



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Videoconferencing Meeting
October 20, 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/82689446934?pwd=TUJGQXczQnZlZXk0bIZpS0xkQ3BNQT09>

- 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: 826 8944 6934 *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.

Call To Order (7:00 P.M.)

1. Convene Open Session

2. Roll Call

3. Pledge Of Allegiance

4. Reference To The Fundamental Rights Of The Public

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

5. Announcements

5.A - MAYOR'S OFFICE HOURS

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

5.B - OPENINGS ON BOARDS AND COMMISSIONS

- Human Services Board
1 Partial Term, 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>

6. Proclamations

6.A - BENICIA FRAME'S RETIREMENT

[Proclamation - Benicia Frame's Retirement](#)

6.B - LINDSAY ART GLASS'S RETIREMENT

[Proclamation - Lindsay Art Glass's Retirement](#)

7. Appointments

7.A - MAYOR'S APPOINTMENT OF MEGHAN FREEBECK TO THE HUMAN SERVICES BOARD FOR A PARTIAL TERM ENDING JULY 31, 2021

[1. Resolution - Freebeck](#)

7.B - MAYOR'S APPOINTMENT OF SHERRY KELLY TO THE OPEN GOVERNMENT COMMISSION FOR A PARTIAL TERM ENDING JULY 31, 2021

[1. Resolution - Kelly](#)

8. Presentations

8.A - ECONOMIC INDICATOR REPORT FOR THE CITY OF BENICIA

9. Adoption Of Agenda

10. Opportunity For Public Comments

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/82689446934?pwd=TUJGQXczQnZlZXk0bUZpS0xkQ3BNQT09>

- 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: 826 8944 6934 *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.

11. Written Comment

12. Public Comment

13. Consent Calendar

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, Staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

13.A - APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 28, 2020 SPECIAL MEETING; OCTOBER 6, 2020 SPECIAL MEETING; AND OCTOBER 6, 2020 REGULAR MEETING (City Clerk)

Recommendation:
Approve the minutes.

[September 28, 2020 Special City Council Meeting Minutes](#)

[October 6, 2020 Special City Council Meeting Minutes](#)

[October 6, 2020 Regular City Council Meeting Minutes](#)

13.B - ACCEPT THE NAPA/SOLANO AREA AGENCY ON AGING GRANT AND APPROVE THE FUNDING AGREEMENT (Interim Police Chief)

The Benicia Police Department’s Family Resource Center has been asked to administer a federal grant allocated through the Napa/Solano Area Agency on Aging (NSAAA) funded by the CARES Act. The one-time-only grant will be distributed on November 1, 2020, expiring September 30, 2021.

Recommendation:
Move to adopt a resolution (Attachment 1), accepting the Napa/Solano Area Agency on Aging grant in the amount of \$350,000, approving the funding agreement, and authorizing the City Manager to sign the agreement on behalf of the City.

[Staff Report - Napa-Solano Area Agency on Aging Grant](#)

[1. Resolution - Napa-Solano Area Agency on Aging Grant](#)

[2. Agreement - Napa-Solano Area Agency on Aging Grant](#)

13.C - RATIFYING THE CITY MANAGER'S DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 510 WEST I STREET (Public Works Director)

Benicia Municipal Code (BMC) Section 3.09.050.C. Emergency Contracting provides that the City Council shall review the emergency action "... at least at every regularly scheduled meeting..." following its initial review "... until the action is terminated..." This staff report provides for the current status of the emergency action, which has not yet terminated.

On August 29, 2020, Public Works Wastewater Treatment Plant 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 (Ghilotti) when it was determined the City's equipment could not safely perform the repair.

On August 31, 2020, the City Manager, in accordance with BMC Section 3.09.050 Emergency Contracting, declared a contracting emergency, 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. On September 15, 2020, the City Council adopted Resolution No. 20-123, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$150,000, which was based on staff's estimate at that time.

On September 25, 2020, Ghilotti submitted a proposal for an amount not to exceed \$244,313.37 to remove and replace approximately 9 linear feet of pipe and restore the public sanitary sewer line to full functionality. The proposal was determined by staff to be fair and reasonable and superseded the amount of \$150,000 previously approved by the City Council.

On October 6, 2020, the City Council adopted Resolution No. 20-127, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$244,313.37.

On October 7, 2020, Ghilotti completed the installation of the new pipe, backfilled the excavated area, demobilized the bypass system and pumps, and restored the public sanitary sewer line to full functionality. On October 9, 2020, Ghilotti met with their consulting engineer on-site at 510 West I Street to initiate the design of the retaining walls that will replace the existing private retaining walls, which were removed as a necessary step to install the new pipe.

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 510 West I Street, as well as approving payment for an amount not to exceed \$244,313.37.

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

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

13.D - APPROVAL OF AMENDMENT TO AGREEMENT WITH INTERACTIVE RESOURCES FOR DESIGN OF FITZGERALD FIELD RENOVATION PROJECT (Parks and Community Services Director)

At its August 18, 2020 meeting, City Council directed staff to proceed with the completion of construction drawings for the Fitzgerald Field renovation project. The subsequently received cost proposal of \$65,222 to complete construction drawings necessitates Council approval of the proposed Amendment to Agreement.

Recommendation:

Move to adopt the resolution (Attachment 1) approving the Amendment to Agreement (Attachment 2) with Interactive Resources for the design of the Fitzgerald Field Renovation Project in the amount of \$65,222 and authorizing the City Manager to sign the amendment on behalf of the City.

[Staff Report - Amendment to Agreement for Design of Fitzgerald Field Renovation Project](#)

[1. Resolution - Amendment to Agreement for Design of Fitzgerald Field Renovation Project](#)

[2. Amendment to Agreement with Interactive Resources](#)

[3. Additional Services Request and Authorization - Interactive Resources](#)

[4. Agreement #17-126 with Interactive Resources](#)

[5. Resolution No. 17-151](#)

13.E - MAINTAIN AND REASSIGN THE GENERAL FUND'S FUND BALANCE PER THE FISCAL HEALTH STUDY SESSION (Interim City Manager)

This report provides a summary of the direction and guidance City Council provided at the study session held on October 6th, 2020 to promote an economic recovery and highlight the timeline for the City's upcoming biennial budget process.

Recommendation:

Move to adopt the resolution (Attachment 1), approving the assignment and reassignment of the General Fund's fund balance.

[Staff Report - Maintain and Reassign the General Fund's Fund Balance Per The Fiscal Health Study Session](#)

[1. Resolution – Maintain and Reassign the General Fund's Fund Balance Per the Fiscal Health Study Session](#)

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

14. Business Items

14.A - INTRODUCTION OF AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO STREAMLINE PERMITTING FOR CARRIAGE UNIT ACCESSORY DWELLING UNITS (PUBLIC HEARING) (Community Development Director)

The proposed project is an amendment to the Benicia Municipal Code (BMC) Chapters 17.12 (Definitions), 17.54 (H Historic Overlay District), 17.70 (General Regulations) and 17.108 (Design Review) to create a definition for “carriage unit” as an accessory dwelling unit (ADU) located above a detached garage, establish a threshold by which carriage units may be subject to the streamlined permitting procedures for ADUs, and ensure consistency amongst various chapters of the Zoning Ordinance. The ordinance would allow for ministerial permitting of an ADU above a garage of up to 500 square feet, subject to compliance with all requirements of the ADU regulations (BMC Section 17.70.060).

The proposed amendments are initiated pursuant to City Council direction received on January 21, 2020 to exempt ADUs above detached garages from design review. Following a public hearing, the Historic Preservation Review Commission (HPRC) recommended approval of the proposed amendments on August 10, 2020. The Planning Commission conducted a public hearing and recommended approval of the proposed amendments on September 10, 2020.

Recommendation:

Move to waive the first reading and introduce an ordinance (Attachment 1) of the City Council amending Title 17 (Zoning) of the Benicia Municipal Code and find that the ordinance is exempt under the California Environmental Quality Act.

[Staff Report - Carriage Unit Accessory Dwelling Units](#)

[1. Draft Ordinance - Carriage Unit ADUs](#)

[2. Ordinance No. 20-1 Accessory Dwelling Units](#)

[3. HPRC Staff Report \(without Attachments\)](#)

[4. Draft Minutes of the HPRC, August 10, 2020](#)

[5. Resolution No. 20-6 \(HPRC\)](#)

[6. Planning Commission Staff Report \(without Attachments\)](#)

[7. Minutes of the Planning Commission, September 10, 2020](#)

[8. Resolution No. 20-5 \(PC\)](#)

14.B - TWO-STEP REQUEST FOR EXTENDING FIRST STREET CLOSURE AND FUNDING OF BANDS FOR FARMERS MARKET (Interim City Manager)

Councilmember Campbell submitted a two-step process request (see Attachment 1) for Council's consideration of closing a larger area of First Street, as well as funding a few small bands, on Thursdays during the Farmers Market event. The request also asks Council to consider a mobile drive-in movie to be held once per week, however Councilmember Campbell has withdrawn this portion of the request.

Recommendation:

Discuss the request and provide direction to staff on whether or not to schedule this topic for future Council discussion.

[Staff Report - Two-Step Request - Farmers Market](#)

[1. Two-Step Request, Councilmember Campbell](#)

15. Council Member Committee Reports:

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

15.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#)

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

Public Participation

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

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

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

Disabled Access or Special Needs

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

Meeting Procedures

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

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

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

Contact Your Council Members

If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

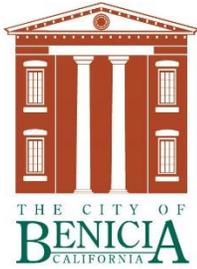
Mayor Patterson: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213



PROCLAMATION

IN RECOGNITION OF

Benicia Frame's Retirement *After 36 Years in Business*

WHEREAS, Benicia Frame has been an integral part of Benicia's downtown for the last 36 years, providing quality framing services to the community; and

WHEREAS, owners Lowell and Carol Dalton purchased an existing frame shop on First Street in 1984; and

WHEREAS, Lowell Dalton, who received a degree in Fine Arts, strove to bring aesthetics and art principles to his work; and

WHEREAS, for decades, the community has entrusted Benicia Frame with their most sentimental and valuable treasures, to which these items were always provided the utmost care and respect; and

WHEREAS, it was this commitment to quality that led Benicia Frame to be known for their skill and craftsmanship, allowing them to weather recessions and down turns over the years.

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 recognize Benicia Frame's contribution to the appeal and vitality of Downtown Benicia.

Elizabeth Patterson, Mayor
October 20, 2020





PROCLAMATION

IN RECOGNITION OF

Lindsay Art Glass' Retirement *After 22 Years in Business*

WHEREAS, Lindsay Art Glass has been a vital member of the Benicia community for the last 22 years, by providing decades of beautiful artistry as well as continuing the tradition of glassblowing in Benicia; and

WHEREAS, David Lindsay apprenticed with Micheal Nourot and Ann Corcoran beginning in 1976; and

WHEREAS, David Lindsay advanced as a glassblower and became a full partner in Nourot Glass in January 1982; and

WHEREAS, owners David and Ann Lindsay opened Lindsay Art Glass in 1998; and, after a few years, it became one of five glassblowing studios in Benicia; and

WHEREAS, over the years, the other glassblowing studios in Benicia, including Opal Art Glass, Smyers Glass, Nourot Glass, and Zelligence Art Glass, retired or relocated, leaving Lindsay Art Glass as the only glassblowing studio in Benicia; and

WHEREAS, David and Ann Lindsay have worked tirelessly to continue the glassblowing tradition in Benicia, by providing Blow Your Own experiences and glassblowing demonstrations to the public; and

WHEREAS, in addition to a glassblowing studio, Lindsay Art Glass is an American Craft Gallery, evolving from carrying only David's work to carrying the work of over 80 artists; and

WHEREAS, Lindsay Art Glass has been an active member of the community, participating in Benicia's downtown events, such as Peddler's Fair, Wine Walks, Art Walks, Beer Crawls and more, while giving back to the community by providing an average of 28 donations per year to local charitable organizations.

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 recognize Lindsay Art Glass' contribution to the creativity and appeal of Downtown Benicia, and acknowledge the end of an era in the arts community of Benicia as of October 31, 2020.

Elizabeth Patterson, Mayor
October 20, 2020



RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF MEGHAN FREEBECK TO THE
HUMAN SERVICES BOARD FOR A PARTIAL TERM ENDING JULY 31, 2021**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Meghan Freebeck to the Human Services Board by Mayor Patterson is hereby confirmed.

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of October, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF SHERRY KELLY TO THE OPEN
GOVERNMENT COMMISSION FOR A PARTIAL TERM ENDING JULY 31, 2021**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Sherry Kelly to the Open Government Commission by Mayor Patterson is hereby confirmed.

On motion of _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of October, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

DRAFT

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
SEPTEMBER 28, 2020
5:00 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

Vice Mayor Strawbridge called the meeting to order at 5:03 p.m.

2) CONVENE OPEN SESSION (5:00 P.M.)

3) ROLL CALL

All Council Members were present.

Council Member Campbell and Mayor Patterson arrived at 5:05 p.m.

4) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

5) OPPORTUNITY FOR PUBLIC COMMENTS

None

6) ADJOURN TO CLOSED SESSION

Vice Mayor Strawbridge adjourned the meeting to Closed Session at 5:07 p.m.

6.A CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54757.6

Agency designated representatives: Interim 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

DRAFT

7) **RECONVENE OPEN SESSION:**

The meeting was reconvened at 8:37 p.m.

8) **ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY**

Ben Stock, City Attorney, stated that Council and Staff met in Closed Session and there were no reportable actions taken.

9) **ADJOURNMENT (6:00 P.M.)**

The meeting was adjourned at 8:38 p.m.

DRAFT

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
OCTOBER 6, 2020
6:00 P.M.

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 (6:00 P.M.)

Mayor Patterson called the Special Meeting to order at 6:00 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) ADOPTION OF THE 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)

7) OPPORTUNITY FOR PUBLIC COMMENTS

8) WRITTEN COMMENT

Please click [here](#) for written comments received.

9) PUBLIC COMMENT

1. Kelsey Bye - Ms. Bye thanked the Council Members regarding the West 3rd and West Military crosswalk installed.
2. Lisa Wolfe - City Clerk Lisa Wolfe discussed the various voting options for the November 3, 2020 election.

10) BUSINESS ITEMS

10.A - STUDY SESSION ON THE CITY'S FISCAL HEALTH & VISION FOR BENICIA'S ECONOMIC RECOVERY AND RESTORATION (Interim City Manager)

[Staff Report - Study Session on City's Fiscal Health](#) 

Erik Upson, Interim City Manager, and various department Directors and Managers reviewed the staff report and a PowerPoint presentation.

Council Member Young and Staff discussed the priority based budgeting process, the need to see the broad results with the peer review comments, concern that Staff was a little too optimistic with regards to turning the corner on Covid, support for a new police facility, and the need to address support for the citizens affected by Covid.

Council Member Largaespada and Staff discussed the issues of looking at how over/under utilized Staff is at the moment, how we wouldn't have balanced the budget if we didn't have the unassigned funds, support for capital improvements, support for a climate action coordinator and public art coordinator, however he was not sure it was the right time to add two new positions while we are in a hiring freeze, and the issue of increasing PERS costs.

Mayor Patterson stated the efficiency and effectiveness of staff is a policy question that would come back to Council when the budget is discussed. Regarding the timing of the coordinator, the position would actually bring economic value to the City. She suggested going with Staff's recommendations on the position but put in some guard rails.

Vice Mayor Strawbridge and Staff discussed support for the climate action plan coordinator along with economic development as it is a smart step and we need some strength there. She and Staff discussed what the projected deficit was going to be for the year (projected \$400,000), and support for setting aside funds for the Family Resource Center.

Council Member Campbell discussed the pension report, and the need to spend more money on Community Development and Finance Departments to bring them up to a level where they are functioning well. We are going to have to spend money to hire high-quality individuals and have enough staff so individuals are not overloaded. He was not sure \$500,000 was enough for staffing. He discussed support for funding community services through the Family Resource Center (FRC).

Mr. Upson discussed the issue of \$500,000 being used for Community Development, Finance and a little bit for IT. This would be the initial foray and Staff would reevaluate in six months when we hope to have a better picture of the stability of the economy

DRAFT

Mayor Patterson stated there was consensus on what was suggested by Staff. She clarified the \$2 million that was slated for renovation of the Council Chambers was not a beautification project. It was for fixing the heating and air conditioning and all the wiring so there is more power draw. She would like the heating and air conditioning fixed as it is not healthy (up to \$700,000). She would like that added to the list for consideration. She stated there was consensus on going with Staff's recommendations and Council gave Staff some guidance on policy with the additional support that the FRC needs.

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

Mayor Patterson adjourned the meeting at 7:00 p.m.

City Clerk

DRAFT

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
OCTOBER 6, 2020
7:00 P.M.

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 (7:00 P.M.)

Mayor Patterson called the meeting to order at 7:05 p.m.

1) **CONVENE OPEN SESSION**

2) **ROLL CALL**

All Council Members were present.

3) **PLEDGE OF ALLEGIANCE**

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

5) **ANNOUNCEMENTS**

5.A - MAYOR'S OFFICE HOURS

5.B - OPENINGS ON BOARDS AND COMMISSIONS

6) **PROCLAMATIONS**

6.A - BENICIA ARBOR DAY

Proclamation - Benicia Arbor Day 

Public Comment:

1. Steve Goetz - Mr. Goetz discussed concern regarding the trees that Cal Trans agreed to replant, but has not done so yet.

6.B - BENICIA LITTER PICKERS

Proclamation - Benicia Litter Pickers 

DRAFT

7) APPOINTMENTS

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

Freebeck, Meghan, Redacted 
Kelly, Sherry, Redacted 

8) PRESENTATIONS

8.A - EVACUATION ANNEX PLAN IMPLEMENTATION

9) ADOPTION OF AGENDA

Erik Upson, Interim City Manager, discussed the change to the staff report for item 14B. A few things had to be clarified. Staff provided a handout detailing the changes.

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved, the Adoption of the Agenda, 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)

10) OPPORTUNITY FOR PUBLIC COMMENTS

11) WRITTEN COMMENT

Please click [here](#) for general written comments received.

12) PUBLIC COMMENT

None

13) CONSENT CALENDAR

13.A - APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 15, 2020 (City Clerk)

September 15, 2020 City Council Meeting Minutes 

13.B - AGREEMENT WITH BENICIA UNIFIED SCHOOL DISTRICT FOR ADULT LITERACY SERVICES GRANT (Director of Library and Cultural Services)

Staff Report - BUSD Adult Literacy Services Grant 

DRAFT

- 1. Resolution - BUSD Adult Literacy Services Grant 
- 2. Agreement - BUSD Adult Literacy Services Grant 

RESOLUTION 20-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE BENICIA UNIFIED SCHOOL DISTRICT FOR SUPPLEMENTAL ADULT LITERACY SERVICES AND TO ACCEPT GRANT FUNDING UP TO \$25,000 TO PROVIDE THESE SERVICES DURING FY20-21

- 13.C - ACCEPT CALIFORNIA STATE LIBRARY LITERACY SERVICES GRANT (Director of Library and Cultural Services)**

- Staff Report - State Library Literacy Services Grant 
- 1. Resolution - State Library Literacy Services Grant 
- 2. CLLS Award Packet 

RESOLUTION 20-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE ACCEPTANCE OF A BASELINE CALIFORNIA LIBRARY LITERACY SERVICES GRANT OF \$25,590 FOR FISCAL YEAR 2020-21 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY ACCOUNT

- 13.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)**

- Staff Report - Commercial Blight 
- 1. Ordinance - Commercial Blight 

ORDINANCE 20-6 - 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

- 13.E - APPROVAL OF AGREEMENT WITH ERIK UPSON AS INTERIM CITY MANAGER (City Attorney)**

- Staff Report - Agreement with Interim City Manager 
- 1. Resolution - Agreement with Interim City Manager 
- 2. Agreement with Interim City Manager 

RESOLUTION 20-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT WITH ERIK UPSON AS INTERIM CITY MANAGER

DRAFT

- 13.F - RATIFYING THE CITY MANAGER’S DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 510 WEST I STREET (Public Works Director)**

Staff Report - Emergency Wastewater Collection System Repair 
 1. Resolution - Emergency Wastewater Collection System Repair 

RESOLUTION 20-127 - 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 EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 510 WEST I STREET

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

Ben Stock, City attorney, stated that we are required to state compensation for the Interim City Manager, which was \$239,977 (Agenda Item 13.E).

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

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

14) BUSINESS ITEMS

- 14.A - APPROVAL OF AGREEMENT FOR AN UPDATE OF THE PARKS, TRAILS & OPEN SPACE MASTER PLAN (Parks and Community Services Director)**

Staff Report - Parks, Trails & Open Space Master Plan Update 
 1. Resolution - Parks, Trails & Open Space Master Plan Update 
 2. Professional Services Agreement - RHA Landscape Architects-Planners, Inc. 

RESOLUTION 20-128 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH RHA LANDSCAPE ARCHITECTS-PLANNERS, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$247,815 FOR THE UPDATE OF THE PARKS, TRAILS & OPEN SPACE MASTER PLAN

Mike Dotson, Director, Parks & Community Services Department, reviewed the staff report and a PowerPoint Presentation.

DRAFT

Council Member Young and Staff discussed the issue of the tree removals at the City Park and Library, whether it is normal to ask a citizen to pay for an appeal for a City decision, and concern regarding hiring a consultant to work on the master plan.

Vice Mayor Strawbridge and Staff discussed whether the parks would be adapted to accommodate the current aging population, and the community outreach process.

Mayor Patterson and Staff discussed the issue of having structures to address natural movement, and having consultants do more remote meetings during this process.

Council Member Largaespada and Staff discussed how broad/liberal is the term 'park' in Benicia, whether the historical assets will fall in the scope, whether there are blockers/barriers that we can remove, and the need to have a funding source available. Staff stated the funding source would be the formation of a Citywide Parks, Landscaping and Lighting Assessment District. The master plan will be dependent on that for funding.

Mayor Patterson and Staff discussed the Lake Herman Regional Park, whether we would be looking through multiple lenses with this plan (storm water capture opportunities, etc.), engaging the Sky Valley Open Space Committee with regards to open space/parks, and where CEQA comes into the plan, and the Mayor's preference to have a master CEQA plan rather than doing CEQA for each separate project.

Public Comment:

1. Steve Goetz - Mr. Goetz discussed support for the proposed plan, the issue of doing CEQA during the planning process, and the need to coordinate with the County on its regional parks district.
2. Allison Fleck - Ms. Fleck spoke in support of the proposed plan

Mayor Patterson asked for clarification on whether Council needed to amend the scope of work to incorporate the comments regarding natural resources (Staff thought it could be done through a change order.). She stated that unless there was an objection, Council would expect to see something addressing that for future Council action.

The motion was to adopt the resolution with direction to staff to come back to incorporate natural resources.

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved, the adoption of Resolution 20-128, with additional direction to Staff, 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)

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

DRAFT

14.B - APPROVAL OF AGREEMENT FOR THE FORMATION OF A CITYWIDE PARKS, LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (Public Works Director)

Staff Report - Citywide Parks, Landscape and Lighting District

1. Resolution - Citywide Parks, Landscape & Lighting Assessment District
2. Agreement for Professional Services with SCI Consulting Group
3. Assessment District Diagram

RESOLUTION 20-129 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH SCI CONSULTING GROUP FOR A NOT-TO-EXCEED AMOUNT OF \$139,960 FOR THE FORMATION OF A CITYWIDE PARKS, LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

Will Tarbox, Director, Public Works, reviewed the staff report and a PowerPoint presentation.

Council Member Campbell and Staff discussed the issue of capital funds that would be used.

Council Member Largaespada and Staff discussed where the money raised through the district would go.

Vice Mayor Strawbridge and Staff clarified that all parcels would be assessed including the Industrial Park, Prop 218 and what percentage of vote is required to pass this, and clarification that if the Industrial property owners vote no on this and they have a lot more assessments, it would fail, although Staff noted that there was a large healthy residential representation in the City.

Council Member Campbell and Staff discussed the issue of assessed values with respect to Valero and the difference between assessment and assessed value. Generally speaking, parks do not provide a large benefit to a refinery (other than the employees using the park on a lunch break.)

Mayor Patterson and Staff discussed whether there would be zones in the assessment district for the City. There would be multiple zones within the City.

Council Member Young and Staff discussed the issue of marketing and publicity to educate the public, clarification on the zones and how many assessments a single parcel would have (one), and clarification on the Fleetwood zone (It was mistakenly grouped with residential in the initial staff report, which was corrected in the memo/handout that was given to Staff and Council today.)

Public Comment:

None

DRAFT

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, Council approved, the adoption of Resolution 20-129, 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.C - AMPORTS SETTLEMENT SPENDING PROCESS DISCUSSION (Community Development Director)

Staff Report - Amports Settlement Spending Process Discussion 

1. 2019 Settlement Agreement 
2. City-owned Historic Buildings 

Brad Misner, Community Development Director, reviewed the staff report.

Council Member Young discussed the issue of community outreach, possibly using the City's town hall survey process, and using the Depot building for a commercial business (restaurant, bar, etc.).

Council Member Campbell and Staff discussed how the survey would work, and how Staff would prioritize which buildings were addressed first.

Mayor Patterson discussed the possibility of scoring the buildings.

Council Member Largaespada and Staff discussed utilizing a subcommittee made up of the local historians to assist in the process.

Council Member Young suggested having photographs and a brief description of the properties that Council should be focusing on. Council could review those and then come back with more specificity.

Mayor Patterson agreed that doing a survey was a good idea. After the survey is done, the groups could present the information to Council. This could be a wonderful opportunity to educate the public on the historic properties.

