



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall, 250 East L Street
September 15, 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.
- 3) Zoom Meeting (link below)

How to Submit Public Comments for this videoconferencing meeting:

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

- Comments received by 3:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.

- Comments received after 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, and will not be read into the record.
- Comments received after the start time of the meeting, but prior to the close of the public comment period for an item will be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Mayor's discretion.

Additionally, the public may view and provide public comment via Zoom (via computer or phone) link: <https://us02web.zoom.us/j/86348986821?pwd=R0pteEV3R2xEczVVb0Q0c3ZQSnlJUT09>

- If prompted for a password, enter 454382.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

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

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

- Enter the meeting ID number: 863 4898 6821 *please note this is an updated ID number*.
- Enter password: 454382
- When prompted for a Participant ID, press #.
- Press *9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

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

1. Call To Order

2. Closed Session (5:30 P.M.)

2.A - PUBLIC EMPLOYEE APPOINTMENT

Title: (Interim City Manager)

2.B - CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (3300 Park Road & 3190 Bayshore Road)

Agency negotiator: (Acting City Manager and Economic Development Manager)

Negotiating parties: (Clear Channel Outdoor)

Under negotiation: (Instruction to negotiator on both price and terms of lease payments)

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

4. Roll Call

5. Pledge Of Allegiance

6. 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.

7. Announcements

7.A - ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

7.B - MAYOR'S OFFICE HOURS

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's office of City Hall from 6:00 to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

7.C - OPENINGS ON BOARDS AND COMMISSIONS

- Human Services Board
1 Partial Terms, Expiring July 31, 2021
- Open Government Commission
1 Partial Term, Expiring July 31, 2021
- Sky Valley Open Space Committee
1 Full Term, Expiring January 31, 2023

The City of Benicia is accepting applications for one opening for the City's representative on the Solano County Senior Coalition. One Benicia resident will be appointed by the Mayor to represent the City on this Coalition. To submit an application, please visit the following page on the City's website:
<https://tinyurl.com/BeniciaRepSeniorCoalSolanoCty>

8. Proclamations

8.A - INTERNATIONAL LITERACY DAY

[Proclamation - International Literacy Day](#)

9. Appointments

9.A - REAPPOINTMENT OF GAYLE VAUGHAN TO THE SOLANO COMMISSION FOR WOMEN AND GIRLS (Assistant City Manager)

Gayle Vaughan was appointed to the Solano Commission for Women and Girls (SCWG) in October of 2018 and has been serving since then as the representative for the City of Benicia on this commission. Gayle Vaughan has expressed interest in serving another term as the City's representative on this commission.

Recommendation:

Approve by minute action the reappointment of Gayle Vaughan as the City's representative on the Solano Commission for Women and Girls.

[Staff Report - Reappointment of Gayle Vaughan to SCWG](#)

10. Presentations

10.A - ARTS AND CULTURE COMMISSION ANNUAL REPORT 2019

10.B - INTRODUCTION OF BENICIA'S EIGHTH POET LAUREATE (2020-2022), MARY SUSAN GAST

11. Adoption Of Agenda

12. Opportunity For Public Comments

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13. Written Comment

14. Public Comment

15. 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.

15.A - APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 30, 2020; AUGUST 25, 2020; AUGUST 26, 2020; SEPTEMBER 1, 2020; AND SEPTEMBER 8, 2020 (City Clerk)

Recommendation:

Approve the minutes.

[April 30, 2020 City Council Meeting Minutes](#)

[August 25, 2020 City Council Meeting Minutes](#)

[August 26, 2020 Special City Council Meeting Minutes](#)

[September 1, 2020 City Council Meeting Minutes](#)

[September 8, 2020 Special City Council Meeting Minutes](#)

15.B - DENIAL OF THE CLAIM AGAINST THE CITY BY SANDRA SHANNONHOUSE AND REFERRAL TO INSURANCE CARRIER (City Attorney)

The claimant alleges that during a response to a structural fire at her property at 811 East 6th Street, the weight of the fire trucks, along with the design and age of the pipes at this property, caused the sewer main to backup under the home (See Attachment 1).

Recommendation:

Deny the claim against the City by Sandra Shannonhouse and refer to the insurance carrier.

[Staff Report - Shannonhouse Claim](#)

[1. Redacted Claim Form with Letter - Shannonhouse Claim](#)

[2. Redacted Plumbing Invoices - Shannonhouse Claim](#)

15.C - AMENDMENTS TO THE CITY'S CONFLICT OF INTEREST CODE (City Clerk)

Pursuant to Government Code section 87302, the City is required to review its conflict of interest code every two (2) years to determine if amendments are needed. Staff has reviewed the code and determined that updates are needed. Changes include updating the designated positions to reflect current job titles that are required to disclose financial interests.

Recommendation:

Move to adopt the resolution amending the City's conflict of interest code (See Attachments 1 & 2).

[Staff Report - Amendments to the City's Conflict of Interest Code](#)

[1. Resolution Amending the City's Conflict of Interest Code](#)

[2. Redlined Version of Appendix A](#)

15.D - SECOND READING OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTER 8.04, ADDING A DEFINITION OF "COMMERCIAL BLIGHT" AND DECLARING IT AN ACTIONABLE NUISANCE (City Attorney)

The proposed ordinance would define "commercial blight" and declare it as a nuisance, allowing the City to pursue nuisance abatement actions against commercial property owners who fail to maintain property in such as manner as to constitute a blight to the community.

Recommendation:

Move to adopt the ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapter 8.04 (Property Maintenance – Nuisance Abatement) and finding the ordinance exempt under the California Environmental Quality Act.

[Staff Report - Commercial Blight](#)

[1. Ordinance - Commercial Blight](#)

15.E - RATIFYING THE CITY MANAGER’S DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR AN EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 500 WEST I STREET (Public Works Director)

On August 29, 2020, Public Works Wastewater Treatment Plant staff noticed the lift station located on the 700 block of West I Street experienced much higher than typical flows. Subsequently, staff discovered the sanitary sewer (wastewater) transmission line located on West I Street near West 5th Street was “backing up” due to a blockage. Staff removed enough of the blockage to eliminate the risk of a sanitary sewer overflow (SSO), and engaged Ghilotti Construction when it was determined the City’s equipment could not safely perform the repair.

On August 31, 2020, the City Manager declared a contracting emergency in accordance with BMC Section 3.09.050 Emergency Contracting due to the magnitude of the sanitary sewer transmission line blockage, the potential disruption of sanitary sewer service to residents, and the possibility of an SSO. The Public Works Department requires assistance from Ghilotti Construction on an emergency basis for an amount not to exceed \$150,000 to perform the repair.

Recommendation:

Move to adopt a resolution (Attachment 1) ratifying the City Manager’s declaration of a contracting emergency due to a blockage in a sanitary sewer transmission line located at 500 West I Street, as well as approving payment for an amount not to exceed \$150,000.

[Staff Report - Emergency Wastewater Collection System Repair](#)

[1. Resolution - Emergency Wastewater Collection System Repair](#)

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

16. Business Items

16.A - SHORT-TERM RENTAL DISCUSSION (Community Development Director)

The City of Benicia has observed an increase in short-term rental activities and associated permit applications. This discussion item provides background information and seeks direction on initiation of an amendment to the Benicia Municipal Code to establish requirements, standards and permitting processes related to short-term rental uses.

Recommendation:

Conduct a discussion concerning short-term rentals and provide direction to staff for the next steps.

[Staff Report - Short Term Rental Discussion](#)

17. 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.)

17.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#)

18. Adjournment (9:30 P.M.)

Public Participation

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

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

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

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact 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



PROCLAMATION

IN RECOGNITION OF

International Literacy Day

WHEREAS, International Literacy Day is celebrated globally on September 8th each year; and

WHEREAS, the Benicia Public Library's Adult Literacy Program has been a part of the Library's core services since 1987; and

WHEREAS, volunteers from the Benicia Community provide one-on-one and group tutoring to adult learners and learners of English as a second language; and

WHEREAS, Benicia's Adult Literacy Program also provides classes for those wishing to earn their General Education Diploma; and

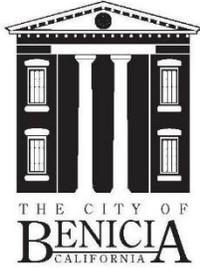
WHEREAS, an increased level of literacy in a community has been shown to increase the overall health and safety of the community; and

WHEREAS, the United Nations Educational, Scientific, and Cultural Organization has actively promoted awareness of the need for literacy development worldwide since 1946, and has declared September 8th to be International Literacy Day.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, and on behalf of the City Council of the City of Benicia, hereby proclaim Tuesday, September 8, 2020 as International Literacy Day in the City of Benicia, and encourage all to support the Library's mission to provide the gift of reading and writing to all who seek it.

Elizabeth Patterson, Mayor
September 15, 2020





AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
APPOINTMENTS

TO : Acting City Manager

FROM : Assistant City Manager

SUBJECT : **REAPPOINTMENT OF GAYLE VAUGHAN TO THE SOLANO COMMISSION FOR WOMEN AND GIRLS**

EXECUTIVE SUMMARY:

Gayle Vaughan was appointed to the Solano Commission for Women and Girls (SCWG) in October of 2018 and has been serving since then as the representative for the City of Benicia on this commission. Gayle Vaughan has expressed interest in serving another term as the City’s representative on this commission.

RECOMMENDATION:

Approve by minute action the reappointment of Gayle Vaughan as the City’s representative on the Solano Commission for Women and Girls.

BUDGET INFORMATION:

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

BACKGROUND:

The Solano Commission for Women and Girls was established by the Solano County Board of Supervisors in 2018. The mission of this commission is to improve the economic status, health and social welfare, and overall quality of life for women and girls by providing community education and advisement to the Solano County Board of Supervisors. The commission is diverse and has a full membership of representatives from each County Supervisor, the seven cities in Solano County, the Solano County Office of Education, as well as four at-large members (two adult and two youth members). Gayle Vaughan has been serving as the City of Benicia’s representative on the SCWG since she was appointed in October of 2018 and she has expressed interest in serving another term.

NEXT STEPS:

If this reappointment is approved, both Gayle Vaughan and the Solano Commission for Women and Girls will be notified.

ALTERNATIVE ACTIONS:

Council could choose not to reappoint Gayle Vaughan to the Solano Commission for Women and Girls.

General Plan	N/A
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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> <p><input type="checkbox"/> Protect Community Health & Safety</p> <p><input type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input type="checkbox"/> Protect & Enhance the Environment</p> <p><input checked="" type="checkbox"/> High Performing Government</p>
	<p align="center">City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Boards and Commissions 2. Organization Leadership & Development 3. Intergovernmental Relations
	<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	The requested action is exempt from CEQA because it will not result in a direct or indirect physical change in the environment and therefore is not a project as defined in CEQA Guidelines Section 15378.
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ATTACHMENTS:

None

For more information contact: Alan Shear, Assistant City Manager

Phone: (707) 746-4309

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

DRAFT

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
APRIL 30, 2020
1:30 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

1) CALL TO ORDER

Mayor Patterson called the meeting to order at 1:30 p.m.

2) CONVENE OPEN SESSION (1:30 P.M.)

3) ROLL CALL

All Council Members were present.

4) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

5) OPPORTUNITY FOR PUBLIC COMMENTS

None

6) ADJOURN TO CLOSED SESSION

**6.A - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)**

Name of case: APS West Coast dba Amports v. City of Benicia et al. regarding Yuba or 678 East H Street

**6.B - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED
LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

Number of potential cases: 1 (Mar Bay Gardens Government Code Claim on File with City Clerk's Office)

**6.C - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)**

Name of case: People of the State of California v. Evergreen Relief et al. (FCS054109)

DRAFT

Mayor Patterson adjourned the meeting to Closed Session at 1:38 p.m. and stated that Staff would report out on any action taken at the May 5, 2020 City Council meeting.

8) ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

Staff will report out on any actions taken at the 5/5/2020 meeting.

9) ADJOURNMENT (3:00 P.M.)

Mayor Patterson adjourned the meeting to Closed Session at 1:38 p.m. and stated that Staff would report out on any action taken at the May 5, 2020 City Council meeting.

DRAFT

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
AUGUST 25, 2020
6:00 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 Closed Session to order at 5:00 p.m.

All Council Members were present.

1) CLOSED SESSION (5:00 P.M.)

1.A - CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54757.6

Agency designated representatives: City Manager, Assistant City Manager, Human Resources Manager, Finance Director

Employee Organizations: Benicia Police Officers Association, Benicia Public Service Employees Association, Benicia Fire Fighters Association, Benicia Dispatchers Association, Benicia Supervisor and Professional Association, Middle Management Employees, Police Management Employees, Senior Management Employees, and Unrepresented Employees including City Manager

2) CONVENE OPEN SESSION (6:00 P.M.)

