



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall, 250 East L Street
April 21, 2020
7:00 PM**

Coronavirus (Covid-19) Advisory Notice

The Solano County Public Health Department has advised that non-essential gatherings should be canceled, postponed, or done remotely. Additional information is available at <http://www.solanocounty.com/depts/ph/ncov.asp>.

This meeting is necessary so that the City can continue to conduct its business and is considered an essential gathering. Consistent with Executive Orders No. 25-20 and No. 29-20 from the Executive Department of the State of California, 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 Executive Orders No. 25-20 and No. 29-20.

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 on Channel 27
- 2) Livestream online at www.ci.benicia.ca.us/agendas.

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. Any comment submitted to the City Clerk should indicate what item of the agenda the comment relates to. Comments received by 3:00 pm will be electronically forwarded to the City Council and posted on the City's website. Comments received after 3:00 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. 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. All comments should be limited to a

maximum of 750 words, which corresponds to approximately 5 minutes of speaking time. If a comment is received after the agenda item is heard, but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

Additionally, the public may provide live public comment via Zoom on a particular agenda item during the public comment period for that item by calling into the number listed below and entering the Meeting ID number and password. After dialing in, you will automatically be placed on hold until the moderator releases your call to provide public comment. Your comments will be limited to 5 minutes. After you have made your comments the host will mute your audio.

Call in Number to Provide Public Comment via Zoom: 1-669-900-9128
Meeting ID: 931 5291 7520
Password: 347344

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

Call To Order

1. Convene Open Session (7:00 P.M.)

2. Roll Call

3. Pledge Of Allegiance

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. Announcements

5.A - OPENINGS ON BOARDS AND COMMISSIONS

- Arts & Culture Commission
1 Full Term, Expiring January 31, 2024
- Community Sustainability Commission
1 Partial Term, Expiring July 31, 2021
1 Partial Term, Expiring January 31, 2022
1 Full Term, Expiring January 31, 2023
1 Full Term, Expiring July 31, 2023

- Historic Preservation Review Commission
2 Full Terms, Expiring January 31, 2024
- Housing Authority Board
2 Full Terms, Expiring January 31, 2024
- Library Board of Trustees
1 Full Term, Expiring July 31, 2022
- Planning Commission
3 Full Terms, Expiring January 31, 2024
- Sky Valley Open Space Committee
2 Full Terms, Expiring January 31, 2024
- Open Government Commission
1 Full Term, Expiring January 31, 2024

6. Proclamations

None

7. Appointments

7.A - MAYOR'S REAPPOINTMENT OF SUSAN GARSKE TO THE ARTS AND CULTURE COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

[1. Resolution - Garske](#)

7.B - MAYOR'S REAPPOINTMENT OF MARY EICHBAUER TO THE LIBRARY BOARD OF TRUSTEES FOR A FULL TERM ENDING JULY 31, 2022

[1. Resolution - Eichbauer](#)

7.C - MAYOR'S REAPPOINTMENT OF TREVOR MACENSKI TO THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

[1. Resolution - Macenski](#)

7.D - MAYOR'S REAPPOINTMENT OF DAINA DRAVNIKS-APPLE TO THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

[1. Resolution - Dravnieks-Apple](#)

8. Presentations

None

9. Adoption Of Agenda

10. Opportunity For Public Comments

Members of the public may provide public comments to the City Clerk by email at lwolfe@ci.benicia.ca.us. Any comment submitted to the City Clerk should indicate what item of the agenda the comment relates to. Comments received by 3:00 pm will be electronically forwarded to the City Council and posted on the City’s website. Comments received after 3:00 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. 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. All comments should be limited to a maximum of 750 words, which corresponds to approximately 5 minutes of speaking time. If a comment is received after the agenda item is heard, but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

Additionally, the public may provide live public comment via Zoom on a particular agenda item during the public comment period for that item by calling into the number listed below and entering the Meeting ID number and password. After dialing in, you will automatically be placed on hold until the moderator releases your call to provide public comment. Your comments will be limited to 5 minutes. After you have made your comments the host will mute your audio.

Call in Number to Provide Public Comment via Zoom: 1-669-900-9128
Meeting ID: 931 5291 7520
Password: 347344

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 CITY COUNCIL MINUTES FROM APRIL 7, 2020 (City Clerk)

Recommendation:
Approve the minutes.

[April 7, 2020 City Council Meeting Minutes](#)

13.B - APPROVAL OF TASK ORDER NO. 4 WITH CULLEN-SHERRY & ASSOCIATES, INC. FOR DREDGE ENGINEERING SERVICES OF THE BENICIA MARINA (Public Works Director)

The proposed Task Order No. 4 of the Master Professional Agreement with Cullen-Sherry & Associates, Inc. will provide for the project management and engineering support for the annual dredging of the Benicia Marina as required by State and Federal regulatory agencies.

Recommendation:

Move to adopt a resolution (Attachment 1) approving Task Order No. 4 (Attachment 2) of the Master Professional Agreement dated November 1, 2019, for dredge engineering services related to the Benicia Marina with Cullen-Sherry & Associates, Inc. for a not-to-exceed cost of \$38,800 and authorizing the City Manager to sign the Task Order on behalf of the City.

[Staff Report - Dredge Engineering Services of the Benicia Marina](#)

[1. Resolution - Dredge Engineering Services of the Benicia Marina](#)

[2. Task Order No. 4 with Cullen-Sherry & Associates, Inc.](#)

13.C - APPROVAL OF PAYMENT OF EMERGENCY PUMP STATION 3 ELECTRICAL SYSTEM REPAIRS (Public Works Director)

On August 14, 2019, an electrical/mechanical fault occurred at Pump Station 3 (PS3), reducing the City's ability to provide treated water to customers. Under the advisement of Public Works Department staff, the City Manager declared a contracting emergency on August 14, 2019. On January 29, 2020, PS3 was returned to full functionality.

Recommendation:

Move to adopt the proposed resolution (Attachment 1) ratifying the City Manager's declaration of the existence of a contracting emergency due to Pump Station 3 failure and terminating the emergency action now that emergency repairs are complete, as well as approving a budget adjustment in the amount of \$73,376 to cover a portion of the cost paid from Account No. 7508020-7050.

[Staff Report - Approval of Payment of Emergency Pump Station 3 Electrical System Repairs](#)

[1. Resolution - Approval of Payment of Emergency Pump Station 3 Electrical System Repairs](#)

13.D - SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES) AND 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) REGARDING POLITICAL ACTION COMMITTEES (City Attorney)

On April 7, 2020, the Benicia City Council considered amendments to the Benicia Municipal Code ("BMC") Chapters 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of

Contributions and Expenditures in Candidate and Ballot Measure Elections) regarding Political Action Committees, including advertising disclosure requirements for committees and optional participation in the City's Voluntary Code of Fair Campaign Practices. At this meeting, the City Council waived the first reading, read the proposed ordinance by title only, and referred the ordinance to second reading for adoption.

Recommendation:

Move to adopt the ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapters 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and finding the ordinance exempt under the California Environmental Quality Act.

[Staff Report - Amendments to Campaign Regulations Regarding Political Action Committees](#)

[1. Ordinance - Amendments to Campaign Regulations Regarding Political Action Committees](#)

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

14. Business Items

14.A - 2020 WATER AND WASTEWATER UTILITIES UPDATE (Public Works Director)

In 2016, the City Council adopted water and wastewater rates for Fiscal Years (FY) 16/17 through 20/21 based on a five-year rate study completed by consulting firm NBS. In 2019, NBS was hired to assist City staff review the projections made in the 2016 rate study to better understand if the current rate structure is helping each utility achieve its intended goals. The results show the following: the water enterprise fund is solvent and has minimal capacity for reinvestment and maintenance projects; the wastewater enterprise fund was stunted by lower than expected revenues, is barely solvent, and will likely need to be reassessed. This report provides more detail on the status of the two utilities.

Recommendation:

Receive the water and wastewater utilities financial update report as requested. Staff is not recommending action by City Council.

[Staff Report - Water and Wastewater Utilities Update](#)

[1. City Council Resolution No. 16-117](#)

[2. Water and Wastewater True-Up Analysis - Prepared by NBS April 13, 2020](#)

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](#)

16. Adjournment (10:00 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 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: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR’S REAPPOINTMENT OF SUSAN GARSKE TO THE
ARTS AND CULTURE COMMISSION FOR A FULL TERM ENDING JANUARY 31,
2024**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Susan Garske to the Arts and Culture Commission by Mayor Patterson is hereby confirmed.

* * * * *

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR’S REAPPOINTMENT OF MARY EICHBAUER TO THE
LIBRARY BOARD OF TRUSTEES FOR A FULL TERM ENDING JULY 31, 2022**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Mary Eichbauer to the Library Board of Trustees by Mayor Patterson is hereby confirmed.

* * * * *

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR’S REAPPOINTMENT OF TREVOR MACENSKI TO
THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Trevor Macenski to the Planning Commission by Mayor Patterson is hereby confirmed.

* * * * *

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S REAPPOINTMENT OF DAINA DRAVNIIEKS-APPLE
TO THE PLANNING COMMISSION FOR A FULL TERM ENDING JANUARY 31,
2024**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Daina Dravnieks-Apple to the Planning Commission by Mayor Patterson is hereby confirmed.

* * * * *

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

DRAFT

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
APRIL 7, 2020
7:00 PM

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape. These are action minutes; a full video is available online at www.ci.benicia.ca.us/agendas.

CORONAVIRUS (COVID-19) ADVISORY NOTICE

CALL TO ORDER

Mayor Patterson called the meeting to order at 7:00 p.m.

1) **CONVENE OPEN SESSION (7:00 P.M.)**

2) **ROLL CALL**

All Council Members were present.

3) **PLEDGE OF ALLEGIANCE**

4) **REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC**

5) **ANNOUNCEMENTS**

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

6) **PROCLAMATIONS**

7) **APPOINTMENTS**

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

Garske, Susan, Redacted 
Eichbauer, Mary, Redacted 
Dravnieks-Apple, Daina, Redacted 
Macenski, Trevor, Redacted 
Stanton, Thomas, Redacted 
Emes Jr., Will, Redacted 

8) **PRESENTATIONS**

DRAFT

9) ADOPTION OF AGENDA

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved the Adoption of the Agenda, as presented, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

10) OPPORTUNITY FOR PUBLIC COMMENTS

11) WRITTEN COMMENT

Five items received (copies on file).

12) PUBLIC COMMENT

1. Council Member Campbell discussed the possibility of giving citizens some amount of Downtown Dollars to help with the downtown economy.
2. Vice Mayor Strawbridge stated she was happy Solano County started reporting Covid-19 cases by city on their website.
3. Council Member Largaespada thanked Staff for their tremendous dedication and service during this difficult time. He also appreciated how the citizens are rallying around each other.
4. Mayor Patterson recognized Staff for their teamwork, and she is very proud of them and the community as a whole.

13) CONSENT CALENDAR

13.A - APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 3, 2020 & MARCH 19, 2020 SPECIAL MEETING

March 3, 2020 City Council Meeting Minutes 

March 19, 2020 Special City Council Meeting Minutes 

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved the March 3, 2020 City Council meeting minutes, as amended, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

On motion of Vice Mayor Strawbridge, seconded by Council Member Largaespada, Council approved the March 19, 2020 Special City Council meeting minutes, as presented, on a roll call by the following vote:

DRAFT

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson

Noes: (None)

Mayor Patterson discussed the correction to the 3/3/20 City Council meeting regarding the Climate Action Plan Coordinator.

Council Member Young discussed the \$50,000 to the Human Services Board that was voted on at the last Council meeting. He discussed how it would be difficult for the HSB to meet and consider how to use the money, due to the current social distancing protocols.

Public Comment:

None

13.B - AWARD CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES (Finance Director)

Staff Report - Award Audit Contract to Maze & Associates 

1. Resolution - Award Audit Contract to Maze & Associates 

2. Contract with Maze & Associates 

RESOLUTION 20-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE EXTENSION OF THE CONTRACT FOR AUDITING SERVICES WITH MAZE & ASSOCIATES

13.C - PURCHASE OF VACUUM HYDRO-CLEANER VEHICLE FOR PUBLIC WORKS MAINTENANCE (Public Works Director)

Staff Report - Purchase of Vacuum Hydro-Cleaner Vehicle 

1. Resolution - Purchase of Vacuum Hydro-Cleaner Vehicle 

RESOLUTION 20-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA authorizing the purchase of A VACUUM HYDRO-CLEANER VEHICLE MADE BY VACTOR FOR THE PUBLIC WORKS DEPARTMENT FROM OWEN EQUIPMENT IN THE AMOUNT OF \$464,108.35 AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

13.D - SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES), 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) AND 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) (City Attorney)

DRAFT

Staff Report – 2nd Reading - Amendments to Campaign Related Regulations 

1. Ordinance - Amendments to Campaign Related Regulations 

ORDINANCE 20-2 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES), 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) AND 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) REGARDING VARIOUS CAMPAIGN RELATED REGULATIONS

Public Comment:

Lisa Wolfe, City Clerk, read the public comment submitted by the following individuals:

1. Jason Kuane – Mr. Kuane submitted written correspondence suggesting edits to the proposed ordinance.

Ben Stock, City Attorney, discussed the contents of the letter read into the record. He discussed adding Option 3 (Qualifications of Investigator). He thought adding this would enhance the ordinance. Adding this would be a technical change and would not affect Council's ability to adopt the ordinance tonight. Adding Options 4-5 were not necessary.

Council Member Campbell and Mr. Stock discussed support for adding language regarding 'qualified independent hearing officer.'

Vice Mayor Strawbridge discussed support for adding language regarding a 'qualified independent hearing officer.'

Nira Doherty, Assistant City Attorney, discussed the regulations regarding persuasive polls. This ordinance echoes FPPC rulings regarding persuasive polls. The ordinance is defensible as drafted, although this is fairly uncharted territory as far as local ordinances go.

Council Member Young and Ms. Doherty discussed the issue of the letter not addressing the submission of the poll at the time the polling begins. Persuasive polls would need to be submitted in advance; however scientific polls would not be required to do the same.

Council Member Largaespada discussed support for adding Option 3 to the ordinance. He was concerned about turning city hall into a political party hotline center. He and Staff discussed adding language regarding a factual inquiry. He and Staff discussed who would be the final arbitrator in decisions regarding push polls.

On motion of Council Member Young, seconded by Council Member Largaespada, Council approved the adoption of Ordinance 20-2, as amended (adding in Option #3), on a roll call by the following vote:

DRAFT

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

13.E - ADOPTION OF NEW JOB DESCRIPTIONS AND UPDATED SALARY SCHEDULE (Human Resources Manager)

- Staff Report - Job Descriptions and Updated Salary Schedule
- 1. Resolution - Job Descriptions and Updated Salary Schedule
- 2. Job Description - Planning Manager
- 3. Job Description - Executive Assistant to the Police Chief
- 4. Personnel Rules Section 1.6 Revision
- 5. Salary Schedule - Revised 3-05-2020

RESOLUTION 20-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JOB DESCRIPTIONS OF PLANNING MANAGER AND EXECUTIVE ASSISTANT TO THE POLICE CHIEF; AN UPDATED SALARY SCHEDULE, AND AMENDMENTS TO THE PERSONNEL RULES SECTION 1.6

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

Council pulled items 13.A and 13.D for discussion

On motion of Vice Mayor Strawbridge, seconded by Council Member Largaespada, Council approved the Consent Calendar, as amended, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

14) BUSINESS ITEMS

14.A - FIRST READING OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES) AND 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) REGARDING POLITICAL ACTION COMMITTEES (City Attorney)

- Staff Report - Amendments to Campaign Regulations Regarding Political Action Committees
- 1. Ordinance - Amendments to Campaign Regulations Regarding Political Action Committees

DRAFT

ORDINANCE 20- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES) AND 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) REGARDING POLITICAL ACTION COMMITTEES

Nira Doherty, Assistant City Attorney, reviewed the staff report.

Vice Mayor Strawbridge and Staff discussed whether the City has put a budget together for hiring an officer to man the complaints or enforcement, the issue of the PACs reporting on the FPPC's Form 460 reporting who is contributing to the PAC, funding for managing the requirements and enforcement. Ms. Doherty stated that the City would have some sort of regulatory involvement, as it is a City requirement, not a State requirement.

Lorie Tinfow, City Manager, stated that the City had not discussed that issue. As the Mayor indicated, we hope that the PACs would comply with the rules and regulations regarding the reporting requirements.

Vice Mayor Strawbridge suggested looking into the budget issue, as it could likely become an issue in the future. Hiring an outside person would be a cost the City may need to consider in the future.

Council Member Young discussed the requirements for the PACs to report the top three contributors who contributed to the printing of campaign literature, ads, etc.

Public Comment:

None

On motion of Council Member Largaespada, seconded by Council Member Young, Council approved the Introduction and First Reading of the above Ordinance, as presented, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson

Noes: (None)

14.B - UPDATE ON CITY OF BENICIA'S RESPONSES AND ACTIONS TO THE LOCAL EMERGENCY DUE TO COVID 19 AND A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IMPOSING CERTAIN RULES AND REGULATIONS DETERMINED AS NECESSARY TO SAFEGUARD LIFE AND PROPERTY (City Manager)

DRAFT

Staff Report - Update on Responses and Actions to Local Emergency and Resolution Imposing Rules and Regulations Necessary to Safeguard Life and Property

1. Resolution - Rules and Regulations Necessary to Safeguard Life and Property

RESOLUTION 20-32 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IMPOSING CERTAIN RULES AND REGULATIONS DETERMINED AS NECESSARY TO SAFEGUARD LIFE AND PROPERTY

Lorie Tinfow, City Manager, reviewed the staff report. She thanked Council for acknowledging Staff for their efforts. She discussed Staff's monumental efforts in dealing with the Covid-19 emergency response.