Vice Mayor Strawbridge discussed the federal grant money that was used to help restore the Depot building, concern regarding turning it into a restaurant/bar because the federal funds would need to be paid back, the cost to make the building ADA compatible, the potential for the Depot building to be a community location, concern over imperfect surveys, and support for utilizing the groups that are already established (HPRC, Historical Society, Benicia Historical Museum, etc.).

Mr. Misner stated Staff could work on the survey, support for having a sentence or two describing the improvements that would be done, and talking to the Benicia Historical Society and other groups to get their input of exactly what the project would entail could help define how the survey should go.

DRAFT

Erik Upson, Interim City Manager, discussed the need for the guiding principles and asked Council if they wanted Staff to take the information discussed tonight and come up with a survey, or did they prefer for Staff to get the information ready and bring it back for Council to review at a future meeting.

Mayor Patterson stated that she heard agreement on the following summary: 1) there was agreement on a streamlined process, 2) economic development benefit, 3, it must be consistent with historic use, 4) a completed project, and 5) accessibility. Staff asked for some direction on public outreach. After hearing the discussion, they are recommending that they get input from the organizations and then do the survey. That can all be brought back to Council once they get all of that information.

Council Member Campbell suggested pulling properties off the list that would not be viable. He suggested not doing the City Cemetery, Civic Center, and the Commanding Officers Quarters, but keeping the Lake Herman School on the list.

Council agreed to pull the properties suggested by Council Member Campbell off of the list, and to direct to Staff as summarized by Mayor Patterson.

Written Comment (received by 3:00 p.m.)

Please click [here](#) for written comments received relating to Item 15.D.

Public Comment:

1. Tim Reynolds, HPRC Commissioner- Mr. Reynolds discussed support for the proposed action. He discussed the demolition of the Pacific Mail Steamship building and how difficult that was for him, and asked that Council direct much of the funding to the artists and craftsmen who will be doing the work on the projects.

15) **ADJOURNMENT (10:00 P.M.)**

Mayor Patterson adjourned the meeting at 9:59 p.m.

City Clerk



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
CONSENT CALENDAR**

TO : Interim City Manager

FROM : Interim Police Chief

SUBJECT : **ACCEPT THE NAPA/SOLANO AREA AGENCY ON AGING GRANT AND APPROVE THE FUNDING AGREEMENT**

EXECUTIVE SUMMARY:

The Benicia Police Department’s Family Resource Center has been asked to administer a federal grant allocated through the Napa/Solano Area Agency on Aging (NSAAA) funded by the CARES Act. The one-time-only grant will be distributed on November 1, 2020, expiring September 30, 2021.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1), accepting the Napa/Solano Area Agency on Aging grant in the amount of \$350,000, approving the funding agreement, and authorizing the City Manager to sign the agreement on behalf of the City.

BUDGET INFORMATION:

The Family Resource Center, through the Police Department, would be granted \$350,000.00 that would be allocated to assist senior applicants by providing assistance in the form of commodities, rent, utilities, food, emergency cash assistant and vouchers. The grant would reimburse City personnel hours and 10% administration fee.

BACKGROUND:

The Napa/Solano Area Agency on Aging (“Agency”) was awarded federal funding to assist seniors in both Napa and Solano counties, who may need emergency assistance. Funding is provided through the Older Americans Act Title IIIB Support Services-CARES Act. Under the CARES Act, funds are to be used locally to assist seniors who may need additional emergency assistance. The Benicia Police Department’s Family Resource Center (FRC) was recommended to administer the program, based on the success of the recently administered Benicia Citizen’s COVID Assistance Program.

The Agency has a set structure, applicant criteria, and reporting method on how the grant funding will be administered. The process has been reviewed by staff and has been determined to be executable.

Specifically, the FRC staff would review the senior client application and work with the individual clients to ensure they meet the required criteria. The funding is designated to assist individual seniors in emergency need to ensure stability in their housing, utilities, food, and emergency cash assistance. Staff will then invoice the Agency monthly for reimbursement.

NEXT STEPS:

If approved, the Police Department will process the agreement to accept the grant and begin planning the operations. The Solano County Board of Supervisors will approve the final agreement.

ALTERNATIVE ACTIONS:

Not authorize the Police Department to accept the grant and enter into an agreement with Napa/Solano Area Agency on Aging, therefore not allowing FRC to administer the grant.

General Plan	Goal 2.28: Protecting Community Health and Safety
---------------------	---

Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):
	<input checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	1. Family Resource Center
	Priority Based Budgeting (PBB) Website:
	Coming soon in Fall 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	Statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to Guidelines Section 15183 which states that a project that is consistent with the adopted General Plan for which an EIR was certified shall not require additional environmental analysis unless there are project-specific significant effects. The proposed amendments ensure consistency with the noise performance standards of the General Plan and do not alter the physical development standards or development densities previously analyzed under the certified City of Benicia General
----------------------	--

	Plan EIR. Therefore, no further environmental analysis is required.
--	---

ATTACHMENTS:

1. Resolution – Napa/Solano Area Agency on Aging Grant
2. Agreement - Napa/Solano Area Agency on Aging Grant

For more information contact: Mike Greene, Interim Chief of Police

Phone: 707-746-4248

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

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE NAPA/SOLANO AREA AGENCY ON AGING GRANT, APPROVING THE FUNDING AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the Police Department was awarded a grant of \$350,000.00 from the Napa/Solano Area Agency on Aging (NSAAA) to provide the administration of the CARES Act-Senior Citizens Assistance grant program; and

WHEREAS, the Napa/Solano Area Agency on Aging CARES Act Senior Citizen's funding grant period is November 1, 2020 through September 30, 2021; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby accept the Napa/Solano Area Agency on Aging grant in the amount of \$350,000.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia does hereby approve the grant agreement with the Napa/Solano Area Agency on Aging and authorizes the City Manager to sign the contract on behalf of the City.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia does hereby authorize future amendments, if any, for the purpose of increasing funding provided in the original agreement, without additional approval by City Council.

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 20th day of October, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**County of Solano
Standard Contract**

For County Use Only
 CONTRACT NUMBER:
 AP-2021-07
 Dept., Division, FY, #)
 H&SS, AAA
 BUDGET ACCOUNT:
 2162
 SUBJECT ACCOUNT:
 3153

1. This Contract is entered into between the County of Solano and the Contractor named below:

City of Benicia

CONTRACTOR'S NAME

2. The Term of this Contract is:

11/1/2020 to 9/30/2021

3. The maximum amount of this Contract is:

\$ 350,000

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of this Contract:

Exhibit A – Scope of Work

Exhibit B – Budget Detail and Payment Provision

Exhibit C – General Terms and Conditions

Exhibit D – Special Terms and Conditions

This Contract is made on October 27, 2020.

CONTRACTOR	COUNTY OF SOLANO
City of Benicia _____ CONTRACTOR'S NAME	
 _____ SIGNATURE	Birgitta E. Corsello County Administrator _____ TITLE
Erik Upson, Interim City Manager _____ PRINTED NAME AND TITLE	275 Beck Ave. _____ ADDRESS
250 East L Street _____ ADDRESS Benicia, CA 94510 _____ CITY STATE ZIP CODE	Fairfield CA 94533 _____ CITY STATE ZIP CODE Approved as to Content: _____ DEPARTMENT HEAD OR DESIGNEE Approved as to Form: _____ COUNTY COUNSEL, DEPUTY

Rev. 1/09/08

CONTRACT MUST BE EXECUTED BEFORE WORK CAN COMMENCE

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit A
Scope of Work

EXHIBIT A
SCOPE OF WORK

PROGRAM AREA: Cash/Material Aid

1. Program Overview: The **Cash/Material Aid program** assists clients in emergency situations by providing cash or material assistance.
2. California Department of Aging Service Category Definition:
Unit of Service: One interaction where the Contractor arranges for and provides assistance to participants in the form of commodities, surplus food distribution, emergency cash assistance, and vouchers.

Program Requirements: Under this Agreement, Contractor will:

- 2.1. Provide priority to older adult participants sixty (60) years of age and older who may be one or more of the following:
 - a) Low-income
 - b) Minority
 - c) Limited English proficient
 - d) Socially isolated
 - e) Residing in rural areas
 - f) Have the greatest economic and social need
 - g) Are at risk for institutional placement

Targeted individuals are frail isolated older adults who are in danger of declining in their overall health, becoming depressed and losing their independence because of diminished social and mental stimulation.
- 2.2. Provide priority to the following target populations, in order of priority:
 - a) Isolated older individuals, regardless of whether the individuals are also in greatest economic or social need
 - b) Older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and their caretakers), regardless of whether the individuals are also in the greatest economic or social need.
 - c) Older individuals in the greatest economic need.
 - d) Older individuals in the greatest social need.
3. Location of Services/hours of operation:
Family Resource Center, Benicia, CA, Monday-Friday, 9:00 – 5:00.
4. Units of Service Requirements for Contracted Services:
 - 4.1. Units of Service:

95 units for Solano County (minimum)
95 unduplicated clients (minimum)
\$2,500 maximum per service unit for Solano County Residents
26 units for Napa County (minimum)
26 unduplicated clients (minimum)
\$1,500 maximum per service unit for Napa County Residents
 - 4.2. Units of service will be reviewed monthly by Area Agency on Aging (AAA) staff. If at the end of the first quarter, the units of service are not within 10% of the planned number, a correction action plan will be requested of the subcontractor. If at the end of the second quarter, the units of service are still not within 10% of the planned year to date number, the County retains the right to reallocate the funds for the contracted service.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit A
Scope of Work

- 4.3. Attempt should be made to distribute units of service to Solano County residents in relative proportion to the number of seniors living in each geographic area: Dixon 4%, Fairfield/Suisun 27%, Rio Vista 5%, Vacaville 21%, Vallejo 35%, Benicia 7%.
 - 4.4. Expenditures:
\$50,000 must be spent on behalf of Napa County residents.
\$300,000 must be spent on behalf of Solano County residents.
 - 4.5. Services will be provided to seniors using criteria agreed upon by both the Napa/Solano Area Agency on Aging (N/S AAA) and Benicia Family Resource Center (FRC) staff. Client intake forms and service criteria will be agreed upon in writing prior to start of services. Cash/Material Aid may include but is not limited to emergency relief for housing, utilities, food, transportation, and medical assistance. Priority services are those related to housing supports. Cash will never be given directly to clients but may be given to service providers, including landlords, utilities, and such. Verification of need is required prior to expenditure.
 - 4.6. Eligible individuals may only receive assistance under this contract one time during the contract period.
5. Reporting Units of Service:
- 5.1. Data reported must be timely, complete, accurate, and verifiable.
 - 5.2. Units of service are based on total program budget which depends on other funding sources in addition to the AAA.
 - 5.3. Activities will be reported to the AAA on a monthly basis, utilizing the software and forms supplied by the AAA. Reports are due by the tenth of each month for activities of the previous month, i.e. activities occurring in July will be reported by August 10.
 - 5.4. The contractor shall submit program performance reports in accordance with AAA requirements.
6. Voluntary Donations/Program Income:
- 6.1. Provide each senior with the opportunity to voluntarily contribute to the cost of the service by developing a suggested contribution schedule.
Suggested contribution schedule or other documents provided to participants regarding donations or contributions shall be identified as "voluntary" and contain language that "no individual can be denied participation because of failure or inability to contribute". Documents cannot include the words "bill, invoice or statement" or otherwise indicate or infer a contribution is required. The template for voluntary donations must be submitted to AAA Program Manager within thirty (30) days of the contract's start date. Any changes to this template must be communicated to AAA Program Manager prior to use.
 - 6.2. Protect the privacy of each senior with respect to contribution made. This privacy protection is to include establishing procedures to safeguard and account for all contributions. Procedures must be submitted to AAA Program Manager within thirty (30) days of the contract's start date.
 - 6.3. Program income means revenue generated by the Contractor from contract-supported activities, including voluntary contributions received from a participant for services received. Program Income must be reported and expended under the same terms and conditions as the program funds from which it is generated.
7. Contract Funding:
- 7.1. The contractor agrees not to use contract funds to pay the salary or expenses of any individual who is engaging in activities designed to influence legislation or appropriations pending before the Congress (22 CCR § 7364 (a) 2).
 - 7.2. Comply with budget reduction in the event the service levels specified in Section 5 are not attained (22 CCR § 7364 (a) 3).

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit A
Scope of Work

8. Service Compliance:
 - 8.1. Ensure contract is in full contract compliance within 120 days of the beginning date of the contract. County shall evaluate the contractor's capacity to fulfill contract goals if full compliance by this time period has not occurred (22 CCR § 7364 (c)).
 - 8.2. Comply with program standards, service priorities, and responsibilities consistent with statewide standards as they are released or identified by AAA or state licensing body.
9. Service Changes: Proposed changes affecting the provision of services such as changes in paid program staff, program structure/activities, hours/day(s) of service, site additions, site renovations, and temporary or permanent site closures must be communicated in writing via email to AAA Program Manager within 10 (ten) days of proposed date of the change. The AAA may negotiate modifications or revisions to assure that all necessary service/program requirements are covered 22 CCR § 7364 (a) 1).
10. Grievance Policy: Ensure grievance policy is publicly posted and is in compliance per 22 CCR, §7400 Grievance Process. A copy of the Grievance Policy must be submitted to the AAA Program Manager within thirty (30) days of the contract's start date.
11. Mandated Reporting: Report suspected abuse, neglect, or exploitation of program participants to County Adult Protective Services and/or law enforcement.
12. Service Provider Meetings Requirement: The AAA hosts service provider meetings to share new information with service providers (contractors). Contractors shall designate a representative to attend each Service Provider meeting. Should a representative be unable to attend, the contractor will notify AAA Program Manager.
13. Security Awareness Training: Contractor's employees, subcontractors/vendors, and volunteers who handle confidential, sensitive and/or personal identifying information must complete the Security Awareness Training module by July 30, or within 30 days of the start date of the contract, or within thirty (30) days of the start date of any new employee, Subcontractor/Vendor, or volunteer's employment. Contractor will send signed certificates to AAA staff. Training may be on an individual or group basis. A sign in sheet for a group presentation is acceptable for group trainings. Choose the Information Security Awareness Training link under Resources from the following link: https://aging.ca.gov/Information_security/.
14. Transition Plan: In the event the agreement is terminated prior to end of the contract term, Contractor shall submit a transition plan to ensure there will be no break in continued service. Transition plan must be received by County within 15 days of delivery of a written Notice of Termination initiated by Contractor, County, or State. At such time, County will provide required elements to be included in the transition plan to Contractor.
15. Community Focal Points: Contractor will be aware of the list of Community Focal Points (Exhibit D-2) and refer older adults to those focal points when appropriate.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit B
Budget Detail and Payment Provisions

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. METHOD OF PAYMENT

- A. Upon submission of an invoice and a Solano County vendor claim by Contractor, and upon approval by County, County shall, in accordance with the "Contract Budget" attached to this Contract as Exhibits B-1 and incorporated into this Contract by this reference, pay Contractor monthly in arrears for fees and expenses actually incurred the prior month, up to the maximum amount set forth in Section 3 of the Standard Contract. Monthly claims for payment should be submitted to County by the 15th day of the subsequent month. Notwithstanding Section 1 in Exhibit C, Contractor is required to submit all monthly claims for services provided through May 31st no later than June 15 of the following month.
- B. Claims submitted by Contractor must meet the criteria set forth in section E and be documented by a fiscal monitoring report. The format of the fiscal monitoring report will be provided by the County. Each invoice must specify actual charges incurred.
- C. Contractor must request approval for transfers between budget categories or the addition of line items within a budget category, which are set forth in Exhibit B-1 Requests for transfers between budget categories or addition of budget line items within a budget category must be presented to the County on the County's "Budget Modification Request Form". Transfers between budget categories or addition of line items within a budget category may be made only upon prior written approval of County, which approval may be withheld in the sole and absolute discretion of County. County may authorize the transfers between budget categories or the addition of line items within a budget category under this section, except for indirect costs and capital expenditures (equipment or real property), provided that such transfers or additions do not substantially change the scope of services to be provided under this Contract and do not increase the contract amount.
- D. Contractor must repay the County for any disallowed costs identified by County through monthly reports, audits, Quality Assurance monitoring, or other sources within thirty days of receipt of notice from County that the costs have been disallowed. Contractor agrees that funds to be disbursed under the terms of this contract will be withheld if repayment is not received by the County within thirty days of receipt of notice from County. Contractor may submit a written appeal to a disallowance to the County Health and Social Services Older and Disabled Adult Services (ODAS) Deputy Director, or designee, within fifteen days of receipt of a disallowance notice. The appeal must include the basis for the appeal and any documentation necessary to support the appeal. No fees or expenses incurred by Contractor in the course of appealing a disallowance will be an allowable cost under this Contract and will not be reimbursed by County. The decision of the County regarding the appeal will be final.
- E. The following criteria apply to Contract Budget submitted by Contractor under this Contract:
 1. Requests for payment of personnel costs must include positions, salary, and actual percentage of time for each position. If Contractor provides fringe benefits to part time employees, salary and fringe benefits must be pro-rated for non-full-time employees. Salaries are fixed compensation for services performed by staff who are directly employed by Contractor and who are paid on a regular basis. Employee benefits and employer payroll taxes include Contractor's contributions or expenses for social security, employee's life and health insurance plans, unemployment insurance, pension plans, and other similar expenses that are approved by County. These expenses are allowable when they are included and in accordance with Contractor's approved written policies and allocation plan.

**County of Solano
Standard Contract**

**City of Benicia
AP-2021-07
Exhibit B
Budget Detail and Payment Provisions**

2. Salaries and benefits of personnel involved in more than one contract, grant, or project must be charged to each grant based on the actual percentage of time spent on each grant or project. Timesheets and Time studies for each employee whose time is charged to this contract must be maintained by Contractor and available upon request by the County.
3. Allowable operating expenses are defined as necessary expenditures exclusive of personnel salaries, benefits, equipment or payments to subcontractors. The expenses must be to further the program objectives as defined in Exhibit A of this Contract and be incurred during the invoiced period. County reserves the right to make the final determination if an operating expense is allowable and necessary.
4. Indirect costs are shared costs that cannot be directly assigned to a particular activity but are necessary to the operation of the organization and the performance of the program. The costs of operating and maintaining facilities, accounting services and administrative salaries are examples of indirect costs. Contractor must have a negotiated indirect cost rate with a federal agency. A Contractor who does not have a such a negotiated indirect cost rate agreement may claim an indirect cost rate of up to 10% of modified total direct costs, as defined in 2 CFR part 200.68, provided the Contractor does not use the Direct Allocation Method of allocating indirect costs (as discussed in Appendix IV to Part 200).
5. Regardless of whether Contractor claims indirect costs through a negotiated indirect cost rate, Direct Allocation Method or the 10% of modified total direct costs, Contractor must provide the County with a cost allocation plan that clearly differentiates between direct and indirect costs. Contractor ensures that the same costs that have been treated as indirect costs have not been claimed or budgeted as direct costs, and that similar types of costs in like circumstances have been accounted for consistently. Contractor will provide this plan to County upon request. In the event that Contractor is unable to provide County with an acceptable cost allocation plan, County may disallow any indirect cost billed amounts.

2. ACCOUNTING STANDARDS

- A. Contractor shall establish and maintain a system of accounts for budgeted funds that complies with generally accepted accounting principles and practices for organizations/governmental entities as described in Exhibit C – section 13C. Additionally, Contractor must submit claims for payment under this Contract using either a cost allocation method or a direct allocation method.
- B. Contractor's cost allocation method must be supported by a cost allocation plan with a quantifiable methodology validating the basis for paying such expenditures. The cost allocation plan should be prepared within the guidelines set forth under 2 CFR Part 200, subpart E, Cost Principles and Appendix IV to Part 200, Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations.
- C. Contractor shall document all costs by maintaining complete and accurate records of all financial transactions associated with this Contract, including, but not limited to, invoices, time studies, and other official documentation that sufficiently support all charges under this Contract.

3. PERSONAL PROPERTY

Contractor shall develop and maintain a system to track the acquisition of tangible personal property purchased with County funds having a cost of at least \$1,500 and submit, upon County's request, an annual accounting of all such property purchased that includes information on cost and acquisition date. Contractor shall ensure adequate safeguards are in place to protect such assets and shall exercise reasonable care over such assets to protect against theft, damage or unauthorized use. Contractor shall, upon County's request, return such assets to the County upon contract termination; unless the depreciated value of the asset is \$0, based on a straight-line method of depreciation (refer to CFR Part 200.436).

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit B
Budget Detail and Payment Provisions

4. FINANCIAL STATEMENTS AND AUDITS

- A. Contractor agrees to furnish annual audited financial statements to the County, which must be submitted within 30 days of its publication. If contractor is not required by federal and/or state regulations to have an independent audit of its annual financial statements, contractor agrees to furnish unaudited financial statements by September 1.
- B. Contractor agrees to furnish all records and documents within a reasonable time, in the event that the County, State or Federal Government conducts an audit.

5. SUBRECIPIENT MONITORING AND MANAGEMENT

If Contractor is determined to be a subrecipient, Contractor agrees to:

- A. Provide a fiscal monitoring report which compares the contract budget per line item in relation to the monthly invoice, cumulative total invoice, and the total contract balance. The County will provide the required format.
- B. If applicable, conduct an annual single audit, at Contractor's expense, according to the requirement of 2 CFR part 200, subpart F Audit Requirements, which identifies all funds granted, received, disbursed and expended.
- C. In adherence with 2 CFR part 200, subpart D, this Contract (subaward) must include the following information at the time of contract (subaward) execution. Significant changes to these data elements may require a modification form.

1. Subrecipient Name (which must match the name associated with its DUNS number): [Benicia Family Resource Center (FRC)]
2. Subrecipient DUNS number: [048023122]
3. Federal Award Identification Number (FAIN): [N/A]
4. Federal Award Date (date when the federal award was signed by authorized official of awarding agency): [See Contract p. 2]
5. Subaward Period of Performance Start and End Date: [See Contract p. 1]
6. Amount of Federal Funds obligated by this action: [See Contract Ex. B-1]
7. Total Amount of Federal Funds obligated to the subrecipient: [See Contract Ex. B-1]
8. Total amount of Federal Award: [See Contract Ex. B-1]
9. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA): [N/A]
10. Name of Federal awarding agency, pass-through entity and contact information for awarding official: [U.S. Dept of Health and Human Services-California Department of Aging-Solano County-Contractor]
11. CFDA Number and name: [93.044/Older American Act Title IIIB-Supportive Services]
12. Identification of whether the award is for research and development: [N/A]
13. Indirect cost rate for the Federal award (including if the de minimis rate is charged per 2 CFR 200.414 Indirect (F&A) costs): [10%]

6. FUNDING LIMITATIONS

For the first quarter of this contract period, Contractor reimbursement is limited to no more than 25% of the total award amount unless reimbursement beyond 25% is expressly authorized by County. Expenditures beyond 25% may be carried forward to the following month. Disbursement of funding is contingent upon the availability of Federal and State funds and California Department of Aging decisions for the awarding of funds to PSA28.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit B-1
Funding Summary

EXHIBIT B-1
FUNDING SUMMARY

Contractor:		Family Resource Center						
Exhibit Ref	Funding Title, Description, and Service Type			Budgeted Cost	Funding			Contract Amount
					Contractor Program Income and Matching Contributions			
Ex #	Title	Desc	Service	Total	Program Income	Cash Match	In-Kind Match	Federal / State / Other
B-1.1	IIIB	Supportive Services	Cash / Material Aid	\$350,000	\$0	\$0	\$0	\$350,000
			Total:	\$350,000	\$0	\$0	\$0	\$350,000

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit B-1.1
Budget Detail

EXHIBIT B-1.1
BUDGET DETAIL

Vendor/Contractor:	Family Resource Center			
Funding Title:	IIIB			
Title Description:	Supportive Services			
Service Type:	Cash / Material Aid			
BUDGETED COSTS				
Cost Category	FTE	CASH	IN-KIND	Total Costs
Personnel and Volunteers/In-Kind:				
Grants Manager	9.62%	\$8,784	\$0	\$8,784
FRC Coordinator	23.08%	\$14,712	\$0	\$14,712
Total Salaries		\$23,496	\$0	\$23,496
Subtotal: Personnel and Volunteers /In-Kind		\$23,496	\$0	\$23,496
Cash Aid:				
-Cash Aid for Solano County Recipients = \$277,855				
-Cash Aid for Napa County Recipients = \$46,309		\$324,164	\$0	\$324,164
Total Direct Costs		\$347,660	\$0	\$347,660
Indirect Costs Rate:	0.67%	\$2,340	\$0	\$2,340
Total Costs Cash and In-Kind		\$350,000	\$0	\$350,000
BUDGETED FUNDING				
Funding Category		CASH	IN-KIND	Total Funding
Local/Other Funds (Federal CARES Act – HR748)		\$350,000		\$350,000
Total Funding Cash and In-Kind		\$350,000	\$0	\$350,000

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

EXHIBIT C
GENERAL TERMS AND CONDITIONS

1. CLOSING OUT

A. County will pay Contractor's final request for payment providing Contractor has paid all financial obligations undertaken pursuant to this Contract or any other contract and/or obligation that Contractor may have with the County. If Contractor has failed to pay any obligations outstanding, County will withhold from Contractor's final request for payment the amount of such outstanding financial obligations owed by Contractor. Contractor is responsible for County's receipt of a final request for payment 30 days after termination of this Contract.

B. A final undisputed invoice shall be submitted for payment no later than ninety (90) calendar days following the expiration or termination of this Contract, unless a later or alternate deadline is agreed to in writing by the County. The final invoice must be clearly marked "FINAL INVOICE", thus indicating that all payment obligations of the County under this Contract have ceased and that no further payments are due or outstanding.