Mayor Patterson called the Open Session to order at 6:00 p.m.

3) ROLL CALL

All Council Members were present.

4) PLEDGE OF ALLEGIANCE

5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

6) ANNOUNCEMENTS

6.A - ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

DRAFT

Ben Stock, City Attorney, stated that Council met in closed session and there were no reportable actions taken.

7) ADOPTION OF AGENDA

On motion of Council Member Largaespada, seconded by Council Member Young, 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)

8) OPPORTUNITY FOR PUBLIC COMMENTS

9) WRITTEN COMMENT

Written Public Comment received by 3:00 pm and posted to the City's website:
Please click [here](#) to view the written public comments.

Written Public Comment received between 3:00 p.m. and 6:00 p.m.:
Please click [here](#) to view the written public comments.

10) PUBLIC COMMENT

Josh Chadwick, City of Benicia Fire Chief - Chief Chadwick discussed the recent fires on 8/17/2020, the heroic efforts of firefighters in Solano and surrounding counties, vegetation management, and tips on how to prevent fires.

11) BUSINESS ITEMS

11.A - RECOGNITION OF BENICIA BLACK LIVES MATTER AND CONSIDERATION OF RESOLUTION TO TAKE ACTIONS TO ADDRESS UNCONSCIOUS BIAS (City Manager)

Staff Report - Recognition of Benicia Black Lives Matter and Consideration of Resolution to Take Actions to Address Unconscious Bias 

1. Resolution - Recognition of Benicia Black Lives Matter and Consideration of Actions to Address Unconscious Bias 

RESOLUTION 20-103 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RECOGNIZING BENICIA BLACK LIVES MATTER AND CONSIDERATION OF ACTIONS TO ADDRESS UNCONSCIOUS BIAS

Lorie Tinfow, City Manager, reviewed the staff report and a PowerPoint presentation.

DRAFT

Chief Upson discussed the work he has done so far regarding racial equity and diversity, the culture he has fostered in the City's police department with regards to treating people with dignity and respect, having diversity in the police department staff, working on doing public service announcements, Community Court, the City's use of body worn cameras, the City's rolling out of the AB 953 in January 2021, the City's School Resource Officers, and the goals of the department to be trusted and respected.

Benicia Black Lives Matter (BBLM) Panel:

Nimat Grantham, Brandon Greene, Brandon Ducharme, and Andre Stewart

Nimat Shakur Grantham - Ms. Grantham discussed unconscious bias and conscious racism, the lack of black owned businesses in Benicia, the lack of cultural art, the lack of black employees at local businesses including City Hall, negative/racist comments she has experienced regarding her presence in Benicia while walking downtown, being told her neighbors are afraid of her, negative/racist experiences her family has had in Benicia, negative/racist comments she received during the BBLM march in June, support for the proposed resolution, and being proud of the conversations she has had with City Staff and Council Members.

Brandon Greene - Mr. Greene discussed the recent protests, the long-term impacts of racism on individuals, his experience on the Open Government Commission when he brought up the issue of high school kids participating in 'La Migra' and how there was no accountability between the City and the Benicia Unified School District (BUSD), how the Covid crisis affects a disproportionate amount of black people, the Juneteenth holiday and the need for people to recognize it, the need for more civic engagement regarding racism and equity, the important data in the equity indicators report, the need for a section at the Library dedicated to black culture, the need to utilize this time to think clearly on how to move forward, and how it is fiscally responsible to know how your residents are engaging with you and to know who is being disproportionately impacted.

Brandon Ducharme - Mr. Duscharme discussed how he has seen the negative impact of racism on others in the City, how there seems to be a sense of a notion that non-white people are not welcome in Benicia, the need to be a welcoming and inviting community, different forms of bias, the need for education on the issue, the need for people in power to understand biases, and the need for a section in the Library dedicated to books written by black people and for black people, which would help education people in town.

Andre Stewart - Mr. Stewart discussed the proposed position of an equity and diversity manager, how that position would benefit everyone on town, and how this is an opportunity to make Benicia an even better city.

Written Public Comment received during the meeting and read into the record:

Please click [here](#) to view the written public comments received during the meeting:

Public Comment (live via Zoom call in):

DRAFT

1. Rick Knight - Mr. Knight discussed support for the proposed position, concern regarding City's current hiring freeze, and the justification of it being a management position.
2. Aaron Barrall - Mr. Barrall spoke in support of the proposed resolution.
3. Nancy Rothstein - Ms. Rothstein discussed support for the proposed resolution.
4. LaPaula Parker - Ms. Parker spoke in support of the proposed resolution.
5. Tracey Seay Dashjian spoke in support of the proposed resolution.
6. Francesca Haliburton - Ms. Haliburton spoke in support of the proposed resolution.
7. Richard Flemming - Mr. Flemming spoke in support of the proposed resolution.
8. Amira Barger - Ms. Barger spoke in support of the proposed resolution.
9. Scott Burford - Mr. Burford spoke in support of the proposed resolution.
10. Sarah Westmoreland - Ms. Westmoreland spoke in support of the proposed resolution.

Mayor Patterson discussed how pleased she was with the meeting and how eager she was to proceed. She and Staff discussed how the Civil Service Commission was disbanded, having a manager position without managing anyone, the need for training on equity and diversity and the need for the right trainer, the City's zoning code with respect to fair housing, and the ability to fund projects for affordable housing.

Council Member Largaespada discussed the first 'whereas' in the resolution, the need to correct the name of the police officer who shot George Floyd rather than naming the police department, the equity indicator studies, how Benicia fits in with the other metro areas who have the equity indicator studies, Elk Grove's report and the need to get a copy of it and learn from it, the possibility of doing the proposed work in-house, the proposal being a solution without an assessment, his support for anti-bias training, whether Staff could find the money within the budget to do the training, the need for Benicia to focus on inclusion in all areas, why the City didn't reach out to other groups in this process, and whether we will take this moment to be inclusive to the other groups.

Council Member Campbell and Mr. Greene discussed the issue of the equity indicator report and the important data that it will show. Council Member Campbell discussed support for having a consultant come in and do an assessment to see where we are and what needs to be done (like a blueprint).

Vice Mayor Strawbridge discussed her previous suggestion to meet with the BLM group, concern regarding the timing and why others were not involved, who developed the proposed position, concern regarding coming up with a resolution as presented tonight without the community's input, whether there was a report regarding Chief Upson's neighborhood meetings, the need to encourage more people to be involved, the need for more ideas and the need to be inclusive in those ideas, support for hiring a consultant to help guide us through this process, how tough it is to open a business while preparing for the future and finding out if we can help people out with low interest rates/loans, and the need for the City to be inclusive in its approach.

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Mayor Patterson discussed the need to have a system in place (the intent to set the infrastructure up to make progress), the proposed alternatives Staff has provided, and support for the proposed resolution. She stated that she owned the timing on this so it could get done. Staff worked with the panelists we have tonight. She was looking for input on whether there was support for the resolution, recommended changes, etc.

Vice Mayor Strawbridge stated she would like to have an idea on what the Chief Upson's reports were from neighborhood meetings he had. That report should have been part of this presentation.

Mr. Ducharme recognized we were comparing the City against much bigger cities, but we can set an example for other small cities.

Council Member Young discussed exparte communication, making a motion with some changes, concern over some of the comments received regarding racism not being in Benicia, the need to be more diverse, the need to talk about policies that will live on with future police chiefs, clarification on whether BLM was tied to Antifa or any other terrorist organizations, whether they were anti-police, support for having a committee with two council members, the police chief, and two members of the community to a committee that would begin and see through the study that would indicate the types of issues and problems we have, to authorize a subcommittee, having a Juneteenth holiday (but substitute it for one of the other existing paid holidays), having the committee operate as group open to the public, proceeding with the study, concern that the proposed position would get full benefits, the suggestion to appoint Council Members Largaespada and Strawbridge to the committee (since they are the only two that will definitely be on the council in a few months), support for keeping the first 'whereas' as proposed, and the need to do a study before determining what kind of position we need, how many hours it should be, and what direction it should go.

Mayor Patterson suggested creating the committee and bringing a resolution back stating its duties and responsibilities. She discussed support for having the proposed position be half-time.

Ms. Tinfow stated it was fine to take the path Council Member Young was suggesting, however there are other things on the list in the resolution that would need to be delayed. She was envisioning the person to be the point person on what the Government Alliance on Race and Equity (GARE) provides. These are new activities and ideas. City Staff is already spread very thin. They will be spread even more thin after the holidays when they will be working on the budget and labor negotiations. If the position is delayed, some of the other things will need to be delayed as well.

Mayor Patterson stated the City Manager's staff was already strapped and there was no capacity for bandwidth. She feared if the position was not at .5 or .75 it would really slow things down. She could support Council Member Young's motion if the position was set at .5 or .75 position.

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Vice Mayor Strawbridge suggested going with Council Member Campbell's suggestion of hiring a consultant to start the process rather than hiring an employee.

Council Member Young discussed support for temporarily hiring a consultant rather than an employee at this time.

Mayor Patterson and Staff discussed replacing a current holiday with Juneteenth (possibly Columbus Day), but it would need to go before the bargaining units.

Council Member Campbell discussed coming with up a motion. The motion could include that the committee could work on the equity indicator report and mandated bias training, swapping a current holiday for the Juneteenth holiday, having the Librarian establish a Benicia Public Library program (as described in the proposed resolution), having the subcommittee previously described work on the equity indicator report, create the City subcommittee, evaluate ways to improve the City's civic engagement efforts and remove barriers, explore ways to support business opportunities for black residents, and to create a web page with resources for those interested in learning the City's actions with regards to BLM (IT could do that). That could be the motion. The thing left out are hiring the equity and diversity manager. The subcommittee could handle all the indicators and we would have to decide the membership involved with the subcommittee. Give the committee two or three months to put it together and bring it back. Then we could move forward being informed. We need to come up with what we need to do with the indicator plan.

Mayor Patterson stated she could support almost everything as described, but she couldn't support not having the staff because they need to set up the subcommittee and giving direction on the commission. Having a half-time position could be equivalent to a consultants' cost. On the subcommittee, we could modify the language so that it represents the composition that we want, and have a resolution that provides with the purpose and duties.

Council Member Campbell discussed how the City hired a consultant to work on the Urban Growth Boundary. We could spend some money on a consultant who could come in and guide the process.

Council Member Young clarified that the duties of the subcommittee would include getting the equity study going and acting as a sounding board for the community - a public place where people have experienced harassment have a public forum to address the issues. If there's agreement that group can't be run out of the City Manager's office, then we have a consultant come into assist the committee for those two discreet actions to get the study done.

Council Member Campbell suggested putting in a date certain of three months for the committee to bring the information back.

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Ms. Shakur Grantham discussed the issue of the committee and getting the study started. Did that mean they would do the research, have the time to hold the community forums, being available for residents who experience bias, racism and injustice issues? She is not sure how that would work with someone who did not have experience and within 3 months.

Council Member Young clarified that the work would be done by a third party. The roll of the committee would be to find a consultant or professional who would actually do the study and make sure it got done.

Mr. Greene discussed the subcommittee and who in the City would be responsible for effectuating solutions to the grievance issues brought forward. He appreciated where the discussion was going, but finds it offensive that the movement was called BLM, and we keep talking about being more inclusive, as if there is not a set of residents who have brought this forward. If we were talking about pay and equity for women, and we hadn't talked to any men about how they felt about pay and equity for women. When he emailed Council on 6/8/2020, only Council Members Young, Largaespada and the Mayor got back to him. It was not until today that some folks got back to him. They tried to be in contact with everyone but that was not as successful despite their efforts.

Mayor Patterson clarified that when she said 'more inclusive' she meant to inform the business community of the equity issues and have their input on how it can be more equitable and diverse with respect to BLM issues. She apologized if that was not clear.

Mr. Stewart asked that Council take the comments made by the City Manager and trust her to do her job and hire the position. We have to rely on the experts. His experience with consultants is that they never leave and become the most expensive employee within the business. He asked that we heed the City Manager's request to hire a staff person.

Council Member Young clarified that when he suggested hiring a consultant. He was talking about hiring a consultant to the committee for the purpose of getting the equity study done, not a replacement for the employee in the City Manager's office. Once we have the study done and we know what needs to be done in terms of actions that the City needs to do to address the shortcomings, then we can take action as to whether we need to hire somebody to do that or take some other direction.

