



**BENICIA CITY COUNCIL  
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall 250 East L Street  
July 17, 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 cases: Ma vs. City of Benicia

**1.B 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 (Benicia Arsenal)

**1.C - CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Properties:

1. Commanding Officer's Quarters at 1 Commandant's Lane
2. SP Depot at 90 First Street
3. 5th Street Pier
4. Church Street Lot Solano County Assessor's Parcel Number 0086-050-030
5. Alley at the Intersection of East G Street and East Second Street
6. Right of Way and abandoned Alley adjacent to Solano County Assessor's Parcel Number 0087-074-150 at East N Street, and

7. Lake Herman Properties Solano County Assessor's Parcel Numbers 181-230-010, 181-230-020, 181-230-040, 181-230-050, 181-230-060, and 181-240-020

Agency negotiator: City Manager and Economic Development Manager

Negotiating parties: City of Benicia, Benicia Main Street, Bay Area Ship Services, Ponder Environmental, Clients of Osby Davis, Tatas, Bill Everett, Ty Hamilton

Under negotiation: Price and terms of payment

## **1.D PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

## **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**

### **6.A ANNOUNCEMENTS FROM 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 at City Hall from 6:00 to 7:00 p.m. No appointment is needed. Other meeting times may be scheduled through City Hall by calling 746-4200.

### **6.C BENICIA ARSENAL UPDATE**

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

Arts & Culture Commission

- 1 full term

- 1 unexpired term

Building Code Board of Appeals

- 1 full term

Civil Service Commission

- 5 unexpired terms

Community Sustainability Commission

- 1 full term

Economic Development Board

- 1 full term

Finance Committee

- 1 full term

Historic Preservation Review Commission

- 1 full term

Housing Authority

- 3 full terms

Planning Commission

- 1 unexpired term

## **7. PROCLAMATIONS**

## **8. PRESENTATIONS**

### **8.A - MARIN CLEAN ENERGY (MCE)**

## **9. ADOPTION OF AGENDA**

## **10. 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.

## **11. WRITTEN COMMENT**

## **12. PUBLIC COMMENT**

## **13. 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.

### **13.A - CITY COUNCIL MEETING MINUTES FROM JUNE 19, 2018 CITY COUNCIL MEETING (City Clerk)**

[June 19, 2018 City Council Meeting Minutes](#)

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

### **13.C - AWARD OF CONSTRUCTION CONTRACT FOR JACKSON STREET LIFT STATION HATCH REPLACEMENT PROJECT (Public Works Director)**

The sewage wet-well for the Jackson Street Lift Station requires quarterly cleanings by the City's Maintenance Division using the vacuum truck. The existing manhole entry to the lift station's wet-well does not allow the snorkel from the vacuum truck to reach all areas within the wet-well. This project will consist of constructing a dual-lid hatch cover over the wet-well of the sewage lift station to provide full access to the wet-well.

#### Recommendation:

Adopt the resolution accepting the bids for the Jackson Street Lift Station Hatch Replacement Project; awarding the construction contract to DRS Marine, Inc. of Vallejo, the lowest responsible and responsive bidder, in the amount of \$64,403; approving a 10% construction contingency in the amount of \$6,440; and authorizing the City Manager to sign the contract on behalf of the City.

[Staff Report - Award of Construction Contract for Jackson Street Lift Station Hatch Replacement Project SRRv2 6-6-18](#)

[1. Resolution - Award of Construction Contract for Jackson Street Lift Station Hatch Replacement Project](#)

[2. Construction Contract - Award of Construction Contract for Jackson Street Lift Station Hatch Replacement Project](#)

[3. Bid Proposal - Award of Construction Contract for Jackson Street Lift Station Hatch Replacement Project](#)

**13.D - APPROVAL OF AGREEMENT WITH PAKPOUR CONSULTING GROUP, INC. FOR CITY ENGINEER AND CONTINUED STAFF AUGMENTATION SERVICES (Public Works Director)**

Approval of a one-year agreement with Pakpour Consulting Group, Inc. will provide for City Engineer services and staff augmentation services in the Engineering Division. City staff does not have the capacity to perform this work in-house. It is anticipated to continue the services of City Engineer until a permanent position can be requested in the next fiscal year budget.

Recommendation:

Adopt a resolution approving a one-year Consultant Agreement with Pakpour Consulting Group, Inc. for City Engineer services and staff augmentation services from July 1, 2018 through June 30, 2019, for a cost not-to-exceed \$213,240, and authorizing the City Manager to sign the Agreement on behalf of the City.

[Staff Report - Approval of Agreement with Pakpour Consulting Group, Inc.](#)

[1. Resolution - Approval of Agreement with Pakpour Consulting Group, Inc.](#)

[2. Consultant Agreement - Approval of Agreement with Pakpour Consulting Group, Inc.](#)

**13.E - FITZGERALD FIELD STADIUM RENOVATION (Parks and Community Services Director)**

At its May 1, 2018 meeting the City Council provided direction to staff regarding its preferences for the completion of the Fitzgerald Field Stadium renovation project, including the allocation of additional funding needed to complete the preferred design. This staff report reaffirms that direction.

Recommendation:

Allocate \$250,000 in Measure C funding. Designs will then be completed once Benicia Little League has raised \$150,000 in match funding.