C. The County may, at its discretion, choose not to honor any delinquent final invoice if the Contractor fails to obtain prior written approval of an alternate final invoice submission deadline. Written County approval for an alternate final invoice submission deadline shall be sought from the County prior to the expiration or termination of this Contract.

2. TIME

Time is of the essence in all terms and conditions of this Contract.

3. TIME OF PERFORMANCE

Work will not begin, nor claims paid for services under this Contract until all Certificates of Insurance, business and professional licenses/certificates, IRS ID number, signed W-9 form, or other applicable licenses or certificates are on file with the County's Contract Manager.

4. TERMINATION

A. This Contract may be terminated by County or Contractor, at any time, with or without cause, upon 30 days' written notice from one to the other.

B. County may terminate this Contract immediately upon notice of Contractor's malfeasance.

C. Following termination, County will reimburse Contractor for all expenditures made in good faith that are unpaid at the time of termination not to exceed the maximum amount payable under this Contract unless Contractor is in default of this Contract.

5. SIGNATURE AUTHORITY

The parties executing this Contract certify that they have the proper authority to bind their respective entities to all terms and conditions set forth in this Contract.

6. REPRESENTATIONS

A. County relies upon Contractor's professional ability and training as a material inducement to enter into this Contract. Contractor represents that Contractor will perform the work according to generally accepted professional practices and standards and the requirements of applicable federal, state and local laws. County's acceptance of Contractor's work shall not constitute a waiver or release of Contractor from professional responsibility.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

B. Contractor further represents that Contractor possesses current valid appropriate licensure, including, but not limited to, driver's license, professional license, certificate of tax-exempt status, or permits, required to perform the work under this Contract.

7. INSURANCE

A. Without limiting Contractor's obligation to indemnify County, Contractor must procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work under this Contract and the results of that work by Contractor, Contractor's agents, representatives, employees or subcontractors.

B. Minimum Scope of Insurance

Coverage must be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).

(2) Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 (any auto).

(3) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

C. Minimum Limits of Insurance

Contractor must maintain limits no less than:

- | | | |
|--|---|---|
| (1) General Liability:
(Including operations, products and completed operations.) | \$2,000,000 | per occurrence for bodily injury, personal injury and property damage, or the full per occurrence limits of the policy, whichever is greater. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| (2) Automobile Liability: | \$1,000,000 | per accident for bodily injury and property damage. |
| (3) Workers' Compensation: | As required by the State of California. | |
| (4) Employer's Liability: | \$1,000,000 | per accident for bodily injury or disease. |

D. Additional Insurance Coverage

To the extent coverage is applicable to Contractor's services under this Contract, Contractor must maintain the following insurance coverage:

- | | | |
|----------------------|--------------------|--|
| (1) Cyber Liability: | \$1,000,000 | per incident with the aggregate limit twice the required limit to cover the full replacement value of damage to, alteration of, loss of, or destruction of electronic data and/or information property of the County that will be in the care, custody or control of Contractor under this Contract. |
|----------------------|--------------------|--|

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

- (2) Professional Liability: **\$2,000,000** combined single limit per claim and in the aggregate. The policy shall remain in full force and effect for no less than 5 years following the completion of work under this Contract.

E. If Contractor maintains higher limits than the minimums shown above, County is entitled to coverage for the higher limits maintained by Contractor. Any insurance proceeds in excess of the specified limits and coverage required, which are applicable to a given loss, shall be available to the County. No representation is made that the minimums shown above are sufficient to cover the indemnity or other obligations of the Contractor under this Contract.

F. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by County. At the option of County, either:

(1) The insurer will reduce or eliminate such deductibles or self-insured retentions with respect to County, its officers, officials, agents, employees and volunteers; or

(2) Contractor must provide a financial guarantee satisfactory to County guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

G. Other Insurance Provisions

(1) The general liability and automobile liability policies must contain, or be endorsed to contain, the following provisions:

(a) The County of Solano, its officers, officials, agents, employees, and volunteers must be included as additional insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of Contractor; and with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts or equipment furnished in connection with such work or operations. General Liability coverage shall be provided in the form of an Additional Insured endorsement (CG 20 10 11 85 or both CG 20 10 and CG 20 37 if later ISO revisions are used or the equivalent) to Contractor's insurance policy, or as a separate owner's policy. The insurance afforded to the additional insureds shall be at least as broad as that afforded to the first named insured.

(b) For any claims related to work performed under this Contract, Contractor's insurance coverage must be primary insurance with respect to the County of Solano, its officers, officials, agents, employees, and volunteers. Any insurance maintained by County, its officers, officials, agents, employees, or volunteers in excess of Contractor's insurance and shall not contribute to it.

(2) If Contractor's services are technologically related, Professional Liability coverage shall include, but not be limited to claims involving infringement of intellectual property, copyright, trademark, invasion of privacy violations, information theft, release of private information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to such obligations. The policy shall also include, or be endorsed to include, property damage liability coverage for damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of the County in the care, custody, or control of the Contractor. If not covered under the Contractor's Professional Liability policy, such "property" coverage of the County may be endorsed onto the Contractor's Cyber Liability Policy.

(3) Should any of the above described policies be cancelled prior to the policies' expiration date, Contractor agrees that notice of cancellation will be delivered in accordance with the policy provisions.

H. Waiver of Subrogation

(1) Contractor agrees to waive subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

(2) The Workers' Compensation policy must be endorsed with a waiver of subrogation in favor of County for all work performed by Contractor, its employees, agents and subcontractors.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

I. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII unless otherwise acceptable to County.

J. Verification of Coverage

(1) Contractor must furnish County with original certificates and endorsements effecting coverage required by this Contract.

(2) The endorsements should be on forms provided by County or, if on other than County's forms, must conform to County's requirements and be acceptable to County.

(3) County must receive and approve all certificates and endorsements before work commences.

(4) However, failure to provide the required certificates and endorsements shall not operate as a waiver of these insurance requirements.

(5) County reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage described above at any time.

8. BEST EFFORTS

Contractor represents that Contractor will at all times faithfully, industriously and to the best of its ability, experience and talent, perform to County's reasonable satisfaction.

9. DEFAULT

A. If Contractor defaults in Contractor's performance, County shall promptly notify Contractor in writing. If Contractor fails to cure a default within 30 days after notification, or if the default requires more than 30 days to cure and Contractor fails to commence to cure the default within 30 days after notification, then Contractor's failure shall constitute cause for termination of this Contract.

B. If Contractor fails to cure default within the specified period of time, County may elect to cure the default and any expense incurred shall be payable by Contractor to County. The contract may be terminated at County's sole discretion.

C. If County serves Contractor with a notice of default and Contractor fails to cure the default, Contractor waives any further notice of termination of this Contract.

D. If this Contract is terminated because of Contractor's default, County shall be entitled to recover from Contractor all damages allowed by law.

10. INDEMNIFICATION

A. Contractor will indemnify, hold harmless and assume the defense of the County of Solano, its officers, employees, agents and elective and appointive boards from all claims, losses, damages, including property damages, personal injury, death and liability of every kind, directly or indirectly arising from Contractor's operations or from any persons directly or indirectly employed by, or acting as agent for, Contractor, excepting the sole negligence or willful misconduct of the County of Solano. This indemnification shall extend to claims, losses, damages, injury and liability for injuries occurring after completion of Contractor's services, as well as during the progress of rendering such services.

B. Acceptance of insurance required by this Contract does not relieve Contractor from liability under this indemnification clause. This indemnification clause shall apply to all damages or claims for damages suffered by Contractor's operations regardless if any insurance is applicable or not.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

11. INDEPENDENT CONTRACTOR

A. Contractor is an independent contractor and not an agent, officer or employee of County. The parties mutually understand that this Contract is between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.

B. Contractor shall have no claim against County for employee rights or benefits including, but not limited to, seniority, vacation time, vacation pay, sick leave, personal time off, overtime, medical, dental or hospital benefits, retirement benefits, Social Security, disability, Workers' Compensation, unemployment insurance benefits, civil service protection, disability retirement benefits, paid holidays or other paid leaves of absence.

C. Contractor is solely obligated to pay all applicable taxes, deductions and other obligations including, but not limited to, federal and state income taxes, withholding, Social Security, unemployment, disability insurance, Workers' Compensation and Medicare payments.

D. Contractor shall indemnify and hold County harmless from any liability which County may incur because of Contractor's failure to pay such obligations nor shall County be responsible for any employer-related costs not otherwise agreed to in advance between the County and Contractor.

E. As an independent contractor, Contractor is not subject to the direction and control of County except as to the final result contracted for under this Contract. County may not require Contractor to change Contractor's manner of doing business but may require redirection of efforts to fulfill this Contract.

F. Contractor may provide services to others during the same period Contractor provides service to County under this Contract.

G. Any third persons employed by Contractor shall be under Contractor's exclusive direction, supervision and control. Contractor shall determine all conditions of employment including hours, wages, working conditions, discipline, hiring and discharging or any other condition of employment.

H. As an independent contractor, Contractor shall indemnify and hold County harmless from any claims that may be made against County based on any contention by a third party that an employer-employee relationship exists under this Contract.

I. Contractor, with full knowledge and understanding of the foregoing, freely, knowingly, willingly and voluntarily waives the right to assert any claim to any right or benefit or term or condition of employment insofar as they may be related to or arise from compensation paid hereunder.

12. RESPONSIBILITIES OF CONTRACTOR

A. The parties understand and agree that Contractor possesses the requisite skills necessary to perform the work under this Contract and County relies upon such skills. Contractor pledges to perform the work skillfully and professionally. County's acceptance of Contractor's work does not constitute a release of Contractor from professional responsibility.

B. Contractor verifies that Contractor has reviewed the scope of work to be performed under this Contract and agrees that in Contractor's professional judgment, the work can and shall be completed for costs within the maximum amount set forth in this Contract.

C. To fully comply with the terms and conditions of this Contract, Contractor shall:

(1) Establish and maintain a system of accounts for budgeted funds that complies with generally accepted accounting principles for government agencies;

(2) Document all costs by maintaining complete and accurate records of all financial transactions associated with this Contract, including, but not limited to, invoices and other official documentation that sufficiently support all charges under this Contract;

(3) Submit monthly reimbursement claims for expenditures that directly benefit Solano County;

(4) Be liable for repayment of any disallowed costs identified through quarterly reports, audits, monitoring or other sources; and

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

(5) Retain financial, programmatic, client data and other service records for 3 years from the date of the end of the contract award or for 3 years from the date of termination, whichever is later.

13. COMPLIANCE WITH LAW

A. Contractor shall comply with all federal, state and local laws and regulations applicable to Contractor's performance, including, but not limited to, licensing, employment and purchasing practices, wages, hours and conditions of employment.

B. To the extent federal funds are used in whole or in part to fund this Contract, Contractor specifically agrees to comply with Executive Order 11246 entitled "Equal Employment Opportunity", as amended and supplemented in Department of Labor regulations; the Copeland "Ant-Kickback" Act (18 U.S.C. §874) and its implementing regulations (29 C.F.R. part 3); the Clean Air Act (42 U.S.C. §7401 et seq.); the Clean Water Act (33 U.S.C. §1251); and the Energy Policy and Conservation Act (Pub. L. 94-165).

C. Contractor represents that it will comply with the applicable cost principles and administrative requirements including claims for payment or reimbursement by County as set forth in 2 C.F.R. part 200, as currently enacted or as may be amended throughout the term of this Contract.

14. CONFIDENTIALITY

A. Contractor shall prevent unauthorized disclosure of names and other client-identifying information, except for statistical information not identifying a particular client receiving services under this Contract.

B. Contractor shall not use client specific information for any purpose other than carrying out Contractor's obligations under this Contract.

C. Contractor shall promptly transmit to County all requests for disclosure of confidential information.

D. Except as otherwise permitted by this Contract or authorized by law, Contractor shall not disclose any confidential information to anyone other than the State of California without prior written authorization from County.

E. For purposes of this section, identity shall include, but not be limited to, name, identifying number, symbol or other client identifying particulars, such as fingerprints, voice print or photograph. Client shall include individuals receiving services pursuant to this Contract.

15. CONFLICT OF INTEREST

A. Contractor represents that Contractor and/or Contractor's employees and/or their immediate families and/or Board of Directors and/or officers have no interest, including, but not limited to, other projects or independent contracts, and shall not acquire any interest, direct or indirect, including separate contracts for the work to be performed hereunder, which conflicts with the rendering of services under this Contract. Contractor shall employ or retain no such person while rendering services under this Contract. Services rendered by Contractor's associates or employees shall not relieve Contractor from personal responsibility under this clause.

B. Contractor has an affirmative duty to disclose to County in writing the name(s) of any person(s) who have an actual, potential or apparent conflict of interest.

16. DRUG FREE WORKPLACE

Contractor represents that Contractor is knowledgeable of Government Code section 8350 et seq., regarding a drug free workplace and shall abide by and implement its statutory requirements.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

17. HEALTH AND SAFETY STANDARDS

Contractor shall abide by all health and safety standards set forth by the State of California and/or the County of Solano pursuant to the Injury and Illness Prevention Program. If applicable, Contractor must receive all health and safety information and training from County.

18. CHILD/ADULT ABUSE

If services pursuant to this Contract will be provided to children and/or elder adults, Contractor represents that Contractor is knowledgeable of the Child Abuse and Neglect Reporting Act (Penal Code section 11164 et seq.) and the Elder Abuse and Dependent Adult Civil Protection Act (Welfare and Institutions Code section 15600 et seq.) requiring reporting of suspected abuse.

19. INSPECTION

Authorized representatives of County, the State of California and/or the federal government may inspect and/or audit Contractor's performance, place of business and/or records pertaining to this Contract.

20. NONDISCRIMINATION

A. In rendering services under this Contract, Contractor shall comply with all applicable federal, state and local laws, rules and regulations and shall not discriminate based on age, ancestry, color, gender, marital status, medical condition, national origin, physical or mental disability, race, religion, sexual orientation, or other protected status.

B. Further, Contractor shall not discriminate against its employees, which includes, but is not limited to, employment upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

21. SUBCONTRACTOR AND ASSIGNMENT

A. Services under this Contract are deemed to be personal services.

B. Subject to any required state or federal approval, Contractor shall not subcontract any work under this Contract without the prior written consent of the County's Contract Manager nor assign this Contract or monies due without the prior written approval of the County's applicable Department Head or his or her designee and the County Administrator.

C. If County consents to the use of subcontractors, Contractor shall require and verify that its subcontractors maintain insurance meeting all the requirements stated in Section 7 above.

D. Assignment by Contractor of any monies due shall not constitute an assignment of the Contract.

22. UNFORESEEN CIRCUMSTANCES

Contractor is not responsible for any delay caused by natural disaster, war, civil disturbance, labor dispute or other cause beyond Contractor's reasonable control, provided Contractor gives written notice to County of the cause of the delay within 10 days of the start of the delay.

23. OWNERSHIP OF DOCUMENTS

A. County shall be the owner of and shall be entitled to possession of any computations, plans, correspondence or other pertinent data and information gathered by or computed by Contractor prior to termination of this Contract by County or upon completion of the work pursuant to this Contract.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

B. No material prepared in connection with the project shall be subject to copyright in the United States or in any other country.

24. NOTICE

A. Any notice necessary to the performance of this Contract shall be given in writing by personal delivery or by prepaid first-class mail addressed as stated on the first page of this Contract.

B. If notice is given by personal delivery, notice is effective as of the date of personal delivery. If notice is given by mail, notice is effective as of the day following the date of mailing or the date of delivery reflected upon a return receipt, whichever occurs first.

25. NONRENEWAL

Contractor acknowledges that there is no guarantee that County will renew Contractor's services under a new contract following expiration or termination of this Contract. Contractor waives all rights to notice of non-renewal of Contractor's services.

26. COUNTY'S OBLIGATION SUBJECT TO AVAILABILITY OF FUNDS

A. The County's obligation under this Contract is subject to the availability of authorized funds. The County may terminate the Contract, or any part of the Contract work, without prejudice to any right or remedy of the County, for lack of appropriation of funds. If expected or actual funding is withdrawn, reduced or limited in any way prior to the expiration date set forth in this Contract, or any subsequent amendment, the County may, upon written Notice to the Contractor, terminate this Contract in whole or in part.

B. Payment shall not exceed the amount allowable for appropriation by the Board of Supervisors. If the Contract is terminated for non-appropriation of funds:

(1) The County will be liable only for payment in accordance with the terms of this Contract for services rendered prior to the effective date of termination; and

(2) The Contractor shall be released from any obligation to provide further services pursuant to this Contract that are affected by the termination.

C. Funding for this Contract beyond the current appropriation year is conditional upon appropriation by the Board of Supervisors of sufficient funds to support the activities described in this Contract. Should such an appropriation not be approved, this Contract will terminate at the close of the current appropriation year.

D. This Contract is void and unenforceable if all or parts of federal or state funds applicable to this Contract are not available to County. If applicable funding is reduced, County may either:

(1) Cancel this Contract; or,

(2) Offer a contract amendment reflecting the reduced funding.

27. CHANGES AND AMENDMENTS

A. County may request changes in Contractor's scope of services. Any mutually agreed upon changes, including any increase or decrease in the amount of Contractor's compensation, shall be effective when incorporated in written amendments to this Contract.

B. The party desiring the revision shall request amendments to the terms and conditions of this Contract in writing. Any adjustment to this Contract shall be effective only upon the parties' mutual execution of an amendment in writing.

C. No verbal agreements or conversations prior to execution of this Contract or requested amendment shall affect or modify any of the terms or conditions of this Contract unless reduced to writing according to the applicable provisions of this Contract.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

28. CHOICE OF LAW

The parties have executed and delivered this Contract in the County of Solano, State of California. The laws of the State of California shall govern the validity, enforceability or interpretation of this Contract. Solano County shall be the venue for any action or proceeding, in law or equity that may be brought in connection with this Contract.

29. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

Contractor represents that it is knowledgeable of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and its implementing regulations issued by the U.S. Department of Health and Human Services (45 C.F.R. parts 160-64) regarding the protection of health information obtained, created, or exchanged as a result of this Contract and shall abide by and implement its statutory requirements.

30. WAIVER

Any failure of a party to assert any right under this Contract shall not constitute a waiver or a termination of that right, under this Contract or any of its provisions.

31. CONFLICTS IN THE CONTRACT DOCUMENTS

The Contract documents are intended to be complementary and interpreted in harmony so as to avoid conflict. In the event of conflict in the Contract documents, the parties agree that the document providing the highest quality and level of service to the County shall supersede any inconsistent term in these documents.

32. FAITH BASED ORGANIZATIONS

A. Contractor agrees and acknowledges that County may make funds available for programs or services affiliated with religious organizations under the following conditions: (a) the funds are made available on an equal basis as for programs or services affiliated with non-religious organizations; (b) the program funded does not have the substantial effect of supporting religious activities; (c) the funding is indirect, remote, or incidental to the religious purpose of the organization; and (d) the organization complies with the terms and conditions of this Contract.

B. Contractor agrees and acknowledges that County may not make funds available for programs or services affiliated with a religious organization (a) that has denied or continues to deny access to services on the basis of any protected class; (b) will use the funds for a religious purpose; (c) will use the funds for a program or service that subjects its participants to religious education.

C. Contractor agrees and acknowledges that all recipients of funding from County must: (a) comply with all legal requirements and restrictions imposed upon government-funded activities set forth in Article IX, section 8 and Article XVI, section 5 of the California Constitution and in the First Amendment to the United States Constitution; and (b) segregate such funding from all funding used for religious purposes.

33. PRICING

Should Contractor, at any time during the term of this Contract, provide the same goods or services under similar quantity, terms and conditions to one or more counties in the State of California at prices below those set forth in this Contract, then the parties agree to amend this Contract so that such lower prices shall be extended immediately to County for all future services.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

34. USE OF PROVISIONS, TERMS, CONDITIONS AND PRICING BY OTHER PUBLIC AGENCIES

Contractor and County agree that the terms of this Contract may be extended to any other public agency located in the State of California, as provided for in this section. Another public agency wishing to use the provisions, terms, and pricing of this Contract to contract for equipment and services comparable to that described in this Contract shall be responsible for entering into its own contract with Contractor, as well as providing for its own payment provisions, making all payments, and obtaining any certificates of insurance and bonds that may be required. County is not responsible for providing to any other public agency any documentation relating this Contract or its implementation. Any public agency that uses provisions, terms, or pricing of this Contract shall by virtue of doing so be deemed to indemnify and hold harmless County from all claims, demands, or causes of actions of every kind arising directly or indirectly with the use of this Contract. County makes no guarantee of usage by other users of this Contract nor shall the County incur any financial responsibility in connection with any contracts entered into by another public agency. Such other public agency shall accept sole responsibility for placing orders and making payments to Contractor.

35. DISBARMENT OR SUSPENSION OF CONTRACTOR

A. Contractor represents that its officers, directors and employees (i) are not currently excluded, debarred, or otherwise ineligible to participate in a federally funded program; (ii) have not been convicted of a criminal offense related to the provision of federally funded items or services nor has been previously excluded, debarred, or otherwise declared ineligible to participate in any federally funded programs, and (iii) are not, to the best of its knowledge, under investigation or otherwise aware of any circumstances which may result in Contractor being excluded from participation in federally funded programs.

B. For purposes of this Contract, federally funded programs include any federal health program as defined in 42 USC § 1320a-7b(f) (the "Federal Healthcare Programs") or any state healthcare programs.

C. This representation and warranty shall be an ongoing representation and warranty during the term of this Contract and Contractor must immediately notify the County of any change in the status of the representation and warranty set forth in this section.

D. If services pursuant to this Contract involve federally funded programs, Contractor agrees to provide certification of non-suspension with submission of each invoice. Failure to submit certification with invoices will result in a delay in County processing Contractor's payment.

36. EXECUTION IN COUNTERPARTS

This Contract may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument, it being understood that all parties need not sign the same counterpart. In the event that any signature is delivered by facsimile or electronic transmission (e.g., by e-mail delivery of a ".pdf" format data file), such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or electronic signature page were an original signature.

37. LOCAL EMPLOYMENT POLICY

Solano County desires, whenever possible, to hire qualified local residents to work on County projects. A local resident is defined as a person who resides in, or a business that is located in, Solano County. The County encourages an active outreach program on the part of its contractors, consultants and agents. When local projects require subcontractors, Contractor shall solicit proposals for qualified local residents where possible.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit C
General Terms and Conditions

38. ENTIRE CONTRACT

This Contract, including any exhibits referenced, constitutes the entire agreement between the parties and there are no inducements, promises, terms, conditions or obligations made or entered into by County or Contractor other than those contained in it.

County of Solano
Standard Contract

City of Benicia
AP-2021-07
Exhibit D
Special Terms and Conditions

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

1. INSURANCE

Notwithstanding Section 7(C)(1) of Exhibit C, Contractor must maintain a limit of no less than \$1,000,000 of general liability insurance.

2. COMPLIANCE WITH LAW

Contractor acknowledges that activities under this Contract are being carried out in accordance with the Older Americans Act of 1965 (42 U.S.C. § 3001, *et seq.*; "Act"). Therefore, in addition to complying with Section 13 of Exhibit C, Contractor shall comply with the Act and any law or regulation related to it; with 22 C.C.R. § 7100, *et seq.*, including 22 C.C.R. § 7364, or any other rule or regulation promulgated by the California Department of Aging (CDA); and with any other federal, state, or local law or regulation related to the Act or the activities under this Contract.

3. DRUG FREE WORKPLACE

Contractor shall execute the form attached as Exhibit "D-1".

4. COMMUNITY FOCAL POINT LIST

Contractor acknowledges the form attached as Exhibit "D-2".

5. REQUIRED REPORTS AND DUE DATES

Contractor acknowledges the form attached as Exhibit "D-3".

6. CONFIDENTIAL RECORDS

Contractor acknowledges that any information generated, received or disseminated pursuant to its performance under this Contract is confidential and shall not be disclosed in any manner unless authorized by law. Furthermore, Contractor warrants that Contractor is knowledgeable of Welfare and Institutions Code sections applicable to the subject of this Contract, particularly, sections 10850 and 11478.1 and will abide by its requirements.

City of Benicia
AP-2021-07
EXHIBIT D-1

SOLANO COUNTY

DRUG-FREE WORKPLACE CERTIFICATION

(rev-09/01/94)

City of Benicia

Contractor certifies compliance with Government Code section 8355 in matters relating to providing a drug-free workplace. Contractor will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The person's or organization's policy of maintaining a drug-free workplace;
 - (c) Any available counseling, rehabilitation and employee assistance programs; and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide, as required by Government Code section 8355(c), that every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free policy statement; and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.