Mayor Patterson clarified that Council Member Young was missing the point that even the hiring of the consultant is more than what the current City Staff has the bandwidth to perform. She was mistaken and though Council Members Young and Campbell were agreeing to have the equity and diversity manager be the consultant. She would like to see the equity and diversity manager be half-time and get started right away, and perhaps since they might not have the expertise to do what you want them to do with the commission, we could hire a consultant for that one task. This position is key to make progress. She asked if Council Member Young could accept that amendment.

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Council Member Young said he was not comfortable with it and would like to hear the other Council Member's input.

Council Member Campbell discussed hiring a consultant, who would up with the operational policy plan. Then we would have the data driven information so we can go out and find someone to implement the plan, whether that is a City hire or a consultant.

Council Member Young stated that we need to get the equity indicator study done. If we are saying we don't have the bandwidth within the City Manager's office to get the RFP done, we bring someone in just for that purpose of issuing the RFP to get the study done. Once the study is done we move into the next phase.

Mayor Patterson stated the problem she was having was that this is the result of the BBLM work and recommendation, many who have experience, and here we are telling them we have a better approach than they have come up with. Do we want to respect what is being recommended to us by the people whose very lives depend on us? Her sense is that she was good with some of the modifications. She feels that the equity and diversity manager position is key to moving forward and feels that they would accept the half-time position. But to go around and rearrange their recommendations because we 'know better' is the problem she has. This is our opportunity to show our respect to the four folks who have worked hard to put together a proposal that would work for them not us.

Council Member Campbell stated there were three people here tonight (Brandon, Nimat, and Andre) who could be on the committee and bring forward what they want to do. He has no say who goes on the committee, but it is obvious they have the expertise to be on the committee.

Ms. Shakur Grantham stated that Branden Ducharme was part of their group as well. When she thinks about the committee, she can't picture what they will do. She understands it will lay the foundation of what the needs are, the equity needs, disparity, etc. There are a lot of items that they are asking to be done. Who would the committee go to in order to make things work? The other suggestion was to hire a consultant to get the study done. What comes first, the chicken or the egg? She doesn't really understand. Regarding her being on the committee, in order to bring such a comprehensive study together and overseeing a consultant to make sure they do it, she is not sure she would have the time to get a quality document together such as the one that was done in Oakland.

Mr. Greene stated people in his group have the professional expertise to get the study done. He could collectively engage in that process. He discussed the issue of funding the part-time position and Council's previous discussion on the issue of updating the baseball field, which was a cost of \$1.4 million. There is no one in the City who could address concerns such as what Nimat brought forward or what he brought forward to BUSD (la migra). That is problematic, which is why they recommended the position of equity and diversity manager. The study is important for baseline data, but we don't necessary need

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that study to be able to engage someone in work. He is also a part of the African American group in the school district. There are a lot of parents experiencing problems in the City. The study isn't to help identify problems; it is to put data behind what we are telling you what our lives are like in the City.

Mr. Ducharme agreed that the data that can support the claims. As an activist group, they have people who come to them and express problems they are having. The three-step process outlined by Council Members Young and Campbell will delay change. The equity and diversity manager position is important. Regarding expertise, they are ignoring what the City manager is saying that the position would have the expertise in guiding the policies. Rather than delaying change we could pursue it now.

Mr. Stewart discussed being able to hold a consultant/employee accountable. He would like to hire the position, as it would be cheaper than hiring a consultant.

Mayor Patterson asked the maker of the motion (Council Member Young) if he agreed to authorize the hiring of the equity and diversity manager position as a half-time position, with the proposal by BBLM on the report on the equity indicators in Benicia as written, but modified with numbers, and suggestions for the City Council subcommittee.

Council Member Young stated they were persuasive and he would agree to the half-time position.

Mayor Patterson asked if the seconder of the motion (Council Member Campbell) agreed to the changes.

Council Member Campbell stated he could not agree to that. You have to figure out what exactly you need in a manager. if you have no data you can't figure it out. The other question is what you need on top of that. It is data driven. If you don't have data you cannot characterize what you need in a particular position. We have not defined what the particular position entails. We need data to do that.

Ms. Tinfow discussed the job description as listed in the staff report.

Council Member Young restated his motion: to adopt the resolution with the change to a half-time equity and diversity manager, that one of their first obligations is to get the racial indicator study done, and that we also adopt the other parts of the resolution including the Juneteenth holiday, the library, bias training and joining GARE. He was grateful for the input Council received from the BBLM tonight.

Council Member Campbell stated he could not agree to the motion as restated, as it was not the direction he wanted to go.

Mayor Patterson seconded the motion with the notion we have three black professionals with career successes telling us the best way to make progress. She agrees with and wants to support BBLM.

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Mr. Ducharme clarified his point regarding data and the equity and diversity manager.

Council Member Largaespada discussed support for the cause, however we are putting solutions before the assessments. He is for a program similar to Oak Grove's, a cost neutral strategy, support for Juneteenth in the form of a proclamation rather than a holiday, he was a hard no on hiring someone for the position, he could not support the resolution if we do not amend the first whereas. He was concerned regarding this process not being inclusive enough to other races and ethnicities.

Council Member Young clarified his comments regarding the Minneapolis police department. He was not anti-police; he was recognizing the problems within that particular department.

Council Member Campbell discussed the costs of the equity and diversity manager and the consultant to assist the subcommittee. He would like to find a solution that was good for everyone.

Mayor Patterson asked for clarification if Council Member Campbell was stating that he could agree to the half-time equity and diversity manager.

Council Member Campbell stated that it could be like a temporary position that could become more permanent down the road, but there's no guarantee.

Mayor Patterson asked if Council Member Campbell was suggesting that the equity and diversity manager would report back to Council what they found in terms of who could do this work.

Council Member Campbell stated that he was looking for common ground. If it was a low enough number and it was a temporary position that could turn into a permanent position, we might be able to get started on that. He was changing his position on this.

Council Member Largaespada wanted to see something that was inclusive He supported a diversity inclusion strategy and plan.

Mayor Patterson stated the intent was clear that there will be policy that will be guided by the report. It is a roadmap or blueprint for that policy. The subcommittee will ensure that happens. The manager will ensure all the items are started and finished.

Vice Mayor Strawbridge stated the equity indicator was essential to getting us started. She discussed the idea of a race relations commission. There are a lot of things that can be done in-house. We need a plan and to figure out where we need to go with all of the other things.

Council Member Young stated that making this temporary part-time position would be a good start. Their first assignment would be to get the study done. Once it is done then we

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can have a further discussion about where we go from here. Do we turn it into a permanent part-time, or go in another direction, etc. He would like to amend the motion to reflect the temporary part-time position.

Council Member Young restated the motion was to authorize the appointment of a part-time temporary half-time position equity and diversity manager, with direction to put priority on the completion on the inequity indicator study, authorize Juneteenth as a holiday if we can swap it with another holiday, do the anti-bias training, join GARE, and have the library program.

Mayor Patterson (seconder) agreed to the amended motion.

Ms. Tinfow gave an estimate for a half-time position that would be \$89,000/year.

Council Member Campbell did not want the salary to exceed \$80,000/year.

Vice Mayor Strawbridge and Staff discussed the half-time position with benefits for an annual salary. If we are doing this short-term 6 months, that would be half of the amount. Staff did not have anyone in mind for the position and would do the recruitment process.

Mayor Patterson discussed the need to be practical and hire someone with expertise.

Council Member Young and Staff discussed the issue of starting with the top step in the salary range. Council had some flexibility where they could hire at 3rd step at a lesser number. Staff clarified that it was standard practice to start at the top step. We can get an applicant and offer them a lower step. Council Member stated he could live with that.

Mayor Patterson clarified that the motion was to hire the position at half-time temporary with a salary range from an amount up to the top range of \$89,000.

On motion of Council Member Young, seconded by Mayor Patterson, Council approved the adoption of Resolution 20-103, as amended, on a roll call by the following vote:

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

Noes: Council Member Largaespada

12) **ADJOURNMENT (9:00 P.M.)**

Mayor Patterson adjourned the meeting at 10:24 p.m.

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MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
AUGUST 26, 2020
6:00 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

1) CALL TO ORDER

Mayor Patterson called the meeting to order at 6:05 p.m.

2) CONVENE OPEN SESSION (6:00 P.M.)

3) ROLL CALL

All Council Members were present.

Council Member Strawbridge arrived at 6:07 due to technical difficulties.

4) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

5) OPPORTUNITY FOR PUBLIC COMMENTS

Dennis Lowry - Mr. Lowry submitted written comments discussing concerns regarding the agenda language that was posted.

6) ADJOURN TO CLOSED SESSION

6.A - PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

Mayor Patterson adjourned the meeting to Closed Session at 6:08 p.m.

7) RECONVENE OPEN SESSION

The meeting was reconvened at 8:01 p.m.

8) ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

At 8:01 p.m., Ben Stock, City Attorney, stated that Council met in closed session to discuss one item. There were no reportable actions taken.

9) **ADJOURNMENT (7:00 P.M.)**

The meeting was adjourned at 8:01 p.m.

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MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
SEPTEMBER 1, 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

1) CALL TO ORDER (7:00 P.M.)

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

2) CONVENE OPEN SESSION

3) ROLL CALL

All Council Members were present.

4) PLEDGE OF ALLEGIANCE

5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

6) ANNOUNCEMENTS

6.A - MAYOR'S OFFICE HOURS

6.B - OPENINGS ON BOARDS AND COMMISSIONS

7) PROCLAMATIONS

7.A - PROCLAMATION - FIRST ST. CAFE'S RETIREMENT

Proclamation - First St. Cafe's Retirement 

7.B - PROCLAMATION - CAMELLIA TEA ROOM'S RETIREMENT

Proclamation - Camellia Tea Room's Retirement 

7.C - PROCLAMATION - NATIONAL SUICIDE PREVENTION WEEK

Proclamation - National Suicide Prevention Week 

8) APPOINTMENTS

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8.A - MAYOR'S REAPPOINTMENT OF DAVID DELONG TO THE BUILDING CODE BOARD OF APPEALS FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - DeLong 

RESOLUTION 20-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF DAVID DELONG TO THE BUILDING CODE BOARD OF APPEALS FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-104, 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)

8.B - MAYOR'S APPOINTMENT OF ANDREW BLACKSHEAR TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A PARTIAL TERM ENDING JULY 31, 2021

1. Resolution - Blackshear 

RESOLUTION 20-105 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANDREW BLACKSHEAR TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A PARTIAL TERM ENDING JULY 31, 2021

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-105, 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)

8.C - MAYOR'S APPOINTMENT OF BARBARA LLOYD TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A FULL TERM ENDING JULY 31, 2023

1. Resolution - Lloyd 

RESOLUTION 20-106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF BARBARA LLOYD TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A FULL TERM ENDING JULY 31, 2023

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On motion of Mayor Patterson, Council approved the adoption of Resolution 20-106, 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)

8.D - MAYOR'S APPOINTMENT OF JAMES PETRELLESE TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2023

1. Resolution - Petrellese

RESOLUTION 20-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JAMES PETRELLESE TO THE COMMUNITY SUSTAINABILITY COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2023

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-107, 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)

8.E - MAYOR'S REAPPOINTMENT OF MARTIN JONES TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Jones

RESOLUTION 20-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF MARTIN JONES TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-108, 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)

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8.F - MAYOR'S APPOINTMENT OF NORMA MORALES PEREZ TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Perez 

RESOLUTION 20-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF NORMA MORALES PEREZ TO THE ECONOMIC DEVELOPMENT BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-109, 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)

8.G - MAYOR'S REAPPOINTMENT OF GILBERT VON STUDNITZ TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - von Studnitz 

RESOLUTION 20-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF GILBERT VON STUDNITZ TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-110, 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)

8.H - MAYOR'S REAPPOINTMENT OF TIM REYNOLDS TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Reynolds 

RESOLUTION 20-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF TIM REYNOLDS TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JULY 31, 2024

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On motion of Mayor Patterson, Council approved the adoption of Resolution 20-111, 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)

8.I - MAYOR'S REAPPOINTMENT OF LUIS DELGADO TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

1. Resolution - Delgado 

RESOLUTION 20-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF LUIS DELGADO TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-112, 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)

8.J - MAYOR'S APPOINTMENT OF RANDY YOUNG TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

1. Resolution - Young 

RESOLUTION 20-113 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF RANDY YOUNG TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-113, 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)

8.K - MAYOR'S REAPPOINTMENT OF RAQUEL WALSH TO THE HOUSING AUTHORITY BOARD FOR A FULL TERM ENDING JULY 31, 2024

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1. Resolution - Walsh

RESOLUTION 20-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF RAQUEL WALSH TO THE HOUSING AUTHORITY BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-114, 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)

