



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

**Benicia City Hall, 250 East L Street, Council Chamber
Benicia, CA 94510
May 13, 2022
9:00 AM**

Accessing The Meeting

How to Participate in the Meeting:

- 1) Attend in person at Council Chambers
- 2) Livestream online at www.ci.benicia.ca.us/agendas

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.

1. Call To Order (9:00 A.M.)

2. Convene Open Session

3. Roll Call

4. Pledge Of Allegiance

5. 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 and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia's Open Government Ordinance.

6. Adoption Of The Agenda

7. Opportunity For Public Comments

How to Submit Public Comments for this City Council meeting:

Besides appearing in person and offering public comments, members of the public may provide public comment to the City Clerk by email at lwolfe@ci.benicia.ca.us. Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 4:00 pm on the day before the meeting will be electronically forwarded to the City Council and posted on the City's website.

- Comments received after 4:00 pm on the day before the meeting, 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.

8. Written Comment

9. Public Comment

10. Business Items

10.A - PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY - WATER TREATMENT PLANT INCIDENT - MAY 2022 (City Attorney)

[Staff Report - Proclamation of Existence of a Local Emergency - WTP Incident May 2022](#)

[1. Resolution - Proclamation of Existence of a Local Emergency](#)

[2. Proclamation of Existence of a Local Emergency - Water Treatment Plant Incident](#)

11. Adjournment (9:15 A.M.)

Public Participation

The Benicia City Council and its Boards and Commissions welcome public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Kim Imboden, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us 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.

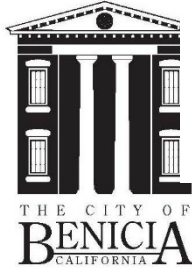
Mayor Young: 707-746-4213

Vice Mayor Campbell: 707-746-4213

Council Member Strawbridge: 707-746-4213

Council Member Largaespada: 707-746-4213

Council Member Macenski: 707-746-4213



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MAY 13, 2022
BUSINESS ITEM**

TO : City Council

FROM : City Manager

SUBJECT : **RATIFYING PROCLAMATION OF LOCAL EMERGENCY FOR WATER TREATMENT PLANT INCIDENT**

EXECUTIVE SUMMARY:

The water treatment plant suffered a break in the early morning of May 8, 2022, which necessitated halting treatment operations. City staff alerted the public that all residents and businesses immediately reduce water use by 30% until further notice. In light of the emergency, the City Manager issued a Proclamation of Existence of a Local Emergency on May 10, 2022 effective May 8, 2022, permitting the City to seek reimbursement of funds. The Council must ratify this Proclamation within 7 days of issuance, in order for the Proclamation to continue.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) ratifying a Proclamation of Existence of a Local Emergency due to the Water Treatment Plant Incident (Attachment 2) along with providing authority for the Finance Director to add budget appropriation in a not-to-exceed amount of \$750,000, if needed, out of the Water Fund balance to cover the cost of this emergency repair work.

BUDGET INFORMATION:

By declaring a local emergency, the City will be eligible to receive state and federal funding if those funds become available.

At the time this report was published, the cost of the repair work is unknown. The City engaged the services of Kerex Engineering and Coastland Engineering to conduct the repair work and professional engineering consulting services. Staff recommends that City Council provide authority for the Finance Director to add budget appropriation in a not-to-exceed amount of \$750,000 if needed, out of the Water Fund balance to cover the cost of this emergency work.

BACKGROUND:

The water treatment plant suffered a break at 3:00 a.m. on May 8, 2022, which necessitated halting treatment operations. The overnight operator noticed water begin to pour into the basement area of the plant, erupting from multiple locations in the concrete floor. Staff quickly recognized the urgency of the situation, the Emergency Operations Center (EOC) was partially activated, and a number of resources were brought in to help address the problem.

A temporary solution was put in place to treat water before the water reserves were depleted. At the same time, staff began work to determine what would be needed for a permanent fix.

To conserve the current water supply while repairs are being made, the City of Benicia issued the mandatory requirement that residents and businesses conserve water by at least 30%. For homes, this means no outdoor water use (including car washing and landscape watering). For businesses, this means cutting water usage, where possible, to obtain a 30% reduction in use.

On May 9, 2022, the crew located the major underground leak in the backwash system. The broken pipe is in a very difficult location; there are many other pipes in the area and electrical conduit. On May 10 and 11, 2022, crews worked on the permanent repair for this section of the pipe. As of the time of publishing this report, the work is not complete. Staff is in the process of conducting the final tests.

