



**BENICIA CITY COUNCIL  
CITY COUNCIL SPECIAL & REGULAR MEETING AGENDA**

**Videoconferencing Meeting  
November 16, 2021  
6:00 PM**

**Coronavirus (Covid-19) Advisory Notice**

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, the meeting will not be physically open to the public. Members of the City Council and staff will participate in this meeting via videoconferencing as permitted under Government Code section 54953(e).

As always, the public may submit public comments in advance and may view the meeting from home. Below is information on how to watch the meeting via cable and/or live stream and how to send in public comments that will be part of the public record.

**How to Watch the Meeting:**

- 1) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 2) Livestream online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).
- 3) Zoom Meeting (link below)

**How to Submit Public Comments for this videoconferencing meeting:**

Members of the public may provide public comments to the City Clerk by email at [lwolfe@ci.benicia.ca.us](mailto:lwolfe@ci.benicia.ca.us). Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.
- Comments received after 2:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council, but will not be posted on the City's website, and will not be read into the record.

- Comments received after the start time of the meeting, but prior to the close of the public comment period for an item will be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Mayor's discretion.

Additionally, the public may view and provide public comment via Zoom (via computer or phone) link: <https://us02web.zoom.us/j/87278625949?pwd=dTBUS25jRkJsWFJzKzA1U3dhUGJJdz09>

- If prompted for a password, enter 614863.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one.

- 1 669 900 9128
- 1 346 248 7799
- 1 253 215 8782
- 1 646 558 8656
- 1 301 715 8592
- 1 312 626 6799

- Enter the meeting ID number: 872 7862 5949 \*please note this is an updated ID number\*.
- Enter password: 614863
- When prompted for a Participant ID, press #.
- Press \*9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

Any member of the public who needs accommodations should email City Clerk Lisa Wolfe at [lwolfe@ci.benicia.ca.us](mailto:lwolfe@ci.benicia.ca.us), who will use her best efforts to provide as much accessibility as possible while also maintaining public safety.

**1. Call Special Meeting To Order (5:30 P.M.)**

**2. Convene Open Session**

**3. Roll Call**

**4. Reference To The Fundamental Rights Of The Public**

The fundamental rights of each member of the public can be found in the municipal code posted on the City’s website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**5. Adjourn To Closed Session**

**5.A - CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (1) of subdivision (e) of Section 54956.9: (One potential case)**

**6. Reconvene Open Session**

**7. Announcement From Closed Session, If Any**

**8. Adjournment Of Special Meeting And Call Regular Meeting To Order (6:00 P.M.)**

**9. Roll Call**

**10. Pledge Of Allegiance**

**11. Reference To The Fundamental Rights Of The Public**

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**12. Announcements**

**12.A - MAYOR'S OFFICE HOURS**

Mayor Young will maintain an open office on the first and third Mondays of the month (except holidays) in the Mayor's office of City Hall from 4:30 to 6:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

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

- Building Code Board of Appeals  
1 Full Term, Expiring July 31, 2025
- Historic Preservation Review Commission  
2 Full Terms, Expiring July 31, 2025
- Human Services Board  
1 Full Term, Expiring July 31, 2025
- Planning Commission  
1 Partial Term, Expiring January 31, 2022

- Sky Valley Open Space Committee  
1 Full Term, Expiring January 31, 2023

### **13. Proclamations**

None

### **14. Appointments**

#### **14.A - MAYOR'S APPOINTMENTS TO REGIONAL 2X2 HOMELESS COMMITTEE (City Manager)**

The Regional 2x2 Homeless Committee was formed in May of 2021 and was originally made up of two representatives each from the cities of Fairfield, Vacaville, and Suisun City. Since then, the City of Vallejo and Solano County have joined the committee. This multi-jurisdictional committee was formed to address regional homeless issues in Solano County. The City of Benicia has been asked to also join and appoint two Council members to the committee.

Recommendation:

Move to adopt the resolution (Attachment 1) confirming the Mayor's appointment of Council Member Lionel Largaespada and Council Member Trevor Macenski as the City's representatives on the Regional 2x2 Homeless Committee.