8.L - MAYOR'S REAPPOINTMENT OF DONNA FEINGOLD TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Feingold

RESOLUTION 20-115 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF DONNA FEINGOLD TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-115, 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)

8.M - MAYOR'S APPOINTMENT OF DAN BUNDY TO THE HUMAN SERVICES BOARD FOR A PARTIAL TERM ENDING JULY 31, 2021

1. Resolution - Bundy

RESOLUTION 20-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF DAN BUNDY TO THE HUMAN SERVICES BOARD FOR A PARTIAL TERM ENDING JULY 31, 2021

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-116, on a roll call by the following vote:

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

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Noes: (None)

8.N - MAYOR'S APPOINTMENT OF ANDRE STEWART TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Stewart 

RESOLUTION 20-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANDRE STEWART TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-117, 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)

8.O - MAYOR'S APPOINTMENT OF MARIE LEWIS TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

1. Resolution - Lewis 

RESOLUTION 20-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF MARIE LEWIS TO THE HUMAN SERVICES BOARD FOR A FULL TERM ENDING JULY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-118, 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)

8.P - MAYOR'S REAPPOINTMENT OF GABRIELLE MALTE TO THE PARKS, RECREATION & CEMETERY COMMISSION FOR A FULL STUDENT TERM ENDING JULY 31, 2021

1. Resolution - Malte 

RESOLUTION 20-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF GABRIELLE MALTE TO THE PARKS, RECREATION, & CEMETERY COMMISSION FOR A FULL STUDENT TERM ENDING JULY 31, 2021

DRAFT

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-119, 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)

8.Q - MAYOR'S REAPPOINTMENT OF LARRY LAUBER TO THE SKY VALLEY OPEN SPACE COMMITTEE FOR A FULL TERM ENDING JANUARY 31, 2024

1. Resolution - Lauber

RESOLUTION 20-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF LARRY LAUBER TO THE SKY VALLEY OPEN SPACE COMMITTEE FOR A FULL TERM ENDING JANUARY 31, 2024

On motion of Mayor Patterson, Council approved the adoption of Resolution 20-120, 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)

9) **PRESENTATIONS**

10) **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)

11) **OPPORTUNITY FOR PUBLIC COMMENTS**

12) **WRITTEN COMMENT**

Please click [here](#) for written comments received by 3:00 p.m. that were posted to the City's website.

Please click [here](#) for written comments received between 3:00 – 7:00 p.m.

Please click [here](#) for written comments received during the meeting and read into the record.

DRAFT

13) PUBLIC COMMENT

- 1. Council Member Campbell - Council Member Campbell discussed the possibility of having a mobile drive-in at the East E Street lot in Benicia.

14) CONSENT CALENDAR

14.A - APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 18, 2020

August 18, 2020 City Council Meeting Minutes 

Mayor Patterson discussed her requested change to the minutes, which was to add her specific comments regarding support for the renovations at Fitzgerald Field.

On motion of Council Member Young, seconded by Council Member Largaespada, Council approved the 8/18/2020 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)

14.B - AMENDMENT TO AGREEMENT FOR THE IMPACT FEES NEXUS STUDY (Assistant City Manager)

Staff Report - Amendment to Agreement for the Impact Fees Nexus Study 

- 1. Resolution – Amendment to Agreement for the Impact Fees Nexus Study 
- 2. Second Amendment to Agreement with Economic and Planning Systems 
- 3. June 2019 Agreement with Economic and Planning Systems 

FINAL RESOLUTION 20-121 - A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A SECOND AMENDMENT TO INCREASE THE CONSULTANT SERVICES AGREEMENT WITH ECONOMIC AND PLANNING SERVICES (EPS) FOR \$20,000 FOR THE COMPREHENSIVE DEVELOPMENT IMPACT FEES NEXUS STUDY UPDATE

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

Council pulled item 14.A 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:

DRAFT

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

15) BUSINESS ITEMS

15.A - GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (Community Development Director)

Staff Report - General Plan and Housing Element Annual Progress Report 

1. General Plan Annual Progress Report and Annual Housing Element Progress Report 

2. Appendix A - General Plan Implementation Report 

3. Appendix B - Housing Element Implementation Report 

4. February 13, 2020 Planning Commission Minutes 

Danielle Crider, Associate Planner, reviewed the staff report.

Council Member Young and Staff discussed how often the Plan needed to be updated/renewed, the land that is zoned for single family residential and whether the City will be able to meet the 327 units, mixed-use zoning, the City being fully compliant with its Housing Element, the new expectations for housing, the difficult discussion that will need to be had regarding how we will have a chance to meet the housing construction numbers, the highway safety grant to improve East 5th Street, public amenities along First Street (public restrooms), the need to add cannabis to substance abuse problems list, and the homeless outreach coordinator position.

Council Member Largaespada and Staff discussed the need for a score card/report card for the City Plans on the City's website, the need for more restrooms, and the need for a sidewalk repair program.

Mayor Patterson discussed the need to list the Lower Arsenal, clarification that the Housing update is not updated every year, clarification that the City does not construct housing, the need to ensure our inclusionary housing zoning is a minimum of 35%, and the need to keep Council apprised of developments. She also discussed the need to adopt the walking and biking plan, group all the plans together and do one massive amendment to the General Plan, the need to have language/criteria so you can measure sustainable development, and how Staff can help make the community aware of the General Plan.

Council Member Campbell and Staff discussed the issue of listing the toxic waste sites. Staff stated that the City could indicate that the IT Panoche site is outside of the City limits. Council Member Campbell wants to ensure that site is not forgotten, because it's not going away.

Mayor Patterson discussed the need to do the annual report on the IT toxic site, which has not been done. Staff stated they would look into the issue of the annual report.

DRAFT

Mayor Patterson stated that Council wanted to make the change to the report to add the Lower Arsenal and the IT Panoche site.

Public Comment:

None

15.B - INTRODUCTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTER 8.04, ADDING A DEFINITION OF “COMMERCIAL BLIGHT” AND DECLARING IT AN ACTIONABLE NUISANCE (City Attorney)

Staff Report - Commercial Blight 
1. Ordinance - Commercial Blight 

ORDINANCE 20- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 8.04.020 (DEFINITIONS) AND SECTION 8.04.030 (UNLAWFUL PUBLIC NUISANCES – DEFINED) OF CHAPTER 8.04 (PROPERTY MAINTENANCE — NUISANCE ABATEMENT) OF TITLE 8 OF THE BENICIA MUNICIPAL CODE

Public Comment:

(See written comment received between 3:00 p.m. and 7:00 p.m. listed above under Agenda Item 12)

Ben Stock, City Attorney, reviewed the staff report.

Vice Mayor Strawbridge and Staff discussed whether the blight ordinance would help in achieving some sort of follow up with the property owners (such as Paper Tiger, the gas station on East 5th St, Burger King on Columbus Pkwy.), and concern the property owners were taking advantage of the system.

Mr. Stock discussed the code enforcement piece of the ordinance.

Council Member Young and Staff discussed whether the use of a building permit could hold off enforcement, the need for the definition of blight to be objective, and whether not a secured building could trigger blight.

Council Member Largaespada and Staff discussed whether commercial blight would be applied to commercial and the Industrial Park, (it could simply be done by adding 'and/or industrial' to the ordinance), the timing of the ordinance with regards to enforcement, and the issue of fines.

Council Member Largaespada made a motion to approve the introduction of the ordinance with the amendment adding 'commercial and/or industrial', which was seconded by Vice Mayor Strawbridge.

DRAFT

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved the Introduction and First Reading of the above Ordinance, 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)

16) ADJOURNMENT (9:00 P.M.)

Mayor Patterson adjourned the meeting at 8:42 p.m.

DRAFT

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
SEPTEMBER 8, 2020
9:00 AM

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

1) CALL TO ORDER (9:00 A.M.)

Mayor Patterson called the meeting to order at 9:01 p.m.

2) CONVENE OPEN SESSION

3) ROLL CALL

All Council Members were present.

Council Members Young and Campbell arrived at 9:03 a.m.

4) PLEDGE OF ALLEGIANCE

5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

6) OPPORTUNITY FOR PUBLIC COMMENTS

None

7) WRITTEN COMMENT

None

8) PUBLIC COMMENT

None

9) ADJOURN TO CLOSED SESSION

Mayor Patterson adjourned the meeting to Closed Session at 9:03 p.m.

9.A - PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager

DRAFT

10) RECONVENE OPEN SESSION

The meeting was reconvened at 9:31 a.m.

11) ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

Ben Stock, City Attorney stated that the Council voted 5-0 to enter into a separation agreement and accept the resignation of the City Manager during the closed session. A full copy of the agreement will be on file with the City's Clerk's Office once executed by all the parties.

12) ADJOURNMENT (10:00 A.M.)

The meeting was adjourned at 9:32 a.m.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
CONSENT CALENDAR

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY SANDRA SHANNONHOUSE AND REFERRAL TO INSURANCE CARRIER**

EXECUTIVE SUMMARY:

The claimant alleges that during a response to a structural fire at her property at 811 East 6th Street, the weight of the fire trucks, along with the design and age of the pipes at this property, caused the sewer main to backup under the home (See Attachment 1).

RECOMMENDATION:

Deny the claim against the City by Sandra Shannonhouse and refer to the insurance carrier.

BUDGET INFORMATION:

The claim is for \$9,143.31.

BACKGROUND:

Sandra Shannonhouse alleges that on September 15, 2020, during a response to a structural fire at this location, the weight of the fire trucks, along with the design and age of the pipes at this property, cause the sewer main to backup under the home, resulting in \$9,143.31 in plumbing charges to clean and treat the sewer line, install a cleanout, power wash the basement, extract excess water, and set up drying equipment (See Attachment 2).

Public Works staff were not notified of the sewage backup until a few days after the overflow, and upon inspection, a broken piece of private lateral was discovered lodged in the City's main. The City excavated and replaced a 4' section of private lateral and a 12' section of 6" mainline. The private broken lateral caused the blockage, and consequently whatever sewage was being flushed from the house is what backed up into the crawlspace. There was no evidence that the City's actions caused the blockage, and had the surcharge come from the City's main, there would have been a lot more sewage found in the crawlspace,

NEXT STEPS:

Upon rejection of the claim, the City Clerk should issue a rejection notice to Sandra Shannonhouse using Plan JPA/ABAG's Form No. 3 of the Plan JPA/ABAG Plan Claims

Procedures Manual and process with a proof of service by mail form. A copy of the rejection notice and proof of service by mail form should be sent to the Claims Examiner for ABAG Plan and the City Attorney.

ALTERNATIVE ACTIONS:

Pay the claim.

General Plan	N/A
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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> <p><input type="checkbox"/> Protect Community Health & Safety</p> <p><input type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input type="checkbox"/> Protect & Enhance the Environment</p> <p><input checked="" type="checkbox"/> High Performing Government</p>
	<p align="center">City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Claims and Litigation 2. Risk Management/Liability Claims Processing 3. Administration - City Manager's Office
	<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	Denial of this claim is not a project under Section 15378(b) of the California Environmental Quality Act (CEQA) Guidelines, which excludes administrative activities of government.
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ATTACHMENTS:

1. Redacted Claim Form with Letter – Shannonhouse Claim
2. Redacted Plumbing Invoices – Shannonhouse Claim

For more information contact: Benjamin Stock, City Attorney

Phone: 707-746-4204

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



CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): SANDRA SHANNONHOUSE

2. CLAIMANT'S ADDRESS: [Redacted] (Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [Redacted] WORK PHONE: [Redacted] *Cell - Best*

3. AMOUNT OF CLAIM: \$ 9143³¹ (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:
Limited Civil Case _____
Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

SANDRA SHANNONHOUSE
[Redacted]
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: SEPT 15-16 TIME OF INCIDENT: *as follows* unknown - discovered Sept 16,
LOCATION OF INCIDENT: 811 East 6th St, Benicia CA 94501

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: *See attached & odor under vacant home + opened door to investigate Roto Rooter called then. Property was being worked on and watched. There was no odor previously!*

7. Describe all damages which you believe you have incurred as a result of the incident:
See attached invoices totaling \$9143³¹

8. Names of public employee(s) causing the damages you are claiming:
Believe backflow caused by broken sewer main due to wear of fire tracks, design or age.