CERTIFICATION

I certify that I am duly authorized legally to bind the Contractor to the above-described certification. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

Contractor Signature

Date

City of Benicia
AP-2021-07
EXHIBIT D-2

COMMUNITY FOCAL POINT LIST

Designated Community Focal Point	Address
Comprehensive Services for Older Adults	650 Imperial Way, Suite 101 Napa, CA 94559
American Canyon Senior Center	2185 Elliot Drive American Canyon, CA 94503
Napa Senior Center	1500 Jefferson Street Napa, CA 94559
St. Helena Senior Center (Rianda House)	1475 Main Street St. Helena, CA 94574
Benicia Senior Center	1201 East 2 nd Street Benicia, CA 94510
Florence Douglas Senior Center (Vallejo)	333 Amador Street Vallejo, CA 94590
Suisun Senior Center	318 Merganser Drive Suisun, CA 94585
Fairfield Senior Center	1200 Civic Center Drive Fairfield, CA
Vacaville Senior Center (McBride)	91 Town Square Place Vacaville, CA
Dixon Senior Center	201 S. 5th Street Dixon, CA 95620
Rio Vista Senior Center	25 Main Street Rio Vista, CA 94571

Required Reports and Due Dates**Fiscal Reports****1. Expenditure Reports by Program ***

- A. Title III B, Title III C, Title III D, and Title VII Programs** *Due 10th of each month*
- Monthly Report of Expenditures and Donations Revenue
- B. Title III E Family Caregiver Support Program** *Due 10th of each month*
- Title III E Monthly Report of Expenditures
- C. Long-Term Care Ombudsman Program** *Due 10th of each month*
- Budget Summary/Monthly Expenditure Report & Request for Funds, Special Deposit Fund & Skilled Nursing Facility Quality and Accountability Fund (CDA-OMB-300)

** Late or inaccurate expenditure report submissions will result in delay of payments until reporting requirements have been met.*

2. Additional Fiscal Reports – All Programs

- **Final Budget Revisions**
 - Due by March 15th
- **Annual Financial Close Out Report**
 - Due by July 15th with exception of SNAP-ED
 - 1st SNAP-ED Financial Closeout Report for federal funds from July 1- March 31 due by April 30th
 - 2nd SNAP-ED Financial Closeout Report for State funds from July 1-June 30 and Federal funds from April 1-June 30 due by July 30th
- **Copy of Audit**, as required by contract
 - Due within 30 days after receipt of auditor's report, or nine months after end of audit period, whichever is earliest
- **Request to Dispose of Property**
 - Due within 5 days of the loss, destruction, or theft of property, or if the property will no longer be used for the contracted program

Program Reports**3. Monthly Service Unit Report (Form 186M)*** *Due 7th working day of each month*

- A. Title III B Adult Day Care**
- Attach Q Monthly Service Roster
 - Attach associated Client Intake Forms
 - Attach Client Deactivation Request

B. Title III B Legal Assistance**C. Title III B Transportation****D. Title III D Health Promotion**

- **Title VII (b) Elder Abuse Prevention, Education, & Training**

**Due date subject to California Department of Aging notifications*

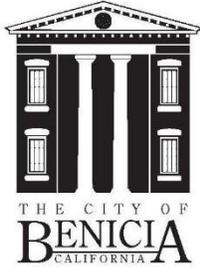
4. Monthly Title III C *Due 7th working day of each month***1. Elderly Nutrition Program Reports**

- Q Monthly Service Roster
- Daily Sign-In Sheets
- Associated Client Intake Forms
- Client Deactivation Request
- Nutrition Volunteer Summary Report
- Cash Count Sheet
- Food Preparation Center Food Service
- Check Sheet

6. Quarterly Reports *Due 15th of each month***A. Title III B California Legal Services Quarterly Aggregate Report (CDA 1022)****B. Title VII (b) Elder Abuse Prevention Quarterly Activity Report (CDA 1037)****7. Quarterly Reports** *Due 30th of each month***A. Long-Term Care Ombudsman Program**

- Copy of completed Quarterly Ombudsman Reporting Form (OSLTCO S301) as submitted to the California Department of Aging.

Attach program performance data from the Ombudsman Data Integration Network for July 1st through last day of report.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
CONSENT CALENDAR**

TO : Interim City Manager

FROM : Public Works Director

SUBJECT : **RATIFYING THE CITY MANAGER’S DECLARATION OF A CONTRACTING EMERGENCY AND APPROVING PAYMENT FOR EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 510 WEST I STREET**

EXECUTIVE SUMMARY:

Benicia Municipal Code (BMC) Section 3.09.050.C. Emergency Contracting provides that the City Council shall review the emergency action “... at least at every regularly scheduled meeting...” following its initial review “... until the action is terminated...” This staff report provides for the current status of the emergency action, which has not yet terminated.

On August 29, 2020, Public Works Wastewater Treatment Plant 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 (Ghilotti) when it was determined the City’s equipment could not safely perform the repair.

On August 31, 2020, the City Manager, in accordance with BMC Section 3.09.050 Emergency Contracting, declared a contracting emergency, 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. On September 15, 2020, the City Council adopted Resolution No. 20-123, ratifying the City Manager’s Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$150,000, which was based on staff’s estimate at that time.

On September 25, 2020, Ghilotti submitted a proposal for an amount not to exceed \$244,313.37 to remove and replace approximately 9 linear feet of pipe and restore the public sanitary sewer line to full functionality. The proposal was determined by staff to be fair and reasonable and superseded the amount of \$150,000 previously approved by the City Council.

On October 6, 2020, the City Council adopted Resolution No. 20-127, ratifying the City Manager’s Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$244,313.37.

On October 7, 2020, Ghilotti completed the installation of the new pipe, backfilled the excavated area, demobilized the bypass system and pumps, and restored the public sanitary sewer line to full functionality. On October 9, 2020, Ghilotti met with their consulting engineer on-site at 510 West I Street to initiate the design of the retaining walls that will replace the existing private retaining walls, which were removed as a necessary step to install the new pipe.

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 510 West I Street, as well as approving payment for an amount not to exceed \$244,313.37.

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	\$244,313.37	7108031-7088

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

BACKGROUND:

BMC Section 3.09.050.C. Emergency Contracting provides that the City Council shall review the emergency action “... at least at every regularly scheduled meeting...” following its initial review “... until the action is terminated...” This report provides for the current status of the emergency action, which has not terminated.

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 Vector 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 (Ghilotti), who arrived at the site at approximately 7:00 p.m., 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.

On August 31, 2020, the City Manager, in accordance with BMC Section 3.09.050 Emergency Contracting, declared a contracting emergency 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; repair work began immediately.

On September 15, 2020, the City Council adopted Resolution No. 20-123, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$150,000, which was based on staff's estimate.

Ghilotti subsequently engaged Miksis Services, Inc. (Miksis), who has the specialized equipment to bore through a sewer pipe blockage. Miksis determined the blockage was 9 feet long and was actually located within a section of pipe that is 20 feet deep under the front yard of 510 West I Street and not 500 West I Street. Over the course of several days, Miksis attempted to break up the blockage with a remote control power tool but was only able to remove 21 inches of the 9-foot long blockage. Miksis considered sending a laborer with a jackhammer to descend into a 20-foot deep manhole and crawl approximately 50 feet upstream inside the 24-inch pipe to break up the blockage but the plan was deemed unsafe by their safety officer and, accordingly, Miksis demobilized from the site.

The remaining option, as proposed by Ghilotti and concurred by staff, is to remove existing retaining walls, excavate above the blockage, which is located in the front yard of 510 West I Street, remove and replace approximately 9 linear feet of pipe, and restore the front yard. A Deed of Easement granted to the City of Benicia, recorded in the Office of the County Recorder of Solano County on January 21, 1959, provides for the purpose of the easement as "clearing, trenching for, laying, constructing, maintaining and repairing a sewer line and related facilities for and as part of a sewer system for said City..." The section of the sewer line to be replaced is located within said easement, which has been acknowledged by the 510 West I Street property owner.

On September 25, 2020, Ghilotti provided a proposal to perform this option for an amount not to exceed \$244,313.37, which was determined by staff to be fair and reasonable and superseded the amount of \$150,000 previously approved by the City Council.

On October 1, 2020, Ghilotti started demolition and excavation work to remove the pipe.

On October 6, 2020, the City Council adopted Resolution No. 20-127, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$244,313.37.

On October 7, 2020, Ghilotti completed the installation of the new 9-foot section of pipe, backfilled the excavated area, demobilized the bypass system and pumps, removed the temporary traffic control system, and restored the public sanitary sewer main to full functionality.

On October 9, 2020, Ghilotti met with their consulting engineer at 510 West I Street to initiate the design of the retaining walls. The new walls will replace the existing retaining walls, which were removed as a necessary step to remove and replace the 9-foot linear section of sanitary sewer pipe.

NEXT STEPS:

N/A

ALTERNATIVE ACTIONS:

The City Council could choose to not approve the payment and the emergency repair work would not be completed. Subsequently, staff would effect the repair through a bid and award process that would take approximately 8 weeks to complete. During this time, the City would be at risk of a soil erosion event in the front yard of 510 West I Street if the retaining walls are not constructed prior to a rain event.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
---------------------	---

Priority Based Budgeting	<p align="center">Strategic City Result Impacted by this Agenda Item</p> <p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input checked="" type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	<p align="center">City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Maintenance operations – water 2. Maintenance operations – wastewater 3. Maintenance operations - roads
	<p align="center">Priority Based Budgeting (PBB) Website:</p> <p>Coming soon in Fall 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	This activity is Categorically 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.
----------------------	---

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 EMERGENCY WASTEWATER SYSTEM REPAIR LOCATED AT 510 WEST I STREET

WHEREAS, Benicia Municipal Code (BMC) Section 3.09.050.C. Emergency Contracting provides that the City Council shall review the emergency action “... at least at every regularly scheduled meeting...” following its initial review “... until the action is terminated...”; and

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 (Ghilotti) when it was determined the City’s equipment could not safely perform the repair; and

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

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

WHEREAS, over the course of several days, Miksis Services, Inc. (Miksis) attempted to break up the blockage with a remote control power tool but was only able to remove 21 inches of the 9-foot long blockage; and

WHEREAS, on September 10, 2020, Miksis’ plan to send a laborer with a jackhammer to descend into a 20-foot deep manhole and crawl approximately 50 feet upstream inside the 24-inch pipe to break up the blockage but the plan was deemed unsafe by their safety officer and, accordingly, Miksis demobilized from the site; and

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 20-123, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$150,000, which was based on staff's estimate at that time; and

WHEREAS, on September 25, 2020, Ghilotti provided a proposal to excavate above the blockage, which is located in the front yard of 510 West I Street, remove and replace approximately 9 feet of pipe, and restore the front yard for an amount not to exceed \$244,313.37, and there are sufficient funds in Account No. 7108031-7088 (Maintenance Sewer Line Repair); and

WHEREAS, on October 1, 2020, Ghilotti started demolition and excavation work to remove the pipe; and

WHEREAS, on October 6, 2020, the City Council adopted Resolution No. 20-127, ratifying the City Manager's Declaration of a Contracting Emergency and approving payment for an amount not to exceed \$244,313.37; and

WHEREAS, on October 7, 2020, Ghilotti completed the installation of the new 9-foot section of pipe, backfilled the excavated area, demobilized the bypass system and pumps, and restored the public sanitary sewer main to full functionality; and

WHEREAS, on October 9, 2020, Ghilotti met with their consulting engineer at 510 West I Street to initiate the design of the retaining walls that will replace the existing retaining walls, which were removed as a necessary step to remove and replace the 9-foot linear section of sanitary sewer pipe.

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 \$244,313.37 for emergency repairs related to immediately bring the wastewater collection system located at 510 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 20th day of October 2020 by the following vote:

Ayes:

Noes:

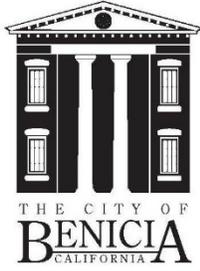
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
CONSENT CALENDAR**

TO : Interim City Manager

FROM : Parks and Community Services Director

SUBJECT : **APPROVAL OF AMENDMENT TO AGREEMENT WITH INTERACTIVE RESOURCES FOR DESIGN OF FITZGERALD FIELD RENOVATION PROJECT**

EXECUTIVE SUMMARY:

At its August 18, 2020 meeting, City Council directed staff to proceed with the completion of construction drawings for the Fitzgerald Field renovation project. The subsequently received cost proposal of \$65,222 to complete construction drawings necessitates Council approval of the proposed Amendment to Agreement.

RECOMMENDATION:

Move to adopt the resolution (Attachment 1) approving the Amendment to Agreement (Attachment 2) with Interactive Resources for the design of the Fitzgerald Field Renovation Project in the amount of \$65,222 and authorizing the City Manager to sign the amendment on behalf of the City.

BUDGET INFORMATION:

The Fitzgerald Field project is funded by \$1,000,000 in Measure C funds. Benicia Little League received a donation of \$150,000 from Valero and has raised other funds to support the project. In January 2017, staff signed Agreement #17-126 (Attachment 4) with Interactive Resources for \$44,473. On October 3, 2017, City Council adopted Resolution 17-151 (Attachment 5) allocating \$20,000 to fund additional design work. On October 2, 2020, staff received a cost proposal (Attachment 3) of \$65,222 to complete design and prepare construction documents for bidding, as per direction affirmed by Council on August 18, 2020, which would be provided through amendment of Agreement #17-126 with Interactive Resources of Richmond, CA, for a total design cost of \$129,695. Funds to complete this work have previously been allocated by City Council and are available in Account #4259030-7008, Project #900008 (Measure C Funds).

BACKGROUND:

Staff released a Request For Proposals in November 2016, in accordance with the City's Purchasing Policy. Three bids were received by the December 2016 deadline, with Interactive Resources providing the lowest responsive bid. Design work for the Fitzgerald Field renovation was begun in early 2017. Staff worked with user groups to determine design elements, based on

the need to remove and replace the existing bleachers and restrooms. The design phase considered a variety of factors, including the need to ensure that the restrooms meet current Americans with Disabilities Act requirements. At its August 18, 2020 meeting, the City Council directed staff to complete design and construction drawings this fall to enable distribution of a Request For Proposals in early 2021 to solicit bids for project construction. Should one or more bids received at that time be acceptable, project construction could begin in summer 2021.

NEXT STEPS:

If approved, staff will work with Interactive Resources to finalize designs so that construction can be completed within budget. Staff anticipate completing designs in time to solicit bids in early 2021, with construction tentatively planned for summer and fall of 2021.

ALTERNATIVE ACTIONS:

Council could choose not to approve the Amendment to Agreement. However, this would prevent completion of the project.

General Plan	Goal 2.28: Improve and maintain public facilities and services
	Goal 2.30: Maintain and improve existing parks and recreation programs

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 checked="" 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 type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Youth Sports 2. Adult Sports 3. Athletic Field Maintenance
	Priority Based Budgeting (PBB) Website:
	Coming soon in Fall 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 project is categorically exempt from further review of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15302, (Replacement or Reconstruction), which exempts replacement or
----------------------	--

	reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
--	--

ATTACHMENTS:

1. Resolution – Amendment to Agreement for Design of Fitzgerald Field Renovation Project
2. Amendment to Agreement with Interactive Resources
3. Additional Services Request and Authorization - Interactive Resources
4. Agreement #17-126 with Interactive Resources
5. Resolution No. 17-151

For more information contact: Mike Dotson, Parks and Community Services Director

Phone: 707.746.4285

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

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENT TO AGREEMENT WITH INTERACTIVE RESOURCES FOR THE DESIGN OF THE FITZGERALD FIELD RENOVATION PROJECT IN THE AMOUNT OF \$65,222 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, City Council has previously allocated \$1,000,000 from Measure C funds for the Fitzgerald Field Renovation Project; and

WHEREAS, on January 26, 2017, the City entered into Agreement #17-126 with Interactive Resources for \$44,473; and

WHEREAS, on October 3, 2017, City Council adopted Resolution #17-151, which allocated \$20,000 for additionally requested design work; and

WHEREAS, additional design work is needed at this time to complete construction drawings; and

WHEREAS, Interactive Resources has provided a cost proposal of \$65,222 to complete construction drawings.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve the Amendment to Agreement #17-126 with Interactive Resources in the amount of \$65,222 for the design of the Fitzgerald Field Renovation Project. Funds to complete this work have previously been allocated by City Council, and are available in Account #4259030-7008, Project #900008.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the contract on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of October, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CONTRACT # ___ - ___ - ___

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ___ day of _____, 2020, by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and Interactive Resources, a California corporation, with its primary office located at 117 Park Place, Richmond, CA, 94801, (hereinafter "CONTRACTOR"), is made with reference to the following:

RECITALS

A. On January 26, 2017, an agreement for \$44,473 was entered into by and between CITY and CONSULTANT, ("Agreement"); and

B. On October 3, 2017, the City Council of the City of Benicia adopted Resolution 17-151, allocating \$20,000 for additional design work; and

C. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. Paragraph 1 (Description of Services) of the Agreement is modified to include: Fiscal Years 2020-2021 and 2021-2022.
2. Paragraph 2 (Payment) of the Agreement is modified to: CONSULTANT shall be paid for the described services in the amount of \$65,222.00, for a total amount of \$129,695.
3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

[SIGNATURES ON THE FOLLOWING PAGE]

CONSULTANT

BY: 

Title: Paul M Westermann, Principal

CITY OF BENICIA
A Municipal Corporation

Erik Upson, INTERIM
CITY MANAGER

RECOMMENDED BY:

Mike Dotson
DEPARTMENT HEAD

APPROVED AS TO FORM:

Benjamin L. Stock
CITY ATTORNEY

ADDITIONAL SERVICE REQUEST AND AUTHORIZATION



**INTERACTIVE
RESOURCES**
architects + engineers

PROJECT: Fitzgerald Field Bleacher Replacement

CLIENT City of Benicia	PHONE 707.746.4322	DATE October 2, 2020
Rick Knight, Superintendent	DATE OF EXISTING CONTRACT/PROPOSAL January 26, 2017	JOB NO. 2017-007.01
STREET 250 East L Street	STATE/ZIP CA 94510	ADDITIONAL SERVICE REQUEST NO. 06
CITY Benicia		

Interactive Resources requests authorization to make the following client requested changes to the original Scope of Services:

Provide supplemental architectural and structural engineering services to prepare revised Construction Documents for a 150 seat bleacher structure conforming with the provisions of the current 2019 California Building Code. Structure is to have a roof covering all 3 bleacher sections and the restrooms are to be site built. Bleachers are to be free standing premanufactured aluminum sections.

Supplemental services are as shown on the attached Scope of Services.

Above excludes reimbursables.

Fee Adjustment:

Interactive Resources

	Hours	Rate/Hr	Total
Principal / Senior Project Manager Architectural	67	\$200	\$13,400.00
Principal / Senior Project Manager Structural	36	\$200	\$7,200.00
Project Architect	22	\$150	\$3,300.00
Project Structural Engineer	48	\$189	\$9,072.00
Designer / Drafter	90	\$135	\$12,150.00
Technical Support	40	\$130	\$5,200.00

Consultants

Cost Estimator	1	LS	\$2,700.00
Electrical & Plumbing Engineering	1	LS	\$12,200.00
	1	LS	

ADDITIONAL FEE FOR ABOVE CHANGE IS:

\$65,222.00

INTERACTIVE RESOURCES AGREES TO EXECUTE THE CHANGES DESCRIBED ABOVE FOR THE FEE ADJUSTMENT SHOWN

Authorized Signature

HEREBY APPROVES THE ADJUSTMENT IN FEE AND ESTIMATED CONSTRUCTION COST AS SHOWN ABOVE

Authorized Signature

Date



Project and Client Information

Project Title: Fitzgerald Field Bleachers, Benicia
IR Project No: 2017-007-01
Project Address: 900 E 2nd St, Benicia, CA 94510
Date: September 28, 2020
Client: City of Benicia
250 East "L" Street
Benicia, CA 94510
Rick Knight, Superintendent/Project Manager

Add Service Detail

Interactive Resources, Inc. (Architect/Engineer, 'IR') proposes to provide professional services for the subject project as follows:

1.1 Project Description and Program

Pursuant to changes in building code requirements, numerous design studies, and the most recent decision to move forward, please accept our updates to the scope of services. This proposal is provided with the following understandings:

1.2 Information Provided by Client

- Existing drawings including civil, topographical, utility surveys and easements.
- Planning and Building Department files as needed.
- Updated geotechnical report.
- Bleacher attachment locations and loads.

1.3 Project Program

An approximately 150 seating capacity bleacher structure conforming with the provisions of the current 2019 California Building Code. Structure is to have a roof covering all 3 bleacher sections and the restrooms are to be site built. Bleachers are to be free standing premanufactured aluminum sections with engineering of the seating product provided by vendor. New concrete foundation for bleachers, restrooms, gates, fences, and associated accessible pathways to and from parking and public right of way. Provide seating for announcer, and design scheme for new signage. General feel is green siding over red brick. Red brick style may be achieved with split face CMU. Directives by the

city council and Superintendent are embodied in the Floor Plan V4 markup with file name: "Fitzgerald Field Bleachers V4 A101 20200821 Markup.pdf" included in add-service packet.

There have been many revisions and versions to accommodate the wishes of the city council, thus for the sake of consistent version tracking, the next version that observes the latest combination of features will be version 07 and represents the owner approved program.

- Retain announcer's area with moveable table furnished by Client.
- Walls around bleachers and restrooms to be metal stud with painted cementitious lap board.
- Relief elements and signage at street side entrance and on exterior parking lot walls to be retained per earlier revisions.
- Ventilation of restrooms is non-mechanical.

1.4 Scope of Additional Services

Based on the above understanding of the project, IR proposes to provide the following additional services:

1.4.1 Services provided by Interactive Resources

- Review changes between 2016 CBC and 2019 CBC and prepare revised structural calculations
- Prepare A/S/M/E/P drawings for use in obtaining a Building Permit
- Coordinate bleachers with Client selected manufacturer provided specification.
- Prepare project specifications.
- Provide Construction Administration with responses to submittals and requests for information by contractor.
- Attend construction meetings (6) with four on site minimum. For kickoff, foundation and roofing preliminary meetings, and significant completion/punch list walkthrough. Additional meetings on a time and material basis per standard rates.

1.4.2 Deliverables

- Construction Documents and specifications of standard content sufficient for competitive bid.
- Site plan, existing and new conditions based on owner provided survey
- Floor plans, roof plan, structural steel and foundation plans
- Exterior and interior elevations,
- Finish and door schedules and details, schedules,
- Details for concrete footings, steel connections, stairs, ramps, ADA compliance, railings, walls and roof assemblies.
- Electrical plans and schedules,
- Plumbing plans and schedules,
- Civil plans and stormwater compliance plans and schedules.

1.5 Exclusions

- Landscape design.
- Entry Signage is delegated design. IR shall be limited to providing visual appearance, and approximate dimensions, and location that express design intent.
- Graphics on exterior walls of Bleachers on is delegated design. IR shall be limited to providing visual appearance, and approximate dimensions, and location that express design intent.
- Lighting analysis for title 24 energy code that addresses field or parking lighting.
- For Civil, Electrical, and Plumbing, exclusions and limitations, please see pertinent proposals.
- Fence, gate connections or related hardware (responsibility of fence and gate manufacturer).
- Field verification of dimensions and/or preparation of shop drawings for equipment installation.
- Solicitation of bids, evaluation and/or purchase of materials or equipment.
- Preparation or drafting of built condition record drawings.

will

CONTRACT # 17-126

AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT ("Agreement") is made and entered into this 26 day of January 2017 between the City of Benicia, a municipal corporation in Solano County, California, (hereinafter "CITY") and Interactive Resources, a California corporation, with its primary office located at 117 Park Place Richmond, Ca. 94801 (hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain technical services for Design on the Fitzgerald Field Bleacher Replacement Project. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference;

WHEREAS, CITY staff does not have the expertise to perform this work in-house.;

WHEREAS, CONSULTANT is specially trained, experienced and competent to perform the services required by this agreement; and

WHEREAS, CONSULTANT represents it is qualified and willing to provide such services pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, IT IS AGREED by and between CITY and CONSULTANT as follows:

AGREEMENT

1. INCORPORATION OF RECITALS

The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. SCOPE OF SERVICE

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Task Order labeled Exhibit A, which is attached hereto and incorporated herein by reference.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit A and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in Exhibit A represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in Exhibit A unless a written waiver is granted by the CITY's project manager.

(ii) CONSULTANT shall not be responsible for performance delays caused by others, or delays beyond CONSULTANT's control, and such delays shall extend the times for performance of the work by CONSULTANT.

(c) Standard of Quality. All work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT's field of expertise at the time CONSULTANT's work is performed. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT's activities under this Agreement shall be performed to the full satisfaction and approval of the Department Head or his/her designee.

(d) Compliance with Laws. CONSULTANT shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT's failure to comply with any or all of the requirements contained in this paragraph.

3. COMPENSATION

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule in Exhibit B attached hereto and hereby incorporated by reference not to exceed \$44,473.00dollars. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY's prior written approval from the Department Head or his/her designee, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project.

(b) Additional Services. CITY shall make no payment to CONSULTANT for any additional services unless such services and payment have been mutually agreed to and this Agreement has been formally amended in accordance with Section 7.

(i) Only the City Council can act on behalf of CITY to authorize CONSULTANT to perform additional services.

(ii) CONSULTANT shall not commence any work or services exceeding the Scope of Services in Section 2 without prior written authorization from CITY in accordance with Section 7. CONSULTANT's failure to obtain a formal amendment to this Agreement authorizing additional services shall constitute a waiver of any and all right to compensation for such work or services.

(iii) If CONSULTANT believes that any work CITY has directed CONSULTANT to perform is beyond the scope of this Agreement and constitutes additional services, CONSULTANT shall promptly notify CITY of this fact before commencing the work. CITY shall make a determination as to whether such work is beyond the scope of this Agreement and constitutes additional services. If CITY finds that such work does constitute additional services, CITY and CONSULTANT shall execute a formal amendment to this Agreement, in accordance with Section 7, authorizing the additional services and stating the amount of any additional compensation to be paid.

(c) Invoicing and Payment. CONSULTANT shall submit monthly invoices for the services performed under this Agreement during the preceding period. Invoices or billings must be submitted in duplicate and must indicate the hours actually worked by each classification and employee name, as well as all other directly related costs by line item in accordance with Exhibit B. CITY shall approve or disapprove said invoice or billing within thirty (30) days following receipt thereof and shall pay all approved invoices and billings within thirty (30) days. Interest at the rate of one and one-half (1.5) percent per month will be charged on all past due amounts starting thirty (30) days after the invoice date, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will be credited first to interest, and then to principal.