[Staff Report - Appointments to Regional 2x2 Homeless Committee](#)

[1. Resolution - Appointments to Regional 2x2 Homeless Committee](#)

#### **14.B - CITY COUNCIL APPOINTMENTS; SUBCOMMITTEE'S PREFERENCES FOR BOARDS AND COMMISSIONS**

Subcommittee's preference to the Mayor of Amira Barger, appointment to the Committee United for Racial Equity (CURE) for a full term ending June 30, 2023, unless otherwise extended by Council action.

Subcommittee's preference to the Mayor of Andre Stewart, appointment to the Committee United for Racial Equity (CURE) for a full term ending June 30, 2023, unless otherwise extended by Council action.

Subcommittee's preference to the Mayor of Gigi Villanueva, appointment to the Committee United for Racial Equity (CURE) for a full term ending June 30, 2023, unless otherwise extended by Council action.

Subcommittee's preference to the Mayor of Jorge Castaneda, appointment to the Committee United for Racial Equity (CURE) for a full term ending June 30, 2023, unless otherwise extended by Council action.

Subcommittee's preference to the Mayor of Nimat Grantham, appointment to the Committee United for Racial Equity (CURE) for a full term ending June 30, 2023, unless otherwise extended by Council action.

Subcommittee's preference to the Mayor of Kevin Denton, appointment to the Economic Development Board for a full term ending July 31, 2025.

Subcommittee's preference to the Mayor of Toni Haughey, appointment to the Historic Preservation Review Commission for a full term ending July 31, 2025.

Subcommittee's preference to the Mayor of Brandon Marshall, appointment to the Historic Preservation Review Commission for a full term ending July 31, 2025.

Subcommittee's preference to the Mayor of Raj Dhaliwal, appointment to the Human Services Board for a full term ending July 31, 2025.

Additional Boards and Commissions Applicants:

Sam Fox, Committee United for Racial Equity (CURE)

Rami Muth, Committee United for Racial Equity (CURE)

Brandon Greene, Committee United for Racial Equity (CURE)

Henry Sun, Committee United for Racial Equity (CURE)

Kashanna Harmon Lee, Committee United for Racial Equity (CURE)

Steve McKee, Historic Preservation Review Commission

Britt Schlosshardt, Historic Preservation Review Commission

Jarrold Slate, Planning Commission

[Barger, Amira, Redacted](#)

[Stewart, Andre, Redacted](#)

[Villanueva, Gigi, Redacted](#)

[Castaneda, Jorge, Redacted](#)

[Grantham, Nimat, Redacted](#)

[Denton, Kevin, Redacted](#)

[Haughey, Toni, Redacted](#)

[Marshall, Brandon, Redacted](#)

[Dhaliwal, Raj, Redacted](#)

[Fox, Sam, Redacted](#)

[Muth, Rami, Redacted](#)

[Greene, Brandon, Redacted](#)

[Sun, Henry, Redacted](#)

[Harmon Lee, Kashanna, Redacted](#)

[McKee, Steve, Redacted](#)

[Schlosshardt, Britt, Redacted](#)

[Slate, Jarrod, Redacted](#)

## **15. Presentations**

### **15.A - POLICE DEPARTMENT ANNUAL REPORT**

## **16. Adoption Of The Agenda**

## **17. Opportunity For Public Comments**

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## **18. Written Comment**

## **19. Public Comment**

## **20. 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.

### **20.A - APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 2, 2021 REGULAR MEETING (City Clerk)**

Recommendation:

Approve the minutes.

[November 2, 2021 City Council Meeting Minutes](#)

### **20.B - APPROVAL OF FINANCIAL MANAGEMENT AND REPORTING CHANGES FOR CAPITAL IMPROVEMENT PROJECTS (Finance Director)**

The City is continuing the ongoing transition to financial best practices. Some of the major cost centers for any municipality are the capital project budgets. It is imperative that a municipality have a financial structure that allows the Finance Department and operating departments (usually Public Works) to accurately track, analyze, and manage the capital projects. City staff has, through significant staff hours, managed capital projects through an ineffective financial structure. The requested actions are to change the capital project financial structure to meet municipal best practices. This process was developed in coordination with the Public Works Department. This change in financial process will greatly improve the Finance and Public Works Departments' ability to manage the City's capital projects.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the following:

1. The necessary budget amendments to allow for a change in financial management and reporting of Capital Improvement Projects (CIP) to align with municipal best practices; and
2. The delegation of authority to the City Manager to approve all necessary budget amendments to reduce the budget in the Organization and Objects in which the capital projects were formally budgeted.