[Redacted Signature] 1-14-2020
Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

Sandra Shannonhouse [REDACTED]
ph [REDACTED] mb [REDACTED] em [REDACTED]

January 14, 2020

Re: Claim against the City of Benicia due to sewer backflow

On Sept.14, 2019 at about 3 am, a structure fire occurred, later determined by the Police Department, to be arson, at a shed at 811 East 6th Street, Benicia. The shed had previously been boarded up and the house was unoccupied. See Benicia Police Department Case # 1 – 19 – 001590; Benicia Fire Department incident # 2019 – 1895; Roto Rooter invoice #13262 for \$2,033.01; Roto Rooter invoice # 1065 for \$7110.30 with attached report.

On Sept. 16, 2019, i opened the basement door to the vacant house at 811 East Sixth Street, to investigate a stench. I found what Roto Rooter later determined to be 300 plus gallons of raw sewage that had flooded the basement. Sewage from other houses up the hill had flowed down into the basement at the vacant house.

We believe that this occurred because of the heavy fire truck parked in the alley due to the fire on Sept 14, and an old, poorly maintained and/or designed sewer main.

Sandra Shannonhouse

1-14-2020



Remit To:
Roto-Rooter
PO Box 2827
Fairfield CA 94533

(707) 429-5151 Office
(707) 429-1433 Fax

License - 1045843

Billed to: Estey Real Estate *for Sandra Shannonhouse* Job Site: Estey Real Estate
 [Redacted] 811 E. Sixth St.
 [Redacted] Benicia CA 94510
 [Redacted]

Invoice Number: 13262	Service Tech: LEVI #627
Date: 9/18/19	

Cleaned and treated line from basement.

Customer requested video of city clearing line via hydro jet from 300' away certain amount of liability on city due to design. Drake, superintendant of Benicia furnished realtor with claim form for reimbursement.

installed clean out and treat and clear line from basement. Basement was flooded with 6" of raw sewage due to other houses being tied into the same line. City is involved-Restoration on site as well. 300 plus gallons pumped out of basement.

Invoice Total \$2,033.01

**Invoice Terms: Net 30 Days
60 Days Past Due**



Remit To: (707) 429-5151 Office
 Roto-Rooter (707) 429-1433 Fax
 PO Box 2827
 Fairfield CA 94533
 License - 1045843

Billed to: Hoglund, Eric - *for Sandra Shannonhouse*
 [Redacted]

Job Site: Eric Hoglund
 811 E 6Th St
 Benicia CA 94510-3524
 [Redacted]

Invoice Number: 1065	Service Tech: Carlos #617
Date: 9/24/19	

Basement was flooded with sewage and Roto-Rooter power washed the whole basement and extracted all excess water. We also placed a dessicant dehumidifier to remove all moisture once the cleaning was done and setup 2 air scrubbers to clean the air and provide better air quality. Job is now complete.

Invoice Total \$7,110.30

Invoice Terms: Net 15 Days
 55 Days Past Due

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

Client: Eric Hoglund
Property: 811 E Sixth st.
Benicia , CA

Home: 

Operator: CARLOS.M

Estimator: Carlos Monroy
Position: Restoration Manager
Company: L.G. Plumbing and Restoration Inc. DBA Roto-Rooter
Business: 1708 Enterprise Dr
Fairfield, CA 94533

Business: (707) 716-6963
E-mail: Carlos.monroy@rrsc.com

Type of Estimate: Water Damage

Date Entered: 9/26/2019

Date Assigned:

Price List: CAEB8X_SEP19

Labor Efficiency: Restoration/Service/Remodel

Estimate: 2019-09-26-1320

File Number: 1065

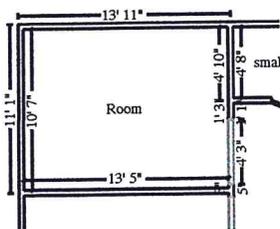
L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

2019-09-26-1320

Main Level

Main Level

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Emergency service call - during business hours	1.00 EA	0.00	175.93	0.00	175.93
4. Equipment setup, take down, and monitoring (hourly charge)	10.50 HR	0.00	62.50	0.00	656.25
5. Equipment decontamination charge - per piece of equipment	3.00 EA	0.00	36.49	1.12	110.59
9. Add for personal protective equipment (hazardous cleanup)	6.00 EA	0.00	7.76	4.36	50.92
170. Ducting - flexible - 6" round	20.00 LF	0.00	1.42	2.84	31.24
21. Add for HEPA filter (for negative air exhaust fan)	2.00 EA	0.00	187.82	35.00	410.64
24. Respirator - Full face - multi-purpose resp. (per day)	2.00 DA	0.00	7.61	0.00	15.22
23. Respirator cartridge - HEPA & vapor & gas (per pair)	2.00 EA	0.00	26.29	5.26	57.84
25. Personal protective gloves - Disposable (per pair)	8.00 EA	0.00	0.30	0.24	2.64
171. Dehumidifier (per 24 hr period) - Large-Desiccant-No monit.	5.00 EA	0.00	501.60	0.00	2,508.00
172. Negative air fan/Air scrubber (24 hr period) - No monit.	10.00 DA	0.00	75.50	0.00	755.00
Total: Main Level				48.82	4,774.27



Room

Height: 8'

355.67 SF Walls	141.99 SF Ceiling
497.66 SF Walls & Ceiling	141.99 SF Floor
15.78 SY Flooring	43.75 LF Floor Perimeter
48.00 LF Ceil. Perimeter	

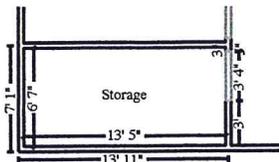
Missing Wall - Goes to Floor

4' 3" X 6' 8"

Opens into CENTER

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
99. Apply biological cleaning agent (spore-based) to more than the floor	497.66 SF	0.00	0.29	2.49	146.81
144. Clean more than the floor with pressure steam	497.66 SF	0.00	0.99	8.46	501.14
Totals: Room				10.95	647.95

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter



Storage **Height: 8'**

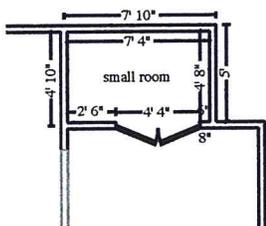
297.78 SF Walls	88.33 SF Ceiling
386.10 SF Walls & Ceiling	88.33 SF Floor
9.81 SY Flooring	36.67 LF Floor Perimeter
40.00 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 4" X 6' 8"

Opens into CENTER

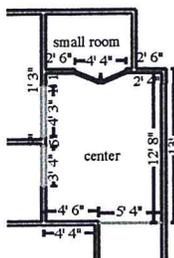
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
174. Apply biological cleaning agent (spore-based) to more than the floor	386.10 SF	0.00	0.29	1.93	113.90
175. Clean more than the floor with pressure steam	386.10 SF	0.00	0.99	6.56	388.80
Totals: Storage				8.49	502.70



small room **Height: 8'**

192.00 SF Walls	34.22 SF Ceiling
226.22 SF Walls & Ceiling	34.22 SF Floor
3.80 SY Flooring	24.00 LF Floor Perimeter
24.00 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
177. Apply biological cleaning agent (spore-based) to more than the floor	226.22 SF	0.00	0.29	1.13	66.73
178. Clean more than the floor with pressure steam	226.22 SF	0.00	0.99	3.85	227.81
Totals: small room				4.98	294.54



center **Height: 8'**

265.44 SF Walls	123.81 SF Ceiling
389.25 SF Walls & Ceiling	123.81 SF Floor
13.76 SY Flooring	31.92 LF Floor Perimeter
39.50 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

4' 3" X 6' 8"

Opens into ROOM

Missing Wall

5' 4" X 8'

Opens into ENTRY

Missing Wall - Goes to Floor

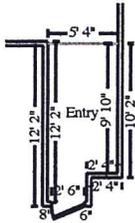
3' 4" X 6' 8"

Opens into STORAGE

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

CONTINUED - center

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
180. Apply biological cleaning agent (spore-based) to more than the floor	389.25 SF	0.00	0.29	1.95	114.83
181. Clean more than the floor with pressure steam	389.25 SF	0.00	0.99	6.62	391.98
Totals: center				8.57	506.81



Entry

Height: 8'

236.00 SF Walls	58.95 SF Ceiling
294.95 SF Walls & Ceiling	58.95 SF Floor
6.55 SY Flooring	29.50 LF Floor Perimeter
29.50 LF Ceil. Perimeter	

Missing Wall

5' 4" X 8'

Opens into CENTER

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
183. Apply biological cleaning agent (spore-based) to more than the floor	294.95 SF	0.00	0.29	1.48	87.02
184. Clean more than the floor with pressure steam	294.95 SF	0.00	0.99	5.01	297.01
Totals: Entry				6.49	384.03

Total: Main Level

88.30 7,110.30

Line Item Totals: 2019-09-26-1320

88.30 7,110.30

Grand Total Areas:

1,346.89 SF Walls	447.30 SF Ceiling	1,794.19 SF Walls and Ceiling
447.30 SF Floor	49.70 SY Flooring	165.83 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	181.00 LF Ceil. Perimeter
447.30 Floor Area	496.00 Total Area	1,346.89 Interior Wall Area
982.50 Exterior Wall Area	109.17 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

Summary

Line Item Total	7,022.00
Material Sales Tax	88.30
	<hr/>
Replacement Cost Value	\$7,110.30
Net Claim	\$7,110.30
	<hr/> <hr/>

Carlos Monroy
Restoration Manager

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

Recap of Taxes

	Material Sales Tax (10%)	Storage Rental Tax (10%)
Line Items	88.30	0.00
Total	88.30	0.00

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

Recap by Room

Estimate: 2019-09-26-1320

Area: Main Level	4,725.45	67.29%
Room	637.00	9.07%
Storage	494.21	7.04%
small room	289.56	4.12%
center	498.24	7.10%
Entry	377.54	5.38%
<hr/>		
Area Subtotal: Main Level	7,022.00	100.00%
<hr/>		
Subtotal of Areas	7,022.00	100.00%
<hr/>		
Total	7,022.00	100.00%

L.G. Plumbing & Restoration Inc. DBA Roto-Rooter

Recap by Category

Items	Total	%
CLEANING	1,776.24	24.98%
WATER EXTRACTION & REMEDIATION	5,245.76	73.78%
Subtotal	7,022.00	98.76%
Material Sales Tax	88.30	1.24%
Total	7,110.30	100.00%



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
CONSENT CALENDAR

TO : City Council

FROM : City Clerk

SUBJECT : **AMENDMENTS TO THE CITY’S CONFLICT OF INTEREST CODE**

EXECUTIVE SUMMARY:

Pursuant to Government Code section 87302, the City is required to review its conflict of interest code every two (2) years to determine if amendments are needed. Staff has reviewed the code and determined that updates are needed. Changes include updating the designated positions to reflect current job titles that are required to disclose financial interests.

RECOMMENDATION:

Move to adopt the resolution amending the City’s conflict of interest code (See Attachments 1 & 2).

BUDGET INFORMATION:

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

BACKGROUND:

Each local agency is required to adopt a conflict of interest code to cover positions not listed in Government Code section 87200. The Political Reform Act allows agencies to adopt the provisions of Title 2, California Code of Regulations, section 18730. In 1990, the City adopted these provisions and designated positions subject to the disclosure provisions. These positions have duties that may involve the participation in governmental decisions that may have a material effect on financial interests.

State law requires that these public officials disclose economic interests that could be impacted by the officials’ decisions. Whether the official is required to disclose his/her economic interest(s) is determined by his/her position being listed in either Government Code section 87200 or the local agency’s conflict of interest code. State law requires the City to review its conflict of interest code every two (2) years to ensure that it properly designates all City officials who are required to disclose economic interests.

Staff has reviewed the City’s conflict of interest code and Appendix A (designated positions) and recommends that Appendix A be revised to include new positions with appropriate disclosure categories and to remove positions which no longer exist.

NEXT STEPS:

If the City Council approves the resolution revising Appendix A, the revised Appendix A will become effective immediately.

ALTERNATIVE ACTIONS:

None.

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):
	1. Administration 2. 3.
	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 Ordinance is exempt from CEQA because it is not a “project” per 14 CCR §§ 15378(b)(4) and (5).
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ATTACHMENTS:

1. Resolution Amending the City’s Conflict of Interest Code
2. Redlined Version of Appendix A

*For more information contact: Lisa Wolfe, City Clerk
 Phone: (707) 746-4212
 E-mail: lwolfe@ci.benicia.ca.us*

RESOLUTION NO. 20 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974, Government Code section 87100 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation at Title 2, California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code; and

WHEREAS, the standard conflict of interest code may be adopted by reference by the City; and

WHEREAS, the City Council adopted the standard conflict of interest code by Resolution No. 90-200; and

WHEREAS, the City Council now desires to amend its Conflict of Interest Code by amending Appendix A, which designates the positions required to file conflict of interest disclosure forms.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby adopt this resolution amending Appendix A to the City of Benicia Conflict of Interest Code in its entirety as set forth in the attachment to this resolution.