4. PRODUCT REVIEW AND COMMENT

CONSULTANT shall provide CITY with at least two (2) copies of each product described in Exhibit A. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT

This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until **December 31, 2017**, unless amended pursuant to Section 7, or terminated pursuant to Section 6.

6. TERMINATION

(a) CITY shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon CONSULTANT written notice of termination. The Agreement shall terminate three (3) business days after notice of termination is given. The notice shall be deemed given on the date it is deposited in the U.S. mail, certified, postage prepaid, and addressed to CONSULTANT at the address indicated in Section 11.

(b) If CITY issues a notice of termination,

(i) CONSULTANT shall immediately cease rendering services pursuant to this Agreement;

(ii) CONSULTANT shall deliver to CITY copies of all writings, whether or not completed, which were prepared by CONSULTANT, its employees, or its subcontractors, if any, pursuant to this Agreement. For purposes of this Agreement, the term "writings" shall include, but not be limited to, handwriting, typewriting, computer files and records, drawings, blueprints, printing, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof;

(iii) CITY shall pay CONSULTANT for work actually performed up to the effective date of the notice of termination, subject to the limitations prescribed by Section 3 of this Agreement, less any compensation to CITY for damages suffered as a result of CONSULTANT's failure to comply with the terms of this Agreement. Such payment shall be in accordance with Exhibit B. However, if this Agreement is terminated for fault of CONSULTANT, CITY shall be obligated to compensate CONSULTANT only for that portion of CONSULTANT's services which are of benefit to CITY.

7. AMENDMENTS

Modifications or amendments to the terms of this Agreement shall be in writing and executed by both Parties.

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION

CONSULTANT shall not, either during or after the term of this Agreement, disclose to any third party any confidential information relative to the work of CITY without the prior written consent of CITY.

9. INSPECTION

CITY representatives shall, with reasonable notice, have access to the work and work records, including time records, for purposes of inspecting same and determining that the work is being performed in accordance with the terms of this Agreement. Inspections by CITY do not in any way relieve or minimize the responsibility of CONSULTANT to comply with this Agreement and all applicable laws.

10. INDEPENDENT CONTRACTOR

In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting CONSULTANT in the performance of said service. CONSULTANT shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax withholding, workers' compensation insurance, and all other regulations governing such matters.

11. NOTICES

Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

To CITY: Rick Knight
 City of Benicia
 250 East L Street
 Benicia, CA 94510

To CONSULTANT: Thomas Butt, Principal
 Interactive Resources
 117 Park Place
 Richmond, Ca. 94801

12. OWNERSHIP OF MATERIALS

CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY's consent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING

(a) Employees. CONSULTANT shall provide properly skilled professional and technical personnel to perform all services required by this Agreement. CONSULTANT shall not engage the services of any person(s) now employed by CITY without CITY's prior express written consent.

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY. Any attempted assignment without such approval shall be void and, at CITY's option, shall terminate this Agreement and any license or privilege granted herein.

(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT's hiring of subcontractors, CONSULTANT shall provide to CITY copies of each and every subcontract prior to its execution. All subcontractors are deemed to be employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

14. BINDING AGREEMENT

This Agreement shall bind the successors in interest, legal representatives, and permitted assigns of CITY and CONSULTANT in the same manner as if they were expressly named herein.

15. WAIVER

(a) Effect of Waiver. Waiver by either party of any default, breach, or condition precedent shall not be construed as a waiver of any other default, breach, or condition precedent or any other right under this Agreement.

(b) No Implied Waivers. The failure of either party at any time to require performance by the other party of any provision hereof shall not affect in any way the right to require such performance at a later time.

16. NONDISCRIMINATION

(a) CONSULTANT shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis.

(b) Consistent with CITY's policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT's employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

17. INDEMNITY

(a) To the fullest extent allowed by law, CONSULTANT specifically agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from and against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of or in any way connected with the performance of this Agreement, however caused, regardless of any negligence of the CITY, whether active or passive, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the CITY. The CONSULTANT shall pay all costs that may be incurred by CITY in enforcing this indemnity, including reasonable attorneys' fees. The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations contained in this agreement.

(b) Further, CONSULTANT will indemnify CITY, and hold it harmless, from an assertion that as a result of providing services to CITY, CONSULTANT or any of its employees or persons performing work pursuant to this Agreement is entitled to benefits from, or is covered by, the Social Security retirement system or the California Public Employees Retirement Systems. Notwithstanding the foregoing, however, CONSULTANT's obligations for any payments to such claimant shall be limited to those payments which CITY may be required to pay.

18. INSURANCE

(a) Required Coverage. Without limiting CONSULTANT's indemnification, it is agreed that CONSULTANT shall maintain in force at all times during the term of this Agreement the following types of insurance providing coverage on an "occurrence" basis. Said insurance, with the exception of Worker's Compensation and Errors & Omissions Liability, shall name the CITY as additional insureds and evidence of said insurance shall be delivered to CITY in certificate and endorsement forms acceptable to the CITY prior to execution of this Agreement.

- Automobile insurance for the vehicle(s) CONSULTANT uses in connection with the performance of this Agreement. Coverage: \$1,000,000 per occurrence for bodily injury and property damage.
- Commercial general liability and property damage insurance. Coverage: \$1,000,000 per occurrence. The general aggregate limit shall be twice the required occurrence limit.

Worker's Compensation insurance to cover its employees as required by the Labor Code of the State of California. CONSULTANT's worker's compensation insurance shall include the following language: "All rights of subrogation are hereby waived against the CITY, its officers and employees when acting within the scope of their appointment or employment." In the event any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation Statutes, the CONSULTANT shall provide adequate and suitable insurance for the protection of its employees not otherwise protected.

E&O/ Professional's Liability, errors and omissions liability insurance appropriate to the CONSULTANT's profession. Coverage: \$1,000,000 per Claim.

(b) General Provisions.

(i) CONSULTANT shall obtain insurance acceptable to the CITY in a company or companies admitted in California and with a Best rating of no less than A VII or as acceptable to the CITY. The endorsements, naming the CITY as an additional insured, are to be signed by a person authorized by CONSULTANT's insurer to bind coverage on its behalf.

(ii) It shall be a requirement under this contract that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the broader coverage and maximum limits specified in this contract; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.

(iii) The limits of insurance required in the Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the CITY (if agreed to in a written contract) before the CITY's own insurance or self-insurance shall be called upon to protect it as a named insured.

(iv) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its elected or appointed officers, officials, employees, agents or volunteers.

(v) The insurance provided by these policies shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty days written notice has been received by the CITY.

(c) Additional Insured. The CITY will be named as an additional insured for all liability arising out of the operations by or on behalf of the named insured, and this policy protects the additional insured, its officers, agents and employees against liability for personal and bodily injuries, deaths or property damage or destruction arising in any respect, directly or indirectly, in the performance of the contract.

(i) Each such policy shall be endorsed with the following language:
The City of Benicia, its elected or appointed officers, officials, employees and volunteers are included as insureds with regard to damages and defense of claims arising from:
(a) activities performed by or on behalf of the Named Insured, including the insured's general supervision of the Named Insured, (b) products and completed operations of the Named Insured, or (c) premises owned, leased or used by the Named Insured.

(ii) This policy shall be considered primary insurance as respects the CITY, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the CITY, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.

(iii) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverages afforded shall apply as though separate policies had been issued to each insured.

(iv) The Additional Insured coverage under the CONSULTANT's policy shall be primary and non-contributory and will not seek contribution from the CITY's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

(d) Deductibles and Self-Insured Retentions. All self-insured retentions (SIR) must be disclosed to the CITY's Risk Management for approval and shall not reduce the limits of liability. At the option of CITY, either: the insurer shall reduce or eliminate such deductibles or self-insurance retention as respects the CITY, its officers, officials, agents, employees and volunteers; or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Policies containing any self-insured (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the CITY. The CITY reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of the right to exercise later.

19. WORKERS' COMPENSATION

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT's insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials, agents, and employees for losses paid under CONSULTANT's workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS

CONSULTANT shall retain all financial records including, but not limited to, documents, reports, books and accounting records which pertain to any work or transaction performed pursuant to this Agreement for four (4) years after the expiration of this Agreement. CITY or any of its duly authorized representatives shall, with reasonable notice, have access to and the right to examine, audit, and copy such records.

21. CONFLICT OF INTEREST

CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY's interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation. CONSULTANT shall file FPPC form 700 the City Clerk if required by CITY's Conflict of Interest Code.

22. TIME OF THE ESSENCE

CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

23. SEVERABILITY

If any court of competent jurisdiction or subsequent preemptive legislation holds or renders any of the provisions of this Agreement unenforceable or invalid, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected.

24. GOVERNING LAW AND CHOICE OF FORUM

This Agreement shall be administered and interpreted under California law as if written by both parties. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force. **If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state court situated in the County of Solano, State of California or, if necessary, in a federal court situated in the City and County of Sacramento, California.**

25. COSTS AND ATTORNEYS' FEES

If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees. In any action seeking recovery of monetary damages, the plaintiff shall not be considered to be the prevailing party unless it recovers at least 66% of the dollar amount requested in the complaint's prayer for relief.

26. INTEGRATION

This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7. The effective date of this Agreement shall be the date of execution by the CITY as shown below.

IN WITNESS WHEREOF, the undersigned execute this Agreement on the date shown below their respective signatures.

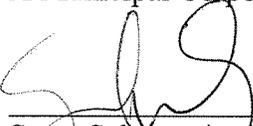
CONSULTANT

BY: 

Title: President

Date: 01-17-17

CITY OF BENICIA
A Municipal Corporation



Steve Salbmon/acting
CITY MANAGER

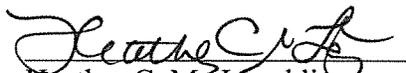
Date: 1-24-17

RECOMMENDED BY:



Mike Dotson
DEPARTMENT HEAD

APPROVED AS TO FORM:



Heather C. McLaughlin
CITY ATTORNEY

Attachment: Exhibit A – Scope of Work/Proposal

RESOLUTION NO. 17- 151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ALLOCATING \$20,000 FOR THE DESIGN OF THE FITZGERALD FIELD BLEACHER REPLACEMENT PROJECT FROM MEASURE C ACCOUNT 330-9505-9624, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, City Council has previously allocated \$750,000 from Measure C funds for the Fitzgerald Field Bleacher Replacement Project; and

WHEREAS, Interactive Resources have prepared preliminary designs and cost estimates, which exceed the project budget; and

WHEREAS, the Parks, Recreation & Cemetery Commission requested further design revisions and stakeholder outreach; and

WHEREAS, the additional design work completed requires an additional \$20,000 in funding.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves a contract amendment with Interactive Resources of Richmond in the amount of \$20,000 for the design of the Fitzgerald Field Bleacher Replacement Project, appropriated from account 330-9505-9624.

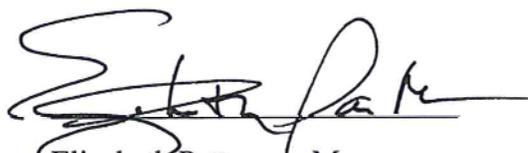
BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member **Young**, and seconded by Council Member **Hughes**, the above Resolution is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 3rd day of October, 2017 and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Young, and Mayor Patterson**

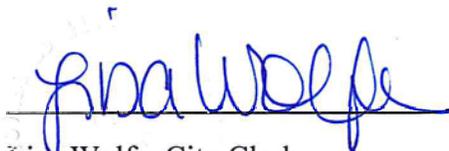
Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

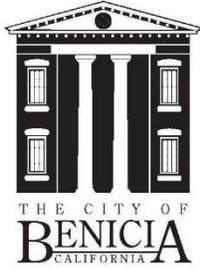
Attest:



Lisa Wolfe, City Clerk

10-11-17

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
CONSENT CALENDAR**

TO : City Council

FROM : Interim City Manager

SUBJECT : **MAINTAIN AND REASSIGN THE GENERAL FUND'S FUND BALANCE PER THE FISCAL HEALTH STUDY SESSION**

EXECUTIVE SUMMARY:

This report provides a summary of the direction and guidance City Council provided at the study session held on October 6th, 2020 to promote an economic recovery and highlight the timeline for the City's upcoming biennial budget process.

RECOMMENDATION:

Move to adopt the resolution (Attachment 1), approving the assignment and reassignment of the General Fund's fund balance.

BUDGET INFORMATION:

The recommended resolution moves to assign and, in some cases, reassign a total of \$12,155,000. This would leave a sum of \$5,000,000 as unassigned fund balance to address COVID-19 fiscal uncertainty. Due to the uncertainty that the COVID-19 recession poses to the City's fiscal resources, the \$5,000,000 unassigned fund balance would be available to cover revenue shortfalls or unexpected costs.

BACKGROUND:

On March 6, 2020, City Council held a study session on the City's fiscal health and vision for Benicia's economic recovery and restoration. This staff report summarizes the policy direction and guidance provided by City Council at that meeting.

The financial impact of the coronavirus (COVID-19) pandemic to the City of Benicia is concerning but not dire. Throughout the nation and in our local economy, we are facing a time of great uncertainty. There remains no vaccine for the coronavirus as we enter cold and flu season, we face potential additional waves of shutdowns in the months ahead. Home loan deferrals will end in December and if the economy does not bounce back and people are not able to return to work, the housing market will also be impacted. While the full depth and breadth of the revenue loss to the City is still unclear, unlike many of our neighboring jurisdictions who are taking aggressive measures to try to balance the budget (e.g. hiring freezes, across-the-board budget cuts, etc.), the City of Benicia's General Fund has a balance on which to draw. The City's current balance of assigned yet uncommitted funds provides a unique opportunity for the City to make a strategic investment towards economic restoration.

CITY MISSION

"SERVING AND ENHANCING OUR COMMUNITY WITH CARE, COMMITMENT AND PRIDE."

At the study session held on October 6th, 2020, staff recommended focus and investment into four strategic focus areas:

- Investment in economic development initiatives designed to aid our local business community recover and prosper in a post-COVID-19 economy;
- City staff retention, attraction, and development;
- City infrastructure; and
- Maintain an unassigned fund balance to help address COVID-19 Fiscal Uncertainty.

At the study session, City Council supported the idea that dedicating resources to these strategic areas will catalyze economic recovery and restoration for the City of Benicia. Additionally, City Council emphasized the importance of providing support to Benicia residents negatively impacted by COVID-19 through allocating additional funds to the City’s Family Resource Center (FRC).

As of October 2020, the City’s General Fund’s fund balance includes approximately \$8.2 million in assigned, yet uncommitted, funds and \$4.0 million in unassigned funds, totaling \$12.2 million. These assignments were given at the March 3, 2020 Council meeting, prior to the onset of COVID-19. To help guide the rest of the report, it’s important to note the meaning behind some of these terms. “Assigned funds” are funds that are set aside for intended future use at Council’s direction where separate Council action is required to spend these funds; “unassigned funds” are funds that are available for current expenditure or assignment by City Council; and “committed funds” are funds that are tied up in previously approved projects and contracts by City Council. At the October 6th study session, City Council reviewed, discussed, and provided guidance for reassigning some of the previous assignments, as a means by which to achieve the City’s objectives of restoring the local economy and addressing revenue shortfalls due to COVID-19.

The table below summarizes City Council’s direction:

General Fund’s Assigned and Reassigned Fund Balance Summary					
Item/Program	Economic Development	City Infrastructure	Staff Retention and Attraction	COVID-19 Fiscal Uncertainty	Community Support
Economic Development Initiatives	\$500,000				
Climate Action Coordinator	\$350,000				
Public Art Funding	\$75,000				
Streets & Roads		\$2,000,000			
New Police Facility		\$1,500,000			
City Hall Security Upgrades		\$100,000			
Pension Trust			\$2,000,000		
Staff Retention and Attraction			\$500,000		
Unassigned balance for COVID-19 Fiscal Uncertainty				\$4,000,000	
Reassigned Funds for COVID-19 Fiscal Uncertainty				\$1,000,000	
Family Resource Center					\$130,000
TOTAL:	\$925,000	\$3,600,000	\$2,500,000	\$5,000,000	\$130,000
GRAND TOTAL:	\$12,155,000				

Economic Development Initiatives

To further aid the City's economic development and tourism effort, staff recommends investing \$500,000 into various economic development initiatives, including the possibility of a fee waivers program for business expansion and attraction. The specifics of the program are still being finalized and a recommended approach will be brought before Council soon. Additionally, staff recommends the City proceed with hiring a limited duration Climate Action Coordinator position at a level of a management analyst position as well as their correlated projects for \$350,000, and allocate \$75,000 to be invested over the next 18 months in the installation of public art. The total economic development actions recommended by staff make up an assignment of \$925,000.

City Staff Retention, Attraction and Development

It is essential that the City address the deficiencies in staffing in order to continue providing essential services with excellent customer service. An allocation of \$500,000 to the retention, attraction, and development of staff is an investment in the most critical components of the City, which would improve the speed and level of customer service staff provides to the public. For example, the City currently does not have sufficient staff to expeditiously manage the permits and applications that are submitted to the Community Development Department. As such, it is incumbent upon the City to make the necessary investment, even if only temporary, to aid current staff in processing permits. Furthermore, to help stem the speed of staff turnover, resources need to be applied to aid in the City's organizational ability to retain and develop and, where necessary, attract the staff needed to carry out essential services. Once the internal staffing assessment is complete, staff will bring the specific positions and cost allocations to City Council for their review. It is also prudent that the City continue to make the recommended \$2 million investment into the pension liability trust fund. By investing in the pension liability trust fund now, it helps ensure a better economic position in the future, thereby systemically addressing the City's challenges in attracting and retaining staff. In order to help address these staffing challenges, it staff recommends assigning a total of \$2.5 million to this objective.

City Infrastructure

Prior to the City's urgent response due to COVID-19, the City Council, in March 2020, assigned \$2 million dollars to be invested in road infrastructure (see Attachment 1a). Costs increase exponentially with every delay in repairing these roads. Additionally, staff recommends that the City continue to assign \$1.5 million to the new police department facility, as was recommended in March. Although this project is years away from achieving sufficient funds to proceed with construction, the \$1.5 million can be left assigned to the Police Facility Project but not be spent at this time; thus, serving as an added emergency fund source should circumstances require its use. Finally, staff is proposing a significant shift away from the City Hall project, reducing the project scope from \$2 million to just \$100,000. Those funds will be used to make permanent the single point of entry feature the City put into place when City Hall reopened to the public in June 2020. This permanent single point of entry improves security at City Hall, improves health and safety by reducing staff's exposure to COVID-19, and improves the level of service the City provides to the public, so that each resident's concern is addressed right away, and with the appropriate staff. Altogether, staff recommends that \$3.6 million remain allocated to improving our infrastructure.

COVID-19 Fiscal Uncertainty

In order to ameliorate current and any potential future deficits related to COVID-19, staff recommends maintaining the \$4 million and reassigning \$1.0 million to the City’s unassigned fund balance, for a total of \$5.0 million to address the COVID-19 Fiscal Uncertainty. The unassigned fund balance will be available to address the current deficit and potential future deficits. This recommendation will be revisited in early 2021 when the Comprehensive Annual Financial Report (CAFR) is presented to Council and throughout the implementation of the next budget.

Community Support

At the October 6th study session, City Council expressed concern for Benicia residents who have been hit hard by the COVID-19 recession and advised that the City continue to provide support to residents through the Family Resource Center (FRC). At the onset of COVID-19, in the spring of 2020, the City transferred \$170,000 to the FRC for the COVID-19 Citizen Assistance Program, which is administered by the Benicia Police Department's Family Resource Center. The limited funding is used to assist citizens that are temporarily laid off from their jobs, may have lost their jobs due to business closure, or have had to take a leave of absence to care for children home from school or an ill family member and are not being paid. Qualified individuals could receive temporary assistance with rent/mortgage, utilities, food, and/or gas. Today, \$20,000 of that funding remains available to residents. Therefore, staff recommends assigning \$130,000 to the Family Resource Center, creating a total of \$150,000 of funding for the FRC. Staff further recommends that we revisit assignments to this program in early 2021 so that staff may provide a status update of this program, noting if additional funding is needed and if the City’s fiscal health allows for increased funding.

NEXT STEPS:

If approved, staff will finalize the details for the proposed fee waiver program for business expansion and attraction, as well as launch the recruitment process for limited duration staffing assistance and return to Council for separate action.

ALTERNATIVE ACTIONS:

City Council may reject the staff recommendations or delay taking action until the FY 19-20 CAFR is presented to City Council in early 2021.

General Plan	Goal 1: Creating a sustainable community in Benicia
---------------------	---

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> <ul style="list-style-type: none"> <input type="checkbox"/> Protect Community Health & Safety <input checked="" 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 checked="" type="checkbox"/> High Performing Government City Programs Impacted by This Agenda Item (Top 3): 1. Budget Development & Management 2. Financial Planning 3. Financial Reporting Priority Based Budgeting (PBB) Website: Coming soon in Fall 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 activity does not meet the definition of a project as described in Title 14 of the California Code of Regulations Section 15378(a).
--------------------------	--

ATTACHMENT:

1. Resolution – Maintain and Reassign the General Fund’s Fund Balance Per the Fiscal Health Study Session
 - a. Exhibit A – Streets and Roads Funding
 - b. Exhibit B – General Fund’s Assigned and Reassigned Fund Balance Summary

For more information contact: Erik Upson, Interim City Manager

Phone: 707.746.4200

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

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA TO MAINTAIN AND REASSIGN GENERAL FUND'S FUND BALANCE TO STRATEGIC FOCUS AREAS PER THE FISCAL HEALTH STUDY SESSION

WHEREAS, at the March 3, 2020 City Council meeting, Council assigned approximately \$9,600,000 toward the City Council priorities identified in the FY 19-20 Work Plan and intentionally preserved approximately \$4,000,000 in the unassigned fund balance; and

WHEREAS, on March 15th, 2020, the City of Benicia declared a state of emergency caused by the coronavirus (COVID-19) pandemic, leaving a majority of the assigned funds uncommitted and unspent; and

WHEREAS, on October 6th, 2020, the City held a study session on the City's Fiscal Health and Economic Recovery and reviewed the assigned and unassigned components of the General Fund balance, totaling \$12,155,000, to reassign and unassign funds in order to foster economic restoration to the City's local economy and addressing revenue shortfalls due to COVID-19; and

WHEREAS, staff recommended, and City Council supported, that the following four strategic investment areas will promote economic recovery and restoration in the local economy: Economic Development, City Infrastructure, Staff Retention, Attraction and Development, and COVID-19 Fiscal Uncertainty; and

WHEREAS, City Council also emphasized the importance of providing support to Benicia residents adversely affected by COVID-19 through allocating additional funds to the City's Family Resource Center; and

WHEREAS, staff recommends reassigning a total of \$2,155,000 of the previously assigned fund balance, including \$1,900,000 of the assigned funds for City Hall Upgrades, \$30,000 for Historic Preservation for the Southern Pacific (SP) Depot set aside for design services, \$175,000 for Public Art Coordinator Positions, and \$50,000 for the Human Services Board for food programs; and

WHEREAS, staff recommends allocating \$925,000 toward the Council's priority of Economic Development, consisting of the new assignment of \$500,000 for various strategic economic development initiatives; maintaining the assignment of \$350,000 for a limited duration Climate Action Coordinator position, at a level of a management analyst position, and programs; maintaining the assignment of \$50,000 for the installation of public art; and the new assignment of an additional \$25,000 for the installation of public art; and

WHEREAS, staff recommends continuing the assignment of \$3,600,000 toward the Council's priority of City Infrastructure, consisting of maintaining the assignment of \$2,000,000 for Street and Roadway Improvements with a list of streets noted in Exhibit A, and maintaining the assignment of \$1,500,000 for a New Police Facility to set aside for new facility planning

efforts, and reducing the assignment to \$100,000 for City Hall upgrades to make permanent the single point of entry at City Hall; and

WHEREAS, staff recommends allocating \$2,500,000 toward the Council's priority of Staff Retention, Attraction and Development, consisting of maintaining the assignment of \$2,000,000 to meet pension obligations, and a new assignment of \$500,000 for supporting the Community Development Department, Finance Department, and Information Technology Division; and

WHEREAS, to address the COVID-19 Fiscal Uncertainty, staff recommends leaving \$5,000,000 in the unassigned fund balance for the purpose of addressing any current or future revenue shortfalls due to COVID-19; This is comprised of maintaining \$4,000,000 in the unassigned fund balance and reassigning \$1,000,000 to the unassigned fund balance; and

WHEREAS, staff recommends a new assignment of \$130,000 toward the Council's priority of Community Support, assigned to the Family Resource Center (FRC) to resume The COVID-19 Citizen Assistance Program; and

WHEREAS, the City Council has reviewed the level of budgeting control needed by the Interim City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby adopts the uses of the General Fund's fund balance totaling \$12,155,000 as described above and presented in the list of streets attached as Exhibit A and summary table attached as Exhibit B.

