



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

**Council Chamber 250 East L Street
September 20, 2016
7:00 PM**

CALL TO ORDER

1. CLOSED SESSION

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 office by calling 746-4200.

6.C- BENICIA ARSENAL UPDATE

Update from City Attorney.

7. PROCLAMATIONS

7.A- BAY DAY PROCLAMATION

[Bay Day, Proclamation](#)

7.B- NATIONAL VOTER REGISTRATION DAY PROCLAMATION

[National Voter Reg Day, Proclamation](#)

8. APPOINTMENTS

8.A- APPOINTMENT OF BRET PREBULA TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM ENDING JANUARY 31, 2018.

[Prebula, Resolution](#)

[Prebula, Redacted Application](#)

8.B- REAPPOINTMENT OF MARTIN JONES TO THE ECONOMIC DEVELOPMENT BOARD FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

[Jones, Resolution](#)

[Jones, Redacted Application](#)

8.C- REAPPOINTMENT OF GILBERT VON STUDNITZ TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

[VonStudnitz, Resolution](#)

[VonStudnitz, Redacted Application](#)

8.D- APPOINTMENT OF TIM REYNOLDS TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

[Reynolds, Resolution](#)

[Reynolds, Redacted Application](#)

8.E- REAPPOINTMENT OF ROY SALAZAR TO THE HUMAN SERVICES BOARD FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

[Salazar, Resolution](#)

[Salazar, Redacted Application](#)

8.F- APPOINTMENT OF KIM BARRAGAN TO THE HUMAN SERVICES BOARD FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

[Barragan, Resolution](#)

[Barragan, Redacted Application](#)

8.G- REAPPOINTMENT OF MARY GOSHERT EKENSTAM TO THE LIBRARY BOARD OF TRUSTEES FOR A THREE-YEAR TERM ENDING JULY 31, 2019.

[GoshertEkenstam, Resolution](#)

[GoshertEkenstam, Redacted Application](#)

8.H- REAPPOINTMENT OF JUDITH BOYLE TO THE LIBRARY BOARD OF TRUSTEES FOR A THREE-YEAR TERM ENDING JULY 31, 2019.

[Boyle, Resolution](#)

[Boyle, Redacted Application](#)

8.I- APPOINTMENT OF JEFF GARRIGUES TO THE HUMAN SERVICES BOARD FOR A FOUR-YEAR TERM ENDING JULY 31, 2020.

Applicant has since withdrawn his application, so there shall be no vote on this item.

[Garrigues, Redacted Application](#)

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.

Ex Parte Contact: As a reminder, members of Council should share substantive information that is relevant to a matter being considered by the Council if that information was received outside of the public decision-making process.

14.A- APPROVAL OF THE MINUTES OF THE SEPTEMBER 6, 2016 CITY COUNCIL MEETING (City Clerk)

[Meeting Minutes, September 6, 2016](#)

14.B- AUTHORIZE PURCHASE OF TWO (2) REPLACEMENT POLICE VEHICLES (Police Chief)

Existing Police vehicles are scheduled for replacement due to high mileage. This purchase is budgeted and funding for replacement vehicles is included in the FY 2016-17 budget.

Recommendation:

Adopt a resolution authorizing the purchase of two (2) Ford Police Interceptor Utility vehicles for the Police Department from Folsom Lake Ford in an amount not-to-exceed \$100,359.90 and authorizing the City Manager to sign the purchase order on behalf of the City.

[Police Vehicles, Staff Report](#)

[Police Vehicles- Resolution](#)

14.C- SECOND READING AND ADOPTION OF ORDINANCE ESTABLISHING A FIRST RESPONDER FEE (Fire Chief)

On September 6, 2016, City Council introduced and conducted the first reading and public hearing of an ordinance to establish a First Responder Fee. The proposed action is the second reading and adoption of the ordinances. On July 5, 2016, the Fire Department received direction from the City Council to pursue implementation of a First Responder Fee to recover its costs for providing medical services. Approval of the ordinance would allow the Fire Department to proceed with the implementation of this First Responder Fee which includes a compassionate billing policy.

Recommendation:

Adopt the ordinance to establish a First Responder Fee.

[First Responder Fee, Staff Report](#)

[Draft Ordinance](#)

[Reso No. 16-126](#)

[Fire Agencies First Responder Fees](#)

14.D- APPROVAL OF AGREEMENTS FOR CONTINUED STAFF AUGMENTATION FOR THE PUBLIC WORKS DEPARTMENT (Public Works Director)

The Agreements will provide for continuing the current Contract Senior Civil Engineer position filled by Steven Yee, adding a part-time Project Engineer, and adding an on-call GIS Specialist through the end of Fiscal Year 2016-17. Matt Valenzuela implemented a citywide GIS in San Ramon and his resume is attached. The consultants have the expertise necessary to fill these roles on an interim basis. City staff does not have the capacity to perform this work in-house at this time.