Mayor Patterson asked if Staff had the capacity to take on additional projects. Ms. Tinfow stated that Staff was extremely busy and there are fewer people to do it. They are very busy with pandemic related activities, and it has been difficult to deal with non-pandemic activity.

Council Member Campbell agreed with Ms. Tinfow regarding not being able to add additional projects. He thought the HSB needed to meet and meet very quickly to put the \$50,000 into action. He was pleased with Mr. Giuliani's ability to get the information out on the payroll protection program and the small business loans. He would like Staff to get the information out regarding which banks are offering programs. He would like the City to start developing a flow sheet to give to businesses to help them apply for the programs. He discussed the possibility of giving citizens Downtown Dollars (\$50,000 total) to be used in the local businesses to boost the economy.

Mayor Patterson discussed the three programs available to small businesses. She clarified that people who are self-employed could apply to the programs as well. She discussed the Downtown Dollar program, and who would administer it.

Vice Mayor Strawbridge discussed the situation with the downtown businesses. There is a potential for many of the businesses to not reopen. The City needs to prepare for what our downtown will look like after the pandemic. She discussed how the local banks were late to come on board to process the payroll protection program. She discussed how necessary it was for all the businesses in town to apply for the loans, grants, and programs available that can help them remain in business. It is imperative for the City to assist the businesses in taking advantage of the programs available to them. She discussed putting a hold on the next water rate increase.

Mayor Patterson discussed the need to assemble an economic recovery team.

Council Member Young discussed the two-step request he submitted on 3/24/20 regarding giving citizens Downtown Dollars to help the downtown businesses. He wondered when the request would be discussed. Mayor Patterson stated she had asked that he wait until 4/21 to discuss it. Council Member Young stated that Benicia Main Street would be willing to manage the program. The Downtown Dollars could be used at

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any business in Benicia. He was hoping to get this up and running right away and be voted on at the 4/21 Council meeting. Mayor Patterson said that the City Attorney stated Council could direct Staff to bring a program to Council at the 4/21 Council meeting. Council Member Young then discussed how the City was enforcing social distancing and loitering in parks.

Chief Upson discussed the issue of enforcement of social distancing and loitering in parks.

Council Member Young and Staff discussed the issue of construction, permit issuance, inspections, etc. Staff discussed the self-certification program. He and Staff discussed the idea of using the allocated \$50,000 for food boxes that the local food banks and churches could prepare and hands out to people. Council Member Young wondered if the funds could be used that way rather than going through the HSB's usual process.

Ms. Tinfow stated that in order to do that, Council would need to rescind the \$50,000 it allocated to the HSB, or it could try and find additional funds for the food banks/churches.

Mr. Stock stated that Council needed to figure out what direction they wanted to go, and let the City Manager and City Attorney figure out if they could make it happen.

Council Member Campbell and Staff discussed the possibility of scheduling an emergency meeting to discuss the issue and come up with the plan.

Council Member Largaespada and Staff discussed support for the proposed resolution. He met with the Community Action Council (CAC) staff and stated that they confirmed that they were not low on food, which was the original premise for asking for the \$50,000. The neediest of our population is getting food. People need groceries, money for utilities, medication, etc. If we have \$50,000 to give, it should go on top of whatever we have already given to the Family Resource Center (FRC), or go straight to the food bank. It would be a simpler process.

Public Comment:

Lisa Wolfe, City Clerk, read public comment submitted by the following individuals into the record:

1. Nancy Martinez, Benicia Main Street - Ms. Martinez submitted a letter in support of the proposed program of the City giving \$50,000 in Downtown Dollars to residents to boost the downtown economy.
2. Terry Krull, First Street Café - Mr. Krull submitted a letter in support of the proposed program of the City giving \$50,000 in Downtown Dollars to residents to boost the downtown economy.

Mayor Patterson stated she was looking for a motion to approve the proposed resolution and two or three additional directions to Staff.

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Mayor Patterson stated the first direction to Staff would be for the City Manager to work on an agreement with Benicia Main Street to do the Downtown Dollars, so that they are the managers and the City did not have to manage it. Staff could bring that back at a special meeting so that there isn't a delay, or it could be done on 4/21/20. Some of the criteria would be that Benicia Main Street would need to have certifiable criteria to ensure people had lost their jobs because of Covid-19, etc. Benicia Main Street could work with the Benicia Chamber of Commerce regarding making the Downtown Dollars program available to all businesses.

The second direction to Staff could be to have Staff establish an economic recovery task force and to come back to Council with recommendations in May.

The third direction to Staff could be to conduct a special meeting with the HSB and have them allocate the \$50,000 funds and merge it with the food bank program, or go with the alternative suggestion of giving the money to the FRC.

Council Member Largaespada asked Council Member Young if Benicia Main Street was set up to accept applicants with the social distancing protocols.

Council Member Young did not ask that particular question to Benicia Main Street, other than for them to say that they were willing and able to manage the program. Mayor Patterson stated that part of the agreement with Benicia Main Street should be to have them abide by social distancing.

Ms. Tinfow asked that if the City was going to partner with the food bank, that Council allow staff to administer that. They would not need to go back through the HSB.

Council Member Campbell withdrew his request to go through the HSB. If it is faster, Staff could partner with the food bank. Ms. Tinfow stated she was not sure of the vehicle, but she and the City Attorney could figure out the best process.

Mayor Patterson stated she was looking for a motion to approve the proposed resolution and give direction Staff to draft an agreement with Benicia Main St. to manage up to \$50,000 in Downtown Dollars, and they would be required to meet certain criteria in auditing who is eligible, and also adhere to the social distancing protocols, etc., partner with the food bank, and for Staff to develop an economic recovery task force.

Ms. Tinfow stated the agreement with Benicia Main Street would need to come back to Council. Staff could aim for 4/21, but was not sure that could happen that fast.

Mr. Stock suggested voting on the resolution and go through the proposed directions to Staff to see if there is consensus on the other items.

Vice Mayor Strawbridge discussed the food bank idea. If the City donated to the food bank, the food bank could set up a satellite center in Benicia. She did not believe \$50,000 should go to the food bank. She wanted it to go to the FRC. She read a statement she sent

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to Benicia Main Street objecting to the proposed Downtown Dollar program, as there are better ways to use that money. Benicia Main Street does not have the expertise to administer a grant program. She could not support that plan.

Mayor Patterson read a statement she sent to Staff regarding the proposed Downtown Dollars program. She supported Vice Mayor Strawbridge's comments regarding the program.

Council Member Largaespada made a motion to adopt the resolution, as presented, which was seconded by Council Member Young, and approved by a 5/0 vote.

Mayor Patterson polled Council on the agreement with Benicia Main Street. There was not a majority consensus to proceed with an agreement with Benicia Main Street on the proposed Downtown Dollar program.

Council and Staff discussed how to put money into the downtown businesses right now.

Mayor Patterson polled Council on giving \$50,000 to the FRC.

Council Member Young suggested splitting the \$50,000 between the food bank (through Benicia Strong) and the FRC.

Ms. Tinfow suggested merging the food bank idea with the FRC. The FRC already has a structure in place to evaluate applicants to make food and products available to them.

Chief Upson discussed how the FRC evaluated the application process for assistance. With the help of the City, the FRC has expanded their efforts because of Covid-19. They have a vetted process. Partnering with the food bank could be a great thing. They are not sure about the need for food at this point. One idea could be to put all the money into the FRC and then they could take \$10,000 at a time to purchase the food boxes and work through community volunteers to distribute (following all safety procedures). If they need more, they could come back for more funding.

Council majority agreed to the above direction to Staff to merge the food bank idea with the FRC.

Mayor Patterson polled Council on the direction to Staff to put together an economic recovery task force that includes stakeholders. Council majority supported this direction to Staff. Staff will come back to Council with their recommendations.

Vice Mayor Strawbridge offered to sit on the task force as a stakeholder.

On motion of Council Member Largaespada, seconded by Council Member Young, Council approved the adoption of Resolution 20-32, as presented, with additional direction to Staff, on a roll call by the following vote:

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Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

14.C - URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON RESIDENTIAL AND TENANT EVICTIONS DURING STATE OF EMERGENCY DUE TO COVID-19 (City Attorney)

Staff Report - Urgency Ordinance - Temporary Eviction Moratorium 

1. Urgency Ordinance - Temporary Eviction Moratorium 
2. Emergency Eviction Moratorium Order 

URGENCY ORDINANCE 20-3 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA IMPOSING A TEMPORARY MORATORIUM ON EVICTIONS IN THE CITY OF BENICIA

Nira Doherty, Assistant City Attorney, reviewed the staff report.

Council and Staff discussed extending the repayment to 90 days rather than 60 days.

Public Comment:

Lisa Wolfe, City Clerk, read public comment submitted by the following individual into the record:

1. Susan Street - Ms. Street submitted a letter to Council expressing support for the proposed ordinance, and requested the repayment be extended to 90 days.

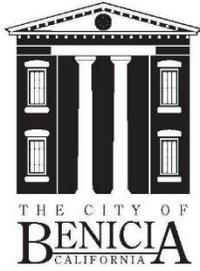
On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved the adoption of Urgency Ordinance 20-3, as amended to reflect the 90-day repayment, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young, Mayor Patterson
Noes: (None)

Council Member Young inquired if future Council meetings could be held via zoom or some other way where the public could see Council real time. Ms. Tinfow discussed possible options.

15) ADJOURNMENT (9:30 P.M.)

Mayor Patterson adjourned the meeting at 10:07 p.m.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF TASK ORDER NO. 4 WITH CULLEN-SHERRY & ASSOCIATES, INC. FOR DREDGE ENGINEERING SERVICES OF THE BENICIA MARINA**

EXECUTIVE SUMMARY:

The proposed Task Order No. 4 of the Master Professional Agreement with Cullen-Sherry & Associates, Inc. will provide for the project management and engineering support for the annual dredging of the Benicia Marina as required by State and Federal regulatory agencies.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) approving Task Order No. 4 (Attachment 2) of the Master Professional Agreement dated November 1, 2019, for dredge engineering services related to the Benicia Marina with Cullen-Sherry & Associates, Inc. for a not-to-exceed cost of \$38,800 and authorizing the City Manager to sign the Task Order on behalf of the City.

BUDGET INFORMATION:

The not-to-exceed cost of Task Order No. 4 for Dredge Engineering Services is \$38,800. Funding for the agreement is budgeted in account number 7802200-7011. This item requires Council approval because the cumulative total with Cullen-Sherry & Associates, Inc. for the fiscal year will exceed \$50,000.

BACKGROUND:

The City of Benicia is the owner of the Benicia Marina, a 349-slip public marina located on the Carquinez Strait. Dredging of the marina is required on an annual basis to maintain adequate navigational depths. The City leases the operation of the marina to a private corporation that is responsible for the physical dredging of the marina. As the owner of the property, the City is responsible for maintaining the required permits from the State and Federal regulatory agencies (United States Army Corp of Engineers, San Francisco Bay Conservation and Development Commission, State Lands Commission, and San Francisco Bay Regional Water Quality Control Board).

Cullen-Sherry and Associates, Inc. have been providing dredging engineering services to the City and is capable of performing the contract requirements. It is recommended that the Task

Order be approved, because City staff does not have the capacity, expertise or equipment to provide the services.

NEXT STEPS:

If approved, the next steps will be to prepare the “before-dredge” survey and engineering tasks to prepare for the actual dredging at the Marina later this year.

ALTERNATIVE ACTIONS:

If not approved, the City will not be able to complete the dredging and engineering tasks, which will cause the City to be non-compliant with State and Federal regulatory agencies.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
Priority Based Budgeting	<p align="center">Strategic City Result Impacted by this Agenda Item</p> <p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	<p align="center">City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Asset Management 2. Engineering Services – Non-CIP Projects 3. Annual Reporting
	<p align="center">Priority Based Budgeting (PBB) Website:</p> <p>Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.</p>
CEQA Analysis	<p>Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to: (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.</p>

ATTACHMENTS:

1. Resolution – Dredge Engineering Services of the Benicia Marina
2. Task Order No. 4 with Cullen-Sherry & Associates, Inc.

For more information contact: *Nouae Vue, Senior Civil Engineer*
 Phone: 707-746-4240
 E-mail: Nvue@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING TASKS ORDER NO. 4 WITH CULLEN-SHERRY & ASSOCIATES, INC. FOR DREDGE ENGINEERING SERVICES OF THE BENICIA MARINA

WHEREAS, the City of Benicia owns the Benicia Marina property and is required on an annual basis to maintain adequate navigation depths; and

WHEREAS, the City of Benicia leases the property to Benicia Harbor Corporation, a private corporation, that is responsible for the physical dredging operations in the marina; and

WHEREAS, the City of Benicia, as owner of the property, is responsible for maintaining the required permits from the State and Federal regulatory agencies; and

WHEREAS, the City of Benicia, under the Mutual Release and Settlement Agreement and Modification of Lease with Benicia Harbor Corporation, is required to obtain a Suitability Determination from the Dredged Material Management Office (DMMO) each year in accordance with laws, permits and approved engineering plans; and

WHEREAS, City staff does not have the capacity or expertise to perform this work in-house; and

WHEREAS, the City entered into a Master Professional Agreement for engineering services with Cullen-Sherry & Associates, Inc. on November 1, 2019, which includes one two-year extension; and

WHEREAS, Cullen-Sherry & Associates, Inc. is the most capable in all material aspects to perform the contract requirements and is highly qualified to perform the dredge engineering services for the City. Cullen-Sherry & Associates, Inc. has performed these services since 2002.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve Task Order No. 4 for dredge engineering services with Cullen-Sherry & Associates, Inc. for a not-to-exceed cost of \$38,800 from Account No. 7802200-7011 and authorizes the City Manager to sign the Task Order on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

TASK ORDER NO. 2019-04

CULLEN-SHERRY & ASSOCIATES, INC.

**DREDGE ENGINEERING SUPPORT
BENICIA MARINA MAINTENANCE DREDGING 2020**

1. Purpose:

The purpose of the TASK ORDER is to authorize and direct the ENGINEER to proceed with the work items specified in the SCOPE OF SERVICES of this TASK ORDER, in accordance with the provisions of that AGREEMENT (CONTRACT # 19-283) between the parties hereto dated November 01, 2019.

2. Scope of Work:

The work authorized by this TASK ORDER is outlined in the "Scope of Services" attached hereto as Exhibit "B".

3. Time of Performance:

The work authorized by this TASK ORDER shall be completed within 30 days from completion of dredging operations. The before dredge survey and engineering for the 2020 episode will take place late June, 2020 with anticipated dredging work to start September 2020.

4. Compensation and Payment:

Compensation shall be on a cost reimbursement basis as provided in Article 3 of the Consultant Agreement dated November 01, 2019, between the parties hereto. The NOT TO EXCEED cost is \$ **38,800.00** for work authorized by this TASK ORDER. Payment shall be in accordance with Article 3 of the aforementioned Agreement.

5. Effective Date:

This TASK ORDER shall become effective immediately upon its execution by both parties.

6. Items and Conditions:

All items and conditions contained in the AGREEMENT for engineering services dated November 01, 2019, between City Benicia and Cullen-Sherry & Associates, Inc. are incorporated herein by reference

Executed this _____ day of _____, 2020.

CITY OF BENICIA

APPROVED AS TO FORM

CITY ATTORNEY

CULLEN-SHERRY & ASSOCIATES, INC.



Rodney A. Sherry, P.E.
President

EXHIBIT 'A'

PURPOSE OF WORK

The purpose of this project is to provide:

1. Project management, engineering and survey support to prepare a before (pre) dredge survey, plans and estimated dredge volume calculations for the 2020 dredge episode.
2. Prepare Tier 1 testing exemption request for 2020 dredge episode per the Master Sampling and Analysis Plan, Tiered Sediment Quality Schedule, Table 5, dated March 2, 2016.
3. Submit Tier 1 exemption request for 2020 dredge episode to DMMO for approval
4. Project management, engineering and inspection support during the 2020 dredge episode.
5. Provide engineering and survey support to prepare after (post) dredge survey, plans, dredged volume calculations and reports for the 2020 dredge episode.

BACKGROUND

The City of Benicia is the owner of the Benicia Marina, a 349-slip public marina located on the Carquinez Strait. Dredging of the marina is required on an annual basis to maintain adequate navigational depths. The City leases the operation of the marina to a private corporation that is responsible for the physical dredging of the marina. As the owner of the property, the City is responsible for maintaining the required permits from the State and Federal regulatory agencies (United States Army Corp of Engineers, San Francisco Bay Conservation and Development Commission, State Lands Commission, and San Francisco Bay Regional Water Quality Control Board).

Under the Mutual Release and Settlement Agreement and Modification of Lease between the City of Benicia and Benicia Harbor Corporation, the City of Benicia is also required to submit for and obtain a determination of suitability of sediment for unconfined aquatic disposal, "Suitability Determination", for the annual maintenance dredging from the DMMO each year. Once the suitability determination is made, Benicia Harbor Corporation is responsible for completing the physical dredging operations.

The City of Benicia, as the permit holder, is responsible for assuring that the dredging episode is performed per the laws, regulations, permits, and approved plans.