BE IT FURTHER RESOLVED that all other provisions of the City of Benicia Conflict of Interest Code shall remain in full force and effect.

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 15th day of September, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Appendix A- REDLINED
CONFLICT OF INTEREST CODE
for the
City of Benicia

<u>DESIGNATED POSITION</u>	<u>DISCLOSURE CATEGORY</u>
<u>COMMISSIONS</u> ¹	
Historic Preservation Review Commission	1
Open Government Commission	1
<u>CITY ATTORNEY'S OFFICE</u> ¹ —	
Deputy City Attorney	4
<u>CITY MANAGER'S OFFICE</u> ¹	
Assistant City Manager	1
Economic Development Manager I/II	1
Economic Development Specialist	2
Human Resources Director	1
Human Resources Manager	1
IT Analyst (I/II)	3
IT Manager	3
Management Analyst	2
<u>Senior Management Analyst</u>	<u>2</u>
Sr. Human Resources Analyst	2
<u>FINANCE DEPARTMENT</u> ¹	
<u>Assistant Finance Director</u>	<u>1</u>
Senior Accountant	2

¹ The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; interests in real property; and, all sources of income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These "87200 filers" are not designated in the Code.

COMMUNITY DEVELOPMENT DEPARTMENT

<u>Associate Planner</u>	<u>1</u>
<u>Assistant Planner</u>	<u>1</u>
<u>Building Inspector</u>	<u>5</u>
<u>Chief Building Official</u>	<u>5</u>
<u>Development Services Technician</u>	<u>5</u>
<u>Director</u>	<u>1</u>
<u>Management Analyst</u>	<u>2</u>
<u>Principal Planner</u>	<u>1</u>
<u>Senior Planner</u>	<u>1</u>
<u>Planning Manager</u>	<u>2</u>

FIRE DEPARTMENT

Chief	1
Code Enforcement Officer <u>Community</u>	5
<u>Preservation Officer</u>	
Division Chief	5
Fire Marshal	5
Fire Prevention Inspector	5
Management Analyst	2

LIBRARY

Library Director	1
Library Manager	2

PARKS and COMMUNITY SERVICES DEPARTMENT

Community Services Superintendent	2
Director	1
Management Analyst	2
<u>Parks and Building Maintenance Superintendent</u>	<u>2</u>

POLICE DEPARTMENT

Captain	1
Chief	1
IT Analyst II	3
Lieutenant	2
Management Analyst	2

PUBLIC WORKS DEPARTMENT

Assistant Public Works Director/Utilities Manager	1
<u>Deputy Public Works Director-Utilities</u>	<u>1</u>
<u>Deputy Public Works Director-Operations/City</u>	<u>1</u>
<u>Engineer</u>	
<u>City Engineer</u>	<u>1</u>
Director	1
Maintenance Superintendent	2
Management Analyst	2
<u>Project Manager</u>	<u>1</u>
Principal Civil Engineer	2
Senior Civil Engineer	4
Water Plant Superintendent	2
Waste Water Plant Superintendent	2

CONSULTANTS

See Page 4

RETIRED ANNUITANTS

See Page 4

DISCLOSURE CATEGORIES

The disclosure categories are based upon the Fair Political Practices Commission's Form 700. For example, if you are required to disclose investments and sources of income, you must disclose: investments and sources of income that are located in, or doing business in, the City; are planning to do business in the City; or, that have done business during the previous two years in the City.

Please note the following:

- Gifts are reportable regardless of the location of the donor. For example, a state agency official with full disclosure must report gifts from sources located outside of California. (Designated employees should consult their disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)
- For reporting interests in real property, property is considered to be located within the City's jurisdiction if any part of the property is: located in, or within, two miles of the City; or, if the property is located within two miles of any land owned or used by the City. Property within the City's jurisdiction must be reported as noted.

Please review the individual Fair Political Practices regulations and Form 700 instructions for a detailed explanation of the rules.

Category 1 **(Broadest Category)**

Persons in this category must disclose: all investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; all interests in real property; and, all sources of income (including gifts and loans).

Category 2 **(Suppliers, Contractors, Equipment, etc., Used by Department and Property)**

Persons in this category must disclose: all investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; income (including gifts and loans) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the person's Department; and, all interests in real property.

Category 3 **(Computer Consultants or Equipment-Related)**

Persons in this category must disclose: all investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; income (including gifts and loans) from sources that provide, supply, manufacture, or service computer hardware or software of the type utilized by the City.

Category 4

(Transportation-Related Services)

Persons in this category must disclose: all investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; income (including gifts and loans) from sources that provide transportation services subject to the review or approval of the City; and, all interests in real property.

Category 5

(Planning, Architectural, Building, Fire-Related Inspection or Review, and Property)

Persons in this category must disclose: all investments; any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management; income (including gifts and loans) from sources that provide planning, architectural, building, or fire services, including inspection subject to the review or approval of the Public Works Department, Community Development Department, or Fire Department; and all interests in real property.

Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1, subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of limited-scope duties and thus is not required to file under Category 1. Such written determination shall include a description of the consultant’s duties, and based upon that description, a statement of the extent of alternate disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Retired Annuitants

Retired annuitants who are appointed to positions corresponding to categories listed in this Code shall disclose under that position’s category.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
CONSENT ITEMS

TO: City Council

FROM: City Attorney

SUBJECT: **SECOND READING OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTER 8.04, ADDING A DEFINITION OF “COMMERCIAL BLIGHT” AND DECLARING IT AN ACTIONABLE NUISANCE**

EXECUTIVE SUMMARY:

The proposed ordinance would define “commercial blight” and declare it as a nuisance, allowing the City to pursue nuisance abatement actions against commercial property owners who fail to maintain property in such as manner as to constitute a blight to the community.

RECOMMENDATION:

Move to adopt the ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapter 8.04 (Property Maintenance – Nuisance Abatement) 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:

On September 1, 2020 the Benicia City Council held a first reading of the above referenced ordinance. On a 5-0 vote, the City Council waived the first reading and referred the ordinance to a second reading. The City Council also directed that the definition of “commercial blight” be revised to include industrial uses. The proposed ordinance would now require maintenance of both commercial and industrial properties.

The City currently works to bring building, nuisance and other property maintenance related code violations to the attention of the responsible party. Despite these efforts, there has been and continues to be ongoing nuisances related to maintenance or lack of maintenance of some properties throughout the City in a manner that creates blighted conditions.

To reduce commercial and industrial blight in the City of Benicia and thereby foster greater economic development and confidence in the City’s aesthetic environs, this ordinance would allow the City to require commercial property owners to maintain their commercial and industrial properties in accordance with the City’s new definition of “commercial blight.”

If the property meets the proposed definition of commercial blight, the City would be authorized to pursue a nuisance abatement action, whereby the property owner would be responsible for shouldering the cost of the abatement.

The ordinance adds the following provisions to the Benicia Municipal Code:

1. Amends Chapter 8.04.020 to add a definition of commercial blight.
2. Amends Chapter 8.04.030 to add a provision allowing the City to pursue nuisance abatement proceedings against commercial and industrial buildings it deems meet the definition of commercial blight.

NEXT STEPS:

If the proposed ordinance is adopted, 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	Goal 2.5 – Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.
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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. Commercial and Industrial Plan Review and Inspections 2. Building code administration and amendments
	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	The requested action is exempt from CEQA because it will not result in a direct or indirect physical change in the environment and therefore is not a project as defined in CEQA Guidelines Section 15378.
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ATTACHMENT:

1. Ordinance – Commercial Blight

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 SECTION 8.04.020 (DEFINITIONS) AND SECTION 8.04.030 (UNLAWFUL PUBLIC NUISANCES – DEFINED) OF CHAPTER 8.04 (PROPERTY MAINTENANCE — NUISANCE ABATEMENT) OF TITLE 8 OF THE BENICIA MUNICIPAL CODE

WHEREAS, the City Council of the City of Benicia seeks to reduce commercial blight in the City of Benicia;

WHEREAS, reducing commercial blight will promote economic development and healthy neighborhoods and will preserve the appearance of Benicia;

WHEREAS, adding a definition of “commercial blight” to Chapter 8.04 (Property Maintenance – Nuisance Abatement) to Title 8 of the Benicia Municipal Code, and allowing the City to pursue nuisance abatement actions pursuant to that definition will aid the City in that goal;

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

Section 1. Sections 8.04.020 and 8.04.030 of the Benicia Municipal Code is hereby amended as set forth in Attachment 1, attached hereto, and incorporated herein by reference, and in which additions are indicated by an underline, and deletions are indicated by a ~~striketrough~~.

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 1st day of September, 2020, and adopted at a regular meeting of the Council held on the 15th day of September, 2020, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

**ATTACHMENT 1
TO ORDINANCE NO. _____**

Chapter 8.04

PROPERTY MAINTENANCE – NUISANCE ABATEMENT

Sections:

8.04.020 Definitions

8.04.030 Unlawful Public Nuisances – Defined

18.04.020 Definitions.

As used in this chapter:

“Backyard” means that portion of property between the back of the primary residential structure and the rear property line.

“Building” means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

“City” means the city of Benicia.

“City manager” means the city manager or his or her duly authorized representative.

“Commercial blight” means any building that accommodates commercial and/or industrial use that is (1) in a state of disrepair or (2) inadequately maintained. Examples of commercial blight include, but are not limited to: exterior walls and/or roof coverings which have become deteriorated and do not provide adequate weather protections, resulting in termite infestation and/or dry rot; broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers; building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks or other structures on the property which are broken, deteriorated, or substantially defaced, to the extent that the disrepair is visible from any public right of way or visually impacts neighboring public or private property or presents an endangerment to public safety; building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks or other structures on the property which have been repainted in such a manner that the appearance may be further deteriorated or substantially defaced; and/or overgrown, diseased, dead, or decayed trees, weeds or vegetation.

“Costs or expenses to abate the nuisance” means the actual cost of abatement plus all administrative expenses, including direct and indirect personnel costs; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the preparation and dissemination of notices, specifications, and contracts and in inspecting the work; the costs of printing and mailing the required notices; and the costs of imposing a lien, if a lien becomes necessary.

“Enforcement officer” means any individual employed by the city with primary enforcement authority for this chapter, or his or her duly authorized representative, or any city employee or agent of the city with the authority to enforce a provision of this code.

“Front yard” means that portion of property between the abutting frontal street and the primary building or residential structure.

“Hearing officer” means the individual appointed by the city manager under this chapter to hear all timely appeals described in this chapter. The hearing officer can have no pecuniary interest in the outcome of the hearing, or interest in or bias regarding the case. If the appointee is a city employee, the appointee cannot work in the department that is enforcing the code violations, nor can any decision as the hearing officer be made subject to the employee’s performance evaluation in his/her regular job.

“Junk” means any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, wood, wood chips, tree trimmings or cuttings, metal, sand, organic matter or other substance.

“Junkyard” means any property on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

“Owner” and “property owner,” as used herein, and unless otherwise required by the context, shall be deemed to include any person owning, leasing, renting, occupying or having charge or possession of any property in the city to and including any person identified as owning property as shown on the last equalized assessment roll.

“Person,” as used in this chapter, means any individual, partnership, corporation, limited liability company, association, or other organization, however formed, including heirs in possession, executors, administrators, or assigns.

“Property” or “premises” means any lot or parcel of land, including any alley, sidewalk or parkway abutting such lot or parcel of land, or improvements thereon, or portions thereof, as the case may be.

“Public nuisance” means anything which is, or is likely to become, injurious to health or safety, or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street or highway. All conditions enumerated in BMC 8.04.030 are public nuisances by definition and declaration, and said enumerated conditions shall in no way be construed to be exclusive or exhaustive.

“Side yard” means that portion of property between the side of the building or residential structure and the property line.

“Vehicle” references the current definition of same contained at Section 670 of the California Vehicle Code, and means any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Vehicles do not include wheelchairs.

18.04.030 Unlawful Public Nuisances – Defined.

It shall be unlawful and a public nuisance for any person owning, renting, leasing, occupying or having charge or possession of any real property in the city to maintain, or allow or permit others to maintain, such property in any of the following conditions:

A. The exterior accumulation of vegetation, weeds, dirt, litter, rubbish or debris on the property which is visible from a public street, sidewalk, alleyway, right-of-way or neighboring property. This includes, but is not limited to:

1. Neglected or improperly maintained landscaping, dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water or any other vegetation;
2. Vegetation likely to harbor rats, vermin and other nuisances or causing detriment to neighboring properties, or out of conformity with neighboring community standards to such an extent as to result in appreciable diminution of property values;
3. Vegetation growing on the roof or compromising the integrity of any structure, except for rooftop gardens designed and constructed to withstand structural load;
4. The removal or failure to maintain in good condition any landscaping required as a condition of any permit or development approval or included in the project plans or application without city approval. “Good condition” means that plant material is alive, irrigated, and otherwise cared for to ensure survival.