Recommendation:

Adopt a resolution approving three Agreements with Pakpour Consulting Group, Inc. for:

1. An Amendment to Agreement continuing the Contract Senior Civil Engineer position for the Public Works Department from January through June 2017 for a not-to-exceed cost of \$118,900;
2. A Consultant Agreement for an additional, part-time engineering position of Project Engineer for the Public Works Department from September 21, 2016 through June 2017 for a not-to-exceed cost of \$98,800; and
3. An Agreement for Master Professional Services for an on-call Geographic Information Systems (GIS) Specialist for the City from execution dates of Task Orders through June 2017 for a not-to-exceed cost of \$33,120 and authorizing the Interim City Manager to sign the Agreements on behalf of the City.

[Pakpour Agreement, Staff Report](#)

[Pakpour Agreement, Resolution](#)

[Pakpour Agreement, Amendment to Agreement](#)

[Pakpour Agreement, Proposal Civil Engineer Staff Augmentation](#)

[Pakpour Agreement, Contract for Project Engineer](#)

[Pakpour Agreement, Project Engineering Services](#)

[Master Professional Services Pakpour On-Call GIS, Consultant Agreement](#)

[Pakpour Agreement, GIS Specialist](#)

14.E- SECOND READING OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE BY REVISING SECTION 3.08.140 (PURCHASE CARD USAGE) TO REMOVE THE REFERENCE TO THE CAL-CARD PURCHASING CARD PROGRAM (Finance Director)

The City Council, in November 2015, awarded a contract to Wells Fargo Bank to provide banking and treasury services to the City. One of the banking services provided is purchase cards which will replace the current CAL-Card purchasing card program. The Wells Fargo purchase cards will provide improved reporting and payment capabilities. The proposed amendment to Section 3.08.140 of the Municipal Code will remove reference to the specific CAL-Card purchasing card program which will no longer be utilized.

Recommendation:

Conduct a second reading of a proposed ordinance to amend Chapter 3.08 (Purchasing Regulation) of Title 3 (Revenue and Finance) of the Benicia Municipal Code to revise section 3.08.140 (Purchase Card Usage) to remove the specific reference to the Cal-Card purchasing card program.

[PCards Second Reading, Staff Report](#)

[Credit Card Ordinance](#)

14.F- APPOINTMENT OF REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY AND TO THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) POOLED LIABILITY ASSURANCE NETWORK (PLAN) BOARDS (Interim City Manager)

The City is a member of the LAWCX JPA for excess workers' compensation insurance and also ABAG PLAN for liability insurance. As such, the City is required to have at least two representatives to each of these boards. With the upcoming departure of the Assistant City Manager, who is currently the primary representative on the LAWCX board and the

alternate for the ABAG PLAN board, it is recommended that new representatives be appointed for each board.

Recommendation:

Adopt the resolution changing the representatives to the Local Agency Workers' Compensation Excess (LAWCX) Joint Powers Authority (JPA) board and to the Association of Bay Area Governments (ABAG) Pooled Liability Assurance Network (PLAN) board.

[LAWCX and ABAG Representatives, Staff Report](#)

[ABAG and LAWCX Representatives, Resolution](#)

14.G- APPROVAL OF LETTER SUPPORTING LOCATING THE KC-46A PEGASUS AERIAL TANKER AT TRAVIS AIR FORCE BASE (Interim City Manager)

The City Council is being asked to approve the attached letter to the Secretary of the Air Force. The letter urges the Secretary to locate the KC-46A Pegasus aerial tanker at Travis Air Force Base.

Recommendation:

Approve, by motion, sending the attached letter to the Secretary of the Air Force.

[Letter Supporting Travis AFB, Staff Report](#)

[Letter of Support Travis AFB KC-46A](#)

15.BUSINESS ITEMS

15.A - 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 (Community Development Director)

On February 29, 2016, Valero Refining Company filed an appeal of the Planning Commission's unanimous decision to deny certification of the FEIR and to deny the Use Permit for the Valero Crude by Rail Project. The appeal was filed in accordance with Chapter 1.44 of the Benicia Municipal Code. The appeal states that the Planning Commission's decision was based on grounds either preempted by federal law, contrary to governing law and/or not supported by substantial evidence in the record. The Council heard presentations and took public comment on March 15th, April 4th, 6th, 18th and 19th. On April 19, 2016, the City Council closed the public comment and continued the hearing on the appeal of the Crude By Rail project in response to Valero's request and in anticipation of Valero filing with the Surface Transportation Board (STB). As of the writing of this report, the STB has not issued a Declaratory Order.