A Master Sampling and Analysis Plan (MSAP) was submitted to and approved by the DMMO in 2016. The MSAP lays out a 12 year schedule for sampling, analysis and reporting. The schedule extended the time between Tier 3 reports from 3 years to 6 years, saving the City substantial approval time and consulting fees. The 2016 Tier 3 testing showed no significant contamination and the 2017 & 2018 Tier 1 testing exceptions were approved. The 2019 dredge episode Tier 1 with confirmatory chemistry testing was approved. It is anticipated that the 2020 dredge episode will receive a Tier 1 testing exemption for a SUAD determination.

The work under this Task Order will provide the Environmental, Project Management, Inspection, Bathymetric Surveys, Surface Modeling, Volume Calculations, Dredge Plans and after dredge reporting required by the regulators for the 2020 dredge episode.

EXHIBIT 'B'

SCOPE OF SERVICES

Cullen-Sherry & Associates, Inc. will provide the following tasks under this Task Order:

1. BEFORE DREDGE SURVEY, ENVIRONMENTAL & ENGINEERING: \$16,600

(Work Item 1 time line: May 2020 through July 2020)

- 1.1. Perform the before dredge bathymetric survey (soundings) of the Benicia Marina for the 2020 Dredge Episode.
- 1.2. Prepare conditional dredge plans and estimated dredge volumes to be dredged.
- 1.3. Coordinate with Benicia Harbor Corporation and City of Benicia the locations of the marina to be dredged during the 2020 episode.
- 1.4. Prepare an electronic 3D surface model of the before dredge marina bottom using before dredge survey data and AutoCAD Civil 3D software. This surface model will be used to calculate dredged material during the episode.
- 1.5. Prepare Before Dredge Plans depicting areas and associated volumes to be dredged within the Benicia Marina during the 2020 Dredge Episode. These plans will be submitted to the regulators for final episode approval.
- 1.6. Prepare and Submit Tier 1 Exemption Request to DMMO for receiving a SUAD determination.

2. PROJECT MANAGEMENT, INSPECTION & COORDINATION: \$6,800

(Work Item 2 time line: May 2020 through December 2020)

- 2.1. Provide coordination between City of Benicia Staff, Benicia Harbor Corporation and Government Regulators.
- 2.2. Attend meetings with City of Benicia Staff and Government Regulators as needed.
- 2.3. Provide project management duties for the City of Benicia during the following phases of the work:
 - 2.3.1. Tier 1 and obtaining SUAD determination from the DMMO.
 - 2.3.2. Preparing and submitting of plans to Regulators along with the Dredge Contractors Dredge Operation Plan to receive episode approval.
 - 2.3.3. Physical Dredging Operations.
 - 2.3.4. Project close out and reporting.

2.4. Provide on-site inspection services for the City of Benicia to document dredge work locations, estimated volumes, progress and completion schedule.

3. AFTER DREDGE ENGINEERING & REPORTING: \$15,400

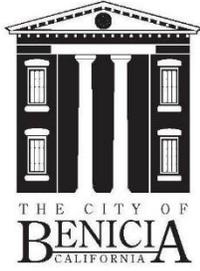
(Work Item 3 time line: November 2020 through December 2020)

3.1. Perform the after dredge bathymetric survey (soundings) of the Benicia Marina for the 2020 Dredge Episode

3.2. Prepare an electronic 3D surface model of the after dredge marina bottom using after dredge survey data and AutoCAD Civil 3D software. This surface model will be used to calculate dredged material during the dredge episode.

3.3. Prepare final after dredge plans and report depicting:

- *Locations of physical dredging.*
- *Elevations of Marina bottom as of the day of the after dredge survey.*
- *Start and stop days of dredging operations.*
- *Volumes of material physically dredged from the marina.*
- *Volumes of dredgable material remaining in the area of marina.*



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF PAYMENT OF EMERGENCY PUMP STATION 3 ELECTRICAL SYSTEM REPAIRS**

EXECUTIVE SUMMARY:

On August 14, 2019, an electrical/mechanical fault occurred at Pump Station 3 (PS3), reducing the City’s ability to provide treated water to customers. Under the advisement of Public Works Department staff, the City Manager declared a contracting emergency on August 14, 2019. On January 29, 2020, PS3 was returned to full functionality.

RECOMMENDATION:

Move to adopt the proposed resolution (Attachment 1) ratifying the City Manager’s declaration of the existence of a contracting emergency due to Pump Station 3 failure and terminating the emergency action now that emergency repairs are complete, as well as approving a budget adjustment in the amount of \$73,376 to cover a portion of the cost paid from Account No. 7508020-7050.

BUDGET INFORMATION:

Below are the final expenses for the emergency project:

Contractor	Service	Cost	Account No.
Cannon Corp.	Diagnosis of electrical issues	\$20,270.44	Acct 7508020-7008
Koffler Electrical	Motor removal and repair	\$23,939.21	Acct 7508020-7050
D.S.T. Controls	Motor control diagnostics	\$3,730.00	Acct 7508020-7050
United Rentals	Emergency power generation	\$68,570.55	Acct 7508020-7050
Industrial Tests	Breaker replacement and load monitoring	\$23,980.00	Acct 7508020-7050
	<i>Total Cost</i>	\$140,490.20	

A budget adjustment of \$73,376 is requested to cover a portion of the costs of the emergency repair paid from Account No. 7508020-7050, which only has a budget of \$60,000, and other encumbrances. Sufficient funds are available in Water Enterprise Reserves, funded by ratepayers.

BACKGROUND:

On August 14, 2019, an emergency declaration memo requesting repair of the PS3 electrical system was presented to the City Manager. The emergency contracting was subsequently approved, and contracting was expedited pursuant to Benicia Municipal Code Section 3.09.050 Emergency Contracting Procedures.

Emergency work consisted of the following:

1. Cannon Corporation provided technical assistance to diagnose the electrical issues at PS3. This included completion of an arc flash analysis, coordination study, report and labels, and equipment test recommendations and review.
2. Koffler Electrical removed and repaired the motor.
3. DST Controls performed motor control diagnostics.
4. United Rentals provided onsite emergency power generation and associated appurtenances.
5. Industrial Tests provided various services, including electrical breaker replacement, electrical load monitoring, and breaker technical support.

The various contractors completed the work to the satisfaction of City staff as of January 29, 2020. This emergency declaration was held open for an extended period, due to the time needed to diagnose the problem and manufacture components to restore functionality to PS3. After motor repairs, electrical panel repairs, monitoring, and testing, PS3 is once again fully functional.

NEXT STEPS:

N/A

ALTERNATIVE ACTIONS:

N/A

General Plan	Goal 2.28: Improve and maintain public facilities and services
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one): <input checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government

	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Water Pump Station Maintenance 2. Water Quality Monitoring 3. Safety Program
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia's PBB website to learn more about these programs and their costs.

CEQA Analysis	This project is Categorical Exempt per CEQA Section 15301, Existing Facilities, which exempts operation, maintenance, and minor alteration of existing facilities and mechanical equipment involving negligible or no expansion of use.
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ATTACHMENT:

1. Resolution - Approval of Payment of Emergency Pump Station 3 Electrical System Repairs

For more information contact: Kyle Ochendusko, Deputy Public Works Director - Utilities

Phone: 707.746.4240

E-mail: kochendusko@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RATIFYING THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A CONTRACTING EMERGENCY DUE TO PUMP STATION 3 FAILURE AND TERMINATING THE EMERGENCY ACTION NOW THAT EMERGENCY REPAIRS ARE COMPLETE

WHEREAS, Benicia Municipal Code (BMC) Section 3.09.050, "Emergency Contracting Procedures" enables emergency work to be contracted without soliciting competitive bids under certain circumstances; and

WHEREAS, on August 10, 2019, an electrical failure occurred at Pump Station 3 (PS3), which presented an immediate threat to the City's ability to provide treated water to customers; and

WHEREAS, due to the necessity that there be no interruption in the City's provision of treated water to its customers, the emergency would not permit a delay resulting from a competitive solicitation for bids, and the City Manager's use of emergency contracting procedures was necessary to respond to the emergency; and

WHEREAS, on August 14, 2019, the City Manager declared a contracting emergency pursuant to BMC Section 3.09.050 to immediately obtain goods and services from contractors without soliciting bids to return PS3 to full functionality; and

WHEREAS, Cannon Corporation provided technical assistance to diagnose the electrical issues at PS3 for \$20,270.44. Koffler Electrical removed and repaired the motor for \$23,939.21. DST Controls performed motor control diagnostics for \$3,730.00. United Rentals provided onsite emergency power generation and associated appurtenances for \$68,570.55. Industrial Tests provided various services, including electrical breaker replacement, electrical load monitoring, and breaker technical support for \$23,980.00; and

WHEREAS, the total amount expended on the above-listed emergency contracting services was \$140,490.20; and

WHEREAS, the various contractors completed the emergency work as of January 29, 2020.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby ratify the City Manager's emergency declaration and approve the payment of \$140,490.20 for emergency repairs related to immediately restoring PS3 to full functionality.

BE IT FURTHER RESOLVED THAT now that the emergency repairs are complete and the PS3 has been restored to full functionality, the City Council of the City of Benicia hereby terminates the emergency action.

BE IT FURTHER RESOLVED THAT that a budget adjustment in the amount of \$73,376 is approved to cover a portion of the cost paid from Account No. 7508020-7050.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of April, 2020 by the following vote:

Ayes:

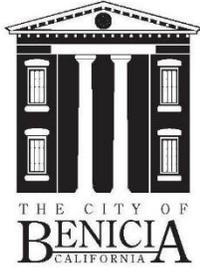
Noes:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
CONSENT CALENDAR**

TO: City Council

FROM: City Attorney

SUBJECT: **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES) AND 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) REGARDING POLITICAL ACTION COMMITTEES**

EXECUTIVE SUMMARY:

On April 7, 2020, the Benicia City Council considered amendments to the Benicia Municipal Code (“BMC”) Chapters 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) regarding Political Action Committees, including advertising disclosure requirements for committees and optional participation in the City’s Voluntary Code of Fair Campaign Practices. At this meeting, the City Council waived the first reading, read the proposed ordinance by title only, and referred the ordinance to second reading for adoption.

RECOMMENDATION:

Move to adopt the ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapters 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and finding the ordinance exempt under the California Environmental Quality Act.

BUDGET INFORMATION:

There are no financial or budgetary impacts associated with the adoption of this ordinance.

BACKGROUND:

The proposed amendments to BMC Chapters 1.36 and Chapter 1.40 include the following changes:

- Chapter 1.36 amendments include a statement that in addition to candidates for elective office, Political Action Committees may also voluntarily submit to Benicia’s Voluntary Code of Fair Campaign Practices. The term Political Action Committee is defined.

Political Action Committees that voluntarily participate in the Code will have their name/title published on the City’s website.

- Chapter 1.40 amendments include a statement that the campaign advertising disclosure rules of the Political Reform Act and the FPPC Regulations are incorporated by reference into the Benicia Municipal Code. A new section has also been added to Chapter 1.40 which provides that when a Political Action Committee is required to make a “paid for by” advertising disclosure under state law, the Political Action Committee shall also include a disclosure statement identifying its top three (3) contributors on that advertisement. This requirement applies to print advertisements.

NEXT STEPS:

If the proposed ordinance is approved, the amendments would become effective on the 30th day following the second reading.

ALTERNATIVE ACTIONS:

Direct City Attorney to make certain changes and/or amendments to the ordinance.

General Plan	N/A
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):
	<input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input checked="" type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Boards and Commissions - Open Government Commission 2. Legal Counsel for City Council 3. Elections Administration
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	Pursuant to Title 14, the California Code of Regulations, Section 15378(b)(5) of the California Environmental Quality Act (“CEQA”) guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.
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ATTACHMENT:

1. Ordinance - Amendments to Campaign Regulations Regarding Political Action Committees

For more information contact: Benjamin Stock, City Attorney

Phone: 415-755-2600

E-mail: bstock@ci.benicia.ca.us

CITY OF BENICIA

ORDINANCE NO. 20-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES) AND 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) REGARDING POLITICAL ACTION COMMITTEES

WHEREAS, on January 15, 2019, the City Council directed the Benicia Open Government Commission to consider possible updates and amendments to the City's campaign-related laws and regulations; and

WHEREAS, the City Council further recommended the creation of an Ad Hoc Committee to evaluate potential amendments to the City's campaign-related laws and regulations; and

WHEREAS, the Ad Hoc Committee met over a series of months to evaluate the City's existing laws and regulations regarding campaign practices, expenditures and spending limits; and

WHEREAS, on October 21, 2019, the Open Government Commission convened to finalize proposed amendments regarding the City's campaign regulations; and

WHEREAS, on January 6, 2020, the City Council received a staff presentation and public testimony regarding the Open Government Commission's proposed amendments to Benicia Municipal Code Chapters 1.36, 1.40 and 1.42; and

WHEREAS, on January 6, 2020, the City Council discussed each proposed amendment, deliberated, and provided direction to the City Attorney's office to return with an ordinance amending Chapters 1.36, 1.40 and 1.42; and

WHEREAS, the City Council of the City of Benicia held a duly noticed public hearing on the proposed amendments and introduced Ordinance No. 20-2 on March 3, 2020; and

WHEREAS, on March 3, 2020, the City Council directed the City Attorney to propose further changes to Chapters Chapters 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) in order to address Political Action Committees; and

WHEREAS, on the City Council of the City of Benicia held a duly noticed public hearing on these proposed amendments and introduced Ordinance No. _____ on April 7, 2020.

NOW, THEREFORE, the City Council of the City of Benicia does hereby ordain as follows:

Section 1. Chapter 1.36 (Voluntary Code of Fair Campaign Practices) and 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) of Title 1 (General Provisions) of the Benicia Municipal Code is hereby amended as set forth in Attachment 1, attached hereto and incorporated herein by reference.

Section 2. **Severability.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 3. **Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15060, subd. (c)(2), because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 4. **Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

Section 5. **Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 7th day of April 2020, and adopted at a regular meeting of the Council held on the _____ day of _____ 2020, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

ATTACHMENT 1
ORDINANCE NO. _____

Chapter 1.36

VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES

Sections:

- 1.36.010 Findings.
- 1.36.020 Purpose.
- 1.36.030 Application
- 1.36.040 Qualification for compliance.

1.36.010 Findings.

The city council finds as follows:

A. There are basic principles of honesty, fairness, responsibility and respect to which every candidate for public office and every Political Action Committee supporting or opposing such candidates should adhere in order to be worthy of the public office that that candidate seeks.

B. Campaign communications should present only information that is fair, relevant and truthful to the voters for their consideration.

C. Candidates and Political Action Committees that fall short of adhering to such principles alienate the public from the electoral process and erode the public's trust and confidence in the offices that those candidates seek.

D. Electoral campaigns are subject to unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine elected officials' ability to serve in the public interest.

E. Negative, attack-oriented campaigns are a major factor in the growing cynicism, alienation and nonparticipation among American voters, striking at the heart of the American system of government.

F. Candidates and Political Action Committees have a responsibility to conduct civil, issue-oriented debates with fellow candidates and provide opponents with a meaningful opportunity to respond to any claims concerning their positions or qualifications to hold office.

G. Candidates for public office and Political Action Committees should have the ability to conduct clean and ethical campaigns. (Ord. 07-01 § 1).

1.36.020 Purpose.

The city council enacts this chapter to accomplish the following purposes:

A. To promote the principles of honesty, fairness, responsibility and respect in campaigning for public office.

B. To promote campaign communications to the public that are fair, relevant and truthful.

C. To induce candidates and Political Action Committees to adhere to principles which enhance the electoral process and build the public's trust and confidence.

D. To eliminate unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine an elected official's ability to serve the public interest.

E. To promote responsible civil conduct and issue-oriented debates.

F. To promote candidates for public office and Political Action Committees to conduct clean and ethical campaigns. (Ord. 07-01 § 1).

1.36.030 Application

This chapter shall apply to all election campaigns including campaigns for Mayor and City Council, citizen initiatives, referenda, recalls and all other City ballot measures. Candidates for Mayor and City Council as well as Political Action Committees may participate in and elect to adhere to the Voluntary Code of Fair Campaign Practices.

For purposes of this chapter, "Political Action Committee" shall mean any political committee organized for the purpose of raising and spending money to elect and defeat candidates, legislation, or ballot measures and initiatives. Political Action Committees shall include independent expenditure committees, primarily formed recipient committees, and general purpose recipient committees. Political Action Committees shall not include controlled committees.

1.36.040 Qualification for compliance - Candidates.

A candidate (or controlled committees of such candidates running for office or a committee formed for the purpose of a recall) qualifies as a participating candidate for an election campaign period if the following requirements are met:

A. The candidate voluntarily endorses, subscribes to, and solemnly pledges to conduct his or her campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices.

B. The candidate will immediately and publicly repudiate those who take actions that either help a candidate's candidacy or hurt an opponent's candidacy, which are inconsistent with the Benicia Code of Fair Campaign Practices.

C. At the time an individual files his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the Benicia Code of Fair Campaign Practices and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

D. If the candidate agrees to voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices:

1. The cost for setup and printing of each candidate's statement will be borne by the city; and
2. The cost of printing the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the city.

E. Candidates for public office who do not voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices will be responsible for any and all cost for the setup and printing of each candidate's statement and the printing of the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers. (Ord. 07-01 § 1).

1.36.050 Qualification for compliance – Political Action Committees.

A Political Action Committee qualifies as a participating Political Action Committee for an election campaign period if the following requirements are met:

A. The Political Action Committee voluntarily endorses, subscribes to, and solemnly pledges to support and/or oppose campaigns in accordance with the current version of the Benicia Code of Fair Campaign Practices.