COMMUNITY ENGAGEMENT/OUTREACH:

City staff provided updates on the City’s social media sites, on Nextdoor.com, on the City’s Announcements webpage, e-mailed businesses in the City and local media, and via recorded message at 707.746.4704 as new information became available beginning on May 8, 2022.

NEXT STEPS:

The team continues to work on this emergency repair and is committed to delivering safe water to the community.

ALTERNATIVE ACTIONS:

If Council does not ratify the Proclamation of Existence of a Local Emergency, the local emergency will not remain in effect.

General Plan	Goal 2.28: Improve and maintain public facilities and services. Goal 2.36: Ensure an adequate water supply for current and future residents and businesses Goal 2.38: Protect water quality Goal 2.39: Provide safe drinking water and improve its taste and odor Goal 4.1: Make community health and safety a high priority for Benicia Goal 4.13: Prevent property damage caused by flooding Goal 4.14: Prevent ground and surface water contamination
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Strategic Goals	<p style="text-align: center;">Strategic Goal Impacted by this Agenda Item</p> <p>The City Council and community identified six (6) strategic goals for which the City of Benicia aspires to achieve with our programs and services. Please select the strategic goal impacted by this Agenda Item.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Protect Community Health & Safety <input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions <input checked="" type="checkbox"/> Protect & Enhance the Environment
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	<input checked="" type="checkbox"/> High Performing Government
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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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ATTACHMENTS:

1. Resolution – Proclamation of Existence of a Local Emergency
2. Proclamation of Existence of a Local Emergency

For more information contact: Kyle Ochendusko, Public Works Director

Phone: 707-746-4240

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

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RATIFYING THE CITY MANAGER’S PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO A FAILURE AT THE WATER TREATMENT PLANT WHICH THREATENED THE CITY’S TREATED WATER SUPPLY

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as Water Treatment Plant failure, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.36.020 of the City of Benicia (“City”) Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this City caused by conditions such as Water Treatment Plant failure, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.36.050(A) of the City’s Municipal Code designates the City Manager as the Director of Emergency Services for the City; and

WHEREAS, Section 2.26.050(A)(1) empowers the City Manager, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in the early morning of May 8, 2022, a Benicia Water Treatment Plant operator noticed a significant leak in the basement area of the water treatment plant; and

WHEREAS, it was determined that the leak was likely coming from a break in the backwash pipe located under the building of the water treatment plant that is critical to the water treatment process; and

WHEREAS, the operation of the backwash pipe needed to be halted and thus all water treatment at the Benicia Water Treatment Plant stopped; and

WHEREAS, as of the early morning on May 8, 2022, the only treated water that the City of Benicia could distribute was the water located in water storage tanks; and

WHEREAS, at the time that water treatment operations were halted, the water storage tanks held enough water for approximately 36 hours of standard water demand; and

WHEREAS, the City of Benicia Emergency Operations Center was partially activated,

and numerous internal and external resources were utilized to address the Water Treatment Plant Incident; and

WHEREAS, the City of Benicia alerted the public that all residents and businesses immediately reduce water use by 30%; and

WHEREAS, On May 10, 2022, the City Manager of the City of Benicia, acting as Director of Emergency Services, issued a Proclamation of the Existence of a Local Emergency, and found that conditions of extreme peril to the safety of persons and property have arisen in the City of Benicia, said conditions caused by the sudden failure of the backwash pipe, that is the critical in providing the City with treated water for its residents and businesses, thereby threatening the water supply of the City; and

WHEREAS, such condition of extreme peril began on May 8, 2022 at 0300 hours; and

WHEREAS, based on said events, the City Manager of the City of Benicia declared the existence of a local emergency within the City effective May 8, 2022.

NOW, THEREFORE, BE IT RESOLVED THAT that the Proclamation of the Existence of a Local Emergency issued by the City Manager acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Benicia.

BE IT FURTHER RESOLVED that said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 60 days until its termination is proclaimed by the City Council of the City of Benicia per California Government Code section 8630.

