNTY FOR THE FAMILY RESOURCE CENTER (Police Chief)

The Benicia Police Department's Family Resource Center had received a two-year grant from the County of Solano (administered by First Five Solano) for FY 16-18 to assist in its mission of providing adequate support for Benicia families with children between the ages of 6-18. The County of Solano has approved a new amendment to our current grant authorizing monetary funds for FY 18-19.

Recommendation:

Adopt a resolution authorizing the Benicia Police Department to enter into a contract amendment with the County of Solano, to receive grant funding for the Benicia Police Department's Family Resource Center, and authorizing the Chief of Police to sign the Solano County Standard Contract Amendment #2016-711.

[Staff Report - Family Resource Center Grant](#)

[1. Resolution - Family Resource Center Grant](#)

[2. Grant Agreement - Family Resource Center Grant](#)

14.S ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT(GANNLIMIT) PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2018-2019

RECOMMENDATION:

Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2018-19 in the amount of \$97,376,247.

[Staff Report - Appropriations Limit \(Gann\) 2018-19](#)

[1. Resolution - Appropriation Limit](#)

[2. Exhibit I - Appropriation limit calculations 2018-19](#)

14.T - ADOPTION OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE TO MODIFY CHAPTER 8.20, NOISE REGULATIONS, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA (Community Development Director)

On June 5, 2018 the City Council introduced the proposed ordinance to amend Benicia Municipal Chapter 8.20 to clarify the noise regulations and assist in enforcement.

Recommendation:

Conduct a second reading and adopt the ordinance to amend the Benicia Municipal Code Chapter 8.20, Noise Regulations.

[Staff Report - Noise Ordinance Amendments](#)

[1. Ordinance - Noise Ordinance Amendments](#)

14.U SECOND READING AND ADOPTION OF ORDINANCE AMENDING TITLE 15 OF THE CITY OF BENICIA MUNICIPAL CODE (“BUILDINGS AND CONSTRUCTION”) TO ADD CHAPTER 15.39 ESTABLISHING AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE (“EV”) CHARGING STATIONS.

RECOMMENDATION:

Adopt ordinance amending Benicia Municipal Code (BMC) Title 15 by adding BMC Chapter 15.39 Expedited Permitting Process for electric (“EV”) charging stations.

[Staff Report - Electric Vehicle Charging Ordinance](#)

[1. Ordinance - Electric Vehicle Charging Ordinance](#)

14.V - ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE (TITLE 17) TO ALLOW OUTDOOR ENTERTAINMENT IN COMMERCIAL

AREAS WITH A USE PERMIT, AFTER FINDING THAT THE PROJECT IS EXEMPT FROM CEQA (Community Development Director)

EXECUTIVE SUMMARY:

The City Council introduced the attached ordinance on June 5, 2018 to create a use classification, use standards, and allow outdoor amplified music in commercial areas with the approval of a Use Permit.

RECOMMENDATION:

Adopt the ordinance amending the Benicia Municipal Code (BMC) Title 17 for outdoor entertainment.

The City Council introduced the attached ordinance on June 5, 2018 to create a use classification, use standards, and allow outdoor amplified music in commercial areas with the approval of a Use Permit.

RECOMMENDATION:

Adopt the ordinance amending the Benicia Municipal Code (BMC) Title 17 for outdoor entertainment.

[Staff Report - Zoning Ordinance Amendments for Outdoor Entertainment](#)

[1. Ordinance - Zoning Ordinance Amendments for Outdoor Entertainment](#)

15. BUSINESS ITEMS

15.A -PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2018-19 (Public Works Director)

The items scheduled for consideration at this meeting will complete the City's process for levying assessments for Fiscal Year 2018-19 through the Solano County Auditor-Controller's Office for collection of the assessments with the property tax bills. Should the City Council conclude, after receiving comments from interested persons during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff would then modify the report as directed and bring the matter back for final approval on July 17, 2018. However, this matter must be concluded by August 1, 2018 to meet the filing deadline with the Solano County Auditor-Controller's Office.

Recommendation:

1. Conduct a public hearing to receive oral statements and written comments concerning the City of Benicia Landscape and Lighting Assessment District for the 2018-19 fiscal year.
2. At the conclusion of the public hearing, adopt the resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report and ordering the levy and collection of certain assessments for the City of Benicia Landscape and Lighting District for Fiscal Year 2018-19.

[Staff Report - Landscape & Lighting District Public Hearing](#)

- [1. Resolution - Landscape & Lighting District Public Hearing](#)
- [2. Resolution Nos. 18-52, 18-53, and 18-54 - Landscaping and Lighting District Public Hearing](#)
- [3. Landscape & Lighting Assessment District Diagram - Landscape and Lighting District Public Hearing](#)
- [4. Engineer's Report - Landscape and Lighting District Public Hearing](#)

15.B SECOND STEP OF MAYOR PATTERSON’S 2-STEP PROCESS REQUEST TO DISCUSS ADOPTING AN INDUSTRIAL SAFETY ORDINANCE

At the May 23, 2017 City Council meeting, Mayor Patterson brought a two-step process request to the Council to discuss consideration of adopting an Industrial Safety Ordinance. The Council directed staff to agendaize the item for discussion. Staff has included preliminary research on this subject.

Recommendation:

Discuss the merits of drafting and adopting a City of Benicia Industrial Safety Ordinance and give direction to staff on how to proceed. Two options are provided under the “Options for Council Consideration” section of this report.

[Staff Report - 2-Step Request for Industrial Safety Ordinance \(Patterson\)](#)

[1. 2-Step Request ISO_amended \(Patterson\)](#)

[2. Contra Costa ISO Chapter-450-8](#)

[3. Richmond ISO Chapter_6.43](#)

[4. P3_P4_ISO Comparison Chart](#)

[5. Benicia ISO Working Group Draft Ordinance](#)

[6. Valero Letter](#)

15.C ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO ESTABLISH A TAX ON COMMERCIAL CANNABIS ACTIVITIES AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 (TWO-THIRDS APPROVAL BY COUNCIL REQUIRED) (City Attorney)

This resolution would authorize the submission to the qualified electors of the City an ordinance to establish an excise tax on commercial cannabis businesses at the maximum rate of \$10 per square foot of grow area and 6% of gross receipts for all other cannabis businesses. The proposed cannabis business excise tax is a general tax and requires a simple majority vote of the voters of the City. Revenue from the tax would accrue to the General Fund and be available for any lawful purpose authorized by the City Council, including municipal services such as police protection, fire prevention/suppression, emergency medical services, parks, recreation, and street maintenance.

Recommendation:

Approve the resolution placing Ordinance No. 18-__ on the ballot for the November 6, 2018 election. To meet the statutory requirements for placing this measure on the ballot two-thirds of the Council must approve the resolution. This equates to 4 council members voting to approve this resolution.

[Staff Report - Cannabis Tax Measure](#)

[1. Resolution - Cannabis Tax Measure](#)

[1.a. Ordinance - Cannabis Tax Measure](#)

16. 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.)

16.A CITY COUNCIL COMMITTEE REPORTS

[Committee Reports - June 19, 2018](#)

17. ADJOURNMENT (10:30 PM)

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 Alan Shear, 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 Young: 746-4213

Council Member Campbell: 746-4213

Council Member Hughes: 746-4213

Council Member Schwartzman: 746-4213