[Staff Report - CIP Financial Reporting Changes](#)

[1. Resolution - CIP Financial Reporting Changes](#)

#### **20.C - APPROVAL OF WATERSMART AGREEMENT (Public Works Director)**

WaterSmart software is an effective water conservation tool that provides customer engagement and data analytics regarding water usage. This action seeks to approve a new five-year agreement with WaterSmart Software, Inc. that includes a web and mobile customer portal for interactive and personalized online data for customers to access, utility analytics software for City staff to utilize, customized Home Water Reports, and leak alert and high use notifications.

Recommendation:

Move to adopt a resolution (Attachment 1) approving a five-year agreement (Attachment 2) with WaterSmart Software, Inc. to continue the WaterSmart program from 2022 through 2026 for a total cost of \$239,500 and authorizing the City Manager to sign the agreement on behalf of the City.

[Staff Report - Approval of WaterSmart Agreement](#)

[1. Resolution - Approval of WaterSmart Agreement](#)

[2. Agreement - Approval of WaterSmart Agreement](#)

#### **20.D - SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING LANGUAGE IN BENICIA MUNICIPAL CODE CHAPTERS 13.12 AND 13.52 REGARDING WATER AND WASTEWATER RATES (Public Works Director)**

The City Council introduced the attached ordinance on November 2, 2021, which includes amendments to language in the water and wastewater chapters of the Benicia Municipal Code. The amendments are clean up changes and do not affect water or wastewater rates. The changes delete outdated sections and clarify language for customers' better understanding.

Recommendation:

Move to adopt the ordinance (Attachment 1) of the City Council to amend Sections 13.12.010 (General Water Service Rates) and 13.52.030 (General Sewerage Service) of the Benicia Municipal Code and finding the ordinance exempt under the California Environmental Quality Act.



[Staff Report - Second Reading of Ordinance Water and Wastewater Chapters](#)

[1. Ordinance - Amending Language in Water and Wastewater Chapters of the Benicia Municipal Code](#)

**20.E - AUTHORIZATION OF CONTINUATION OF VIRTUAL MEETINGS (City Attorney)**

The State recently enacted AB 361, amending the Brown Act. AB 361 allows the City to continue with virtual meetings, as long as certain findings are made that in-person meetings would present an imminent risk to the health and safety of attendees. On October 5, 2021, the City Council adopted Resolution 21-127 with necessary findings to maintain virtual meetings. State legislation requires that local jurisdictions adopt a resolution every thirty days to affirm such findings in order to continue virtual meetings for all its legislative bodies. During the state of emergency, this item will be presented to Council at least every thirty days.

Recommendation:

Move to adopt the resolution (Attachment 1), affirming the findings that current conditions authorize virtual (teleconference) public meetings, and authorizing the City's legislative bodies to conduct virtual meetings.

[Staff Report - Authorization of Continuation of Virtual Meetings](#)

[1. Resolution - Authorization of Continuation of Virtual Meetings](#)

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

**21. Business Items**

**21.A - UPDATE ON FACE COVERINGS MANDATE AND THE CONTINUATION OF VIRTUAL MEETINGS AND CONSIDER RESCINDING OR MODIFYING RESOLUTION NO. 21-88 (City Manager)**

On August 24, 2021, Council passed Resolution No. 21-88, requiring face coverings be worn in all indoor public settings in the City. The resolution ordered that the item return for review after six weeks and, additionally, when the City is not in the substantial or high transmission of COVID-19, as defined by the Centers for Disease Control (CDC), for a thirty-day period.

On September 21, 2021, Council discussed protocols for City Council Chambers and directed staff to continue with virtual meetings with the same review requirements as the face covering mandate.