B. If a Political Action Committee agrees to voluntarily endorse, subscribe to, and solemnly pledges to support and/or oppose campaigns in accordance with the current version of the Benicia Code of Fair Campaign Practices, the City shall post on its website a statement that said Political Action Committee has voluntarily subscribed to the Benicia Code of Fair Campaign Practices.

Chapter 1.40

DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS

Sections:

- 1.40.010 Purpose.
- 1.40.020 Definitions.
- 1.40.030 Application
- 1.40.040 Additional campaign statements.
- 1.40.050 Supplemental independent expenditure reports in candidate elections.
- 1.40.060 Independent expenditure in 45 days preceding election.
- 1.40.070 Disclaimer requirements for campaign communications funded by independent expenditures.
- 1.40.080 Access to records.
- 1.40.090 Ballot measure finance disclosure.
- 1.40.100 Contributor occupation and employer.
- 1.40.110 Campaign literature – Filing with city clerk.
- 1.40.120 Recordkeeping.
- 1.40.130 Disclaimers on campaign communications.
- 1.40.140 Persuasive Polls
- 1.40.150 Duties of city clerk and city attorney.
- 1.40.160 Enforcement.
- 1.40.170 Verification.
- 1.40.180 Injunction.

1.40.010 Purpose.

This chapter is intended to supplement the Political Reform Act of 1974. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.020 Definitions.

The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this chapter, unless otherwise specified herein. (Ord. 09-08 § 1; Ord. 07-18 § 1).

“Political Action Committee” shall mean any political committee organized for the purpose of raising and spending money to elect and defeat candidates, legislation, or ballot measures and initiatives. Political Action Committees shall include independent expenditure committees, primarily formed recipient committees, and general purpose recipient committees. Political Action Committees shall not include controlled committees.

1.40.030 Application

This chapter shall apply to all election campaigns including campaigns for Mayor and City Council, citizen initiatives, referenda, recalls and all other City ballot measures.

1.40.040 Additional campaign statements.

A. In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 8100, as amended, candidates for mayor and city council, their controlled committees and committees primarily formed to support or oppose these candidates shall file an additional pre-election statement by 4:30 p.m. on the Wednesday immediately preceding the

election. This statement shall have a closing date of the prior Sunday and shall cover activity and payments occurring from the closing date of the last report filed by the candidate or committee through and including that Sunday.

B. In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 8100, as amended, candidates for mayor and city council, their controlled committees and committees primarily formed to support or oppose these candidates shall file a post-election statement by 4:30 p.m. on the Friday immediately following the election. This statement shall include all activity and payments occurring from the closing date of the last report filed by the candidate or committee through and including Election Day. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.050 Supplemental independent expenditure reports in candidate elections.

Any person or committee making independent expenditures totaling \$1,000 or more in a calendar year, supporting or opposing a candidate for mayor or city council, regardless of where or when it files its campaign reports under the Political Reform Act, the Federal Election Campaign Act, or any similar law, shall file a California Supplemental Independent Expenditure Report (Form 465) with the city clerk at the same time as the mayoral and city council candidates, covering the same period and disclosing the information required by that statement. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.060 Independent expenditures in 45 days preceding election.

A. Disclosure of Expenditures. Any person, including any committee, that makes or incurs independent expenditures of \$1,000 or more in support of or in opposition to any city measure or candidate for mayor or city council, in the 45 days before an election in which the measure or candidate appears on the ballot, shall notify the city clerk within 24 hours by personal delivery, fax or email each time one or more expenditures which meet this threshold are made.

B. Contents of Notice.

1. The notice shall specify:

- a. Each candidate or measure supported or opposed by the expenditure;
- b. The amount spent to support or oppose each candidate or measure;
- c. Whether the candidate or measure was supported or opposed;
- d. The date and amount of each expenditure;
- e. A description of the type of communication for which the expenditure was made;
- f. The name and address of the person making the expenditure; and
- g. The name and address of the payee.

2. The notice shall include a statement that the expenditure was not made at the behest of any candidate or ballot measure proponent who benefited from the expenditure.

3. The notice shall be signed under penalty of perjury by both a responsible officer and the treasurer of the committee making the expenditure.

C. Notification to Candidates of Expenditures. The city clerk will notify all candidates by fax or e-mail in the affected race within one business day after receiving the notice of independent expenditures of \$1,000 or more. The notification will indicate the candidate who was supported or opposed by the expenditure and include a copy of the communication provided by the person or group making the expenditure.

D. Exemption for Regularly Published Newsletters. For purposes of the notification required by subsection (A) of this section, payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication, shall not be required to be reported. (Ord. 09-08 § 1).

1.40.070 Disclaimer requirements for campaign communications funded by independent expenditures.

A. Campaign communications funded by an independent expenditure supporting or opposing city candidates or city measures shall include the phrase "Not authorized by a candidate," and shall also include the name of any contributor of \$2,500 or more made in the past six months to a committee funding the independent expenditure, in the phrase "Major Funding Provided By [Name of Contributor(s)]." Expenditures of \$2,500 or more that are earmarked for any other candidate or ballot measure outside of the city of Benicia need not be disclosed.

B. The disclosures required by this section shall be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice, as specified below:

1. For printed campaign communications that measure no more than 24 inches by 36 inches, all disclosure statements required by this section shall be printed using a typeface that is easily legible to an average reader or viewer, but is not less than 10-point type in contrasting color to the background on which it appears. For printed campaign communications larger than this size in area, all disclosure statements shall constitute at least five percent of the height of the material and shall be printed in contrasting color.

2. For video broadcasts including television, satellite and cable campaign communications, the information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of 30 seconds or less or 10 seconds of a 60-second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall be of sufficient size to be readily legible to an average viewer and air for not less than four seconds.

3. For audio, telephone call or radio advertisement campaign communications, the disclosures shall be spoken in a clearly audible manner at the same speed and volume as the rest of the telephone call or radio advertisement at the beginning or end of the communication and shall last at least three seconds.

C. For purposes of this section, "campaign communication" means any of the following items:

1. More than 200 substantially similar pieces of campaign literature distributed within a calendar month, including but not limited to mailers, flyers, faxes, pamphlets, door hangers, e-mails, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger;

2. Posters, yard or street signs, billboards, supergraphic signs and similar items;

3. Television, cable, satellite and radio broadcasts;

4. Newspaper, magazine, Internet website banners and similar advertisements;

5. Two hundred or more substantially similar live or recorded telephone calls made within a calendar month.

D. For purposes of this section, “campaign communication” does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; communications paid for by a newspaper, radio station, television station or other recognized news medium; and communications from an organization to its members other than a communication from a political party to its members.

E. The disclaimer on campaign communications must be updated when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies as a disclosable contributor or a committee's name changes.

A committee shall be deemed to have complied with this section if the amended advertisement is mailed, containing a request that the advertisement immediately be replaced, to all affected broadcast stations by overnight mail no later than the fifth day. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed. (Ord. 09-08 § 1).

1.40.080 Disclosures on Campaign Advertisements

A. Subject to any additional requirements and exceptions set forth in this chapter, and limited to advertisements concerning City candidates and City measures, the campaign advertising disclosure rules included in the Political Reform Act of 1974, as amended, including but not limited to California Government Code sections 84305 through 84511, and the regulations of the California Fair Political Practices Commission, as amended, are adopted by reference and incorporated into the Benicia Municipal Code as if fully set forth herein.

B. When a Political Action Committee is required to make a “paid for by” advertising disclosure under state law, the Political Action Committee shall also include a disclosure statement identifying its top three (3) contributors in the following manner:

1. The disclosure statement shall include the text “top contributors” immediately followed by the names of the top three contributors to the Political Action Committee. For purposes of this section “top contributors” means the persons or committees from whom a Political Action Committee has received its three highest cumulative contributions, regardless of contribution amount.

2. The disclosure statement shall be made on campaign literature, visual electronic media communications, and newspaper and periodical advertisements immediately below and in the same font size and format as the “paid for by” disclosure.

1.40.085 Access to records.

All campaign reports required to be filed by any candidate or committee with the city clerk shall be scanned and stored in .pdf format. The reports shall be posted on the city's website no later than two working days after filing. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.090 Ballot measure finance disclosure.

Unless otherwise indicated, if a recall, referendum or initiative petition impacting city elected officials or city law is filed, the proponent shall be subject to the same provisions of this chapter as are applicable to candidates for elective city office, and any committee supporting or opposing the measure shall be subject to the same disclosure provisions as are applicable to committees making contributions or expenditures in connection with city candidate elections. (Ord. 09-08 § 1).

1.40.100 Contributor occupation and employer.

No contribution shall be deposited into a campaign checking account of a candidate for mayor or city council unless the name, address, occupation and employer of the contributor are on file in the records of the recipient of the contribution. (Ord. 09-08 § 1).

1.40.110 Campaign literature – Filing with city clerk.

An independent expenditure committee that makes an expenditure for 200 or more recorded telephone calls or any other forms of electronic or facsimile transmission of substantially similar content, or that makes an expenditure of \$1,000 or more for a radio or television advertisement, or that mails or otherwise distributes more than 200 substantially similar pieces of campaign literature in support of or opposition to any candidate for mayor or city council, shall give a copy of the literature or script used for each communication to the city clerk within 24 hours of the first time the mailings, calls, transmissions, or advertisements are made or aired. (Ord. 09-08 § 1).

1.40.120 Recordkeeping.

Candidates for mayor and city council, and committee treasurers, shall maintain such detailed accounts, records, invoices and receipts as are necessary to prepare campaign statements and to comply with the Political Reform Act, the regulations of the Fair Political Practices Commission and this chapter. (Ord. 09-08 § 1).

1.40.130 Disclaimers on campaign communications.

Any committee who mails or otherwise distributes more than 200 substantially similar pieces of campaign literature shall print, display or incorporate the following words anywhere within the communication: “Paid for by” immediately followed by the name, address and city of that committee. If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall also be included. If an acronym is used to specify a committee name, the full name of any sponsoring organization of the committee shall be included in the campaign communication disclaimer required by this section. (Ord. 09-08 § 1).

1.40.140 Persuasive Polls

A. For purposes of this section, the following terms shall have the following meanings:

1. “Persuasive Poll” shall mean any survey or series of surveys made by telephone, mail, text, e-mail or other electronic means, that refer to a clearly identified candidate for City elective office and for which two of the following three criteria are true:

- a. The survey includes an untrue statement about a candidate for City elective office,
- b. The person(s) conducting or responsible for the survey do not collect or tabulate survey results for all of the surveys,
- c. The survey is designed or intentionally conducted in a manner calculated to influence the vote of the respondent.

Persuasive polls are expenditures as that term is used in the Political Reform Act of 1974 (the “Act”) and therefore subject to all disclosure requirements, including but not limited to political advertisement disclosure requirements, established by the Act. A scientific poll is not a persuasive poll regardless of whether the poll meets the standards of subsections (a)-(c) of this subsection.

2. “Scientific Poll” shall mean any survey or series of surveys made by telephone, mail, text, e-mail or other electronic means, targeted at a random sampling of the population in order to obtain statistical data on opinions regarding a candidate(s) for City elective office.

B. Disclosure Statement Required.

1. Any person who authorizes, administers or makes payment for a persuasive poll shall, within 24 hours after initiation of said persuasive poll, file a disclosure statement with the City Clerk of the City of Benicia which statement shall include the following information:

- a. The dates during which the persuasive poll was conducted,
- b. The complete script used in conducting the persuasive poll, including every question asked in the survey and every statement made to respondents in the survey.
- c. Verification, under penalty of perjury, as to the accuracy and completeness of the information provided in the disclosure statement.

2. A person authorizing, administering or making payment for a persuasive poll is not required to file a disclosure statement under this section if the person is aware that another person authorizing, administering or making payment for the same persuasive poll has filed a disclosure statement for the persuasive poll as required by this section.

C. Determination of Persuasive Poll.

1. If, pursuant to a complaint or notification by any person, the City Attorney becomes aware that a persuasive poll has been made, and a disclosure statement has not been filed pursuant to subsection (B) of this section, the City Attorney may recommend that a qualified independent hearing officer, who is neither an employee nor official of the City, conduct a hearing to determine whether a persuasive poll has been made and a disclosure statement need be filed.

2. The qualified independent hearing officer shall be an attorney with at least five years of experience in political or election law. The qualified independent hearing officer shall be one of the following:

- a. A former commissioner of the Fair Political Practices Commission;
- b. A former full-time staff member of the Fair Political Practices Commission; or
- c. A member in good standing with the California Political Attorneys Association and with at least five years of experience in election law.

3. In making its determination as to whether a persuasive poll has been made and a disclosure statement need be filed, the hearing officer shall make findings, based on evidence presented to it, which findings establish whether or not a poll amounts to a persuasive poll as that term is defined in subsection (A) of this section. Notwithstanding Chapter 1.44, the determination of the hearing officer shall be final and not subject to appeal.

1.40.150 Duties of city clerk and city attorney.

The city clerk shall administer the provisions of this section. In addition to other duties required under this chapter, the clerk shall:

- A. Report apparent violations of this section and applicable state law to the city attorney.
- B. Conduct audits of reports and statements filed by candidates and committees supporting or opposing candidates for mayor and city council, as well as proponents and committees supporting or opposing city ballot measures. The city clerk may employ or contract with auditors when necessary to audit reports filed under this chapter.
- C. The city attorney and city clerk may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items necessary to the audit and investigation of candidates and committees. (Ord. 09-08 § 1).

1.40.160 Enforcement.

A. Criminal Enforcement. Any person who knowingly or willfully violates any provisions of this chapter is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provision of this chapter, shall be liable under the provisions of this section. Prosecution for violation of any provision of this chapter must be commenced within two years after the date on which the violation occurred.

B. Civil Enforcement.

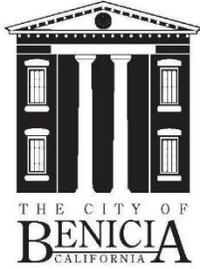
- 1. Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the city attorney. Where no specific civil penalty is provided, a person may be liable for an amount up to \$2,000 for each violation.
- 2. Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this chapter shall be liable in a civil action brought by the city attorney for an amount up to three times the amount of the unlawful contribution or expenditure.
- 3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- 4. In determining the amount of liability under this subsection, the court may take into account any mitigating factors and any aggravating factors.
- 5. No civil action alleging a violation of this chapter shall commence more than two years after the date of the election for which the funds at issue were contributed or expended. (Ord. 09-08 § 1).

1.40.170 Verification.

All notices, reports and statements filed under this chapter shall be signed and verified by the filer under penalty of perjury. The person signing shall read, know and understand the contents of all such documents. (Ord. 09-08 § 1).

1.40.180 Injunction.

The city attorney on behalf of the people of the city of Benicia may sue for injunctive relief to enjoin violations or threatened violations or to compel compliance with the provisions of this chapter. (Ord. 09-08 § 1).



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
BUSINESS ITEM**

TO : City Manager
FROM : Public Works Director
SUBJECT : **2020 WATER AND WASTEWATER UTILITIES UPDATE**

EXECUTIVE SUMMARY:

In 2016, the City Council adopted water and wastewater rates for Fiscal Years (FY) 16/17 through 20/21 based on a five-year rate study completed by consulting firm NBS. In 2019, NBS was hired to assist City staff review the projections made in the 2016 rate study to better understand if the current rate structure is helping each utility achieve its intended goals. The results show the following: the water enterprise fund is solvent and has minimal capacity for reinvestment and maintenance projects; the wastewater enterprise fund was stunted by lower than expected revenues, is barely solvent, and will likely need to be reassessed. This report provides more detail on the status of the two utilities.

RECOMMENDATION:

Receive the water and wastewater utilities financial update report as requested. Staff is not recommending action by City Council.

BUDGET INFORMATION:

None.

BACKGROUND:

The water and wastewater utilities operate as “enterprise funds” meaning that all revenues and expenses associated with each utility’s operation are reflected separately from other City funds, including the General Fund. Both utilities rely almost exclusively on revenues from water and wastewater service charges (in the form of bi-monthly bills). These revenues need to cover each utility’s expenses, savings, investments, restricted withholdings, and reserves.

Rate History

Between 2006 and 2012, water and wastewater rates remained constant. Because revenues for each utility remained flat, each utility had to increasingly rely on reserves and delay maintenance projects. Delayed and deferred maintenance led to decreased useful life of infrastructure and small projects became more costly to fix. Only critical infrastructure repairs and improvements were budgeted, which reduced the City’s ability to protect the health and safety of the City’s customers. Table 1 and 2 below show the rates during this time.

Table 1. Historic Water Rates FY06/07 through FY15/16

	Water Bi-Monthly Rate		
	Fixed	Variable (\$/HCF*)	Percent Increase
FY06/07	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	2%
FY07/08	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	0%
FY08/09	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	0%
FY09/10	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	0%
FY10/11	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	0%
FY11/12	\$27.60	Tier 1 \$1.37; Tier 2 \$2.15; Tier 3 \$2.30	0%
FY12/13	\$29.54	Tier 1 \$1.46; Tier 2 \$2.30; Tier 3 \$2.46	7%
FY13/14	\$33.36	Tier 1 \$1.65; Tier 2 \$2.60; Tier 3 \$2.78	12.9%
FY14/15	\$37.20	Tier 1 \$1.84; Tier 2 \$2.90; Tier 3 \$3.10	11.5%
FY15/16	\$39.72	Tier 1 \$1.97; Tier 2 \$3.10; Tier 3 \$3.31	6.8%

*HCF = hundred cubic feet or approximately 748 gallons.