[Staff Report - Fitzgerald Field Stadium](#)

[1. Proposed Resolution](#)

[2. Benicia Little League Letter of Intent](#)

[3. Fitzgerald Field Stadium Preferred Alternative Drawings IR](#)

**13.F - RESPONSE TO 2017-2018 GRAND JURY REPORT “CODE ENFORCEMENT” (Fire Chief)**

The 2017-2018 Grand Jury investigated code enforcement programs in Solano County. The Grand Jury issued a report of their findings and associated recommendation to which the City of Benicia needs to respond in writing under the State Law. The City Council must first approve the response.

Recommendation:

Approve, by minute action, the response to the 2017-2018 Grand Jury Report entitled “Code Enforcement.”

[Staff Report - Grand Jury Report on Code Enforcement](#)

[1. Cover Letter - Grand Jury Report on Code Enforcement](#)

[2. Grand Jury Report - Grand Jury Report on Code Enforcement](#)

[3. Grand Jury Response Letter - Grand Jury Report on Code Enforcement](#)

**13.G RESPONSE TO 2017-2018 COUNTY GRAND JURY REPORT “ANIMAL CONTROL/ANIMAL CARE” (Police Chief)**

The 2017-2018 Grand Jury investigated the issue of animal care and animal control in the county. The Grand Jury issued a report of their findings and associated recommendations to which the City of Benicia needs to respond in writing. The City Council must first approve the response.

Recommendation:

Approve, by minute action, the City of Benicia’s response to the 2017-2018 Solano County Grand (SCGJ) Jury report titled “Animal Care/Animal Control.”

[Staff Report - Grand Jury Report on Animal Control](#)

[1. Grand Jury Report on Animal Control](#)

[2. Response Letter - Grand Jury Report on Animal Control](#)

**13.H - THIRD QUARTER FY 2017-18 INVESTMENT REPORT (Finance Director)**

The Investment Report is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has been unable to meet so it has not been reviewed. This report has been reviewed by the City Treasurer.

Recommendation:

Review and file the March 31, 2018 Investment Report.

[Staff Report - 3rd Qtr Investment Report FY2017-18](#)

[1. March 2018 Investment Report](#)

[2. PFM Investment Report 1Q18 QPR](#)

**14. BUSINESS ITEMS**

**14.A - CONFIRMATION OF THE POET LAUREATE COMMITTEE’S SELECTION OF THE SEVENTH BENICIA POET LAUREATE (Library and Cultural Services Director)**

The Library Board of Trustees has appointed a Poet Laureate Committee to select the City’s next Poet Laureate. It is the Council’s responsibility to confirm the selection by Resolution.

Recommendation:

Confirm, by resolution, Thomas Stanton as Benicia's seventh Poet Laureate.

[Staff Report - Confirmation of the Poet Laureate](#)

[1. Resolution affirming Thomas Stanton as Poet Laureate 2018-2020](#)

[2. Poet Laureate Policy of the Board of Library Trustees](#)

**14.B - ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO ESTABLISH A GENERAL TAX ON PORT-RELATED ACTIVITIES AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 (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 port-related activities at a rate of \$0.55 per \$1000 of gross receipts with no maximum tax limit. The proposed business license tax is a general tax. At this time, it 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 3, 2020 election. To meet the statutory requirements for placing this measure on the ballot, two-thirds of all members of the Council must approve the resolution. This equates to 4 council members voting to approve this resolution.

[Staff Report - Port Tax Measure](#)

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

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

**14.C - REQUEST FOR REHEARING OF COUNCIL DECISION RELATED TO SECOND STEP OF MAYOR PATTERSON'S 2-STEP PROCESS REQUEST TO DISCUSS ADOPTING AN INDUSTRIAL SAFETY ORDINANCE**

On June 19, 2018, the City Council discussed Mayor Patterson's "two-step request" to direct staff to prepare an Industrial Safety Ordinance (ISO). The Council voted to delay action related to an ISO until November 2018 in order to provide time for Valero to install air monitoring equipment. On June 28, 2018, the City Clerk received a request for rehearing of the City Council's vote as permitted under Benicia Municipal Code section 1.44.050. Only the decision of whether or not to rehear the matter is brought forward for Council determination tonight. If Council decides to rehear the matter, that action will be scheduled for a future meeting.

Recommendation:

Discuss the application submitted for rehearing of the decision and vote conducted by the City Council on June 19, 2018, in conjunction with Mayor Patterson's two-step request for consideration of an Industrial Safety Ordinance.

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

[1. City Council Rules of Procedure 2012](#)

[2. Two-Step Agenda Request - Industrial Ordinance Patterson May 2017](#)

[3. Two-Step Agenda Request - Amended - Industrial Safety Ordinance Patterson June 2018](#)

[4. Benicia ISO Work Group Draft Ordinance](#)

[5. Request for Rehearing of Vote Cast 6\\_19\\_18 concerning the Industrial Safety Ordinance](#)

#### **15. 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.)

##### **15.A COUNCIL MEMBER COMMITTEE REPORTS**

[Committee Reports - July 17, 2018](#)

#### **16. ADJOURNMENT (10:30Pm)**



## **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](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 Young: 746-4213

Council Member Campbell: 746-4213

Council Member Hughes: 746-4213

Council Member Schwartzman: 746-4213