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 20th day of October 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A

Grind 3-inch & Pave 3-inch

Street Name	Beg Location	End Location	Lanes	Functional Class	Length	Width	Area	Total Cost *	PCI
Wainwright St. - 800	w/o W-8th St.	e/o W-9th St.	2	R - Residential/Local	600	27	16,200	\$121,085	19
West J St. - 100	w/o W-8th St.	e/o W-9th St.	2	R - Residential/Local	600	28	16,800	\$125,570	11
Clifton Ct - 800	s/o Channing Circle	625' s/o Channing	2	R - Residential/Local	625	29	18,125	\$135,473	13
Channing Circle - 800	w/o Oxford Way	w/o Oxford Way	2	R - Residential/Local	1800	33	59,400	\$443,978	13
Campus Ct. - 800	w/o Dorset Way	100' w/o Dorset Way	2	R - Residential/Local	100	45	4,500	\$33,635	15
Dover Circle - 800	s/o Oxford Way	n/o Hanlon Way	2	R - Residential/Local	1100	33	36,300	\$271,320	13
Hanlon Way - 800	e/o Oxford Way	w/o Dorset Way	2	R - Residential/Local	1180	33	38,940	\$291,052	13
Walsh Ct. - 800	e/o Channing Circle	150' e/o Channing Circle	2	R - Residential/Local	150	29	4,350	\$32,514	10
Mills Dr. - 400	n/o Cambridge Dr.	e/o Larkin Dr	2	R - Residential/Local	2200	33	72,600	\$542,640	17

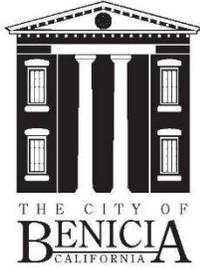
\$1,997,266

* Assumptions: \$175/ton AC; 40% for non-pavement items (i.e. curb ramps, mobilization); 15% Design; 15% CE/CM; 10% Contingency

b. Exhibit B – General Fund’s Assigned and Reassigned Fund Balance Summary

Exhibit B

General Fund’s Assigned and Reassigned Fund Balance Summary					
Item/Program	Economic Development	City Infrastructure	Staff Retention and Attraction	COVID-19 Fiscal Uncertainty	Community Support
Economic Development Initiatives	\$500,000				
Climate Action Coordinator	\$350,000				
Public Art Funding	\$75,000				
Streets & Roads		\$2,000,000			
New Police Facility		\$1,500,000			
City Hall Security Upgrades		\$100,000			
Pension Trust			\$2,000,000		
Staff Retention and Attraction			\$500,000		
Unassigned balance for COVID-19 Fiscal Uncertainty				\$4,000,000	
Reassigned Funds for COVID-19 Fiscal Uncertainty				\$1,000,000	
Family Resource Center					\$130,000
TOTAL:	\$925,000	\$3,600,000	\$2,500,000	\$5,000,000	\$130,000
GRAND TOTAL:	\$12,155,000				



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
BUSINESS ITEMS**

TO : Interim City Manager

FROM : Community Development Director

SUBJECT : **INTRODUCTION OF AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO STREAMLINE PERMITTING FOR CARRIAGE UNIT ACCESSORY DWELLING UNITS (PUBLIC HEARING)**

EXECUTIVE SUMMARY:

The proposed project is an amendment to the Benicia Municipal Code (BMC) Chapters 17.12 (Definitions), 17.54 (H Historic Overlay District), 17.70 (General Regulations) and 17.108 (Design Review) to create a definition for “carriage unit” as an accessory dwelling unit (ADU) located above a detached garage, establish a threshold by which carriage units may be subject to the streamlined permitting procedures for ADUs, and ensure consistency amongst various chapters of the Zoning Ordinance. The ordinance would allow for ministerial permitting of an ADU above a garage of up to 500 square feet, subject to compliance with all requirements of the ADU regulations (BMC Section 17.70.060).

The proposed amendments are initiated pursuant to City Council direction received on January 21, 2020 to exempt ADUs above detached garages from design review. Following a public hearing, the Historic Preservation Review Commission (HPRC) recommended approval of the proposed amendments on August 10, 2020. The Planning Commission conducted a public hearing and recommended approval of the proposed amendments on September 10, 2020.

RECOMMENDATION:

Move to waive the first reading and introduce an ordinance (Attachment 1) of the City Council amending Title 17 (Zoning) of the Benicia Municipal Code and find that the ordinance is exempt under the California Environmental Quality Act.

BUDGET INFORMATION:

Adopting the ordinance will not result in direct impacts to the City’s budget.

BACKGROUND:

Prior City Council Action

The City Council adopted Ordinance No. 20-1 on February 4, 2020, amending the City’s accessory dwelling unit (ADU) regulations in order to bring the regulations into compliance with

State ADU laws, which became effective on January 1, 2020 (see Ordinance 20-1, Attachment 2). The ordinance requires that a proposed ADU which is “Dependent on Separate Construction” must be subject to applicable permit requirements for the non-ADU element (such as the garage portion of a proposed accessory structure), pursuant to BMC section 17.70.060.C.3. Applicable permit requirements for the non-ADU element may include design review in a historic district or on a parcel with commercial or multi-family use, pursuant to BMC Chapter 17.108. For example, an ADU that is proposed along with the construction of a new detached garage and located on the second floor above the garage (i.e., a “carriage unit”), would be considered an ADU “dependent on separate construction.”

During the first reading of the ADU ordinance on January 21, 2020 correspondence and public comment were received requesting that ADUs located above detached garages be exempt from design review. The City Council considered this matter and directed staff to revise the ordinance to provide that permitting for such garages be subject to ministerial, rather than discretionary, review; in other words, design review would *not* be required for such garages. Staff determined that the proposed revision would require additional amendments to the Municipal Code.

The proposed revisions require amendments to Benicia Municipal Code as outlined below. The amendments would provide consistency among various chapters of the Zoning Ordinance and respond to public comments. The proposed streamlined permitting for carriage units would be limited to new buildings with a garage up to 500 square feet, would require interior stairs accessing the ADU, and would require that the structure comply with all design and development standards of the ADU ordinance inclusive of the standards for historic districts.

The effect of the ordinance, which streamlines permitting for carriage units meeting certain criteria but does not prohibit larger units, would be limited because residential design review is generally limited to multi-family parcels and the Downtown and Arsenal historic districts.

BMC Chapter 17.12. Add and amend definitions to aid in the implementation of the proposed regulations.

- Add a definition for “carriage unit” as follows: “Carriage unit” means a detached accessory structure with a ground floor garage, interior stairwell and accessory dwelling unit directly above the garage.
- Amend the definition of “Garage, private” to reflect contemporary land use patterns (including ADUs) as follows: “Garage, private” means a building or portion thereof for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

BMC Chapter 17.54. Clarify and amend section 17.54.100 (Demolition and design review procedures) to reflect existing regulations that exempt ADUs from design review and align with the streamlined permitting for carriage units by adding subsection A.3 as follows. No further amendment to the Downtown or Arsenal Historic Conservation Plan is required.

1. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.
2. The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.
3. Accessory dwelling units not subject to design review. Notwithstanding any provisions of this chapter to the contrary, accessory dwelling units and carriage units shall be exempt from this section, including all demolition and design review procedures set forth herein.

BMC Chapter 17.70. Amend sections 17.70.050 (Accessory uses and structures) and 17.70.060 (Accessory dwelling units) to specify that a carriage unit shall comply with the permitting process, development standards and objective design standards of the ADU ordinance, and to limit the exemption to only those carriage units which are new construction, with a footprint that accommodates a 500 foot square foot garage and interior stairwell providing direct access to the ADU above.

- Proposed addition to section 17.70.050 (Accessory uses and structures):

D. In All Districts. A carriage unit shall comply with the permitting process (subsection C), development standards (subsection I) and objective design standards (subsection J.) of section 17.70.060 Accessory dwelling units.

- Proposed amendment to section 17.70.060.C (Accessory dwelling units, Permitting Process):

3. When Dependent on Separate Construction.

- a. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

- (1) Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

(2) Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction, which may include design review.

b. New construction of a carriage unit shall not be considered dependent on separate construction if the footprint of the structure is the minimum size necessary to accommodate a garage up to 500 square foot and an interior stairwell provides direct access to the accessory dwelling unit in compliance with the requirements of the California Building Code.

BMC Chapter 17.108. Amend section 17.108.020 (Applicability) of the Design Review chapter to cross reference the ADU regulations and establish an exemption for carriage units as follows:

C. Accessory Dwelling Units. Accessory dwelling units and carriage units are exempt from the provisions of this chapter ~~are exempt from design review.~~

The City evaluated comments regarding a need to modify the adopted conservation plans pertaining to design review procedures. The conservation plans currently require discretionary review and approval, including design review, of accessory structures for all properties in the Arsenal Historic District and for non-historic properties outside of the Eastern Residential Exclave and landmark properties in the Downtown Historic District. The Downtown Historic Conservation Plan notes that second units pursuant to the Government Code are ministerial. The Benicia Municipal Code provides in Chapter 17.70 (General Regulations) and Chapter 17.108 (Design Review) that accessory dwelling units are exempt from design review.

The Zoning Ordinance (Chapter 17.54) establishes the authority for establishment of conservation plans and the purposes of conservation plans. BMC Section 17.54.100 states that procedures for design review shall be conducted as prescribed in Chapter 17.108 (Design Review), except as modified by an adopted conservation plan. For consistency amongst chapters within the Zoning Ordinance as well as the conservation plans, the proposed amendment would create an exception within BMC Chapter 17.54 for ADUs and carriage units.

Historic Preservation Review Commission Recommendation

The Historic Preservation Review Commission (HPRC) considered an informational report regarding the proposed amendments at their meeting on February 27, 2020. Public comments were received from three individuals. Mark Hajjar, architect, commented on the practical size of a garage and recommended that stairs be required on the interior of the building and commented on the cost to build an ADU, including fees and Building Code compliance. Jerry Hayes asked for clarification about the purpose of the proposed amendment and concurred with Mr. Hajjar regarding fees. Leann Taagepera spoke regarding the historic conservation plans, the procedure for the proposed amendment, and concerns about historic preservation, design criteria and privacy. The commission's discussion included comparison of design review requirements for alterations such as handrails, alterations to historical accessory buildings, building mass, design, lot sizes and fees. Following discussion, commissioners expressed a consensus opinion that stairs

be located internal to the carriage unit structure and concurred with a staff recommendation of 500 square feet for streamlined permitting of a garage, noting that larger structures could be evaluated through design review.

The proposed amendment, which reflected the commission's recommendations regarding floor area and internal stairs, was presented to the HPRC during a public hearing on August 10, 2020. No members of the public provided comment. Following a staff presentation, commissioners asked clarifying questions about the nature of recent ADU permits and commented on the inclusion of their prior direction in the ordinance. The HPRC recommended approval of the proposed zoning amendment by a vote of 5-0.

A copy of the HPRC staff report (without attachments) is provided as Attachment 3. Minutes of the HPRC are provided as Attachment 4 and a resolution of the HPRC is provided as Attachment 5.

Planning Commission Recommendation

The Planning Commission conducted a public hearing concerning the proposed ordinance on September 10, 2020. Following a staff presentation, commissioners inquired about the basis of the 500 square foot threshold. Staff clarified that 500 square feet allows for an oversized two-car garage on the ground floor. One member of the public commented that the garage threshold should be increased to allow a three-car garage and opposed the requirement for an internal stairwell. Following the public comment, commissioners asked further clarifying questions regarding square footage thresholds and the interior stairwell standard. Commissioners commented on the public process that was conducted to arrive at the proposed ordinance and the limited circumstances in which the ordinance would apply.

At the conclusion of the hearing, the commission recommended approval of the proposed ADU ordinance (approved 5-0). A copy of the Planning Commission staff report (without attachments) is provided as Attachment 6. Minutes of the Planning Commission are provided as Attachment 7 and a resolution recommending approval of the ordinance is provided as Attachment 8.

Solano Airport Land Use Commission

Pursuant to the Public Utilities Code (PUC) Section 21676, any local agency whose general plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance or building regulation to the airport land use commission for review. The commission shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan; therefore, proposed zoning amendments must be reviewed by the Solano County Airport Land Use Commission (ALUC).

The proposed amendments were heard by the ALUC on September 10, 2020, and the commission determined that the proposed zoning amendments are consistent with the Travis Air Force Base Airport Land Use Compatibility Plan.

NEXT STEPS:

Prior to adoption of the ordinance, the City Council must conduct a second reading, which is scheduled for November 17, 2020. If the amendments are adopted at the second reading, they would become effective 30 days later.

ALTERNATIVE ACTIONS:

1. Provide alternate direction to staff; or
2. Deny the proposed amendments to the Benicia Municipal Code.

General Plan	<p>Goal 2.1 Preserve Benicia as a small-sized city.</p> <ul style="list-style-type: none"> ➤ Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic heritage.
	<p>Goal 3.7: Maintain and reinforce Benicia’s small-town visual characteristics.</p> <ul style="list-style-type: none"> ➤ Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.
	<p>Housing Element Goal 1: Goal 1: Benicia shall be an active leader in attaining the goals of the City’s Housing Element.</p> <ul style="list-style-type: none"> ➤ Policy 1.04: The City will review and revise regulatory standards necessary to comply with State Housing law.

Priority Based Budgeting	<p>Strategic City Result Impacted by this Agenda Item</p>
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Protect Community Health & Safety <input checked="" 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 type="checkbox"/> High Performing Government
	<p>City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Zoning administration and amendments 2. Housing Element implementation 3. Historic Preservation
<p>Priority Based Budgeting (PBB) Website:</p>	

	Coming soon in Fall 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.
--	--

<p style="text-align: center;">CEQA Analysis</p>	<p>The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment.</p>
---	--

ATTACHMENTS:

1. Draft Ordinance – Carriage Unit ADUs
2. Ordinance No. 20-1, Accessory Dwelling Units
3. Historic Preservation Review Commission Staff Report (without Attachments)
4. Draft Minutes of Historic Preservation Review Commission, August 10, 2020
5. Resolution No. 20-6 (HPRC)
6. Planning Commission Staff Report (without Attachments)
7. Minutes of the Planning Commission, September 10, 2020
8. Resolution No. 20-5 (PC)

For more information contact: Suzanne Thorsen, Planning Manager

Phone: 707.746.4382

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

CITY OF BENICIA

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE TITLE 17 (ZONING) TO STREAMLINE PERMITTING OF CARRIAGE UNITS, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California State Legislature finds that Accessory Dwelling Units (ADUs) are an essential component of California’s housing supply that provide additional rental stock and housing for family members, students, the elderly, in-home health care providers, people with disabilities and others at below market prices within existing neighborhoods; and

WHEREAS, new legislation for ADUs took effect on January 1, 2020, necessitating revisions to the Benicia Municipal Code for consistency with State housing laws, which were adopted locally on February 4, 2020; and

WHEREAS, on January 21, 2020, the City Council provided direction regarding the further amendments to the Zoning Ordinance that would streamline permitting for ADUs located above detached garages (“carriage units”); and

WHEREAS, Benicia Housing Element Policy 1.04 states that the City will review and revise regulatory standards necessary to comply with State Housing law, including amendment of the Zoning Ordinance to allow ADUs above a garage (Program 1.10); and

WHEREAS, the Historic Preservation Review Commission conducted a duly noticed public hearing on August 10, 2020, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 10, 2020, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

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

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

Section 1. Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to insert the following definition in alphabetical orders as follows:

“Carriage unit” means a detached accessory structure with a ground floor garage, interior stairwell and accessory dwelling unit directly above the garage.

Section 2. Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the definition of “Garage, private” as follows:

“Garage, private” means a building or portion thereof for the private use of the owner or occupant of a ~~principal~~ building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

Section 3. Subsection A (In General) of Section 17.54.100 (Demolition and design review procedures) of Chapter 17.54 (H Overlay District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

A. In General.

1. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.

2. The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

3. Accessory dwelling units not subject to design review. Notwithstanding any provisions of this chapter to the contrary, accessory dwelling units and carriage units shall be exempt from this section, including all demolition and design review procedures set forth herein.

Section 4. Section 17.70.050 (Accessory uses and structures) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

A. In R Districts.

1. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, unless authorized by an exception to criteria to accommodate overall development on a parcel with site constraints. Construction trailers may be placed on a site at the time site clearance and grading begins. Construction trailers

shall be removed within 30 days following the issuance of a certificate of occupancy for the structure.

2. Location. Accessory structures shall not occupy a required yard or court, or project beyond the front building line of the principal structure on a site. Subject to an exception to criteria in the RS zone, a detached garage may protrude past the front building line of the principal structure but may not be located within a required front yard; provided, that the design of the detached garage is compatible with the existing residence in terms of architectural design, building materials, roof slopes, colors, and exterior finishes. No accessory uses may be permitted off site.

3. Maximum Height. The maximum wall height of an accessory structure shall be 12 feet, subject to the provisions of this subsection. Maximum peak height shall be determined on the basis of roof pitch as provided herein.

- a. Fifteen feet where the roof pitch is below 4:12.
- b. Eighteen feet where the roof pitch is between 4:12 and 6:12.
- c. Twenty feet where the roof pitch exceeds 6:12.

4. Setbacks. An accessory structure in a required rear yard shall be located at least five feet from a rear or side property line. A minimum 10-foot distance shall be maintained between an accessory building and any other building on the site; provided, however, that the community development director may authorize an exception to criteria to reduce the separation between buildings to five feet.

5. RS Districts. In an RS district, the total gross floor area of accessory structures more than four feet in height shall be counted in computing lot coverage and shall meet the lot coverage requirements of BMC 17.24.030, except that the total area of any one accessory building shall not exceed the total area of the primary residential structure on the same site.

6. Patio Covers. A patio cover open on at least two sides and complying with all other provisions of this subsection may be attached to a principal structure and shall not be subject to requirements for courts opposite required windows.

7. Swimming Pools. An unenclosed swimming pool, including related equipment, may occupy a required rear yard or side yard but shall not be within five feet of a property line.

8. Decks. No deck that is 30 inches or more in height shall be located in a required yard.

9. Decorative Archways. A decorative archway may occupy a required front yard, provided it meets the driveway visibility requirements of BMC 17.74.150. No more than one archway per frontage may be constructed. Any decorative archway shall have a maximum height of eight feet, a maximum width of eight feet, and a maximum depth of four feet.

B. In C, I, OS and PS Districts. Accessory structures shall comply with all regulations applicable to the principal structure on a site. Off-site accessory uses shall be allowed only with a use permit issued by the community development director.

C. In PD District. The location of accessory structures shall comply with the adopted PD or specific plan for a PD district. (Ord. 19-02 § 3).

D. In All Districts. A carriage unit shall comply with the permitting process (subsection C), development standards (subsection I) and objective design standards (subsection J.) of section 17.70.060 Accessory dwelling units.

Section 5. Subsection C (Permitting Process) of Section 17.70.060 (Accessory dwelling units) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

C. Permitting Process.

1. When Consistent with Standards.

- a. An accessory dwelling unit that complies with all standards in this section shall be approved ministerially upon issuance of a building permit. No other permit, discretionary review, or public hearing is required.
- b. If an existing single-family or multifamily dwelling exists on the lot upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
- c. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.

2. When Deviating from Standards.

- a. A proposed accessory unit that deviates from the standards in subsection J (Objective Design Standards) of this section shall be reviewed and may be approved or denied subject to the design review procedures in Chapter 17.108 (Design Review).

b. A proposed accessory dwelling unit that deviates from standards in subsection I (Development Standards) or any other applicable physical standard of this section shall be reviewed and may be approved or denied subject to the variance procedures in Chapter 17.104 (Use Permits and Variances).

3. When Dependent on Separate Construction.

a. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

(1) Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

(2) Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction, which may include design review.

b. New construction of a carriage unit shall not be considered dependent on separate construction if the footprint of the structure is the minimum size necessary to accommodate a garage up to 500 square foot and an interior stairwell provides direct access to the accessory dwelling unit in compliance with the requirements of the California Building Code.

Section 6. Subsection C (Accessory Dwelling Units) of Section 17.108.020 (Applicability) of Chapter 17.108 (Design Review) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

C. Accessory Dwelling Units. Accessory dwelling units and carriage units shall be exempt from the provisions of this Chapter ~~are exempt from design review.~~

Section 7. 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 8. Compliance with CEQA. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The

proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the County.

Section 9. 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 10. 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 _____ day of _____, 2020, and adopted at a regular meeting of the Council held on the _____ day of _____, 2020, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

CITY OF BENICIA**ORDINANCE NO. 20- 1****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTER 17.16 (USE CLASSIFICATIONS), CHAPTER 17.70 (GENERAL REGULATIONS) AND CHAPTER 17.108 (DESIGN REVIEW) OF TITLE 17 (ZONING), ALL PERTAINING TO THE REGULATION OF ACCESSORY DWELLING UNITS, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, the California State Legislature finds that Accessory Dwelling Units (ADUs) are an essential component of California's housing supply that provide additional rental stock and housing for family members, students, the elderly, in-home health care providers, people with disabilities and others at below market prices within existing neighborhoods; and

WHEREAS, new legislation for ADUs took effect on January 1, 2020 that necessitates revisions to the Benicia Municipal Code for consistency with State housing law; and

WHEREAS, Benicia Housing Element Policy 1.04 states that the City will review and revise regulatory standards necessary to comply with State Housing law; and

WHEREAS, the Historic Preservation Review Commission conducted a duly noticed public hearing on December 19, 2019, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on January 9, 2020, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

WHEREAS, the City Council of the City of Benicia held a duly noticed public hearing on the proposed amendments and introduced Ordinance No. 20-1 on January 21, 2020.

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

Section 1. Section 17.16.080 (Accessory use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units, home occupations, and construction trailers.

1. Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete, independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

a. Attached Accessory Dwelling Unit. An accessory dwelling unit that shares at least one common wall with the primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure.

b. Detached Accessory Dwelling Unit. An accessory dwelling unit that does not share a common wall with the primary dwelling and is not fully contained within the existing space of an accessory structure.

c. Internal Accessory Dwelling Unit. An accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

d. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Donation and Collection Bin. An unstaffed drop-off box, receptacle or other similar container used to accept donated clothing or other salvageable personal property, including but not limited to books, shoes, canned goods, and small household items to be used by a nonprofit or for-profit operator for distribution, resale, or recycling. (Ord. 19-04 § 1; Ord. 19-02 § 2).

Section 2. Section 17.70.060 (Accessory dwelling units) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed and replaced to read as follows:

17.70.060 Accessory dwelling units.

A. Purpose. This section is intended to achieve the goals of the city's housing element and of the California Government Code by permitting accessory dwelling units, thereby increasing housing opportunities for the community through use of existing housing resources and infrastructure.

B. Where Allowed. An accessory dwelling unit is permitted:

- a. In any district where single-family or multifamily dwellings are a permitted use; and
- b. On any lot with an existing or proposed single-family or multifamily dwelling.

C. Permitting Process.

1. When Consistent with Standards.

- a. An accessory dwelling unit that complies with all standards in this section shall be approved ministerially upon issuance of a building permit. No other permit, discretionary review, or public hearing is required.
- b. If an existing single-family or multifamily dwelling exists on the lot upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
- c. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.

2. When Deviating from Standards.

- a. A proposed accessory unit that deviates from the standards in subsection J (Objective Design Standards) of this section shall be reviewed and may be approved or denied subject to the design review procedures in Chapter 17.108 (Design Review).
- b. A proposed accessory dwelling unit that deviates from standards in subsection I (Development Standards) or any other applicable physical standard of this section shall be reviewed and may be approved or denied subject to the variance procedures in Chapter 17.104 (Use Permits and Variances).

3. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

- a. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
- b. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case,

the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction.

D. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this section unless otherwise indicated.
2. Sanitation Facilities. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the existing structure.
3. Kitchen. A junior accessory dwelling unit must include, at a minimum:
 - a. A cooking facility with appliances; and
 - b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

E. Maximum Number per Lot. Not more than one accessory dwelling unit is allowed per lot except as allowed by subsections G.2 (Detached Accessory Dwelling Units), G.3 (Non-livable multifamily space) and G.4 (Detached Accessory Dwelling Units on Multifamily Lots) of this section.

F. Accessory Use. An accessory dwelling unit that conforms to this section:

1. Is considered an accessory use or accessory structure;
2. Is not considered to exceed the allowable density for the lot upon which it is located; and
3. Is considered a residential use consistent with the general plan and zoning designation for the lot.

G. Units Subject to Limited Standards. The city shall ministerially approve an application for a building permit within a residential or mixed-use district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in subsections I (Development Standards) and J (Objective Design Standards) do not apply to these types of accessory dwelling units.

1. Internal Accessory Dwelling Units. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit, as such use is classified in section 17.16.080, is within the proposed space of a single-family dwelling

or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- b. The space has exterior access from the proposed or existing single-family dwelling.
- c. The side and rear setbacks are sufficient for fire and safety.
- d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

2. Detached Accessory Dwelling Units. One detached, new construction, accessory dwelling unit for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection G.1 (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

- a. Maximum floor area: 800 square feet.
- b. Maximum height: 16 feet.
- c. Minimum rear and side setbacks: four feet.

3. Non-Livable Multifamily Space. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

- a. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and
- b. Each accessory dwelling unit shall comply with building code standards for dwellings.

4. Detached Accessory Dwelling Units on Multifamily Lots. Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, are subject to the following:

- a. Maximum height: 16 feet
- b. Minimum rear and side setbacks: four feet.

H. General Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following general standards:

1. Rental.

a. An accessory dwelling unit may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling.

b. The rented unit shall not be leased for any period less than 30 days.

2. Primary and Accessory Designations. An existing primary dwelling unit may be designated as an accessory dwelling unit if:

a. The existing dwelling to be designated as an accessory dwelling unit complies with all standards in this section; and

b. The new primary dwelling unit is built in compliance with applicable standards and requirements of this title that apply to primary dwellings.

3. Nonconforming Uses and Structures. In conformance with BMC 17.98.020 and 17.98.030, the City shall not require, as a condition for approval of a permit application, the correction of nonconforming zoning conditions.

I. Development Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following development standards.

1. Floor Area. The floor area of an accessory dwelling unit shall not exceed the maximums shown in Table 1.

Table 1: Maximum Floor Area

ADU Type	Maximum ADU Floor Area
Attached	
One bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
More than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached	1,200 sq. ft.
Internal	50 percent of the existing primary dwelling
Junior	500 sq. ft.