Table 2. Historic Wastewater Rates FY06/07 through FY15/16

	Wastewater Bi-Monthly Rate		
	Fixed	Variable (\$/HCF)	Percent Increase
FY06/07	\$82.66	N/A	5%
FY07/08	\$82.66	N/A	0%
FY08/09	\$82.66	N/A	0%
FY09/10	\$82.66	N/A	0%
FY10/11	\$82.66	N/A	0%
FY11/12	\$82.66	N/A	0%
FY12/13	\$91.76	N/A	11%
FY13/14	\$100.02	N/A	9%
FY14/15	\$106.52	N/A	6.5%
FY15/16	\$110.78	N/A	4%

In 2015, the water and wastewater enterprise funds were on the verge of insolvency and required significant immediate action to be taken.

Current Rate Structure

In 2016, the City of Benicia completed a new five-year rate study. The purpose of the rate study was to raise enough revenues for both utilities to return to solvency and begin saving for capital projects. On August 22, 2016, City Council adopted Resolution No. 16-117 (Attachment 1) which acknowledged that revenues were incapable of covering operating expenses, that the new water and wastewater rates “do not exceed the reasonable cost of providing services” and adopted the current rate structure with annual increases each July 1 thereafter.

In 2018, City Council directed staff to reevaluate projects identified in 2016 for potential reprioritization and/or removal. Staff’s evaluation resulted in changes to the water and wastewater capital projects lists. On April 17, 2018, City Council adopted Resolution No. 18-35 which maintained water rate increases as adopted in 2016 and revised the wastewater rate increase scheduled for implementation on July 1, 2018. The last of the five-year increases are

scheduled for July 1, 2020. A summary of rate increases is provided in Table 3.

Table 3. City Council Approved Five-Year Rate Increases 2016-2021 Effective April 2018

	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Water	20%	16%	10%	3%	3%
Wastewater	16%	12%	9% 0% *	7%	5%

**Note: On April 17, 2018, City Council reduced the FY 18/19 wastewater rate increase from 9% to 0%.*

Infrastructure Condition Assessment Underway

Stantec, on behalf of the City, is currently conducting an infrastructure condition assessment for the water and wastewater utilities. The City Council approved this contract and the scope of work on May 7, 2019. Stantec will independently assess the useful life of the City’s water and wastewater key infrastructure, update the City’s water and wastewater master plans, and provide the City a suggested update to both utilities’ capital investment program (CIP) project list. These activities are planned to conclude in summer 2020.

Utility Financial Status Update

In conjunction with Stantec’s efforts, the City engaged NBS, the same consulting firm that drafted the 2016 utilities rate study, to review the City’s adopted and audited financial statements from 2016 through 2019. This review is intended to provide a financial status report to the City on assumptions made in the 2016 rate study. The executive summary of the Water and Wastewater True-Up Analysis, dated April 13, 2020 (NBS True-Up Analysis), is provided as Attachment 2.

UTILITY FUNDING STRUCTURE:

The water and wastewater enterprise funds are primarily funded by ratepayers as charges for service. Service charges are assessed on current customers for the services provided and used (via bi-monthly bills and payments). The operations and capital funds are supported by ratepayers and users of the utility systems, paying rates to cover their cost of service.

The enterprise funds also receive capacity fee funds which are one-time fees typically charged to developers to recover the costs associated with providing additional facility capacity to new users, without burdening existing users of the utility systems.

The use of the City’s wastewater and water capacity fee funds is strictly limited to the expansion or improvement of the water and wastewater systems and to serve new development. State law, regulations, and court decisions prevent the use of capacity fee funds for ongoing operations, maintenance, and replacement of components of utilities. As a result, the capacity fee funds are excluded from the scope of the NBS True-Up Analysis and this staff report. A future City Council update will provide additional information regarding the use and balance of capacity fee funds.

REVENUE SUMMARY:

Below follows an analysis of each utility’s revenue sources. The funds shown for FY19/20 and FY20/21 are projected because financial activities for these years are not yet concluded.

Water Revenue

Revenues from water rates generally follow assumptions made in 2016 for the study period. Water revenues are beginning to trend higher than originally estimated, primarily due to higher water use by ratepayers. After the 2012-2016 drought, users began to use more water for outdoor irrigation. While increasing consumption helps generate revenue for future CIP projects, the City is nearing its committed goal to reduce water consumption from 193 gallons per capita day (GPCD) to 179 GPCD as stated in the City’s 2015 Urban Water Management Plan.

Below is the City’s water rate schedule, as adopted in 2016. Also shown are the estimated and actual revenues for the same period.

Table 4. Water enterprise revenues FY 16/17 through FY 20/21

	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Rate Increase	20%	16%	10%	3%	3%
Single-Family Residential Fixed Rate	\$26.00	\$30.16	\$ 33.18	\$34.18	\$35.20
Single-Family Residential Volumetric Rate (\$/HCF)	\$3.56	\$4.13	\$4.54	\$ 4.67	\$4.81
Revenue					
2016 Estimate	\$7,195,583	\$8,976,490	\$9,811,177	\$10,086,624	\$10,370,334
2020 Actual/ Estimate	\$7,200,858	\$9,255,835*	\$10,478,726	\$10,836,110	\$11,139,320
Percent Difference	0%	3%	7%	7%	7%

**Note: Actual revenues exceed estimates in large part because customer water use increased once drought conditions eased regardless the cost of service.*

Water Bill Comparison

Every utility is different, and, at times, it can be difficult to compare utilities within a region to understand if a service charge is “high” or “low”. Some water utility characteristics that affect ratepayer charges include service area size, size of customer base, raw water quality and source, proximity to raw water source, elevation changes in the distribution system, amount of storage, financial policies, age of system, rate of expansion, and land use categories within the service area.

Each water utility shown below shares some characteristics with the City’s water enterprise (location, size, water source, etc.) and provides a regional assessment of service charges. For simplicity, service charges for single family residential accounts, using 24 HCF water were compared on a bi-monthly basis as of March 2020. The average water bill is \$157.68, and the median is \$152.32. Benicia is slightly above the average and median at \$158.26 as shown in Figure 1 below.

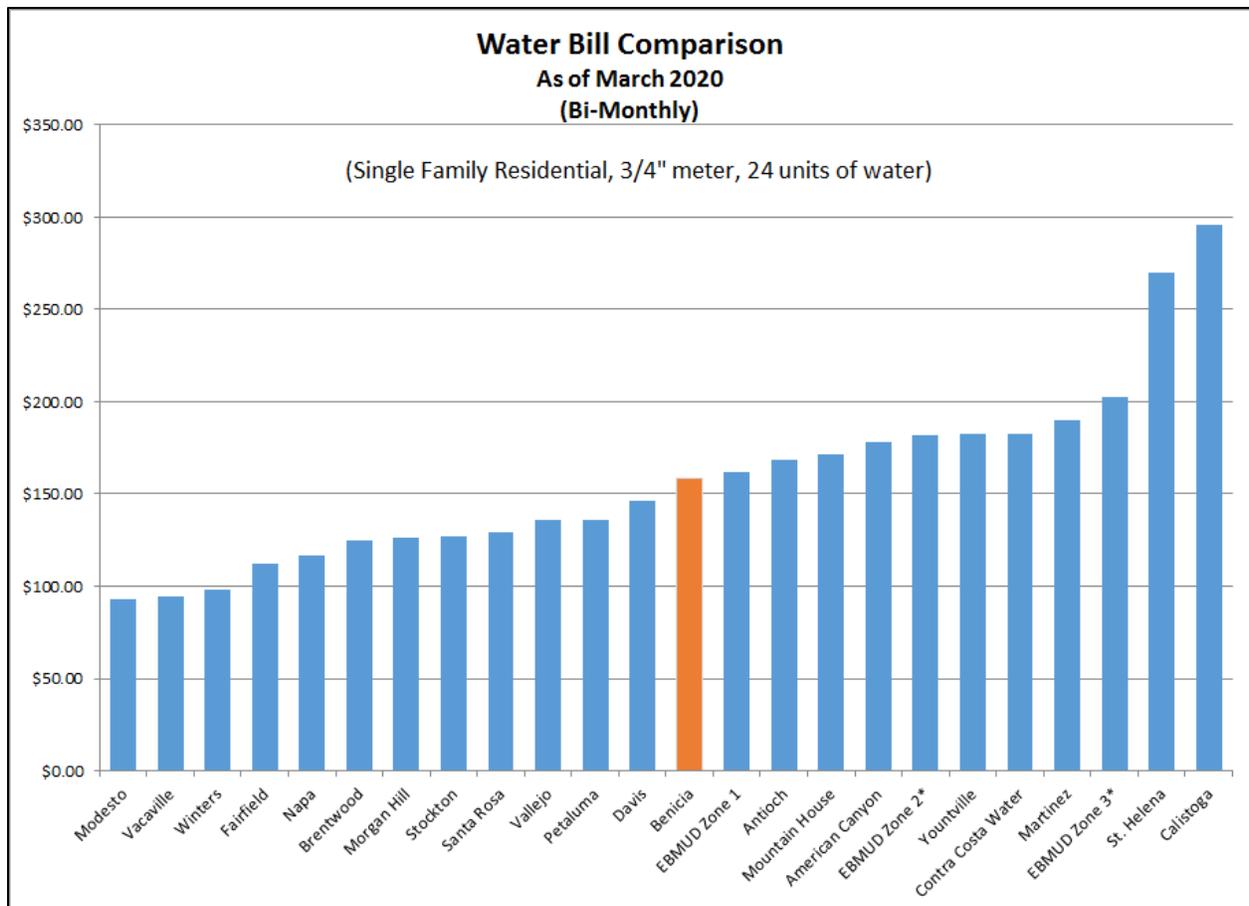


Figure 1. Comparison of Regional Water Bills based on Rates as of March 2020

Wastewater Revenue

Revenues from wastewater rates are generally lower than assumptions made in 2016 for the study period. Wastewater revenues are based on a fixed charge (referred to as “maintenance” on utility bills) and a volumetric component that is capped at 18 HCF. NBS noted that actual revenues are tracking below 2016 estimates based on inaccurate assumptions of consumption in 2016 (when rates were set) and the rate reduction in 2018 (when the rate increase was eliminated). Table 5 (below) shows the City’s wastewater rate schedule, as adopted in 2016 and modified in 2018. Also shown are the estimated and actual revenues for the same period.

Table 5. Wastewater enterprise revenues FY 16/17 through FY 20/21

	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Rate Increase	16%	12%	0%	7%	5%
Single-Family Residential Fixed Rate	\$86.90	\$97.34	\$97.34	\$104.14	\$109.36
Single-Family Residential Volumetric Rate (\$/HCF)	\$2.54	\$2.85	\$2.85	\$3.05	\$3.20
Revenue					
2016 Estimate	\$10,006,757	\$11,207,568	\$12,216,249	\$13,071,387	\$13,724,956
2020 Actual/Estimate	\$8,648,995	\$10,031,233	\$10,269,361	\$11,214,980	\$11,775,720
Percent Difference	-15%	-11%	-17%	-15%	-15%

Wastewater Bill Comparison

As previously stated, each utility is different. Factors impacting wastewater service charges include service area size, size of customer base, elevation changes in the collection system, financial policies, age of system, rate of expansion, the strength and loading of untreated wastewater, disposal method, and solids handling procedures/regulations.

Each of the wastewater utilities shown below shares multiple characteristics with the City’s wastewater utility. Figure 2 depicts a March 2020 regional comparison of wastewater service charges, normalized for bi-monthly billing and equal consumption charges, when applicable. The average wastewater bill is \$146.55, and the median is \$133.38. Benicia is above the average and median at \$159.05.

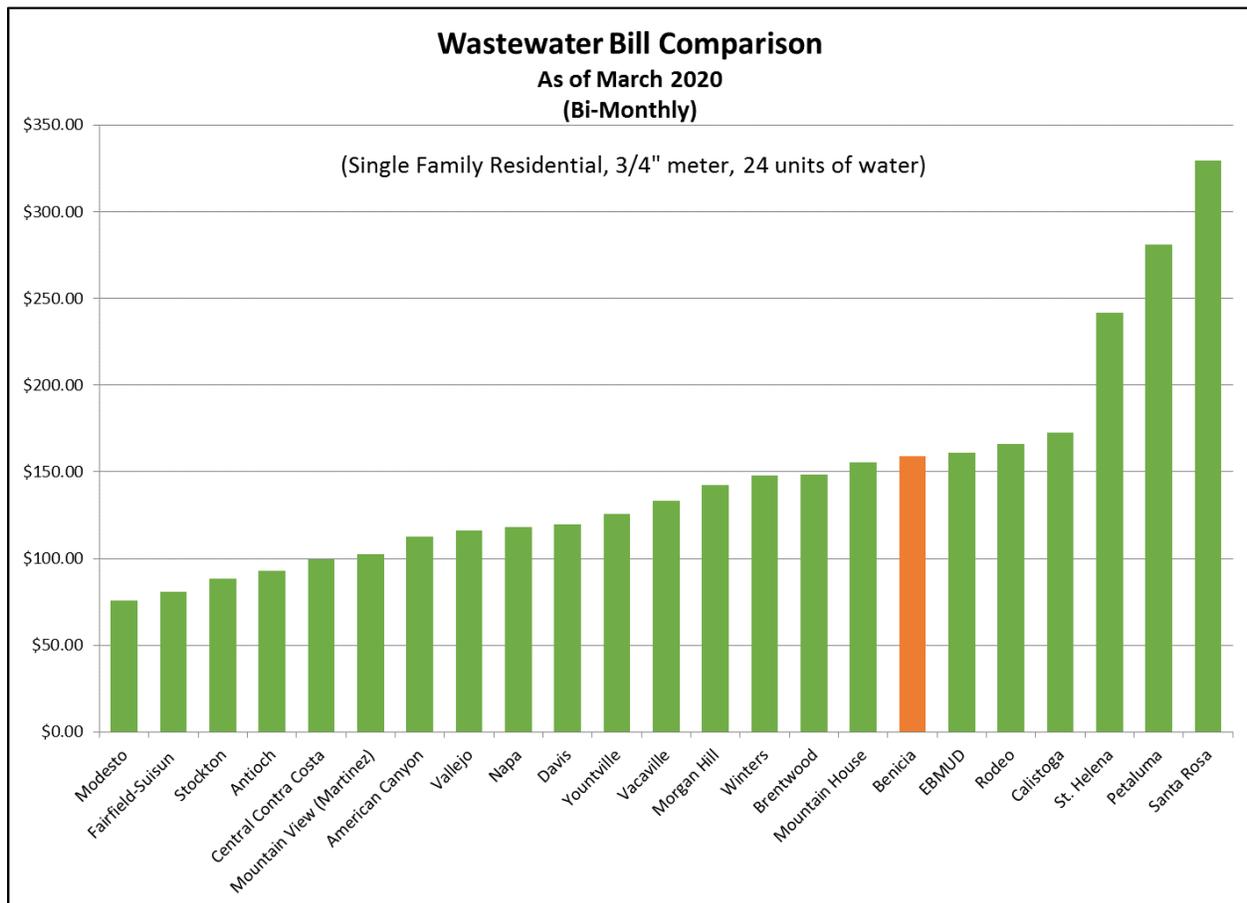


Figure 2. Comparison of Regional Wastewater Bills based on Rates as of March 2020

Benicia has slightly higher than the median and average wastewater rates because the utility has high treatment and operation costs related to discharges in the Carquinez Strait. These higher relative costs are spread among a small customer base therefore the cost per customer is slightly higher than neighboring wastewater utilities.

EXPENSES SUMMARY:

Expenses for each enterprise generally fall into three categories: operations (which includes salaries and benefits), debt service repayments and rate funded CIP projects. Since the 2016, expenses have steadily increased, primarily due to CIP projects. Although expenses have

increased over the last five fiscal years, the expenses from FY 16/17 through FY18/19 increased slower than originally anticipated in the 2016 study due to several factors discussed in the cash balances and reserves section.

Water Expenses

Below is a summary of water enterprise expenses from FY16/17 through FY 20/21.

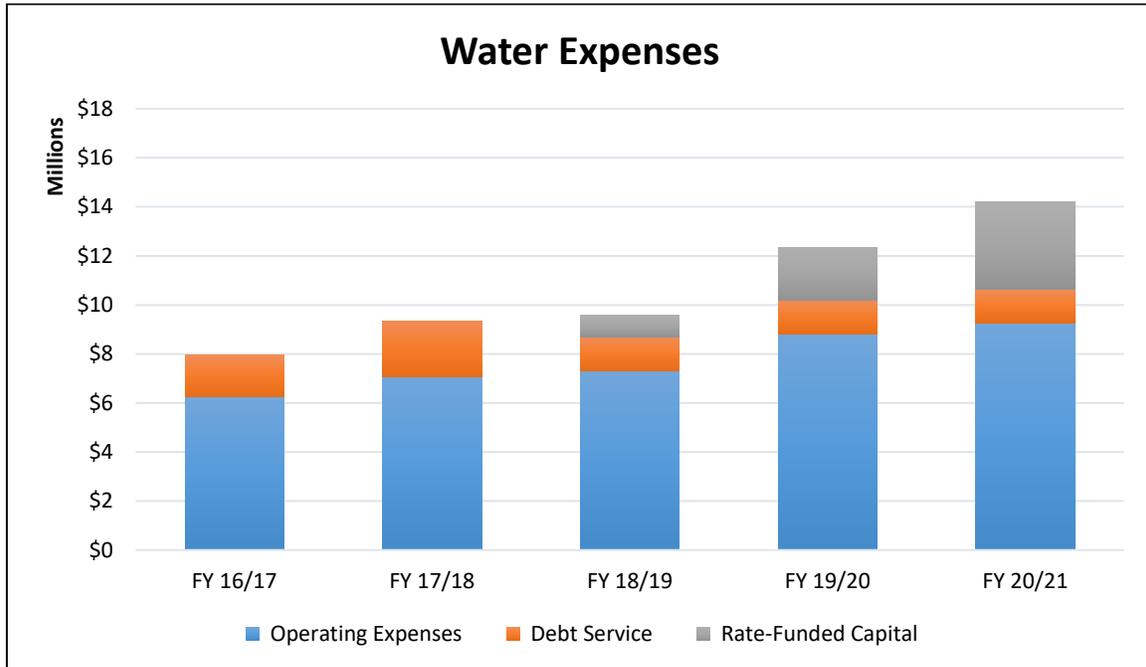


Figure 3. Water Enterprise Expenses FY16/17 through FY20/21

As reserves were established, more funds could be diverted into projects. In FY18/19, the water enterprise began spending funds on CIP projects.