Recommendation: Since the Surface Transportation Board (STB) has not issued a Declaratory Order, it is recommended that the City Council consider the appeal of the

Planning Commission's denial to certify the Final Environmental Impact Report (FEIR) and the denial of the Valero Crude By Rail (CBR) Use Permit, and then consider the following actions:

- A. Deny the appeal and deny the Use Permit by adopting the draft Resolution; or
- B. Approve the project by:
 - i. Adopting the draft Resolution certifying the Final Environmental Impact Report (FEIR), adopting CEQA findings for the Project and adopt the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program and
 - ii. Upholding the appeal and adopting the draft Resolution approving the Use Permit for the Valero Crude by Rail Project, with the findings and conditions listed in the resolution; or
- C. 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
- D. Continue action on the project until the Surface Transportation Board issues a Declaratory Order on the project.

[Valero Crude By Rail Appeal, Staff Report](#)

[1 Draft Resolution FEIR](#)

[2 Exhibit A-1 Statement of Overriding Considerations](#)

[3 Exhibit B MMRP](#)

[4 Draft Resolution Use Permit , Project Approval](#)

[5 Draft Resolution Use Permit, Project Denial](#)

[6 Valero Submittal - Clarification and Rebuttal Cuffel 091316](#)

[7 Valero Benicia Sulfur Springs Setback Evaluation Memo](#)

[8 Hogin Memo STB Process](#)

[9 Valero's Petition to STB for Declaratory Order FILED May 31, 2016](#)

[10 City of Benicia STB Reply July 7, 2016](#)

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- ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

<http://www.abag.ca.gov>

(Vice Mayor Hughes and Council Member Strawbridge)

Next Meeting Date: TBA

[ABAG Committee, Staff Report](#)

16.B- ASSOCIATION OF BAY AREA GOVERNMENTS- CAL FED TASK FORCE, BAY AREA WATER FORUM

www.baywaterforum.org

(Mayor Patterson)

Next Meeting Date: TBA

[ABAG MTC, Committee Report](#)

16.C- FINANCE COMMITTEE

(Council Members Campbell and Strawbridge)

Next Meeting Date:

[Finance Committee, Staff Report](#)

16.D- LEAGUE OF CALIFORNIA CITIES

(Mayor Patterson and Vice Mayor Hughes)

Next Meeting Date: October 5, 2016

[League of California Cities, Staff Report](#)

16.E- MARIN CLEAN ENERGY

(Council Members Strawbridge and Schwartzman)

Next Meeting Date: September 29, 2016

[MCE Committee, Staff Meeting](#)

16.F- MAYOR'S COMMITTEE MEETING

(Mayor Patterson)

Next Meeting Date: September 21, 2016

[Mayors Committee, Staff Report](#)

[Mayors Committee Agenda](#)

16.G- SCHOOL LIAISON COMMITTEE

(Vice Mayor Hughes and Council Member Strawbridge)

Next Meeting Date: TBD

[School Board Liaison, Staff Report](#)

16.H- SKY VALLEY OPEN SPACE COMMITTEE

(Vice Mayor Hughes and Council Member Campbell)

Next Meeting Date: TBA

[Sky Valley Open Space Committee, Staff Report](#)

16.I- SOLANO EDC BOARD OF DIRECTORS

(Vice Mayor Hughes and Council Member Strawbridge)

Next Meeting Date: TBD

[Solano EDC, Staff Report](#)

[Solano EDC Agenda, Minutes](#)

16.J- SOLANO TRANSPORTATION AUTHORITY (STA)

(Mayor Patterson and Council Member Campbell)

Next Meeting Date: TBD

[STA, Staff Report](#)

[STA Board Agenda 09-14-16](#)

[STA Board Minutes 07-13-16](#)

16.K- SOLANO WATER AUTHORITY- SOLANO COUNTY WATER AGENCY AND DELTA COMMITTEE

(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell)

Next Meeting Date: October 13, 2016

[SCWA, Staff Report](#)

[SCWA, Agenda](#)

[SCWA, Minutes](#)

16.L- SOLTRANS JOINT POWERS AUTHORITY

(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell)

Next Meeting Date: October 20, 2016

[SoTrans Committee, Staff Report](#)

16.M- TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY COMMITTEE

(Vice Mayor Hughes and Council Member Strawbridge)

Next Meeting Date: October 20, 2016

[TPBS Committee, Staff Report](#)

[TPBS Agenda 8-18-16](#)

[TPBS Approved Minutes 1-21-16](#)

16.N- VALERO COMMUNITY ADVISORY PANEL

(Council Members Campbell and Schwartzman)

Next Meeting Date: TBD

[CAP, Staff Report](#)

16.O- YOUTH ACTION COALITION

(Vice Mayor Hughes and Council Member Strawbridge)

Next Meeting Date: September 28, 2016

[Youth Action Council, Staff Report](#)

17.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 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