2. Bulk Standards.

- a. An accessory dwelling unit shall conform to the applicable floor area ratio and site landscaping standards of the district in which it is located, except when otherwise allowed by subsection J.4 (Guaranteed Allowance) of this section.
- b. An accessory dwelling unit is exempt from maximum lot coverage standards.

3. **Guaranteed Allowance.** Maximum floor area, floor area ratio, and open space standards shall not prohibit an accessory dwelling unit with at least an 800 square feet of floor area, a height of at least 16 feet, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.

4. Property Line Setbacks.

- a. **All Accessory Dwelling Units.** An accessory dwelling unit shall be setback from property lines as required by Table 2.
- b. **Detached Accessory Dwelling Units.**

(1) A detached accessory dwelling unit shall not occupy a required court or front yard, nor project beyond the front building line of the principal structure on the site. In an H historic overlay district, the detached accessory dwelling unit shall not project beyond the primary contributing façade, defined as the building face of a designated landmark or contributing building which is parallel to a street or former right-of-way and provides a front entrance leading to a foyer or lobby.

(2) A ground-floor deck, balcony or platform attached to or associated with a detached accessory dwelling unit shall be located at least four feet from a rear or side property line. See subsection J.1 (Second story Decks and Balconies) of this section for second-story deck and balcony setback standards.

Table 2: Minimum Property Line Setbacks

Property Line	ADU Type			
	Attached	Detached	Internal	Junior
Front	Same as primary dwelling [1]		None required	
Side	4 ft.	4 ft.		
Rear	4 ft.	4 ft.		

Note:

[1] For detached accessory dwelling units, see also 17.70.060.I.4.b (Detached Accessory Dwelling Units). For detached accessory structures in an H historic overlay district, see also 17.70.060.J.6 (Historic District Standards).

5. **Building Separation.** A minimum five-foot distance shall be maintained between a detached accessory dwelling unit the primary building on the site. A detached accessory structure shall be set back from other structures on the site as required by the building code.

6. **Converting and Replacing Existing Structures.**

a. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

b. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress.

c. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

7. **Height.**

a. **Historic Districts.** The height of an accessory dwelling unit in an H historic overlay district shall not exceed the maximums shown in Table 3.

Table 3: Maximum Height in Historic Districts

ADU Type	Maximum ADU Height [1]
Attached	Same as required for primary dwelling
Detached	
Exterior building wall [2]	14 ft.
Roof peak (based on roof pitch)	
Below 4:12	16 ft.
4:12 to less than 6:12	18 ft.
6:12 or greater	20 ft.
Internal	Not applicable
Junior	Not applicable

Note:

[1] For detached accessory structures in an H historic overlay district, see also 17.70.060.K.6 (Historic District Standards).

[2] Measured to the top plate.

b. Outside Historic Districts. The roof peak of a detached accessory dwelling unit outside of an H historic overlay district shall not exceed the maximums shown in Table 4. The maximum allowed height for attached accessory dwelling units is the same as required for the primary dwelling. Height standards do not apply to internal and junior accessory dwelling units.

Table 4: Detached Accessory Dwelling Unit Maximum Height Outside Historic Districts

Maximum Roof Peak Height Based on Roof Pitch	Exterior Building Wall Distance from Rear or Side Property Line		
	4 ft. to less than 5 ft.	5 ft. to less than 7 ft.	7 ft. or more
Below 4:12	16 ft.	18 ft.	20 ft.
4:12 to less than 6:12	18 ft.	20 ft.	22 ft.
6:12 or greater	20 ft.	22 ft.	24 ft.

8. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation.

J. Objective Design Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following design standards.

1. Second Story Decks and Balconies. Second story decks and balconies shall be set back a minimum of 10 feet from a side or rear property line adjoining a lot occupied by a single-family or two-family dwelling.

2. Outdoor stairs. Outdoor stairs providing access to a second story accessory dwelling unit shall adjoin an exterior wall that faces the interior of the lot, rather than an exterior wall nearest a side or rear property line.

3. Dormers. The side wall of a dormer shall be set back a minimum of two feet from the parallel side wall below. The cumulative width of a dormer or dormers on any side of an accessory dwelling unit shall not occupy more than 66 percent of the building face below.

4. Gables. If a gable roof or turned gable roof is present, the gable ridge shall be oriented in a direction parallel to the side property line in order to minimize shadow effects on the adjoining lot.

5. Roof Pitch. The roof pitch for an accessory dwelling unit shall be 4:12 or greater. However, if the primary residence has a roof pitch shallower than 4:12, a similar pitch may be employed on the accessory dwelling.

6. Historic District Standards. In an H historic overlay district, an accessory dwelling unit shall conform to the following additional requirements:

- a. Except as provided in subsection I.6 of this section, a detached accessory dwelling unit shall be set back from the primary contributing façade and/or front property line such that the entirety of the accessory dwelling unit is behind the rear wall of the principal structure on the lot.
- b. The elevation of the highest point of a detached accessory dwelling shall not exceed the elevation of the highest point of the primary dwelling, except that in all cases a detached accessory dwelling unit at least 16 feet in height is allowed.
- c. An attached accessory dwelling unit shall not result in a rooftop addition or any alteration to the existing roofline of a designated historic contributing or landmark structure.
- d. An accessory dwelling unit shall not result in any increase in building height for a designated historic contributing or landmark structure, except that in all cases an attached accessory dwelling unit at least 16 feet in height is allowed.
- e. An accessory dwelling unit shall not result in any exterior alteration to the primary contributing façade nor the existing wall or façade of a designated historic contributing or landmark structure where such wall or façade is parallel to a public street.
- f. A building addition to a designated historic contributing or landmark structure to accommodate an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least 18 inches from the parallel side or rear building wall to distinguish it from the primary dwelling. Such building addition shall not extend beyond the side wall of the primary dwelling.
- g. For an attached accessory dwelling unit, the exterior building and trim materials shall be wood or smooth fiber cement siding or f shingles. However, if Portland cement plaster (stucco) is the predominant finish for the primary residence, then stucco may also be applied to the accessory dwelling. Synthetic stucco (e.g., EIFS or DryVit) and faux wood grains are prohibited.
- h. For a detached accessory dwelling unit, the following exterior building materials are prohibited: pressed board, vinyl, synthetic stucco and any composite or fiber cement material with a faux wood grain.
- i. The exterior walls of an accessory dwelling shall utilize the same base and trim colors as the primary residence.
- j. The roof shall utilize the same material and color as the primary residence and shall match the primary residence in overall appearance.

k. Windows shall be taller than they are wide or shall match the proportions of the primary dwelling's windows. Windows in bathrooms, basements and crawl spaces, kitchens and laundry rooms may be horizontally oriented.

l. Window pane divisions shall be true or simulated divided lites (i.e., individual panes set within muntins or muntins applied to both the interior and exterior of the glass).

m. Window frames shall be painted or factory-finished. No metallic finishes such as silver or bronze anodized aluminum are permitted.

n. For designated contributing and landmark structures, vinyl windows are not permitted on an attached ADU.

K. Parking.

1. No additional off-street parking stalls shall be required for an accessory dwelling unit.

2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished parking structure.

L. Recordation of Deed Restriction. An executed deed restriction, on a form provided by the city, shall be submitted to the city prior to issuance of a building permit and shall be recorded prior to final occupancy. The deed restriction shall stipulate all of the following:

1. That the rented unit shall not be rented for any period less than 30 days at a time; and

2. That the accessory dwelling shall not be sold separately from the primary dwelling.

3. For junior accessory dwelling units, restrictions on size and attributes in conformance with this section.

Section 3. Subsection C (Exceptions to Criteria) of Section 17.108.060 (Review responsibilities) of Chapter 17.108 (Design Review) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

C. Exceptions to Criteria. The community development director may authorize minor deviations from the zoning standards specified herein: timing of construction for an accessory structure, projection of detached garage in the RS district, separation between buildings per BMC 17.70.050; and modifications in vehicle space size requirements per BMC 17.74.100.

Section 4. **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 5. 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 15282(b) that exempts the adoption of an ordinance regarding second units in a single family or multifamily residential zone to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. The additional clean-up amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed clean-up amendments merely clarify and align existing Code and would not alter the physical environment in any manner that would result in a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the County.

Section 5. 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 6. 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 **Largaespada**, seconded by Council Member **Strawbridge**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 21st day of January, 2020, and adopted at a regular meeting of the Council held on the 4th day of February, 2020, by the following vote:

Ayes: **Council Members Campbell, Largaespada, Strawbridge, Young, and Mayor Patterson**

Noes: **None**

Absent: **None**



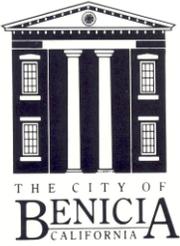
Elizabeth Patterson, Mayor

Attest:



Lisa Wolfe, City Clerk

2-11-2020
Date



Historic Preservation Review Commission Staff Report

August 10, 2020

Project: Amendments to Title 17 (Zoning) of the Benicia Municipal Code to streamline permitting for carriage units

Staff Recommendation

Move to adopt the resolution (Attachment 1) recommending that the City Council of the City of Benicia adopt an ordinance amending Title 17 (Zoning) of the Benicia Municipal Code to streamline permitting for carriage unit accessory dwelling units, after a public hearing and determination that the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA).

Project Description

The proposed project is an amendment to the Benicia Municipal Code (BMC) Chapters 17.12 (Definitions), 17.54 (H Historic Overlay District), 17.70 (General Regulations) and 17.108 (Design Review) to create a definition for “carriage unit” as an ADU located above a detached garage, establish a threshold by which carriage units may be subject to the streamlined permitting procedures for ADUs, and ensure consistency amongst various chapters of the Zoning Ordinance. The ordinance would allow for ministerial permitting of an ADU above a garage of up to 500 square feet, subject to compliance with all requirements of the ADU regulations (BMC Section 17.70.060).

Public Noticing

In accordance with Government Code Section 65091, notice of public hearing was posted in Benicia City Hall on July 21, 2020 and published in the Benicia Herald on July 29, 2020.

Project Location

The proposed amendments to the Zoning Ordinance would be effective city-wide.

Background

Prior City Council Action

The City Council adopted Ordinance No. 20-1 on February 4, 2020 amending the City’s accessory dwelling unit (ADU) regulations in order to bring the regulations into compliance with State ADU laws which became effective on January 1, 2020. The ordinance requires that a proposed ADU which is “Dependent on Separate Construction” must be subject to applicable permit requirements for the non-ADU element (such as the garage portion of a proposed accessory structure), pursuant to

BMC section 17.70.060.C.3 Applicable permit requirements for the non-ADU element may include design review in a historic district or on a parcel with commercial or multi-family use, pursuant to BMC Chapter 17.108. For example, an ADU that is proposed along with the construction of a new detached garage and located on the second floor above the garage (i.e., a “carriage unit”), would be considered an ADU “dependent on separate construction.”

During the first reading of the ADU ordinance on January 21, 2020 correspondence and public comment were received requesting that ADUs located above detached garages be exempt from design review. The City Council considered this matter and directed staff to revise the ordinance to provide that permitting for such garages be subject to ministerial rather than discretionary review; in other words, design review would *not* be required for such garages. Staff determined that the proposed revision would require additional amendments to the Municipal Code.

Prior HPRC Feedback

The Historic Preservation Review Commission (HPRC) considered an informational report regarding the proposed amendments at their meeting of February 27, 2020. Commissioners asked clarifying questions about the intent and effect of the proposed changes and received comments from three community members. Mark Hajjar, architect, commented on the practical size of a garage and recommended that stairs be required on the interior of the building. He commented on the cost to build an ADU, including fees and the cost of Building Code compliance. Jerry Hayes asked for clarification about the purpose of the proposed amendment and concurred with Mr. Hajjar regarding fees. Leann Taagepera spoke regarding the historic conservation plans, the procedure for the proposed amendment, and concerns about historic preservation, design criteria and privacy.

The commission spoke about design review procedures for projects such as handrail replacement in comparison to a new ADU or carriage unit. Commissioners expressed concerns about alteration of historical accessory buildings. The topics of building mass, design, lot sizes in the downtown and fees were discussed. Following discussion, commissioners expressed a consensus opinion that stairs be located internal to the carriage unit structure and concurred with a staff recommendation of 500 square feet for streamlined permitting of a garage, noting that larger structures could be evaluated through design review.

Analysis

The proposed revisions require amendments to Benicia Municipal Code as outlined below. The amendments would provide consistency among various chapters of the Zoning Ordinance and respond to the comments received at the February HPRC meeting. The proposed streamlined permitting for carriage units would be limited to new buildings with a garage up to 500 square feet, would require interior stairs accessing the ADU, and would require that the structure comply with all design and

development standards of the ADU ordinance inclusive of the standards for historic districts.

BMC Chapter 17.12. Add and amend definitions to aid in the implementation of the proposed regulations.

- Add a definition for “carriage unit” as follows: “Carriage unit” means a detached accessory structure with a ground floor garage, interior stairwell and accessory dwelling unit directly above the garage.
- Amend the definition of “Garage, private” to reflect contemporary land use patterns (including ADUs) as follows: “Garage, private” means a building or portion thereof for the private use of the owner or occupant of a ~~principal~~ building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

BMC Chapter 17.54. Clarify and amend section 17.54.100 (Demolition and design review procedures) to reflect existing regulations that exempt ADUs from design review and align with the streamlined permitting for carriage units by adding subsection 1.a as follows. No further amendment to the Downtown or Arsenal Historic Conservation Plan is required.

1. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.
2. The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.
3. Accessory dwelling units not subject to design review. Notwithstanding any provisions of this chapter to the contrary, accessory dwelling units and carriage units shall be exempt from this section, including all demolition and design review procedures set forth herein.

BMC Chapter 17.70. Amend sections 17.70.050 (Accessory structures) and 17.70.060 (Accessory dwelling units) to specify that a carriage unit shall comply with the permitting process, development standards and objective design standards of the ADU ordinance,

and to limit the exemption to only those carriage units which are new construction, with a footprint that accommodates a 500 foot square foot garage and interior stairwell providing direct access to the ADU above.

- Proposed addition to section 17.70.050 (Accessory structures):

D. In All Districts. A carriage unit shall comply with the permitting process (subsection C), development standards (subsection I) and objective design standards (subsection J.) of section 17.70.060 Accessory dwelling units.

- Proposed amendment to section 17.70.060.C (Accessory dwelling units, Permitting process):

3. When Dependent on Separate Construction.

a. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

(1) Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

(2) Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction, which may include design review.

b. New construction of a carriage unit shall not be considered dependent on separate construction if the footprint of the structure is the minimum size necessary to accommodate a garage up to 500 square foot and an interior stairwell provides direct access to the accessory dwelling unit in compliance with the requirements of the California Building Code.

BMC Chapter 17.108. Amend section 17.108.020 (Applicability) of the Design Review chapter to cross reference the ADU regulations and establish an exemption for carriage units as follows:

C. Accessory Dwelling Units. Accessory dwelling units and carriage units shall be exempt from the provisions of this Chapter.

The City evaluated comments regarding a need to modify the adopted conservation plans pertaining to design review procedures. The Conservation Plans currently require

discretionary review and approval, including design review, of accessory structures for all properties in the Arsenal Historic District and for non-historic properties outside of the Eastern Residential Exclave and landmark properties in the Downtown Historic District. The Downtown Historic Conservation Plan notes that second units pursuant to the Government Code are ministerial. The Benicia Municipal Code provides in Chapter 17.70 (General Regulations) and Chapter 17.108 (Design Review) that accessory dwelling units are exempt from design review.

The Zoning Ordinance (Chapter 17.54) establishes the authority for establishment of Conservation Plans and the purposes of conservation plans. BMC Section 17.54.100 states that procedures for design review shall be conducted as prescribed in Chapter 17.108 (Design Review), except as modified by an adopted conservation plan. For consistency amongst chapters within the Zoning Ordinance as well as the conservation plans, the proposed amendment would create an exception within BMC Chapter 17.54 for ADUs and carriage units.

Consistency with the General Plan

The proposed amendments to the Benicia Municipal Code are consistent with the following Goals and Policies of the Benicia General Plan:

- Goal 2.1 Preserve Benicia as a small-sized city.
 - Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic heritage.
- Goal 3.7: Maintain and reinforce Benicia’s small-town visual characteristics.
 - Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.
- Housing Element Goal 1: Benicia shall be an active leader in attaining the goals of the City’s Housing Element.
 - Policy 1.04: The City will review and revise regulatory standards necessary to comply with State Housing law.

California Environmental Quality Act

The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that

the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment.

Next Steps

Solano Airport Land Use Commission

Pursuant to the Public Utilities Code (PUC) Section 21676, any local agency whose general plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance or building regulation to the airport land use commission for review. The airport land use commission shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan; therefore, proposed zoning amendments must be reviewed by the Solano County Airport Land Use Commission (ALUC).

A hearing date before the ALUC has not yet been set. The purpose of the hearing would be to evaluate the consistency of the proposed zoning amendments with the Travis Air Force Base Airport Land Use Plan.

Local Adoption Hearings

Adoption of an amendment to the Zoning Ordinance requires a noticed public hearing and recommendation of the Planning Commission pursuant to Government Code Sections 65854 and 65855. A public hearing on the proposed ordinance has been tentatively scheduled for April 2020.

Subsequent to the Planning Commission's recommendation, the City Council must conduct two readings on the proposed amendment. If adopted at the second reading, the amendments would become effective 30 days later.

Attachments:

1. Draft Resolution with Exhibit A
2. Ordinance No. 20-1

For more information contact: Suzanne Thorsen, Principal Planner

Phone: 707.746.4382

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

MINUTES OF THE
SPECIAL MEETING - HISTORIC PRESERVATION REVIEW COMMISSION
AUGUST 10, 2020
6:30 P.M.

Meeting held via Zoom, complete proceedings of which are recorded. 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

Chair Reynolds called the Historic Preservation Review Commission meeting to order at 6:33 PM.

2. Roll Call Of Commissioners

Present: Commissioners Delgado, Haughey, Van Landshoot, von Studnitz and Chair Reynolds

Absent: Commissioner McKee

Staff: Bradley J. Misner, Community Development Director
Suzanne Thorsen, Planning Manager
Evan Gorman, Assistant Planner
Nira Doherty, Assistant City Attorney
Ceara Kennerly, Administrative Secretary

3. Pledge Of Allegiance

4. Reference To Fundamental Rights Of Public

5. Adoption Of Agenda

On a motion by Commissioner von Studnitz, seconded by Commissioner Van Landschoot, the Commission approved adoption of the agenda on a roll call by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landshoot, von Studnitz and Chair Reynolds

Noes: (none)

6. Opportunity For Public Comment

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

7. **Consent Calendar**

(None)

8. **Regular Agenda Item**

8.A 560 FIRST STREET - DESIGN REVIEW FOR THE REPLACEMENT OF WINDOWS AND NEW PAINT COLORS (19PLN-00041)

[Staff Report - 560 First Street](#)

[1. Draft Resolution](#)

Mr. Gorman made a presentation providing an overview of the proposed project. Commissioners requested clarification about the project's conformance with the Downtown Historic Conservation Plan (DHCP) and the proposed awning color. Staff confirmed that the project complies with the adopted guidelines.

PUBLIC COMMENT:

None

DISCUSSION:

Commissioners commented in support of the proposed color scheme and spoke of their preference for black or charcoal awning color.

On a motion of Commissioner Delgado, seconded by Commissioner von Studnitz, the Historic Preservation Review Commission approved the design review application, with a condition that awnings be charcoal or blackish in color, as pictured on page 14 of the staff report, or shall otherwise be reviewed by the Planning Division, by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landshoot, von Studnitz and Chair Reynolds

Noes: (none)

8.B 159 EAST D STREET - DESIGN REVIEW FOR WINDOW REPLACEMENT (19PLN-00074)

[Staff Report - 159 East D Street](#)

[1. Draft Resolution with Exhibit A](#)

[2. DPR Form 523A](#)

[3. Before and After Installation Photographs](#)

Mr. Gorman made a staff presentation and noted that the property owner is available for comment.

Commissioners asked about whether the proposed windows had already been installed, the materials and the location of the windows.

Rebecca Barnes-Lipman, Property Owner, provided clarification about the intent of the project which was to replace failing aluminum windows. She stated that all original windows were removed approximately 30 years ago and inquired about whether replacement of aluminum windows on the balance of the building would also require design review approval.

PUBLIC COMMENT:

None

DISCUSSION:

Commissioners discussed the topic of after-the-fact design review requests.

Commissioners discussed wood windows, whether wood windows should be required on all sides of the building, and the distinctions between vinyl and composite windows.

On a motion of Commissioner Van Landschoot, seconded by Commissioner von Studnitz, the Historic Preservation Review Commission approved the design review application for 159 East D Street, with a condition that staff may review and approve the window replacement on the rear of the building with a window material type that is consistent with that being used on the sides, by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landshoot, von Studnitz and Chair Reynolds

Noes: (none)

8.C 918 FIRST STREET - DESIGN REVIEW FOR EXTERIOR ALTERATIONS (20PLN-00074)

[Staff Report - 918 First Street](#)

[1. Draft Resolution with Exhibit A](#)

[2. Resolution No. 18-2 HPRC](#)

[3. Sketch Details of Slider and Shelf Installation](#)

Ms. Thorsen provided a staff presentation to introduce the proposed project.

Commissioners requested clarification about encroachment permits and door design.

Commissioners Van Landschoot and Haughey, and Chair Reynolds disclosed ex parte communications.

Peter Pervan, Property Owner, provided clarifying information about the proposed doors.

PUBLIC COMMENT:

One member of the public, who is a neighbor of One House Bakery, spoke concerning stormwater runoff.

DISCUSSION:

Commissioners spoke about a preference that the slider window be anodized or painted to match the trim.

On a motion of Commissioner Delgado, Seconded by Commissioner Haughey, the Historic Preservation Review Commission approved the design review application for 918 First Street by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landshoot, von Studnitz and Chair Reynolds

Noes: (none)

8.D AMENDMENTS TO TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO STREAMLINE PERMITTING FOR CARRIAGE UNITS

[Staff Report - Carriage Unit ADUs](#)

[1. Draft Resolution with Exhibit A](#)

[2. Ordinance No. 20-1](#)

Ms. Thorsen provided a staff presentation introducing the proposed zoning amendment.

Commissioners inquired about the effect of the amendment on existing historic structures.

Ms. Doherty clarified the protections afforded to listed historic structures under the State ADU laws.

PUBLIC COMMENT:

None

DISCUSSION:

Commissioners stated that they are comfortable with the proposed amendments.

Chair Reynolds inquired how many ADUs have been built in the downtown. Ms. Thorsen clarified that very few applications are received for the downtown area.

On a motion of Commissioner Delgado, seconded by Commissioner Van Landschoot, the Historic Preservation Review Commission recommended approval of the proposed ordinance by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landschoot, von Studnitz and Chair Reynolds

Noes: (none)

8.E DISCUSSION OF PROCEDURES FOR REVIEW AND PERMITTING FOR SMALL BUSINESSES NEGATIVELY AFFECTED BY COVID-19

Mr. Misner provided a verbal update to the Commission regarding the City Council's recent actions related to the COVID-19 response.

Commissioners inquired about the design review requirements and permitting for temporary structures.

Mr. Misner clarified that building permit and design review requirements still apply to such installations.

Commissioners discussed the means by which design review for projects associated with the COVID-19 pandemic may be expedited.

Mr. Misner clarified public notice requirements under the City Council's emergency order.

Commissioners discussed forming a subcommittee to conduct preliminary review of application as a resource to applications.

By consensus, the Commission appointed Commissioner Delgado and Chair Reynolds as the subcommittee, with Commissioner Van Landschoot as an alternate.

9. Communications From Staff

Ms. Thorsen introduced Ceara Kennerly, Administrative Secretary.

10. Communications From Commissioners

Commissioner Haughey commented on work that is completed prior to design review.

11. Adjournment

Chair Reynolds adjourned the meeting at 10:17 PM.

RESOLUTION NO. 20-6 (HPRC)**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE TITLE 17 (ZONING) TO AMEND REGULATIONS FOR CARRIAGE UNITS**

WHEREAS, the California State Legislature finds that Accessory Dwelling Units (ADUs) are an essential component of California's housing supply that provide additional rental stock and housing for family members, students, the elderly, in-home health care providers, people with disabilities and others at below market prices within existing neighborhoods; and

WHEREAS, during the first reading and public hearing for an amendment to the ADU ordinance on January 21, 2020 the Benicia City Council directed further updates to streamline permitting for an ADU above a garage; and

WHEREAS, the City of Benicia intends to amend its regulations to provide that a carriage unit, which is an ADU above a garage, may be exempt from applicable design review requirements subject to compliance with the ADU regulations of BMC section 17.70.060; and

WHEREAS, Benicia Housing Element Policy 1.04 states that the City will review and revise regulatory standards necessary to comply with State Housing law; and

WHEREAS, Benicia Housing Element Program 1.10 states that the City will amend the Zoning Ordinance for second units (accessory dwelling units) including the allowance of ADUs above a garage, modification of parking requirements and modification of fees; and

WHEREAS, the Historic Preservation Review Commission at a special meeting on August 10, 2020, conducted a hearing, heard public comment and reviewed the draft ordinance found it to be consistent with the City of Benicia General Plan and Housing Element;

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends the City Council approve an Ordinance amending the Benicia Municipal Code to streamline permitting for carriage units.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia finds that:

- a) The proposed amendments are exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The

proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the "General Rule", which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment.