Table 6. Summary of Water CIP Projects

Water Project Name	Total	FY Start	Status
Treated Water Flowmeter Replacement Project	\$200,000	19/20	Construction
Master Plan Update	\$499,507	18/19	In Process
P-2 Pump Station Motor Control Center Replacement	\$300,000	19/20	Design
Recoating of R2 Reservoir	\$462,000	19/20	Planning
Chlorine Gas Conversion Project	\$1,600,000	19/20	Design
W 7th St 12-inch Water Main & Pressure Reducing Valve Improvement Project	\$957,000	19/20	Planning
Water Line Replacement Program	\$2,300,000	19/20	Construction
Drolette Way 8-inch Reliability Loop	\$51,000	20/21	Planning
Valero Magmeter Flow Meters	\$105,000	20/21	Planning
Cordelia 24" Transmission Main Isolation Valves	\$150,000	20/21	Not Started
Water Treatment Plant Ozone Treatment	\$27,600,000	21/22	Not Started

Water Project Name	Total	FY Start	Status
Cordelia Transmission Main Replacement	\$4,700,000	22/23	Not Started
Backwash Pump #3, Motor and Pump	\$20,000	23/24	Not Started
Raw Water Transmission Line Air Relief Valves	\$75,000	23/24	Not Started
12" Water Main in West 7th for Zone 3	\$220,000	23/24	Not Started
Total	\$39,239,507		

Wastewater

Below is a comparison of wastewater enterprise expenses between the 2016 rate study and the 2020 NBS True-Up Analysis. Expenses were intentionally kept low to build up reserves and meet debt service coverage ratios and ensure the wastewater utility's solvency.

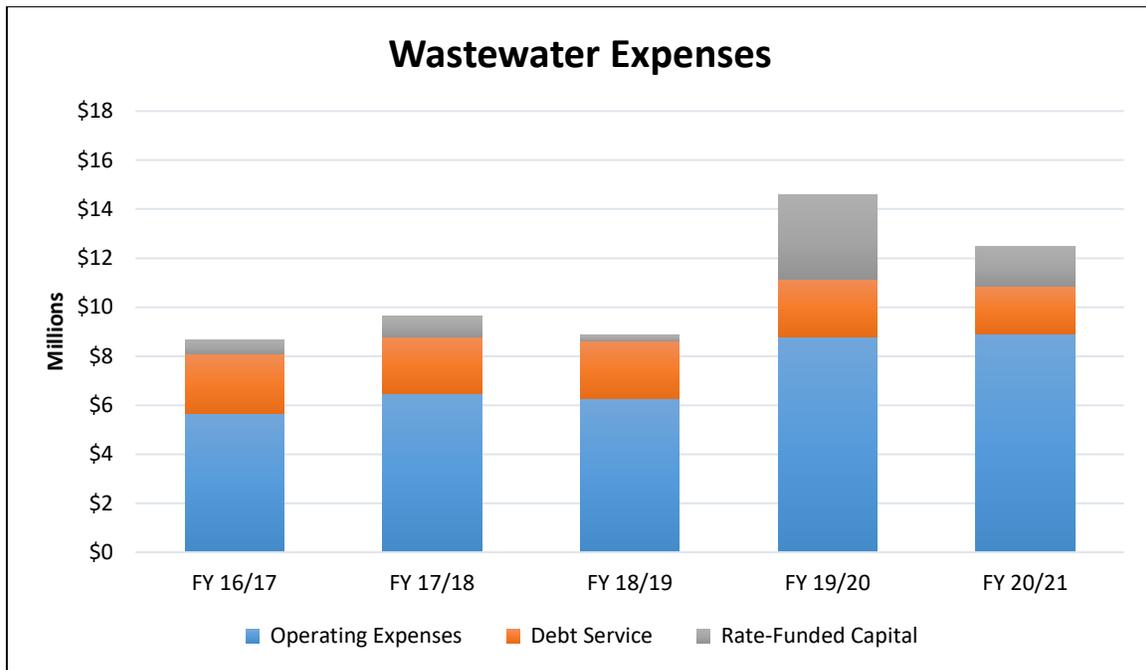


Figure 4. Wastewater Enterprise Expenses FY16/17 through FY20/21

As the fund became more solvent and reserves were established, more funds could be diverted into projects. In FY18/19, the wastewater enterprise began spending funds on CIP projects.

Table 7. Summary of Wastewater CIP Projects

Wastewater Project Name	Total	FY Start	Status
El Bonito Way Force Main Replacement	\$60,000	19/20	Design
Solids Building Platforms (Belt Press & Cyclones)	\$211,000	19/20	Design
Master Plan Update	\$499,507	18/19	In Process
E. 7th St. Sewerline Replacement	\$276,000	19/20	Construction
West H Pipeline Replacement	\$283,000	19/20	Design
Bayshore Rd Force Main Sewer Crossovers	\$560,000	19/20	Design
Bayshore Road Gravity Main Rehabilitation	\$911,000	19/20	Construction
Sewer Line Replacement Program	\$2,800,000	19/20	Construction

Wastewater Project Name	Total	FY Start	Status
Recoat Concrete Channels	\$487,000	19/20	Not started
Cathodic Protection Improvements	\$540,000	19/20	Not started
E. Channel Sewerline Improvements	\$3,720,000	19/20	Not started
Digester Cleaning	\$200,000	20/21	Not started
Digester Gas Line above ground	\$320,000	20/21	Not started
Lift Station Upgrades	\$594,000	20/21	Not started
Rake Shaftless Screw	\$75,000	21/22	Not started
Modify Belt Filter Press	\$100,000	21/22	Not started
Chemical Tank Replacement at WWTP	\$100,000	21/22	Not started
Boiler Replacement	\$540,000	21/22	Not started
Influent Pumps Rehabilitation	\$620,000	21/22	Not started
Gas Box	\$825,000	21/22	Not started
Overhaul Natural Gas Genset	\$100,000	22/23	Not started
Water Reuse Project	\$33,100,000	23/24	Not started
Total	\$46,921,507		

RESERVES:

The water and wastewater enterprise funds must each keep enough cash reserves to meet financial obligations, sustain rate fluctuations, and replace infrastructure. The 2016 rate study states the following reserve targets.

1. Operations reserve – 20% of annual revenues (industry standard is 25%)
2. Rehabilitation and replacement (R&R) – 3% of net depreciable assets
3. Rate stabilization fund – 30 days of the budgeted annual operating expenses
4. Debt service coverage – is equal to the required principal and interest payments on outstanding debt during the fiscal year

An analysis of the water and wastewater utility cash balances is as follows.

Water Cash Balances and Reserve Requirements

Figure 5 presents the low cash balance of the water utility in the five fiscal years prior to adoption of the 2016 rate schedule. Between FY11/12 and FY15/16 the cash balance of the fund averaged \$4.1 million. The FY 15/16-16/17 biennial budget for the water utility included only minimum maintenance and no capital costs which created a backlog of unfunded infrastructure projects. Cash balances of the water utility were not expected to meet the reserve requirements of a projected budget that incorporated critical preventative maintenance and capital costs.

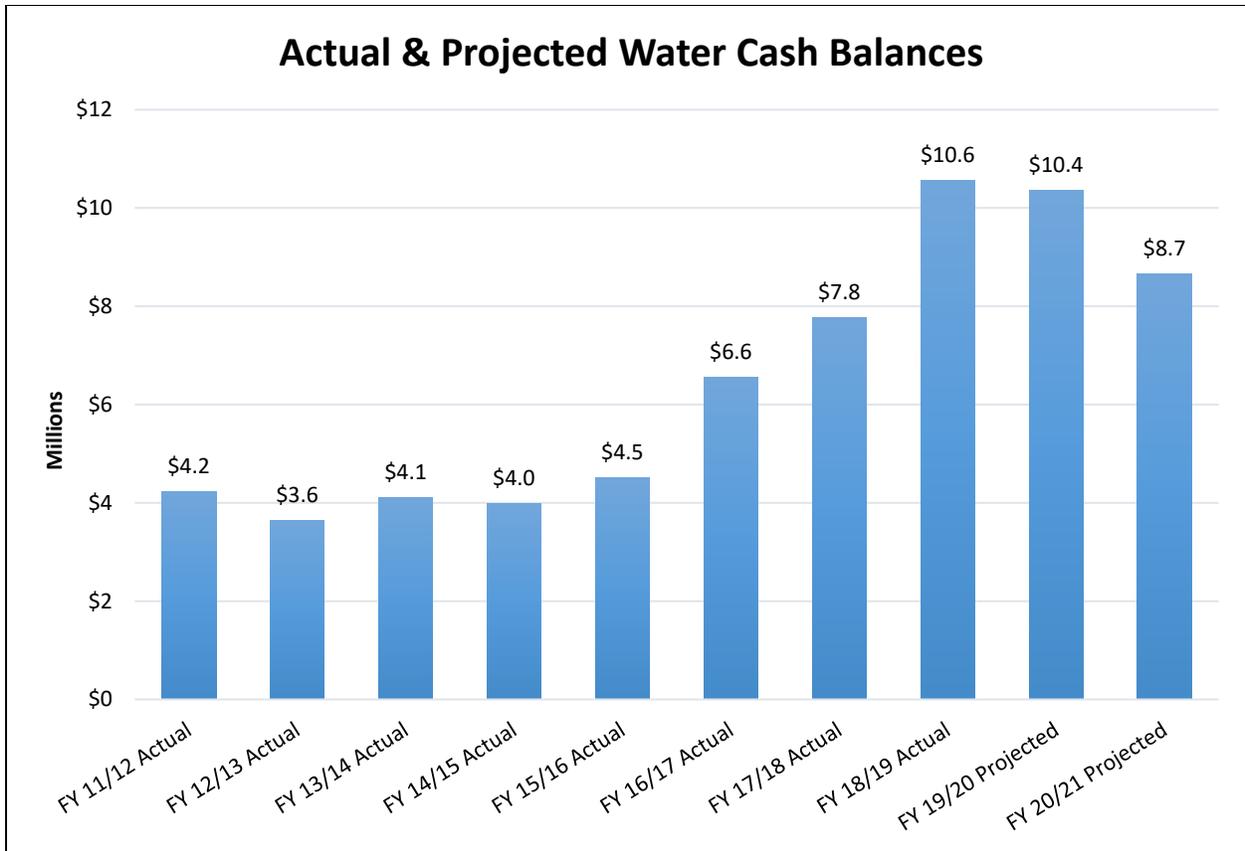


Figure 5. Historical and Current Water Cash Balances FY11/12 Through FY20/21

The increase in cash balances following the rate increase in FY16/17 is a combination of the rate increase as well as unexpected decreases in expenses. Compared to the 2016 rate study, the water utility experienced salary and benefit savings study due to unanticipated staff turnover as well as reduced expenses due to the delay and re-prioritization of capital projects. Although staff still completed several capital projects, they were not the same size and scope as originally anticipated in the 2016 rate study. Additional revenues from increased water use also contributed to increasing cash balances. As shown below, these factors enabled the water utility to meet the reserve requirement.

Table 8. Historical and Current Water Cash Balances FY16/17 through FY20/21

(\$ millions)	Actual FY 16/17	Actual FY 17/18	Actual FY 18/19	Projected FY 19/20	Projected FY 20/21
Actual & Projected Cash	\$6.6	\$7.8	\$10.6	\$10.4	\$8.7
Operating Reserve	2.0	2.1	2.4	2.4	2.5
Capital Rehab/Replacement	0.9	1.1	1.0	1.1	1.1
Rate Stabilization	0.5	0.6	0.6	0.7	0.8
Debt Reserve	1.7	2.3	1.4	1.4	1.4
Total Reserve Requirement	\$5.1	\$5.4	\$5.0	\$5.6	\$5.8
Ending Cash	\$1.5	\$1.7	\$5.2	\$4.8	\$2.9

Ending cash after meeting the reserve requirements is needed and used for future CIP projects on the City’s CIP list that are built into the rates and budget. The CIP list helps drive the evaluation and identification of current and future capital infrastructure projects in need of renovation, repair and construction, Projects on the City’s CIP list are multi-year and sizeable in scope, which often requires more funding than can be set aside in one year. As such, utility funds carryover cash balances year to year as multi-year CIP projects progress through the stages of design, engineering, construction, and completion.

Wastewater Cash Balances and Reserve Requirements

Figure 6 illustrates the low cash balance of the wastewater utility in the five fiscal years before the 2016 rate schedule. Cash balances of the wastewater utility fund decreased to approximately \$2.2 million in FY12/13 causing staff to implement emergency cost saving measures and defer preventative maintenance and capital costs to attempt and ensure the solvency of the wastewater utility. This action shortens the lifespan of key infrastructure requiring costly replacement projects to be accelerated.

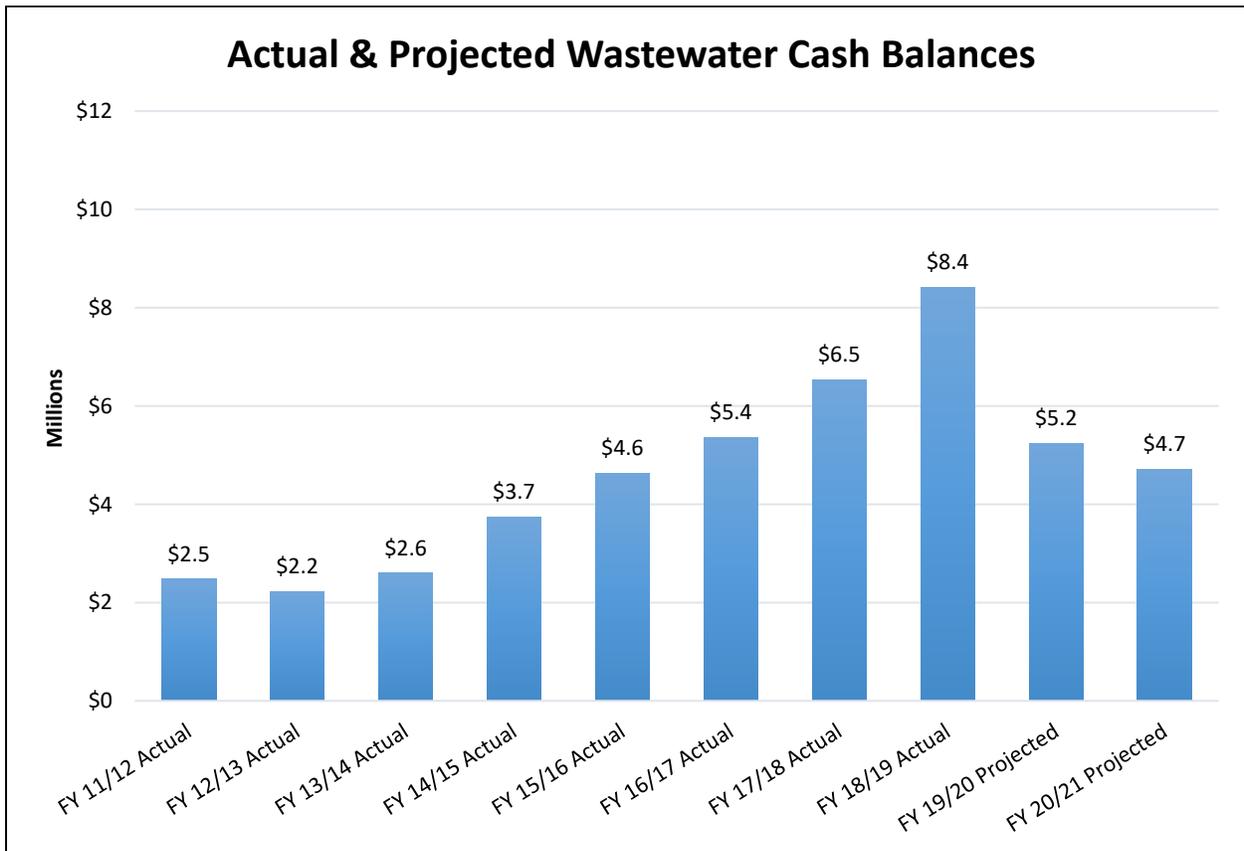


Figure 6. Historical and Current Wastewater Cash Balances FY 11/12 Through FY 20/21

The increase in cash balances following the rate increase in FY16/17 is a combination of the rate increase as well as unexpected decreases in expenses. Compared to the 2016 rate study, the wastewater utility experienced salary and benefit savings from staff turnover coupled with the delay and re-prioritization of capital projects. Although staff still completed several capital projects, they were not the same size and scope as originally anticipated in the 2016 rate study. These factors enabled the wastewater utility to cover the reserve requirement in FY17/18 and FY18/19. However, the budget for FY19/20 and FY20/21 was significantly negatively impacted

by the forgone FY18/19 wastewater rate increase. As a result, the wastewater utility is not projected to meet the reserve requirement for FY19/20 or FY20/21.

