



**BENICIA CITY COUNCIL  
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall 250 East L. Street  
September 3, 2019  
6:00 PM**

**Call To Order (6:00 P.M.)**

**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 - Discussion Of Priority Development Areas / Production Development Areas**

**5. Announcements (7:00 P.M.)**

**5.A - 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 to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

**5.B - OPENINGS ON BOARDS AND COMMISSIONS**

- Building Board of Appeals  
1 Full Term, Expiring July 31, 2023
  
- Economic Development Board

2 Full Terms, Expiring July 31, 2023

- Library Board of Trustees  
3 Full Terms, Expiring July 31, 2022
  
- Community Sustainability Commission  
3 Full Terms, Expiring July 31, 2023  
1 Student Term, Expiring July 31, 2020
  
- Open Government Commission  
1 Partial Term, Expiring July 31, 2021

## **6. Proclamations**

### **6.A - NATIONAL PREPAREDNESS MONTH**

[Proclamation - National Preparedness Month](#)

### **6.B - INTERNATIONAL LITERACY DAY**

[Proclamation - International Literacy Day](#)

### **6.C - WORLD DUCHENNE AWARENESS DAY**

[Proclamation - World Duchenne Awareness Day](#)

## **7. Appointments**

None

## **8. Presentations**

### **8.A - DEEP GREEN PRESENTATION BY 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 - AUGUST 20, 2019 CITY COUNCIL MINUTES (City Clerk)**

Approve minutes.

[August 20 2019 City Council Meeting Minutes](#)

#### **13.B - DENIAL OF THE CLAIM AGAINST THE CITY BY BRIAN COURTNEY AND REFERRAL TO INSURANCE CARRIER (City Attorney)**

The claimant alleges that his car was damaged when his car drove over a water main cap that was sticking up.

Recommendation:

Deny the claim against the City by Brian Courtney and refer to insurance carrier.

[Staff Report - Courtney Claim](#)

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

#### **13.C - SECOND READING AND ADOPTION OF AN ORDINANCE TO REPEAL AND REPLACE THE BENICIA MUNICIPAL CODE CHAPTER 5.52 MASSAGE (Police Chief)**

The proposed ordinance will repeal and replace Chapter 5.52 of the Benicia Municipal Code (Massage) to increase the operating requirements for massage businesses in the City of Benicia, as well as require California Massage Therapy Council certification for all employees performing massage in the City of Benicia. The purpose and intent of these changes are to protect the public health, safety and welfare by providing the orderly regulation of businesses providing massage therapy services by discouraging prostitution and related illegal activities carried on under the guise of massage therapy. The Council introduced this ordinance on August 20, 2019. This action will adopt the ordinance.

Recommendation:

Adopt the ordinance to repeal and replace Chapter 5.52 of the Benicia Municipal Code to enhance the enforcement of criminal statutes relating to the illegal conduct of operators and employees of massage businesses.

[Staff Report - Massage Ordinance Second Reading](#)

[1. Massage Ordinance](#)

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

**14. Business Items**

**14.A - INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 17.84 OF THE BENICIA MUNICIPAL CODE PERTAINING TO RETAIL CANNABIS OPERATIONS (PUBLIC HEARING); AND DISCUSSION OF POSSIBLE REVISIONS PERTAINING TO CANNABIS DELIVERY AND MICROBUSINESS USES (Interim Community Development Director)**

The proposed project would amend Benicia Municipal Code Chapter 17.84 (Cannabis) to reduce the number of permitted cannabis retailers from two (2) to one (1), amend and add certain definitions, and change the permissible locations of cannabis retailers for which applications have not yet been received (see Attachment 1). The Planning Commission conducted a public hearing on August 14, 2019 and recommended against adoption of the proposed ordinance (5-0).

In addition to a hearing on the draft amendments for cannabis retail operations, the City Council is asked to provide feedback and direction on potential future revisions to the Cannabis Ordinance. Such revisions, as recommended by a consensus of the Planning Commission on August 14, 2019, include:

- Establish a license classification for delivery-only retail operations.
- Remove the limitation on the number of cannabis microbusinesses.
- Limit the location of delivery-only and microbusiness uses to the Industrial Districts within the Benicia Industrial Park, north of Interstate Highway 780.
- Clarify the applicability of the 600-foot buffer requirement for sensitive adjacent land uses to account for physical barriers to access, such as a freeway.

Recommendation:

1.a. Move to waive the first reading and introduce an ordinance of the City Council amending Chapter 17.84 (Cannabis Regulations) of the Benicia Municipal Code and find the ordinance exempt under the California Environmental Quality Act.

OR

1.b. Approve the Planning Commission's recommendation against adoption of an ordinance amending the Benicia Municipal Code to prohibit retail cannabis businesses and do not introduce an ordinance of the City Council amending Chapter 17.84 (Cannabis Regulations) of the Benicia Municipal Code (BMC).

2. Discuss and provide direction to staff on additional amendments to the BMC regarding cannabis delivery-only operations and additional cannabis microbusiness uses, including limitations on the locations where such uses may be located, and clarifying application of buffer requirements when the buffer is bisected by a physical barrier, such as a freeway.

[Staff Report - Cannabis Retail Amendments](#)

[1. Draft Ordinance - Cannabis Retail Amendments](#)

[2. Excerpt Council Minutes, May 7, 2019](#)

[3. Excerpt Council Minutes, May 21, 2019](#)

[4. Planning Commission Minutes, June 5, 2019](#)

[5. Excerpt Council Minutes, June 18, 2019](#)

[6. Planning Commission Draft Minutes, August 14, 2019](#)

[7. Buffer for Commercial Properties](#)

**14.B - TWO-STEP REQUEST FOR CLIMATE EMERGENCY RESOLUTION (City Manager)**

Mayor Patterson submitted a two-step process request for Council's consideration of adopting the Climate Emergency Resolution (Attachment 1). Cities are adopting this resolution to mobilize cities to end city-wide greenhouse gas emissions. A draft City of Benicia Climate Emergency Resolution is included as Attachment 2.

Recommendation:

Discuss the request and provide direction to staff.

[Staff Report - Climate Emergency Resolution](#)

[1. Two-Step Request, Mayor Patterson](#)

[2. Draft City of Benicia Climate Emergency Resolution](#)

**15. Adjournment (11:00 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 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: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213