The provision as to dead or dying vegetation due to lack of water shall not be enforced during a drought year, as determined by the city. For purposes of this subsection, a lawn area shall be deemed overgrown if 50 percent or more of its area exceeds four inches in height (not including decorative grasses). (See also Chapter 8.08 BMC, Weeds and Rubbish).

B. The accumulation or storage of junk, trash or debris, including but not limited to tires, broken, abandoned or discarded furniture, sinks, toilets, cabinets or other household fixtures, equipment or parts thereof, rubbish, garbage, goods and furnishings, shopping carts, packing boxes, lumber, salvage materials or other materials, accumulations of grease, oil, or petroleum-based products of any kind, animal feces, or other debris and litter, which constitutes a fire hazard or safety hazard and/or is stored or accumulated in such a manner as to constitute visual blight which is visible

from the public street, sidewalk or right-of-way, alley, or adjoining property. This includes the dumping, spillage or storage of solids or liquids which may negatively impact the visual or olfactory nature of the area.

C. Buildings, fences or other structures, the exterior walls or windows of which are visible from a public street, sidewalk or right-of-way, which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced, including but not limited to unpainted or untreated exterior wood surfaces (other than natural decay-resistant wood) on any building (or any portion thereof), or structure in which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or insect infestation, including failure to provide adequate weather protection to structures or buildings, including, but not limited to, cracked, peeling, warped, rotted, or severely damaged paint, stucco or other exterior covering.

D. Failure to maintain property, building structure, required fence, driveways, sidewalks or parking areas so that it becomes defective, unsightly, or in such condition of dilapidation or disrepair that it causes or accelerates the deterioration of the property or causes the depreciable diminution of the property values of surrounding properties, or is otherwise materially detrimental to adjacent properties.

E. Building or other structures which are abandoned, partially destroyed, partially constructed or allowed to remain unreasonably in a state of partial construction or neglect.

F. Vacant or abandoned buildings or structures with doorways, windows or other openings left open, unlocked, unsecured or otherwise easily accessible to trespassers, vagrants, vandals or other persons not authorized to enter.

G. Broken windows constituting hazardous conditions, or contributing to neighborhood blight, or resulting in unsecured property inviting trespassers and malicious mischief.

H. Storage or maintenance of packing boxes, storage containers, lumber, pallets, metal storage bins or containers, trash, dirt and other junk deposited or stored for unreasonable periods either inside or outside buildings, visible from the street or nearby property, which constitute visual blight, health and safety issues, are offensive to the senses, or are detrimental to nearby property values.

I. Where visible from a public street, sidewalk or right-of-way, the exterior storage or maintenance of unregistered, dismantled or inoperative vehicles, automotive engines, parts, or machinery of any type or description, unless specifically authorized by city license or permit; building materials or merchandise unless specifically authorized by an active use, building or other city permit; construction equipment or garbage bins except while excavation, construction or demolition operations covered by an active building permit or other city permit are in progress on the subject or adjoining property. (See also Chapter 10.44 BMC, Abandoned, Wrecked, Dismantled or Inoperative Vehicles.)

J. The parking or storage of any vehicle, boat, trailer, camper, camper shell, motor home or other mobile equipment, whether or not motorized, or portions thereof, including accumulation or storage of vehicle parts or other mechanical parts and components of a vehicle, boat, trailer, camper, or motor home, on property used or zoned for residential purposes, on any front lawn, front yard, side yard or rear yard, where visible from the public right-of-way; provided, however, that such parking or storage of a legally registered and operable vehicle, boat, trailer, camper, or motor home shall be allowed on required parking spaces or paved driveways leading directly from approved and permitted curb cuts to required garages, carports or other required off-street parking spaces, if such vehicle, boat, trailer, camper or motor home is located totally within private property and does not extend or block any public right-of-way or interfere with a line of sight from a public right-of-way to the extent that it creates a safety hazard. It shall also be prohibited, and a public nuisance, to park any vehicle on any privately owned property if such vehicle would be prohibited from parking on such property pursuant to BMC 10.16.080 and 10.16.160.

K. Use of property in a residential district for the purpose of performing auto repair for profit. Auto repair including work on any vehicle, boat, trailer, camper, motor home or other mobile or mechanical equipment, whether or not motorized, may be allowed only in accordance with the provisions of BMC 8.32.030. In no instance shall more than two permits be issued and active at any one time for any property located in a residentially zoned district. All such auto repair shall only be allowed on or in the approved driveway, garage, carport or other required off-street parking space.

L. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, that causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.

M. Once commenced, the failure by private property owners to complete, within a reasonable period of time, exterior physical improvements, visible from the public right-of-way, such as streets, curbs, gutters and other improvements whether or not intended to be dedicated to the city.

N. Obstruction or encroachment upon any public property including, but not limited to, any public street, sidewalk, highway, right-of-way, park or building, without a valid permit. Such obstructions or encroachments include, but are not limited to, overgrown trees and shrubs; building materials; merchandise or other personal property; and buildings or portions of buildings or structures protruding onto public property.

O. Maintain property in a manner which causes a hazard to the public by obscuring visibility of an intersection.

P. An attractive nuisance dangerous to children including, but not limited to, abandoned, broken or neglected equipment; machinery; a refrigerator, freezer or other appliance; or hazardous pool, pond or excavation.

Q. Maintain a building, structure, any artificial alteration of property, any activity or any water that supports the development, attraction or harborage of vectors, or that facilitates the introduction or spread of vectors, or that is a breeding place for vectors. The presence of vectors in their developmental stages on the property is prima facie evidence that the property is a public nuisance. "Vector" means any animal capable of transmitting human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, rodents and other vertebrates.

R. Causing, maintaining or permitting graffiti as defined in BMC 8.38.020: (1) to remain on exterior walls or facades of buildings, fences, walls, or other structures of whatever nature; or (2) to remain upon the exterior of motor vehicles, vans or trucks which are parked on public streets or driveways or are otherwise visible to the public. (See also Chapter 8.38 BMC, Graffiti Control.)

S. Storage of hazardous materials in such a manner as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.

T. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision in this code. This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. The city shall have the power to require property owners and occupants to bring their property into compliance with applicable codes, regardless of whether the building is occupied.

U. Discharge of any materials other than storm water to the city storm sewer system in violation of Chapter 13.50 BMC.

V. Garbage cans and recycling containers stored in front yards and visible from public streets, other than as permitted by this code.

W. Heavy commercial vehicles, construction equipment, or machinery of any type or description parked or stored without a permit on property where it is readily visible to the general public, except during excavation, construction or demolition operations pursuant to an active building permit in progress on the subject property or on adjoining property.

X. Improper maintenance of signs or sign structures, or signs on property relating to uses no longer conducted or products no longer sold on property more than 60 days after business uses or products sold cease, or signs in violation of this code. This does not include historic signs approved by the city.

Y. The use, in any residential zoning district or residential planned development district of the city, of barbed wire, concertina wire, razor-cut wire or other such similar fencing material, unless specifically approved by the city.

Z. Throwing or depositing any materials into any creek or channel unless authorized by COB, Army Corps and/or DFW.

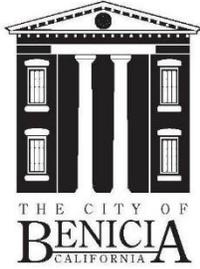
AA. Any fence which is in a condition of dilapidation or disrepair, including, but not limited to, fences with broken slats and sharp edges, or which severely lean or list more than 15 degrees from perpendicular or are in danger of collapse due to the elements, pest infestation, dry rot, or other damage.

BB. A public nuisance as defined by California Civil Code Section 3479 or 3480.

CC. Any condition recognized in law or in equity as constituting a public nuisance, or any condition existing on property which constitutes visual blight, or is a health or safety hazard to the community or neighboring properties.

DD. Any violation of the Benicia zoning ordinance or any state or county law violation enforced by the city.

EE. Maintaining or failing to maintain a property that accommodates commercial and/or industrial use in such a manner as to create, establish or constitute commercial blight.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
CONSENT CALENDAR**

TO : Acting City Manager

FROM : Public Works Director

SUBJECT : **RATIFYING THE CITY MANAGER’S DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR AN EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 500 WEST I STREET**

EXECUTIVE SUMMARY:

On August 29, 2020, Public Works Wastewater Treatment Plant staff noticed the lift station located on the 700 block of West I Street experienced much higher than typical flows. Subsequently, staff discovered the sanitary sewer (wastewater) transmission line located on West I Street near West 5th Street was “backing up” due to a blockage. Staff removed enough of the blockage to eliminate the risk of a sanitary sewer overflow (SSO), and engaged Ghilotti Construction when it was determined the City’s equipment could not safely perform the repair.

On August 31, 2020, the City Manager declared a contracting emergency in accordance with BMC Section 3.09.050 Emergency Contracting due to the magnitude of the sanitary sewer transmission line blockage, the potential disruption of sanitary sewer service to residents, and the possibility of an SSO. The Public Works Department requires assistance from Ghilotti Construction on an emergency basis for an amount not to exceed \$150,000 to perform the repair.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) ratifying the City Manager’s declaration of a contracting emergency due to a blockage in a sanitary sewer transmission line located at 500 West I Street, as well as approving payment for an amount not to exceed \$150,000.

BUDGET INFORMATION:

Below is the estimated expense for the emergency work.

Contractor	Service	Cost	Account No.
Ghilotti Construction	Remove blockage in sanitary sewer transmission line and associated work to restore service	\$150,000	7108031-7088

Sufficient funds are available in Account Number 7108031-7088 (Maintenance Sewer Line Repair).

BACKGROUND:

On August 29, 2020, Public Works Wastewater Treatment Plant staff, while reviewing treatment plant and lift station trends as part of their normal operations, noticed that the lift station located on the 700 block of West I Street experienced much higher than typical flows.

Subsequently, staff conducted a field review and discovered the 24-inch diameter sanitary sewer transmission line located on West I Street near West 5th Street was “backing up” due to a blockage. Staff succeeded in removing enough of the blockage using both its Vactor trucks to eliminate the risk of an SSO and to provide continuous conveyance of sewage.

On August 30, 2020, staff continued to clear the line, determined the blockage was approximately located in front of 500 West I Street and informed the 500 West I Street property owner of the issue. Additionally, staff determined that this portion of the sewer line is approximately 20 to 25 feet deep. Since the City’s staff and equipment are only equipped to safely excavate to a depth of 10-12 feet, staff requested assistance from the City’s on-call utility contractor, Ghilotti Construction, who arrived at the site at approximately 7:00 p.m.

Ghilotti Construction reviewed the situation and engaged United Rentals to set up a sewer bypass that evening, which provided for sewage to be diverted from the blocked pipe in an effort to eliminate an SSO. Additionally, Ghilotti Construction engaged Miksis Services, Inc., who has the specialized equipment to bore through a sewer pipe blockage.

Due to the magnitude of the sanitary sewer transmission line blockage, the potential disruption of sanitary sewer service to residents, and the possibility of an SSO, a contracting emergency was declared by the City Manager on August 31, 2020.

Long reach excavators, large capacity hydro-excavation equipment, and additional staff are needed to repair the affected sanitary sewer transmission line. Ghilotti Construction and their subcontractors have the specialized staff and equipment to assist the City in effecting the repair. Based on staff’s estimate, the repair will likely cost less than \$150,000. At this time, there is no apparent environmental threat, nor is there disruption of sanitary sewer service to residents.

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.