Table 9. Historical and Current Wastewater Cash Balances FY16/17 through FY20/21

(\$ millions)	Actual FY 16/17	Actual FY 17/18	Actual FY 18/19	Projected FY 19/20	Projected FY 20/21
Actual & Projected Cash	\$5.4	\$6.5	\$8.4	\$5.2	\$4.7
Operating Reserve	1.7	2.0	2.1	2.3	2.4
Capital Rehab/Replacement	1.5	1.1	1.3	1.4	1.4
Rate Stabilization	0.5	0.5	0.5	0.7	0.7
Debt Reserve	2.4	2.3	2.4	2.3	1.9
Total Reserve Requirement	\$6.1	\$5.9	\$6.3	\$6.7	\$6.4
Ending Cash	(\$0.7)	\$0.6	\$2.1	(\$1.5)	(\$1.7)

The negative “Ending Cash” figures in FY19/20 and FY20/21 reflects the wastewater utility’s inability to meet the total reserve requirements in future years, even including the projected FY20/21 rate increase. In order to meet the reserve requirements, revenues will need to increase, or staff will need to re-evaluate and defer capital projects or preventative maintenance costs. Elimination of future rate increases would decrease the City’s ability to invest in and maintain critical infrastructure for to maintain the delivery of services to residents. The risk of infrastructure failure increases as the capital projects and preventative maintenance are left unfunded.

STAFFING:

Staffing the water and wastewater utilities is a significant challenge. Salaries are 6% to 21% below regional market rates. In some cases, staff in neighboring jurisdictions earn more than supervisors within the City’s water and wastewater utilities. Each City utility experiences consistent vacancies at all levels. The City struggles to attract qualified candidates in key roles due to compensation issues. Lower salaries reduce expenses but create recruitment and retention issues.

Further, the current water and wastewater utility staffing models are below industry standard best management practice. In some cases, the City’s staffing is so lean that one employee out sick disrupts an entire week’s staffing plan. Having less staff than needed reduces expenses but requires more overtime and some maintenance activities to be left unattended. And, more importantly, lean staffing does not protect public health or ensure public safety.

NEXT STEPS:

Complete the water and wastewater utilities condition assessment, master plan update, and proposed CIP update. Begin another utilities rate study to set a financial plan for the future of each enterprise fund.

ALTERNATIVE ACTIONS:

N/A

General Plan	<p>Goal 2.28: Improve and maintain public facilities and services.</p> <p>Goal 2.36: Ensure an adequate water supply for current and future residents and businesses</p> <p>Goal 2.38: Protect water quality</p> <p>Goal 2.39: Provide safe drinking water and improve its taste and odor</p> <p>Goal 2.40: Ensure adequate wastewater treatment capacity to serve all development shown in the General Plan</p> <p>Goal 2.41: Minimize WWTP operational upsets, potential discharge of inadequately treated wastewater, and the emission of odor and noise</p> <p>Goal 2.42: Enhance the recycling of solid waste</p> <p>Goal 4.1: Make community health and safety a high priority for Benicia</p> <p>Goal 4.9: Ensure clean air for Benicia residents</p> <p>Goal 4.10: Support improved regional air quality</p> <p>Goal 4.13: Prevent property damage caused by flooding</p> <p>Goal 4.14: Prevent ground and surface water contamination</p> <p>Goal 4.22: Update and maintain the City’s Emergency Response Plan</p>
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input checked="" type="checkbox"/> Protect Community Health & Safety</p> <p><input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input checked="" type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input checked="" type="checkbox"/> Protect & Enhance the Environment</p> <p><input checked="" type="checkbox"/> High Performing Government</p>
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Administration - Water 2. Administration - Wastewater 3. Capital Improvement Program
	Priority Based Budgeting (PBB) Website:
	<p>Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.</p>

CEQA Analysis	<p>This activity does not meet the definition of a project as described in Title 14 of the California Code of Regulations, §15378(a).</p>
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ATTACHMENT:

1. City Council Resolution No. 16-117
2. Water and Wastewater True-Up Analysis – Prepared by NBS April 13, 2020

*For more information contact: Kyle Ochendusko, Deputy Public Works Director
Phone: 707-746-4376
E-mail: KOchendusko@ci.benicia.ca.us*

RESOLUTION NO. 16- 117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE AMENDMENT OF THE MASTER FEE SCHEDULE TO INCREASE WATER, SEWER RATES AND ADD METER REPLACEMENT FEE

WHEREAS, the City of Benicia hired NBS to do a rate study of its water and sewer services; and

WHEREAS, as a result of the study, the City Council has determined the current rate structure will not adequately support the current and future costs to operate the water and sewer systems; and

WHEREAS, proposed rate increases reflect the cost of providing services to all customers through the apportionment of costs based on customer, capacity and demand characteristics so that each customer does not pay more than the fair share; and

WHEREAS, the proposed rates do not exceed the reasonable cost of providing the services; and

WHEREAS, the City Manager is recommending adding the Water and Sewer rates to the Master Fee schedule for November 1, 2016; and

WHEREAS, the City Manager is recommending adding a water meter replacement fee to the Master Fee schedule for November 1, 2016; and

WHEREAS, notice of public hearing has been provided per Government Code Section 66016, oral and written presentations made and received, and the required public hearing held; and

WHEREAS, the Finance Director has indicated that the proposed fees are in accordance with Article XIII-B of the Constitution of the State of California; and

WHEREAS, the rates set forth in this resolution are intended to meet operating expenses, meet financial reserve requirements, secure funding for capital improvements to maintain service and to recover costs to maintain the current and expected levels of water and sewer services. As such adoption of the rates proposed in the related staff reports and this resolution is not a "project" within the meaning of the California Environmental Quality Act, Public Resources Code Section 21080 (b)(8)(A), (C), and (D);

WHEREAS, a majority protest of the proposed increases was not received; and

WHEREAS, all the rates and all the portions of this resolution are severable and should any of the rates or any portion of this resolution be proven invalid or unenforceable by a court of competent jurisdiction, then the remaining rates and/or portion of this resolution shall continue to be in full force and effect except for those rates and/or portion of the resolution that has been judged to be invalid.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia as follows:

1. The above recitals are incorporated into this resolution by reference.
2. There was no majority protest of the proposed water, sewer and meter fee increases.
3. The water, sewer and meter fee rates as set forth in the attached exhibits are hereby approved and adopted. The FY 16/17 rates will go into effect on November 1, 2016. Subsequent FY rates will go into effect each July 1. The new rates shall supersede and replace any existing conflicting rates. The new rates shall be incorporated into the Master Fee resolution.
4. This resolution will become effected upon the effective date of the ordinances amending Chapters 13.12 and 13.52 which were presented at this same Council meeting.

On motion of Council Member **Schwartzman**, seconded by Council Member **Strawbridge**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of August 2016 and adopted by the following vote:

Ayes: **Council Members Schwartzman, Strawbridge, and Mayor Patterson**

Noes: **Council Members Campbell and Hughes**

Absent: **None**



Elizabeth Patterson, Mayor

Attest:



Lisa Wolfe, City Clerk

8-22-16
Date



32605 Temecula Parkway, Suite 100
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Executive Summary

FINAL TECHNICAL MEMORANDUM

TO: KYLE OCHENDUSZKO, DEPUTY PUBLIC WORKS DIRECTOR – UTILITIES
FROM: GREG CLUMPNER, DIRECTOR, NBS
JORDAN TAYLOR, CONSULTANT, NBS
RE: WATER AND WASTEWATER TRUE-UP ANALYSIS
DATE: APRIL 13, 2020

PURPOSE OF THE TRUE-UP ANALYSIS

NBS completed a Water and Wastewater Rate Study for the City in May 2016, with the primary objectives of meeting revenue projected revenue requirements, adequately funding rehabilitation and replacement of the City’s aging water and wastewater infrastructure, and meeting Proposition 218 requirements. The recommended water and wastewater rate increases, which are summarized below, went into effect on November 1, 2016 with annual increases each July 1 thereafter.

<u>Rate Adjustment</u>	<u>FY’16/17</u>	<u>FY’17/18</u>	<u>FY’18/19</u>	<u>FY’19/20</u>	<u>FY’20/21</u>
Water	20%	16%	10%	3%	3%
Wastewater	16%	12%	9% 0%	7%	5%

Note: the 9% wastewater rate increase originally scheduled for FY 2018-19 was eliminated per Council’s direction

The City requested NBS to work with City staff to perform a True-Up analysis of the water and wastewater revenues, expenses, and ending cash reserves covering the period of July 1, 2016 through June 30, 2021. This analysis included a comparison of the 2016 rate study projections to an in-depth update of the City’s utility budgets and an analysis of recent account and water consumption billing records.

KEY FINDINGS

Water Utility – Despite projected higher capital costs in FY’19/20 and FY’20/21, the water utility is relatively financially healthy, with a projected ending cash reserve of over \$9 million.

- **Water Rate Revenues:** Water rate revenue in the 2016 rate study (excluding non-treated water customers and non-rate revenue, but including the AMI estimated recovery revenue) have tracked closely with the updated City budgets.
- **Water Expenses:** For the first three years, the City budgets were about one million dollars less than the 2016 rate study projections, primarily due to lower projected capital costs. City budgets in FY’19/20 and FY’20/21 are then higher than the 2016 study due to unanticipated additional capital projects.
- **Projected Water Cash Reserves:** Using a baseline reserve fund balance of \$10.6 million as of June 30, 2019 (based on an account inquiry of March 16, 2020), ending cash reserve in FY’20/21 are projected to be about \$8.1 million.



- **Account and Consumption Data:** After working through some technical issues, NBS has verified that recent billing data on the number of accounts and billed consumption reasonably corresponds to actual rate revenues.

Wastewater Utility – Although not as robust as the water utility, the wastewater utility is in reasonably good financial health based on ending cash reserves projected to be about \$4.7M; capital project costs have been the most significant factor affecting these reserves.

- **Wastewater Rate Revenues:** The estimated FY'16/17 revenue in the 2016 wastewater rate study, and those in subsequent years, were based on the City budget at the time of the study, which was about \$1.2 million higher than what was later recorded in the City budget “actuals”. Then, due to re-prioritizing CIP projects, the adopted 9% rate increase for FY'18/19 was not implemented, which further reduced projected revenues. As a result, the updated City budget revenues in FY'19/20 and FY'20/21 are about \$2.9 million lower than originally projected the 2016 rate study.
- **Wastewater Expenses:** The first three years of the 2016 rate study had significantly higher capital project costs compared to those included in the City’s budgets (i.e., budget actuals are typically lower than current budgets). This drove up the 2016 rate increases. However, expenses in FY'19/20 and FY'20/21, in both the 2016 rate study and the updated City budgets, jumped up due to several million dollars of new capital projects.
- **Projected Wastewater Cash Reserves:** Using the City’s actual reserve of \$8.4 million as of June 30, 2019 (based on an account inquiry of March 16, 2020), wastewater cash reserves at the end of FY'20/21 are expected to be \$4.7 million.

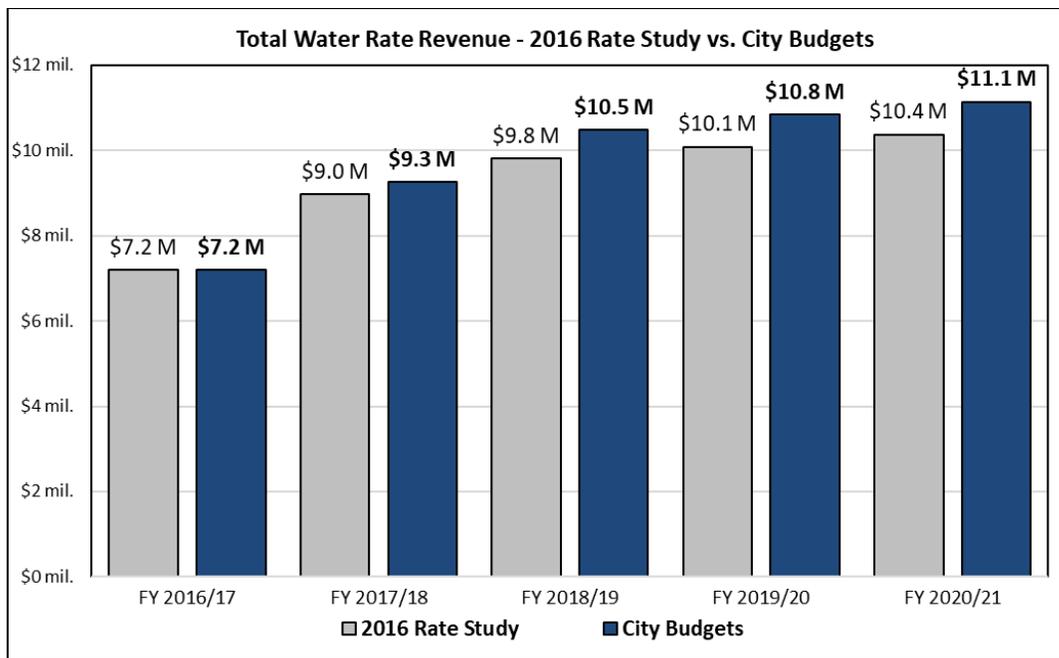
OVERVIEW OF THE ANALYSIS

This True-Up analysis evaluated revenues and expenses from two sources: (1) 2016 rate study projections, and (2) current City budgets (historical “actuals”, current and projected). NBS also evaluated rate revenue based on an analysis of 2018 consumption data, which were slightly lower than shown in City budgets. The following sections summarize water and wastewater utility revenues, expenses, and cash reserves.

SUMMARY OF THE WATER UTILITY TRUE-UP

WATER UTILITY RATE REVENUES – **Figures 1 and 2** summarize the analysis of water rate revenue over the five-year study period.

Figure 1 – Summary of Water Rate Revenues



Note: revenues exclude non-treated water customers and non-rate revenues but do include AMI recovery estimates.

Figure 2 – Summary of Water Rate Revenues

Water Rate Revenue ¹	Historical		Estimated	Budget	Projected
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
2016 Rate Study: Rate Revenue Including Rate Increases					
Total Fixed & Volumetric	\$7,195,583	\$8,976,490	\$9,811,177	\$10,086,624	\$10,370,334
City Budget Data: Water Rate Revenue Under Prevailing Rates					
Total Fixed & Volumetric	\$7,200,858	\$9,255,835	\$10,478,726	\$10,836,110	\$11,139,320

1. Total of Rate Revenue Under Prevailing Rates plus Revenue from Rate Increases, from 2016 Rate Study Report (Figure 2).

Note: revenues exclude non-treated water customers and non-rate revenues but do include AMI recovery estimates.

These figures indicate that revenues in the City budgets and the 2016 rate study are reasonably close, although FY'18/19 through FY'20/21 City budgets are about \$500,000 higher than the 2016 study results.

WATER UTILITY RATE EXPENSES – Figures 3 and 4 summarize the total annual water utility expenses. Overall, the 2016 rate study and the City budgets track well for the first three years. Then City budget expenses in FY'19/20 and FY'20/21 increased because of rate-funded capital projects, the largest of which is the \$1.6 million Chlorine Gas Conversion Project in FY'20/21.

Figure 3 – Total Water Expenses

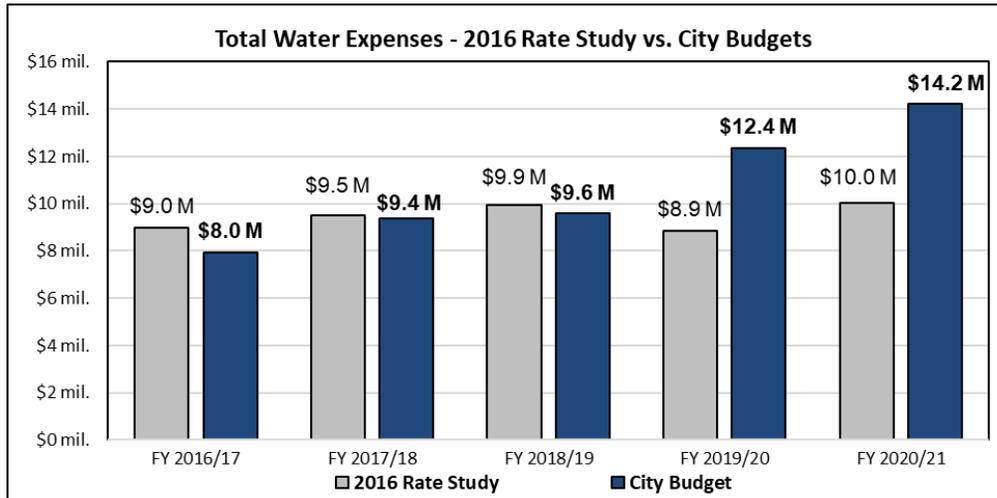


Figure 4 – Summary of Water Expenditures: 2016 Rate Study vs. City Budgets

Annual Water Expenses	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
2016 Rate Study Report (May 2016)					
Operating Expenses ¹	\$ 6,854,831	\$ 7,372,981	\$ 8,366,593	\$ 7,712,781	\$ 7,889,696
Debt Service ²	\$ 1,669,707	\$ 1,656,908	\$ 747,497	\$ 747,666	\$ 747,841
Rate-Funded Capital ³	\$ 475,957	\$ 482,548	\$ 832,877	\$ 405,746	\$ 1,390,474
2016 Rate Study	\$ 9,000,496	\$ 9,512,437	\$ 9,946,966	\$ 8,866,193	\$ 10,028,011
City Budgets (Actuals through 2018/19, then Budgets)					
Operating Expenses ⁴	\$ 6,245,605	\$ 7,050,274	\$ 7,312,676	\$ 8,804,965	\$ 9,248,540
Debt Related ⁵	\$ 1,704,872	\$ 2,304,568	\$ 1,394,926	\$ 1,394,926	\$ 1,394,926
Rate-Funded Capital ⁶	\$ -	\$ -	\$ 877,843	\$ 2,160,293	\$ 3,563,393
City Budget	\$ 7,950,477	\$ 9,354,841	\$ 9,585,445	\$ 12,360,184	\$ 14,206,859

1. Included non-major capital project totalling less than \$800,000/year.
2. 2016 Rate Study: debt service schedules for 2002 \$10.8 M Water Refunding Revenue Bonds and \$11.7 M SRF Loan.
3. Only included CIP projects in the City's CIP Plans.
4. From "Report for NBS revenues and expenditures.xlsx". Total Service and Supplies Expenses less depreciation (7455) and debt-related expenses (7605-7645). Updated operating expenses from: FINAL - Benicia Statement of Cash Flows (Excluding Capacity Fee Revenue).xlsx, Water tab.
5. Debt for 2002 \$10.8 M Water Refunding Bonds, 2006 \$11.7 M SRF Loan, and 2017 \$8 M Lease Purchase Agreement. There was a long-term debt issuance for \$8M to fund the Advanced Metering Infrastructure project in FY 16/17-17/18.
6. Misc. CIP projects; FY'19/20 is for 7 projects, FY'20/21 includes the \$1.6 M Chlorine Gas Conversion Project.

