



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Council Chamber, Benicia City Hall 250 East L Street
November 20, 2018
7:00 PM**

CALL TO ORDER (6:00 PM)

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. 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.

4. STUDY SESSION - PRIORITY BASED BUDGETING UPDATE

5. ANNOUNCEMENTS (7:00 PM)

6. PROCLAMATIONS

6.A - GIVE LOCAL SOLANO DAY

[Proclamation - Give Local Solano Day 2018](#)

7. APPOINTMENTS

7.A CITY COUNCIL APPOINTMENTS; SUBCOMMITTEE'S PREFERENCES BOARDS AND COMMISSIONS

Subcommittee's preference to the Mayor of Sandy Kirkpatrick for the Parks, Recreation and Cemetery Commission to fill a full term ending July 31, 2022.

Subcommittee's preference to the Mayor of Phyllis McKeever for the Housing Authority to fill a full term ending July 31, 2021.

Subcommittee's preference to the Mayor of Sharon Anderson for the Housing Authority to fill a full term ending July 31, 2021.

Subcommittee's preference to the Mayor of Suzanne Foley for the Open Government Commission to fill a partial term ending January 31, 2021.

Subcommittee's preference to the Mayor of Donna Feingold for the Human Services Board to fill a partial term ending July 31, 2020.

Additional Board and Commission Applicant's Names:

Jacky Crawford, Human Services Board

Lily Ploski, Human Services Board

Michael Munn, Human Services Board

Bobbi Kahn, Human Services Board

Cynthia Hewitt, Parks, Recreation and Cemetery Commission

[*Kirkpatrick, Sandy - Redacted Application Parks, Recreation & Cemetery Commission](#)

[*McKeever, Phyllis - Redacted Application Housing Authority](#)

[*Anderson, Sharon - Redacted Housing Authority](#)

[*Foley, Suzanne - Redacted Application Open Government Commission](#)

[*Feingold, Donna - Redacted Application Human Services Board](#)

[Crawford, Jacky - Redacted Application Human Services Board](#)

[Ploski, Lily - Redacted Application Human Services Board](#)

[Munn, Michael - Redacted Application Human Services Board](#)

[Kahn, Bobbi - Redacted Application Human Services Board](#)

[Hewitt, Cynthia - Redacted Application Parks, Recreation & Cemetery Commission](#)

8. PRESENTATIONS

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 - APPROVAL OF OCTOBER 20, 2018 CITY COUNCIL MEETING MINUTES

Approve the minutes.

[October 16, 2018 City Council Meeting Minutes](#)

13.B - EXTENSION OF URGENCY ORDINANCE NO. 18-01 PROHIBITING CONSTRUCTION OR PLACEMENT OF UNATTENDED DONATION BINS FOR CHARITY OR PROFIT WITHIN THE CITY OF BENICIA (Community Development Director)

At the January 16, 2018 City Council meeting, the Council adopted Urgency Ordinance No. 18-01 extending interim urgency Ordinance No. 17-15 prohibiting the construction or placement of unattended donation bins for charity or profit within the City. The proposed ordinance extending the moratorium maintains the status quo to allow more time for the City to finalize appropriate “content neutral” zoning regulations for unattended donation bins to protect community health, safety and general welfare in keeping with State and Federal law.

Recommendation:

Adopt the extended urgency ordinance to allow time for the City to consider appropriate zoning regulations. A four/fifths vote is required to adopt the ordinance.

[Staff Report - Donation Bins Moratorium Extension](#)

[1. Draft Ordinance - Donation Bins Moratorium Extension](#)

13.C - APPROVAL OF AGREEMENT WITH COASTLAND CIVIL ENGINEERING FOR DESIGN OF PARK ROAD IMPROVEMENT PROJECT

A Request for Proposal (RFP) for professional engineering design services was issued in July of 2018 and two firms responded by the due date of August 2018. After interviews and a thorough evaluation, Coastland Civil Engineering was selected based on their expertise for design of the Park Road Improvement Project.

Recommendation:

Adopt a resolution approving the agreement with Coastland Civil Engineering for professional engineering services for design of the Park Road Improvement Project for a not-to-exceed cost of \$395,308 and authorizing the City Manager to execute the agreement on behalf of the City.

[Staff Report - Approval of Agreement with Coastland](#)

[1. Resolution - Approval of Agreement with Coastland Engineering for Park Road Improvement Project](#)

[2. Agreement - Approval of Agreement with Coastland Engineering for Park Road Improvement Project](#)

13.D - ACCEPT DONATION OF KATRINA VAN MALE SCULPTURE TO THE BENICIA PUBLIC LIBRARY

The heirs of the estate of the late Benicia artist Katrina Van Male have offered to donate a statue by Van Male, according to the artist's wishes, to the Benicia Public Library, with the express desire that it be enjoyed by the children of Benicia. The City's Arts & Culture Commission has voted to accept the donated piece, which shows a female figure, hands palm to palm before her, with many small figures representing children incorporated into her garments, gathered around her feet, and tucked into compartments built into the base of the statue. The estate is also donating \$3,000 towards placement and installation of the piece.