BE IT FURTHER RESOLVED that the Finance Director hereby has the authority to add budget appropriation in a not-to-exceed amount of \$750,000, if needed, out of the Water Fund balance to cover the cost of this emergency repair work.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to take whatever other action is authorized under the Benicia Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

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 13th day of May 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
by the Director of Emergency Services

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as Water Treatment Plant failure, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.36.020 of the City of Benicia (“City”) Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this City caused by conditions such as Water Treatment Plant failure, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.36.050(A) of the City’s Municipal Code designates the City Manager as the Director of Emergency Services for the City; and

WHEREAS, Section 2.26.050(A)(1) empowers the City Manager, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in the early morning of May 8, 2022, a Benicia Water Treatment Plant operator noticed a significant leak in the basement area of the water treatment plant; and

WHEREAS, it was determined that the leak was likely coming from a break in the backwash pipe located under the building of the water treatment plant that is critical to the water treatment process; and

WHEREAS, the operation of the backwash pipe needed to be halted and thus all water treatment at the Benicia Water Treatment Plant stopped; and

WHEREAS, as of the early morning on May 8, 2022, the only treated water that the City of Benicia could distribute was the water located in water storage tanks; and

WHEREAS, at the time that water treatment operations were halted, the water storage tanks held enough water for approximately 36 hours of standard water demand; and

WHEREAS, the City of Benicia Emergency Operations Center was partially activated and numerous internal and external resources were utilized to address the Water Treatment Plant Incident; and

WHEREAS, the City of Benicia alerted the public that all residents and businesses immediately

reduce water use by 30%; and

WHEREAS, in the evening of May 8, 2022, after multiple unsuccessful attempts to temporarily resolve the backwash pipe leak, a temporary solution was successful and allowed the Benicia Water Treatment Plant to begin treating water again and refilling the depleted water reserves in the storage tanks; and

WHEREAS, the successful temporary solution, combined with reduce water use in the city, provided the City with additional time to work on a permanent solution to repair the backwash pipe leak; and

WHEREAS, the City Manager of the City of Benicia, acting as Director of Emergency Services, does hereby find that conditions of extreme peril to the safety of persons and property have arisen in the City of Benicia, said conditions caused by the sudden failure of the backwash pipe, that is the critical in providing the City with treated water for its residents and businesses, thereby threatening the water supply of the City; and

WHEREAS, such condition of extreme peril began on May 8, 2022 at 0300 hours; and

WHEREAS, the City Council is not presently in session.

NOW, THEREFORE, the City Manager as Director of Emergency Services for the City of Benicia declares and proclaims as follows:

1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Benicia as of 0300 hours on May 8, 2022, due to failure of the backwash pipe, threatening the City's treated water supply; and
2. Conditions of disaster and extreme peril to the safety of persons and property have arisen within the City caused by the threatened treated water supply that will impact significant City and community operations, including critical public infrastructure and services, and which will require the provision of additional public safety and emergency services; and
3. As contemplated in the California Emergency Services Act contained in Government Code Section 8550 et seq., including Section 8558(c), a local emergency exists because of the existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by the aforesaid conditions, which are likely to be beyond the control of the services, personnel and facilities of the City, and require the combined forces of other political subdivisions to combat; and the proclamation of a Local Emergency is necessary to enable the city and other local government entities to adequately plan, prepare and preposition resources to be able to effectively respond to the threat posed by threatened treated water supply, and to warn City residents and visitors of the threat posed by the threatened treated water supply and to enable them sufficient time to plan and prepare; and

3. In consequence of said conditions and pursuant to Government Code section 8630 and the City of Benicia Municipal Code section 2.36.050, a local emergency now exists throughout the City of Benicia; and
4. During this local emergency the powers, functions and the duties of the Benicia City Manager/Emergency Services Director and the emergency organization of the City of Benicia shall be those prescribed by State law and the ordinances, resolutions and approved emergency services plans of the City of Benicia; and
5. At the time of this proclamation, the City Council is not in session; and
6. In connection with the foregoing proclamation and order of local emergency, the Benicia City Manager/Director of Emergency Services also orders as follows for the protection of life and property:
 - a. The City of Benicia is requiring all residents and businesses to immediately conserve water by at least 30%; and
7. This proclamation of local emergency shall be reviewed by the City Council within seven days and, if not confirmed and ratified by the City Council, shall expire on the seventh day or such earlier date as specified by the City Council; and
8. This proclamation and the contents thereof shall be published and promulgated in as widespread a manner as is reasonably feasible in light of the conditions prevailing during the local emergency.

NOW, THEREFORE, BE IT RESOLVED, a local emergency is hereby declared effective March 8, 2022, within the City of Benicia. During the local emergency, the powers and duties of the City manager and the Disaster Council of the City shall be as defined in state and federal law, and the ordinances, resolutions, and approved plans of the City of Benicia in order to mitigate the effects of said local emergency; and

This proclamation shall be transmitted to the City Council within seven (7) days for ratification, and this local emergency shall continue until terminated by further declaration of the undersigned, or by resolution of the City Council.

SIGNED AND SUBSCRIBED on this 10th day of May, 2022



ERIK UPSON
City Manager/Director of Emergency Services