Based on these revenues and expenses and the recent cash reserve inquiry result showing a \$10.6 million balance at the end of FY'18/19, the projected water utility's FY'20/21 year-end cash balance is projected to be \$8.7 million, as shown in **Figures 5 and 6**.

Figure 5 – Water Utility Ending Cash Reserves (City Budgets)

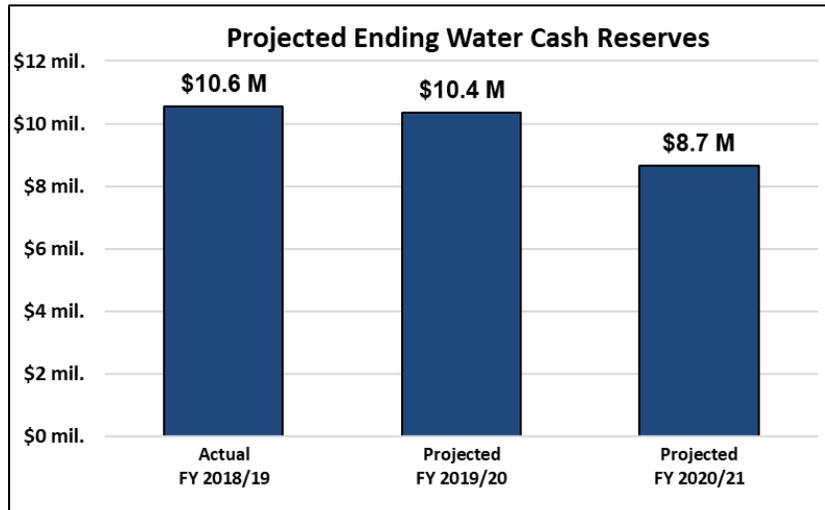


Figure 6 – Water Utility Revenues, Expenses and Cash Reserves (City Budgets)

Water Utility - City Budgets	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Total Water Revenues	\$ 9,886,434	\$ 10,707,268	\$ 12,007,899	\$ 12,160,810	\$ 12,500,200
Total Water Expenses	\$ 7,950,477	\$ 9,354,841	\$ 9,585,445	\$ 12,360,184	\$ 14,206,859
Annual Surplus/(Deficit)	\$ 1,935,957	\$ 1,352,427	\$ 2,422,454	\$ (199,374)	\$ (1,706,659)
Actual¹ & Projected Cash Reserves			\$ 10,559,111	\$ 10,359,737	\$ 8,653,078

1. FY 2018/19 is the actual from a March 16, 2020 account inquiry (James Russell-Field). Includes cash from AMI fund.

SUMMARY OF WASTEWATER EXPENSES AND RATE REVENUE TRUE-UP

WASTEWATER UTILITY RATE REVENUES – Figures 7 and 8 summarize the estimated wastewater rate study and City budget rate revenues. The \$10.0 million in the FY'16/17 rate study was based on the City's best available information at the time, and the year-end actuals were about \$1.6 million lower. Also, City staff were working with an unusually low rate revenue estimate for the first nine months of FY'17/18, and resulted in the FY'18/19 City budget revenue estimate being significantly lower it should have been.

Figure 7 – Summary of Wastewater Rate Revenue, Percent Changes and Percent Increases

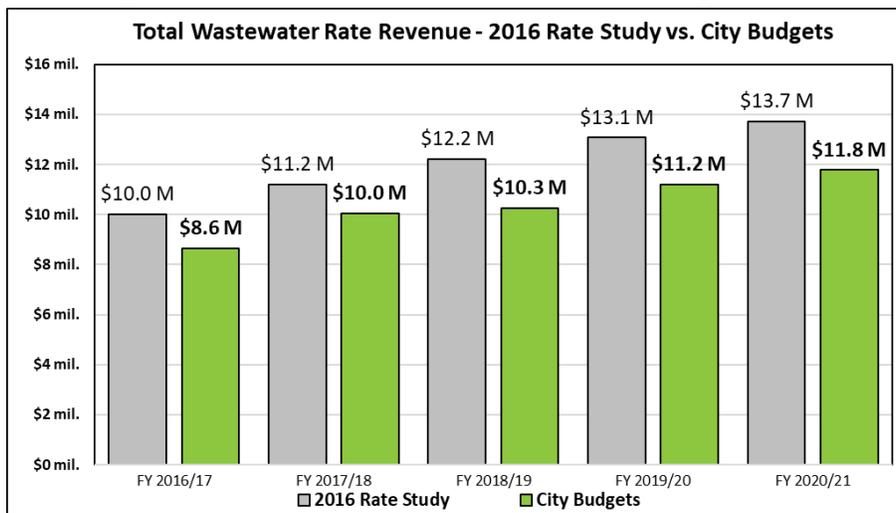


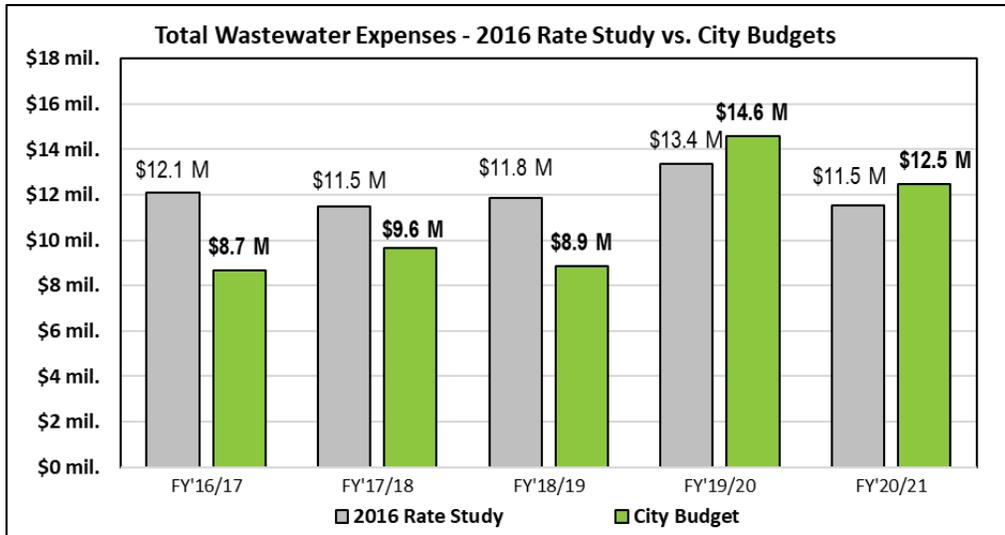
Figure 8 – Summary of Wastewater Rate Revenues

Wastewater Rate Revenue	Historical		Estimated	Budget	Projected
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
2016 Rate Study: Wastewater Rate Revenue Including Rate Increases					
Total Fixed & Volumetric ¹	\$10,006,757	\$11,207,568	\$12,216,249	\$13,071,387	\$13,724,956
City Budget Data: Wastewater Rate Revenue Under Prevailing Rates					
Total Fixed & Volumetric	\$8,648,995	\$10,031,233	\$10,269,361	\$11,214,980	\$11,775,720

1. Total of Rate Revenue Under Prevailing Rates plus Revenue from Rate Increases, from 2016 Rate Study Report (Figure 14).

Wastewater Utility Expenses – Figures 9 and 10 summarize wastewater expenses in the 2016 rate study and City budget. The differences in the first three years is almost entirely due to the projected capital improvement project costs included in the 2016 rate study that were not included in the City budgets. For example, in FY'16/17 the rate study operating expenses included \$3.2 million in capital expenditures (almost all labeled as “Reserved for System Replacement”). After FY'18/19, the 2016 rate study and City budgets track pretty closely, although the total expenses in the City budgets increased, again due to the costs of capital projects.

Figure 9 – Total Wastewater Expenses



Note: Most of these differences are due to capital project costs that were included in operating expenses

Figure 10 – Summary of Wastewater Expenditures: 2016 Rate Study vs. City Budgets

Annual Wastewater Expenses	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
2016 Rate Study Report					
Operating Expenses ¹	\$ 9,241,282	\$ 7,833,246	\$ 8,096,263	\$ 8,393,258	\$ 8,414,346
Debt Service ²	\$ 2,332,672	\$ 2,334,205	\$ 2,334,883	\$ 2,339,390	\$ 1,941,299
Rate-Funded Capital ³	\$ 498,623	\$ 1,316,736	\$ 1,409,137	\$ 2,631,552	\$ 1,194,052
2016 Rate Study	\$ 12,072,577	\$ 11,484,187	\$ 11,840,283	\$ 13,364,200	\$ 11,549,697
City Budgets (Actuals through 2018/19, then Budgets)					
Operating Expenses ⁴	\$ 5,653,349	\$ 6,485,221	\$ 6,258,542	\$ 8,799,255	\$ 8,923,297
Debt Related ⁵	\$ 2,424,856	\$ 2,296,163	\$ 2,368,961	\$ 2,343,400	\$ 1,941,300
Rate-Funded Capital ⁶	\$ 580,376	\$ 851,764	\$ 223,847	\$ 3,450,000	\$ 1,620,000
City Budget	\$ 8,658,581	\$ 9,633,148	\$ 8,851,350	\$ 14,592,655	\$ 12,484,597

1. Included "Capital Outlay" and "Reserved for System Replacement" Budget Expenses.
2. 2016 Rate Study: debt service schedules for 2005 Refunding Revenue Bonds, \$24 M WWTP SWRCB Loan, and \$11 M I&I SWRCB Loan.
3. Only included CIP projects in the City's CIP Plans.
4. From "Report for NBS revenues and expenditures.xlsx", Wastewater total of lines 92 and 148 less debt-related and rate-funded capital below.
Updated operating expenses per source file: FINAL - Benicia Statement of Cash Flows (Excluding Capacity Fee Revenue).xlsx, Wastewater tab.
5. From "Report for NBS revenues and expenditures.xlsx", Wastewater debt-related expenses are the total of lines 80-86.
There was a long-term debt issuance for \$295K to fund the Wells Fargo Equipment Lease.
6. From "Report for NBS revenues and expenditures.xlsx", Wastewater, Major Capital Expenditures (line 176) plus Wastewater Line Repairs & Maint. (lines 126-127) less depreciation (line 174) and Contra Assets (line 173).

Based on the revenues and expenses discussed above, **Figures 11 and 12** summarize projected year-end wastewater utility cash reserves through FY'20/21.

Figure 11 – Wastewater Ending Cash Reserves (City Budgets)

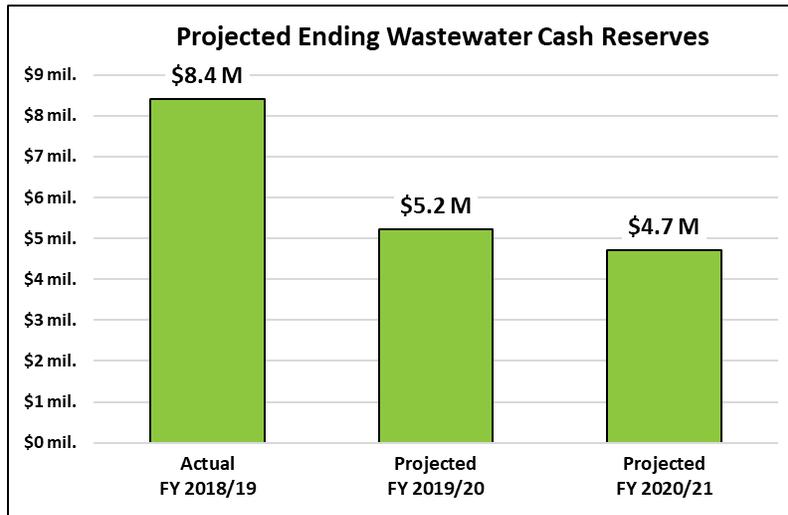
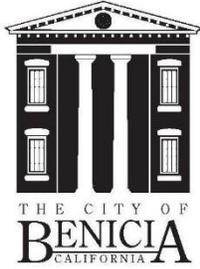


Figure 12 – Projected Wastewater Cash Reserves

Wastewater Budgets	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Total Wastewater Revenues	\$ 8,773,790	\$ 10,245,244	\$ 10,702,336	\$ 11,411,280	\$ 11,972,090
Total Wastewater Expenses	\$ 8,658,581	\$ 9,633,148	\$ 8,851,350	\$ 14,592,655	\$ 12,484,597
Annual Surplus/(Deficit)	\$ 115,209	\$ 612,096	\$ 1,850,987	(\$3,181,375)	(\$512,507)
Actual¹ & Projected Cash Reserves			\$ 8,412,743	\$ 5,231,368	\$ 4,718,861

1. FY 2018/19 is the actual from a March 16, 2020 account inquiry (James Russell-Field).



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

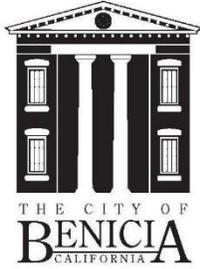
TO : Mayor Patterson
Councilmember Campbell

FROM : Community Development Director

SUBJECT : **MARIN CLEAN ENERGY (MCE)**

The following information is provided for your committee report at the April 21, 2020 Council meeting.

The next regular scheduled meeting is May 15, 2020. The meeting schedule and minutes can be found online at: <https://www.mcecleanenergy.org/meeting-archive/>.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

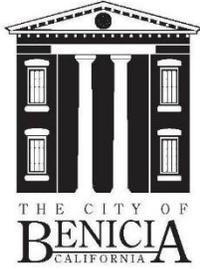
TO : Mayor Patterson
Council Member Strawbridge

FROM : Public Works Director

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the April 21, 2020 Council meeting.

The regular board minutes from March 12, 2020 and the agenda for the regular board meeting April 9, 2020 are not available. The next regular board meeting will be on May 14, 2020 at the SCWA office.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

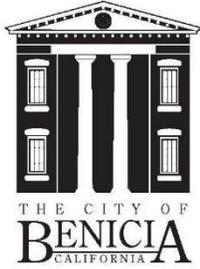
TO : Councilmember Young
Councilmember Largaespada

FROM : Community Development Director

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the April 21, 2020 Council meeting.

These committee meetings are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

TO : Council Members Campbell
Vice Mayor Strawbridge

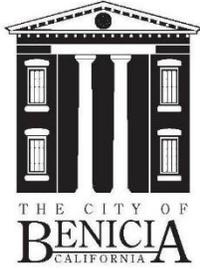
FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the April 21, 2020 City Council meeting.

The last meeting was held on January 9, 2020, at Jelly Belly Visitor Center in Fairfield. The agenda was previously issued. The minutes are not yet available.

The next meeting of Thursday, March 19, 2020 was canceled.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

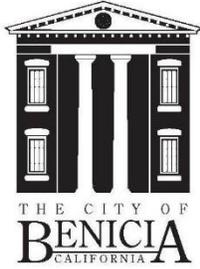
TO : Mayor Patterson
Council Member Largaespada

FROM : Public Works Director

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY (STA)**

The following information is provided for your committee report at the April 21, 2020 Council meeting.

Minutes from the March 11, 2020 Board meeting and agenda for the April 8, 2020 Board meeting are not available. The next regular board meeting will be on May 13, 2020 at the City of Suisun Council Chambers.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – APRIL 21, 2020
COUNCIL MEMBER COMMITTEE REPORT**

TO : Council Member Young
Council Member Largaespada

FROM : Public Works Director

SUBJECT : **TRAFFIC, PEDESTRIAN, BICYCLE SAFETY COMMITTEE**

The following information is provided for your committee report at the April 21, 2020 Council meeting.

The TPBS Committee last met on January 16, 2020. The next regular meeting previously scheduled for Thursday, April 16, 2020, has been cancelled due to the COVID-19 Pandemic shutdown.