	<p>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 type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input checked="" type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input checked="" type="checkbox"/> Protect & Enhance the Environment</p> <p><input type="checkbox"/> High Performing Government</p>
	<p>City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Maintenance operations – water 2. Maintenance operations – wastewater 3. Maintenance operations - roads
	<p>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>

<p>CEQA Analysis</p>	<p>This activity is Categorical Exempt per California Environmental Quality Act §15301 which exempts operation, maintenance, and minor alteration of existing facilities and mechanical equipment involving negligible or no expansion of use.</p>
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ATTACHMENT:

1. Resolution – Emergency Wastewater Collection System Repair

For more information contact: Dan Sequeira, PE, Deputy Public Works Director-OPS/City Engineer

Phone: 707.746.4240

E-mail: dsequeira@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 A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR AN EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 500 WEST I STREET

WHEREAS, on August 29, 2020, Public Works Wastewater Treatment Plant staff noticed that the lift station located on the 700 block of West I Street experienced much higher than typical flows, discovered the sanitary sewer transmission line located at 500 West I Street was “backing up” due to a blockage, removed enough of the blockage to eliminate the risk of a sanitary sewer overflow (SSO), and engaged Ghilotti Construction when it was determined the City’s equipment could not safely perform the repair; and

WHEREAS, on August 30, 2020, Ghilotti Construction reviewed the situation and engaged United Rentals to set up a sewer bypass, which provided for sewage to be diverted from the blocked pipe in an effort to eliminate an SSO; and

WHEREAS, on August 31, 2020, Ghilotti Construction engaged Miksis Services, Inc., who has the specialized equipment to bore through a sewer pipe blockage; and

WHEREAS, Benicia Municipal Code (BMC) Section 3.09.050, “Emergency Contracting Procedures” “...delegates to the City Manager or, in his/her absence, the Public Works Director, the authority to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.”; and

WHEREAS, on August 31, 2020, the City Manager declared a contracting emergency and approved the Public Works Department’s request to procure the equipment and services to repair the wastewater collection system in accordance with BMC Section 3.09.050 Emergency Contracting Procedures; and

WHEREAS, the total amount of emergency contracting service is estimated at \$150,000 and there are sufficient funds in Account No. 7108031-7088 (Maintenance Sewer Line Repair).

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 for an amount not to exceed \$150,000 for an emergency repair related to immediately bringing the wastewater collection system located at 500 West I Street to full functionality.

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 15th day of September, 2020 by the following vote:

Ayes:

Noes:

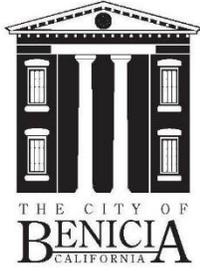
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
BUSINESS ITEMS

TO : Acting City Manager

FROM : Community Development Director

SUBJECT : **SHORT-TERM RENTAL DISCUSSION**

EXECUTIVE SUMMARY:

The City of Benicia has observed an increase in short-term rental activities and associated permit applications. This discussion item provides background information and seeks direction on initiation of an amendment to the Benicia Municipal Code to establish requirements, standards and permitting processes related to short-term rental uses.

RECOMMENDATION:

Conduct a discussion concerning short-term rentals and provide direction to staff for the next steps.

BUDGET INFORMATION:

Short-term vacation rentals are subject to payment of a transient occupancy tax (TOT) of 9%, paid on a quarterly basis. The City of Benicia is currently under contract with Host Compliance, a software platform that assists with the identification and outreach to facilitate compliance with the TOT requirement.

The proposed municipal code amendment would be prepared by City staff with support and review from the City Attorney. No direct budget expenditure is expected.

BACKGROUND:

On May 2, 2017, the Benicia City Council received a report regarding the collection of transient occupancy tax (TOT) for short-term rentals. Following discussion of the matter, the City Council authorized measures to collect TOT for short-term vacation rentals and to consider preparation of an ordinance through future budget preparations and priority-setting. Short-term vacation rentals refer to the rental of either bedrooms or housing units for a period of fewer than 30 days, typically on platforms such as AirBNB, VRBO and HomeAway.

The City subsequently conducted outreach to homeowners advertising short-term vacation rentals and requested submittal of TOT paperwork. The paperwork was reviewed by staff from the Community Development Department and property owners were advised of the need for either a zoning permit or use permit, depending on the nature of the short-term rental. The

permitting pathways were outlined for each property owner on the basis of a zoning administrator determination related to existing code provisions for rental of rooms and bed and breakfast establishments.

Since 2018, the City has issued twelve zoning permits for hosted short-term rentals (i.e., the single-family property owner is on-site and rents out two or fewer rooms at a time). Two use permits have been issued as well: one for a non-hosted short-term rental use and one for a hosted short-term rental for which three rooms are rented. In 2020, the City of Benicia denied an application for a short-term rental use permit that would operate solely as a short-term rental with no residential occupant, on the basis of compatibility with the surrounding residential neighborhood, and inconsistency with the Benicia Housing Element due to the conversion of the residence to non-residential use.

Based on permitting experiences to date, staff is seeking direction from Council as to the need for an ordinance to regulate this use and specifically address the regulation, permitting and required conditions for short-term rental uses. Taking such an approach would consolidate regulations within the Municipal Code and would provide greater clarity to property owners, staff and decisionmakers on the parameters for permitting, which may include:

- Types of short-term rental uses permitted, including hosted and non-hosted rentals;
- Criteria for approval of a short-term rental;
- Permitting procedures, inclusive of ministerial (issuance of a permit based on objective, set standards) and discretionary (issuance of a permit based on an analysis on both objective and subjective criteria) permits;
- Zoning and/or location standards;
- Operation standards, including, but not limited to, life safety, noise, refuse management, and parking; and
- Enforcement standards.

Pending legislation (SB1049) would authorize cities to impose a fine of up to \$5,000 for violations of a short-term rental ordinance.

NEXT STEPS:

If City Council initiates the proposed amendment, staff would initiate work on an amendment to the municipal code. The item would be brought forward for public review and a public hearing before the Planning Commission prior to the City Council’s first reading and adoption.

ALTERNATIVE ACTIONS:

The Council may decline to initiate the recommended amendment to the Benicia Municipal Code.

General Plan	Goal 2.5 – Facilitate and encourage new uses and development which will provide substantial and sustainable fiscal and economic benefit to the City and the community while maintaining health, safety, and quality of life.
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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 <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government </p>
	City Programs Impacted by This Agenda Item (Top 3):

	<ol style="list-style-type: none"> 1. Zoning Administration and Amendments 2. Permit Services 3. Business Attraction
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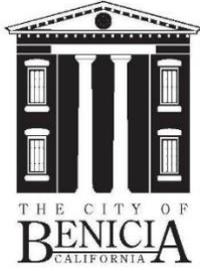
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	The proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations Section 15262, as the Council would initiate a planning study for possible future action which does not bind the Council to future action.
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ATTACHMENTS:

None

*For more information contact: Bradley J. Misner, AICP, Community Development Director
Phone: 707.746.4277
E-mail: bmisner@ci.benicia.ca.us*



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
COUNCIL MEMBER COMMITTEE REPORT**

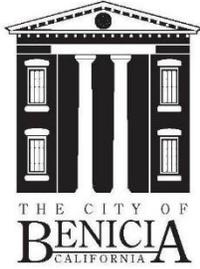
TO : Mayor Patterson
Councilmember Campbell

FROM : Community Development Director

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

The following information is provided for your committee report at the September 15, 2020 Council meeting.

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



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 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 September 15, 2020 Council meeting.

The August 13, 2020 meeting was canceled. The agenda for the September 10, 2020 meeting is not yet available. The next regular board meeting will be on October 8, 2020, via Zoom.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
COUNCIL MEMBER COMMITTEE REPORT

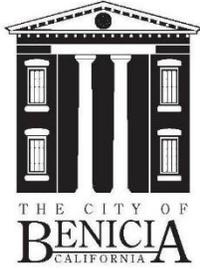
TO : Councilmember Young
Councilmember Largaespada

FROM : Community Development Director

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the September 15, 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 – SEPTEMBER 15, 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 September 15, 2020 City Council meeting.

The last meeting was held on Thursday, July 9, 2020 via videoconference. The agenda was previously issued. The minutes are attached.

The next meeting is scheduled for Thursday, September 10, 2020 via video conference. The agenda is attached.

Attachments:

- Solano EDC Minutes, 07/09/20
- Solano EDC Agenda, 09/10/20



SOLANO EDC BOARD OF DIRECTORS MEETING
July 9, 2020
MINUTES

CALL TO ORDER

Outgoing Chair Nelson called the virtual meeting to order at 9:02 am. He then turned the meeting over to the new Chair Daryl Halls.

Attending were:

Paul Adler	Greg Armstrong	Robert Arp	John Barkey	Bill Biasi
Larry Burkhardt	Robert Burris	Aaron Busch	Sheila Carroll	Stefan Chatwin
Birgitta Corsello	Pippin Dew	Abhishek Dosi	Celia Esposito-Noy	Lisette Estrella-Henderson
Kevin Flanagan	Greg Folsom	Theresa Fortier	Tracy Geddis	Mario Giuliani
Nicole Goehring	Daryl Halls	Erin Hannigan	J. Paul Harrington	Dilenna Harris
Heather Henry	Paul Kelley	Bridgit Koller	Melyssa Laughlin	Sheila McCabe
Barry Nelson	Scott Reynolds	Scott Sheldon	Talyon Sortor	Sarah Sweitzer
Louise Walker				

Absent were:

Nicole Braddock	Aimee Brewer	Tom Campbell	Michele Daugherty	John Donlevy Jr.
Kevin English	Jim Ernst	Robert Hickey	Steve Huddleston	Nor Jemjemian
Liz Kelly	Ron Kott	Albert Lavezzo	Scott Pardini	Harry Price
Jon Quick	Ron Rowlett	Scott Thomas	Lorie Tinfow	Lori Wilson

APPROVAL OF MINUTES

Chairman Halls called for approval of minutes of the May meeting.

Upon motion duly made (Laughlin) and seconded (Nelson) it was RESOLVED, that the minutes of the May 14, 2020 meeting of the EDC Board of Directors be approved.

TREASURERS REPORT

Chairman Halls, along with President Burris presented the financial report for June 2020.

Upon motion duly made (Harris) and seconded (Reynolds) it was RESOLVED, that the Treasurer's Report be accepted.

PRESIDENT'S REPORT

President Burris thanked Barry Nelson for his service as Chair. He also provided an update on: end of fiscal year financial recap; work plan; CALED; prospect activity; Census outreach; SBDC partnership; newsletter; Solano Economic Research Center projects and EDA funding opportunity for Moving Solano Forward 3.0.

The meeting adjourned 10:05 am.

Solano EDC Virtual Board of Directors Meeting
September 10, 2020
Zoom Platform (link below)

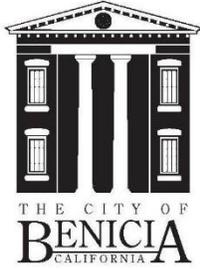
<https://us02web.zoom.us/j/83242312540?pwd=V05KbDczL3cyTkFSNUFWcnpua2xBdz09>

Meeting ID: 832 4231 2540
Passcode: 068645

AGENDA

- | | | | |
|-------------|----|--|---------------------------|
| 9:00 am | 1. | Call to Order | Daryl Halls, Chair |
| Action Item | 2. | Approval of July 9, 2020 Meeting Minutes | Daryl Halls, Chair |
| Action Item | 3. | Treasurer's Report – August 2020 | Daryl Halls, Chair |
| | 4. | President's Report | Bob Burris, President/CEO |
| | 5. | Items from Directors | |
| 10:00 am | 6. | Adjourn Meeting | |

Next Meeting: November 12, 2020, 9 am



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
COUNCIL MEMBER COMMITTEE REPORT

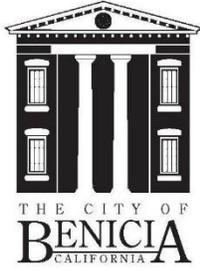
TO : Mayor Patterson
Council Member Largaespada

FROM : Public Works Director

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

The following information is provided for your committee report at the September 15, 2020 Council meeting.

The August meeting was canceled due to Board Summer Recess. The agenda for the meeting on September 9, 2020 is not yet available. The next regular board meeting will be on October 14, 2020 via Zoom.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
COUNCIL MEMBER COMMITTEE REPORT

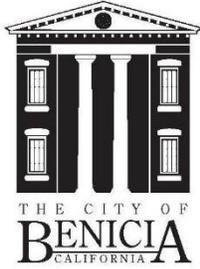
TO : Council Member Young
Council Member Largaespada

FROM : Public Works Director

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

The following information is provided for your committee report at the September 15, 2020 Council meeting.

The TPBS Committee last met on January 16, 2020. The July 16, 2020 meeting was cancelled due to no new items of business and the COVID-19 Pandemic shutdown. The next regular meeting is scheduled for Thursday, October 15, 2020.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 15, 2020
COUNCIL MEMBER COMMITTEE REPORT

TO : Councilmember Largaespada

FROM : Community Development Director

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE**
PLANNING GROUP “SOLANO OPEN SPACE”

The following information is provided for your committee report at the September 15, 2020 Council meeting.

The minutes from the most recent meeting on April 22, 2019 are not yet available. The next meeting has not been scheduled yet.

For a list of additional upcoming Solano County outdoor events please visit:
<http://solanoopenspace.org/AandE.asp>.