At the October 19th, 2021 City Council meeting, Council directed staff to bring back the face covering mandate, as well as the continuation of virtual meetings, for further Council review and discussion.

Recommendation:

Receive the update and provide direction to staff regarding the face covering mandate, as well as the continuation of virtual meetings for the City's legislative bodies.

[Staff Report - Update on Face Coverings Mandate and Continuation of Virtual Meetings](#)

[1. Resolution No. 21-88](#)

[2. Contra Costa County Health Officer Order HO-COVID19-59](#)

[3. County of Marin News Release - Indoor Face Covering Mandate to Lift in Public Places](#)

[4. Solano County COVID-19 Dashboard](#)

**21.B - HOLD PUBLIC HEARING, CONSIDER AND COUNT PROTESTS, AND CONSIDER ADOPTION OF RESOLUTION ADOPTING FINAL DRAFT WATER AND WASTEWATER RATE STUDY AND AMENDING MASTER FEE SCHEDULE TO SET WATER SERVICE RATES, WATER SHORTAGE CONTINGENCY RATE SURCHARGES, AND WASTEWATER SERVICE RATES (Public Works Director)**

The City of Benicia is proposing to gradually increase its water and wastewater rates over the next five years to provide adequate funding for operating and maintenance expenses, and the most critical capital improvements needed to support safe and reliable water and wastewater service.

On November 16, 2021, Benicia City Council will hold a public hearing to consider adoption of the updated water and wastewater rate schedules, updated rate methodologies, and proposed water shortage contingency rate surcharges. The notice of public hearing was mailed to customers on September 13, 2021. As stated in the notice, if customers wish to protest the proposed rate increases, they have the opportunity to do so, in writing, prior to the close of the public hearing on November 16, 2021. A final count of written protests will be determined after the close of the public hearing and reported verbally.

Recommendation:

Conduct a public hearing and move to adopt the resolution (Attachment 1) adopting the Final Draft Water and Wastewater Rate Study (Attachment 2) and authorizing the amendment of the Master Fee Schedule setting water service rates, water shortage contingency rate surcharges, and wastewater service rates.

[Staff Report - Public Hearing Water and Wastewater Rates](#)

[1. Resolution - Adopting Water and Wastewater Rates](#)

[2. Final Draft Water and Wastewater Rate Study](#)

[3. Prop 218 Notice of Public Hearing](#)

[4. Declaration of Prop 218 Process](#)

## **21.C - MODIFICATION OF EXISTING UTILITY DISCOUNT PROGRAM (Public Works Director)**

The City has a Utility Discount Program that provides financial support from the General Fund to qualifying low-income customers. Currently, qualifying residential customers can receive a \$19.20 discount on water bills. Residents of Casa de Vilarrasa senior apartments receive a 50% reduction of bimonthly wastewater bills. This action proposes increasing the discounts for qualifying customers' water bills and restating the City's intention to continue the wastewater bill discount for Casa de Vilarrasa residents.

Recommendation:

Move to adopt a resolution (Attachment 1) approving modifications to the Utility Discount Program as follows:

- 1) Increasing the low-income water discount for qualifying low-income residential customers from \$19.20 per bimonthly bill to \$34 per bimonthly bill in 2022, \$36 per bimonthly bill in 2023, \$38 per bimonthly bill in 2024, \$40 per bimonthly bill in 2025, and \$42 per bimonthly bill in 2026, paid for by the General Fund; and
- 2) Continuing the current low-income wastewater discount of 50% off the fixed wastewater service charge for Casa de Vilarrasa residents, for calendar years 2022 through 2026, paid for by the General Fund.

[Staff Report - Modify Utility Discount Program](#)

[1. Resolution - Modify Utility Discount Program](#)

## **22. 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.)

### **22.A - COUNCIL MEMBER COMMITTEE REPORTS**

[Committee Reports](#)

## **23. Adjournment Of Regular Meeting (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 Kim Imboden, 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 Young: 707-746-4213

Vice Mayor Campbell: 707-746-4213

Council Member Strawbridge: 707-746-4213

Council Member Largaespada: 707-746-4213

Council Member Macenski: 707-746-4213