Recommendation:

Adopt resolution to accept donation of the Katrina Van Male statue and its accompanying \$3,000 towards placement and installation of the piece in the Benicia Public Library.

[Staff Report - Katrina van Male Sculpture for Benicia Public Library](#)

[1. Letter of Agreement Redacted - Katrina Von Male Sculpture for Benicia Public Library](#)

[2. Resolution Accepting Donation of Katrina Van Male Sculpture for the Benicia Public Library](#)

13.E -NOTIFICATION OF EMERGENCY CORDELIA RAW WATER TRANSMISSION MAIN REPAIR (Public Works Director)

This is an information item only; no action is required. An emergency water line repair was necessary on the Cordelia Raw Water Transmission Main. This pipeline provides a reliable supply of raw

(untreated) water from the Solano Water Project (Lake Berryessa) to the City of Benicia's Water Treatment Plant for residential and industrial customers.

Recommendation:

Receive notification of recent emergency repair work that was authorized under BMC Section 3.09.050, "Emergency Contracting Procedures" whereby emergency work can be contracted without soliciting competitive bids. Ghilotti Construction, Inc. completed the repair of the water main in October 2018.

[Staff Report - Notification of Emergency Cordelia Raw Water Transmission Main Repair](#)

13.F - SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SUBSECTION C OF SECTION 4.20.010 (OPEN GOVERNMENT COMMISSION) OF CHAPTER 4.20 (OPEN GOVERNMENT COMMISSION) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE TO ALLOW MEETINGS AT LEAST TWICE ANNUALLY (City Attorney)

On October 16, 2018, an ordinance to allow the Open Government Commission to meet at least two times per year was introduced. In addition to these two meetings, special meetings and staffing the Farmers Market booth would continue.

Recommendation:

Conduct the second reading and adopt the ordinance to amend subsection C of Benicia Municipal Code 4.20.010.

[Staff Report - Open Government Meetings](#)

[1. Ordinance - Open Government Meetings](#)

13.G - ACCEPTANCE OF THE FIRE STATION 11 EMERGENCY GENERATOR PROJECT (Public Works Director)

On March 6, 2018 City Council adopted Resolution No. 18-21 approving the replacement of the emergency generator at Fire Station 11. The generator provides back up power for the city Emergency Operations Center (EOC) located at Fire Station 11. The project was completed in July 2018 and is ready to be accepted as complete.

Recommendation:

Adopt a resolution accepting the Fire Station Emergency Generator Project as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file the Notice of Completion with the Solano County Recorder.

[Staff Report-Acceptance of Fire 11 Generator Project](#)

[1. Resolution 18-21](#)

[2. Proposed Resolution - Acceptance of Fire Station 11 Generator Project](#)

[3. Notice of Completion - Acceptance of Fire Station 11 Generator Project](#)

13.H - SECOND READING AND ADOPTION OF AMENDMENTS TO REHEARING PROVISIONS OF BMC CHAPTER 1.44 AND COUNCIL RULES OF PROCEDURE

On July 17, 2018, the City Council directed staff to propose an amendment to the procedures which allowed an item that the Council considered on June 19th to return to the Council for a rehearing on July 17th. The rehearing request highlighted existing ordinance provisions that allow anyone, including a Council member, to request a rehearing of a Council decision. On October 2, 2018, the City Council introduced the revised ordinance to amend Benicia Municipal Code Chapter 1.44 and incorporate the changes into the Council Rules of Procedure.

Recommendation:

Conduct a second reading and adopt the ordinance to amend Benicia Municipal Code Chapter 1.44 and incorporate the changes into the Council Rules of Procedure.

[Staff Report - Rehearing Ordinance-2nd read](#)

[1. Ordinance - Rehearing](#)

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

14. BUSINESS ITEMS

14.A - UPDATE AND REPORT TO CITY COUNCIL ON VALERO'S PROGRESS TOWARDS INSTALLATION OF AIR MONITORING EQUIPMENT AND RELATED ITEMS INCLUDED IN THE JUNE 19, 2018 CITY COUNCIL MOTION (Fire Chief)

At the June 19, 2018 City Council meeting, Council deliberated the request to discuss adopting an Industrial Safety Ordinance (ISO). After lengthy discussion and public comment, a motion was passed to;

1. Direct Staff to monitor Solano County's implementation of Program 4.
2. Direct Staff to meet with Valero and the appropriate regulatory agencies to address the few gaps that exist between Contra Costa County's ISO and Program 4 including more effective and frequent communications with the City, Valero, and the community.
3. Require Valero to have fence line monitors installed within 6 months while continuing to negotiate community monitoring.
4. Develop an evacuation plan.
5. Have a report back at the first City Council meeting in November.

This item serves as the report back to Council.

Recommendation:

Receive report on the progress to date and, if desired, give further direction.

[Staff Report - Valero Update](#)

[1. Solano Cal ARP Inspection Summary Report](#)

[2. Emergency Alert System PPT](#)

[3. City and Valero EOC Coordination PPT](#)

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

(Council Members serve on various internal and external committees on behalf of the City. Current agenda, 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.)

[Council Member Committee Reports](#)

16. ADJOURNMENT (10:00 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