On motion of Commissioner , seconded by Commissioner , the above Resolution is introduced by the Historic Preservation Review Commission of the City of Benicia at a special meeting of the Commission held on the 10th day of August 2020 and adopted by the following vote:

Ayes: Commissioners Delgado, Haughey, Van Landschoot, von Studnitz and Chair Reynolds

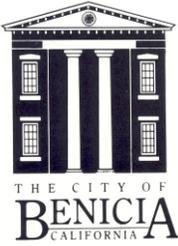
Noes: None

Absent: Commissioner McKee

Abstain: None


Tim Reynolds, Chair

8/24/20
Date



Planning Commission Staff Report

September 10, 2020

Project: Amendments to Title 17 (Zoning) of the Benicia Municipal Code to streamline permitting for carriage units

Staff Recommendation

Move to adopt the resolution (Attachment 1) recommending that the City Council of the City of Benicia adopt an ordinance amending Title 17 (Zoning) of the Benicia Municipal Code to streamline permitting for carriage unit accessory dwelling units, after a public hearing and determination that the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA).

Project Description

The proposed project is an amendment to the Benicia Municipal Code (BMC) Chapters 17.12 (Definitions), 17.54 (H Historic Overlay District), 17.70 (General Regulations) and 17.108 (Design Review) to create a definition for “carriage unit” as an ADU located above a detached garage, establish a threshold by which carriage units may be subject to the streamlined permitting procedures for ADUs, and ensure consistency amongst various chapters of the Zoning Ordinance. The ordinance would allow for ministerial permitting of an ADU above a garage of up to 500 square feet, subject to compliance with all requirements of the ADU regulations (BMC Section 17.70.060).

On August 10, 2020 the Historic Preservation Review Commission (HPRC) conducted a public hearing on the proposed amendments and recommended approval (approved 5-0).

Public Noticing

In accordance with Government Code Section 65091, notice of public hearing was posted in Benicia City Hall on August 20, 2020 and published in the Benicia Herald on August 26, 2020.

Project Location

The proposed amendments to the Zoning Ordinance would be effective city-wide.

Background

Prior City Council Action

The City Council adopted Ordinance No. 20-1 on February 4, 2020 amending the City’s accessory dwelling unit (ADU) regulations in order to bring the regulations into

compliance with State ADU laws which became effective on January 1, 2020. The ordinance requires that a proposed ADU which is “Dependent on Separate Construction” must be subject to applicable permit requirements for the non-ADU element (such as the garage portion of a proposed accessory structure), pursuant to BMC section 17.70.060.C.3. Applicable permit requirements for the non-ADU element may include design review in a historic district or on a parcel with commercial or multi-family use, pursuant to BMC Chapter 17.108. For example, an ADU that is proposed along with the construction of a new detached garage and located on the second floor above the garage (i.e., a “carriage unit”), would be considered an ADU “dependent on separate construction.”

During the first reading of the ADU ordinance on January 21, 2020 correspondence and public comment were received requesting that ADUs located above detached garages be exempt from design review. The City Council considered this matter and directed staff to revise the ordinance to provide that permitting for such garages be subject to ministerial rather than discretionary review; in other words, design review would *not* be required for such garages. Staff determined that the proposed revision would require additional amendments to the Municipal Code.

HPRC Review

The Historic Preservation Review Commission (HPRC) considered an informational report regarding the proposed amendments at their meeting of February 27, 2020. Public comments were received from three individuals. Mark Hajjar, architect, commented on the practical size of a garage and recommended that stairs be required on the interior of the building and commented on the cost to build an ADU including fees and Building Code compliance. Jerry Hayes asked for clarification about the purpose of the proposed amendment and concurred with Mr. Hajjar regarding fees. Leann Taagepera spoke regarding the historic conservation plans, the procedure for the proposed amendment, and concerns about historic preservation, design criteria and privacy. The commission’s discussion included comparison the design review for alterations such as handrails, alterations to historical accessory buildings, building mass, design, lot sizes and fees. Following discussion, commissioners expressed a consensus opinion that stairs be located internal to the carriage unit structure and concurred with a staff recommendation of 500 square feet for streamlined permitting of a garage, noting that larger structures could be evaluated through design review.

The proposed amendment, which reflected the commission’s recommendations regarding floor area and internal stairs, was presented to the HPRC during a public hearing on August 5, 2020. No members of the public provided comment. Following a staff presentation, commissioners asked clarifying questions about the nature of recent ADU permits and commented on the inclusion of their prior direction in the ordinance. The HPRC recommended approval of the proposed zoning amendment by a vote of 5-0 (see Attachment 3, HPRC Resolution No. 20-6).

Analysis

The proposed revisions require amendments to Benicia Municipal Code as outlined below. The amendments would provide consistency among various chapters of the Zoning Ordinance and respond to public comments. The proposed streamlined permitting for carriage units would be limited to new buildings with a garage up to 500 square feet, would require interior stairs accessing the ADU, and would require that the structure comply with all design and development standards of the ADU ordinance inclusive of the standards for historic districts.

BMC Chapter 17.12. Add and amend definitions to aid in the implementation of the proposed regulations.

- Add a definition for “carriage unit” as follows: “Carriage unit” means a detached accessory structure with a ground floor garage, interior stairwell and accessory dwelling unit directly above the garage.
- Amend the definition of “Garage, private” to reflect contemporary land use patterns (including ADUs) as follows: “Garage, private” means a building or portion thereof for the private use of the owner or occupant of a ~~principal~~ building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

BMC Chapter 17.54. Clarify and amend section 17.54.100 (Demolition and design review procedures) to reflect existing regulations that exempt ADUs from design review and align with the streamlined permitting for carriage units by adding subsection 1.a as follows. No further amendment to the Downtown or Arsenal Historic Conservation Plan is required.

1. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.
2. The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

3. Accessory dwelling units not subject to design review. Notwithstanding any provisions of this chapter to the contrary, accessory dwelling units and carriage units shall be exempt from this section, including all demolition and design review procedures set forth herein.

BMC Chapter 17.70. Amend sections 17.70.050 (Accessory structures) and 17.70.060 (Accessory dwelling units) to specify that a carriage unit shall comply with the permitting process, development standards and objective design standards of the ADU ordinance, and to limit the exemption to only those carriage units which are new construction, with a footprint that accommodates a 500 foot square foot garage and interior stairwell providing direct access to the ADU above.

- Proposed addition to section 17.70.050 (Accessory structures):

D. In All Districts. A carriage unit shall comply with the permitting process (subsection C), development standards (subsection I) and objective design standards (subsection J.) of section 17.70.060 Accessory dwelling units.

- Proposed amendment to section 17.70.060.C (Accessory dwelling units, Permitting process):

3. When Dependent on Separate Construction.

a. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

(1) Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

(2) Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction, which may include design review.

b. New construction of a carriage unit shall not be considered dependent on separate construction if the footprint of the structure is the minimum size necessary to accommodate a garage up to 500 square foot and an interior stairwell provides direct access to the accessory dwelling unit in compliance with the requirements of the California Building Code.

BMC Chapter 17.108. Amend section 17.108.020 (Applicability) of the Design Review chapter to cross reference the ADU regulations and establish an exemption for carriage units as follows:

C. Accessory Dwelling Units. Accessory dwelling units and carriage units shall be exempt from the provisions of this Chapter.

The City evaluated comments regarding a need to modify the adopted conservation plans pertaining to design review procedures. The Conservation Plans currently require discretionary review and approval, including design review, of accessory structures for all properties in the Arsenal Historic District and for non-historic properties outside of the Eastern Residential Exclave and landmark properties in the Downtown Historic District. The Downtown Historic Conservation Plan notes that second units pursuant to the Government Code are ministerial. The Benicia Municipal Code provides in Chapter 17.70 (General Regulations) and Chapter 17.108 (Design Review) that accessory dwelling units are exempt from design review.

The Zoning Ordinance (Chapter 17.54) establishes the authority for establishment of Conservation Plans and the purposes of conservation plans. BMC Section 17.54.100 states that procedures for design review shall be conducted as prescribed in Chapter 17.108 (Design Review), except as modified by an adopted conservation plan. For consistency amongst chapters within the Zoning Ordinance as well as the conservation plans, the proposed amendment would create an exception within BMC Chapter 17.54 for ADUs and carriage units.

Consistency with the General Plan

The proposed amendments to the Benicia Municipal Code are consistent with the following Goals and Policies of the Benicia General Plan:

- Goal 2.1 Preserve Benicia as a small-sized city.
 - Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage.
- Goal 3.7: Maintain and reinforce Benicia's small-town visual characteristics.
 - Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.
- Housing Element Goal 1: Benicia shall be an active leader in attaining the goals of the City's Housing Element.
 - Policy 1.04: The City will review and revise regulatory standards necessary to comply with State Housing law.

California Environmental Quality Act

The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment.

Next Steps

Solano Airport Land Use Commission

Pursuant to the Public Utilities Code (PUC) Section 21676, any local agency whose general plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance or building regulation to the airport land use commission for review. The airport land use commission shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan; therefore, proposed zoning amendments must be reviewed by the Solano County Airport Land Use Commission (ALUC).

A hearing date before the ALUC has not yet been set. The purpose of the hearing would be to evaluate the consistency of the proposed zoning amendments with the Travis Air Force Base Airport Land Use Plan.

Local Adoption Hearings

Adoption of an amendment to the Zoning Ordinance requires a noticed public hearing and recommendation of the Planning Commission pursuant to Government Code Sections 65854 and 65855. Subsequent to the Planning Commission’s recommendation, the City Council must conduct two readings on the proposed amendment. If adopted at the second reading, the amendments would become effective 30 days later.

Attachments:

1. Draft Resolution with Exhibit A
2. Ordinance No. 20-1
3. Resolution No. 20-6 (HPRC)

*For more information contact: Suzanne Thorsen, Principal Planner
Phone: 707.746.4382
E-mail: sthorsen@ci.benicia.ca.us*

MINUTES OF THE
PLANNING COMMISSION
SEPTEMBER 10, 2020
7:00 P.M.

Meeting held via Zoom, complete proceedings of which are recorded. 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

Chair Birdseye called the Planning Commission meeting to order at 7:00 PM/

2. Roll Call Of Commissioners

Present: Chair Birdseye and Commissioners Catton, Dravnieks Apple, Hayer and Macenski

Absent: Commissioners Mollica and Stock

Staff Present:

Bradley J. Misner, Community Development Director
Suzanne Thorsen, Planning Manager
Evan Gorman, Assistant Planner
Nira Doherty, Assistant City Attorney
Ceara Kennerly, Administrative Secretary
Victor Randall, Parks and Community Services

3. Pledge Of Allegiance

4. Roll Call Of Commissioners

5. Reference To Fundamental Rights Of Public

6. Adoption Of Agenda

On a motion by Commissioner Dravenieks Apple, seconded by Commissioner Macenski, the Commission approved the agenda on a roll call by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Macenski and Chair Birdseye
Noes: (none)

7. Opportunities For Public Comments

8. Written

None

9. Public Comments

None

10. Consent Calendar

10.A APPROVAL OF PLANNING COMMISSION MINUTES FROM MAY 21, 2020

[5-21-20 DRAFT MINUTES](#)

10.B APPROVAL OF PLANNING COMMISSION MINUTES FROM MAY 28, 2020

[5-28-20 DRAFT MINUTES](#)

On a motion by Commissioner Dravnieks Apple, seconded by Commissioner Macenski, the consent calendar was approved by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Macenski and Chair Birdseye

Noes: (none)

11. Regular Agenda Items

11.A 1175 CHURCH STREET - USE PERMIT FOR RELIGIOUS ASSEMBLY USE (LIGHTHOUSE COVENANT FELLOWSHIP) (19PLN-00073)

[Lighthouse Church - PC Staff Report](#)

[1. Draft Resolution with Exhibits A and B](#)

[2. Applicant's Executive Summary](#)

[3. Applicant's Parking Analysis](#)

At the request of staff, this item was continued to the Planning Commission meeting of October 8, 2020.

11.B DISCUSSION OF ACTIVE TRANSPORTATION PLAN

[Staff Report - Active Transportation Plan](#)

[1. Benicia Chapter of Active Transportation Plan](#)

[2. City Comment Letter to Solano Transportation Authority \(March 20, 2020\)](#)

Suzanne Thorsen introduced Anthony Adams, Project Manager for the Solano Transportation Authority (STA). Mr. Adams provided an overview of the Solano County Active Transportation Plan (ATP) and the specific recommendations for the City of Benicia.

Commissioners inquired about funding for transportation improvements and priorities for near-term bicycle implementation.

PUBLIC COMMENT:

Aaron Barrall supports lane reductions and road diets in Benicia, inquired about how the ATP relates to the Walker downtown parking study, and would like to prioritize intercity connections with Vallejo.

Bob Berman is citizen and representative of the Bay Area Ridge Trail to the STA. Along with two other citizens, Nancy Lund and Diane Dooley, he has worked with city staff and STA on the plan. Mr. Berman agrees with Diane Dooley's written comments about pedestrian priorities, believes that the ATP is a great start and would like to see projects refined through further local work such as the Parks, Trails and Open Space Master Plan.

DISCUSSION:

Commissioners spoke in support of the ATP.

Commissioner Dravnieks Apple stated that there should be more vehicle parking near the State Recreation Area.

Commissioner Macenski commented that poorly designed or dangerous existing facilities need to be addressed, such as the gap in the Rose Drive overcrossing to the State Recreation Area.

Commissioner Hayer agrees with Commissioner Dravnieks Apple and would like to see more work done around the topic of walkability as well as clarification about funding sources.

Commissioner Catton expressed appreciation for the work that has been done and noted that the ATP has been improved since its earlier draft.

Chair Birdseye thanked Mr. Berman, Ms. Lund, Dr. Dooley and staff for their work on the ATP and would like to see more partnership with STA and an additional focused on active transportation in the future.

11.C INFORMATION ITEM: CARQUINEZ STRAIT SCENIC LOOP TRAIL VISION PLAN

[Carquinez Strait Scenic Loop Trail - Staff Report](#)

[1. CSSLT Vision Plan](#)

A presentation was provided by Vic Randall, Bob Berman and Simone Nageon de Lestang regarding the Carquinez Strait Scenic Loop Trail Vision Plan.

PUBLIC COMMENT:

None

DISCUSSION:

Chair Birdseye thanked everyone for their hard work and partnership with community members in support of trails and access to open space, water and Benicia's beautiful bluffs.

11.D AMENDMENTS TO TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO STREAMLINE PERMITTING FOR CARRIAGE UNITS

[Carriage Unit ADUs - PC Staff Report](#)

[1. Draft Resolution with Exhibit A](#)

[2. Ordinance No. 20-1](#)

[3. Resolution 20-6 \(HPRC\)](#)

Ms. Thorsen made a presentation about the proposed zoning amendment.

Commissioner Catton inquired about how the 500 square foot garage size threshold was reached. Staff provided clarification about that area in relation to vehicle stall sizes, downtown development patterns and feedback from community members.

PUBLIC COMMENT:

Aaron Barall commented in support of the ordinance generally but requested that the size threshold be increased to 513 square feet to allow for three parking stalls and opposes the requirement that stairs be internal to the building.

DISCUSSION:

Commissioners asked about the 500 square foot garage threshold for the carriage unit streamlined permitting and the interior stairwell. Ms. Doherty clarified the parameters of State ADU law and explained that the City has discretion to establish such standards. Ms. Thorsen explained that a larger garage with ADU above could still be permitted but would require discretionary review.

Commissioner Macenski noted that there is a narrow set of circumstances in which the streamlining provisions of the proposed ordinance would apply.

Chair Birdseye noted that the proposed standards have been developed following a process of community feedback and review and supports the proposed ordinance.

On a motion of Commissioner Catton, seconded by Commissioner Macenski, the Planning Commission recommended approval of the proposed ordinance by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Macenski and Chair Birdseye
Noes: (none)

12. COMMUNICATION FROM STAFF

Ms. Thorsen provided an update about the Eastern Gateway Study walking tour, schedule for September 23, 2020.

She welcomed Commissioner Hayer and introduced Ms. Kennerly.

The commission was reminded that Election of Officers will be scheduled for the October agenda. This matter was delayed due to the pandemic.

13. COMMUNICATION FROM COMMISSIONERS

None

14. ADJOURNMENT

Chair Birdseye adjourned the meeting at 9:04 PM.

RESOLUTION NO. 20-5 (PC)**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE TITLE 17 (ZONING) TO AMEND REGULATIONS FOR CARRIAGE UNITS**

WHEREAS, the California State Legislature finds that Accessory Dwelling Units (ADUs) are an essential component of California's housing supply that provide additional rental stock and housing for family members, students, the elderly, in-home health care providers, people with disabilities and others at below market prices within existing neighborhoods; and

WHEREAS, during the first reading and public hearing for an amendment to the ADU ordinance on January 21, 2020 the Benicia City Council directed further updates to streamline permitting for an ADU above a garage; and

WHEREAS, the City of Benicia intends to amend its regulations to provide that a carriage unit, which is an ADU above a garage, may be exempt from applicable design review requirements subject to compliance with the ADU regulations of BMC section 17.70.060; and

WHEREAS, Benicia Housing Element Policy 1.04 states that the City will review and revise regulatory standards necessary to comply with State Housing law; and

WHEREAS, Benicia Housing Element Program 1.10 states that the City will amend the Zoning Ordinance for second units (accessory dwelling units) including the allowance of ADUs above a garage, modification of parking requirements and modification of fees; and

WHEREAS, the Historic Preservation Review Commission at a special meeting on August 10, 2020, conducted a hearing, heard public comment and reviewed the draft ordinance, and found it to be consistent with the City of Benicia General Plan and Housing Element; and

WHEREAS, the Planning Commission at a regular meeting on September 10, 2020 conducted a hearing, heard public comment and reviewed the draft ordinance; and found it to be consistent with the City of Benicia General Plan and Housing Element;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends the City Council approve an Ordinance amending the Benicia Municipal Code to streamline permitting for carriage units.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia finds that:

- a) The proposed amendments are exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to the C CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the "General Rule", which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment.

On motion of Commissioner Catton, seconded by Commissioner Macenski, the above Resolution is introduced by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 10th day of September 2020 and adopted by the following vote:

- Ayes: Commissioners Dravnieks Apple, Catton, Macenski, Hayer, and Chair Birdseye
- Noes: None
- Absent: Commissioners Stock and Mollica
- Abstain: None



 Kari Birdseye, Chair



 Date

CITY OF BENICIA

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE TITLE 17 (ZONING) TO STREAMLINE PERMITTING OF CARRIAGE UNITS, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California State Legislature finds that Accessory Dwelling Units (ADUs) are an essential component of California’s housing supply that provide additional rental stock and housing for family members, students, the elderly, in-home health care providers, people with disabilities and others at below market prices within existing neighborhoods; and

WHEREAS, new legislation for ADUs took effect on January 1, 2020 that necessitating revisions to the Benicia Municipal Code for consistency with State housing law which were adopted locally on February 4, 2020; and

WHEREAS, on January 21, 2020 the City Council provided direction regarding the further amendments to the Zoning Ordinance that would streamline permitting for ADUs located above detached garage (“carriage units”); and

WHEREAS, Benicia Housing Element Policy 1.04 states that the City will review and revise regulatory standards necessary to comply with State Housing law, including amendment of the Zoning Ordinance to allow ADUs above a garage (Program 1.10); and

WHEREAS, the Historic Preservation Review Commission conducted a duly noticed public hearing on August 10, 2020, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 10, 2020, and recommended approval of the ordinance amending Title 17 (Zoning) pertaining to accessory dwelling units to the City Council; and

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

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

Section 1. Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to insert the following definition in alphabetical orders as follows:

“Carriage unit” means a detached accessory structure with a ground floor garage, interior stairwell and accessory dwelling unit directly above the garage.

Section 2. Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the definition of “Garage, private” as follows:

“Garage, private” means a building or portion thereof for the private use of the owner or occupant of a ~~principal~~ building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

Section 3. Subsection A (In General) of Section 17.54.100 (Demolition and design review procedures) of Chapter 17.54 (H Overlay District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

A. In General.

1. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.

2. The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

3. Accessory dwelling units not subject to design review. Notwithstanding any provisions of this chapter to the contrary, accessory dwelling units and carriage units shall be exempt from this section, including all demolition and design review procedures set forth herein.

Section 4. Section 17.70.050 (Accessory structures) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

A. In R Districts.

1. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, unless authorized by an exception to criteria to accommodate overall development on a parcel with site constraints. Construction trailers may be placed on a site at the time site clearance and grading begins. Construction trailers shall be removed within 30 days following the issuance of a certificate of occupancy for the structure.

2. Location. Accessory structures shall not occupy a required yard or court, or project beyond the front building line of the principal structure on a site. Subject to an exception to criteria in the RS zone, a detached garage may protrude past the front building line of the principal structure but may not be located within a required front yard; provided, that the design of the detached garage is compatible with the existing residence in terms of architectural design, building materials, roof slopes, colors, and exterior finishes. No accessory uses may be permitted off site.

3. Maximum Height. The maximum wall height of an accessory structure shall be 12 feet, subject to the provisions of this subsection. Maximum peak height shall be determined on the basis of roof pitch as provided herein.

- a. Fifteen feet where the roof pitch is below 4:12.
- b. Eighteen feet where the roof pitch is between 4:12 and 6:12.
- c. Twenty feet where the roof pitch exceeds 6:12.

4. Setbacks. An accessory structure in a required rear yard shall be located at least five feet from a rear or side property line. A minimum 10-foot distance shall be maintained between an accessory building and any other building on the site; provided, however, that the community development director may authorize an exception to criteria to reduce the separation between buildings to five feet.

5. RS Districts. In an RS district, the total gross floor area of accessory structures more than four feet in height shall be counted in computing lot coverage and shall meet the lot coverage requirements of BMC 17.24.030, except that the total area of any one accessory building shall not exceed the total area of the primary residential structure on the same site.

6. Patio Covers. A patio cover open on at least two sides and complying with all other provisions of this subsection may be attached to a principal structure and shall not be subject to requirements for courts opposite required windows.

7. Swimming Pools. An unenclosed swimming pool, including related equipment, may occupy a required rear yard or side yard but shall not be within five feet of a property line.

8. Decks. No deck that is 30 inches or more in height shall be located in a required yard.

9. Decorative Archways. A decorative archway may occupy a required front yard, provided it meets the driveway visibility requirements of BMC 17.74.150. No more than one archway per frontage may be constructed. Any decorative archway shall have a maximum height of eight feet, a maximum width of eight feet, and a maximum depth of four feet.

B. In C, I, OS and PS Districts. Accessory structures shall comply with all regulations applicable to the principal structure on a site. Off-site accessory uses shall be allowed only with a use permit issued by the community development director.

EXHIBIT A

C. In PD District. The location of accessory structures shall comply with the adopted PD or specific plan for a PD district. (Ord. 19-02 § 3).

D. In All Districts. A carriage unit shall comply with the permitting process (subsection C), development standards (subsection I) and objective design standards (subsection J.) of section 17.70.060 Accessory dwelling units.

Section 5. Subsection C (Permitting Process) of Section 17.70.060 (Accessory dwelling units) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

C. Permitting Process.

1. When Consistent with Standards.

- a. An accessory dwelling unit that complies with all standards in this section shall be approved ministerially upon issuance of a building permit. No other permit, discretionary review, or public hearing is required.
- b. If an existing single-family or multifamily dwelling exists on the lot upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
- c. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.

2. When Deviating from Standards.

- a. A proposed accessory unit that deviates from the standards in subsection J (Objective Design Standards) of this section shall be reviewed and may be approved or denied subject to the design review procedures in Chapter 17.108 (Design Review).
- b. A proposed accessory dwelling unit that deviates from standards in subsection I (Development Standards) or any other applicable physical standard of this section shall be reviewed and may be approved or denied subject to the variance procedures in Chapter 17.104 (Use Permits and Variances).

3. When Dependent on Separate Construction.

a. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building that is not a part of the accessory dwelling unit (“separate construction”), the City shall either:

(1) Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

(2) Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction, which may include design review.

b. New construction of a carriage unit shall not be considered dependent on separate construction if the footprint of the structure is the minimum size necessary to accommodate a garage up to 500 square foot and an interior stairwell provides direct access to the accessory dwelling unit in compliance with the requirements of the California Building Code.

Section 6. Subsection C (Accessory Dwelling Units) of Section 17.108.020 (Applicability) of Chapter 17.108 (Design Review) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

C. Accessory Dwelling Units. Accessory dwelling units and carriage units shall be exempt from the provisions of this Chapter.

Section 7. 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 8. Compliance with CEQA. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed ordinance would apply citywide to parcels with multi-family and mixed-use development as well as in the historic district, where accessory structures and other site alterations require design review. The proposed ordinance would not authorize any density or land use beyond that which is permitted in the underlying zoning district or pursuant to State laws. Further, the amendments are exempt pursuant to Section 15061(b), the “General Rule”, which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The proposed amendments clarify the application of

State and local regulations for an ADU located above a ground-floor garage within the physical parameters already in place for a two-story ADU, and would not alter the physical environment in any manner that would result in a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the County.

Section 9. 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 10. 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 _____ day of _____, 2020, and adopted at a regular meeting of the Council held on the _____ day of _____, 2020, by the following vote:

Ayes:

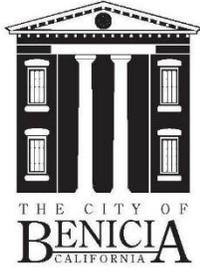
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
BUSINESS ITEMS**

TO : City Council

FROM : Interim City Manager

SUBJECT : **TWO-STEP REQUEST FOR EXTENDING FIRST STREET
CLOSURE AND FUNDING OF BANDS FOR FARMERS MARKET**

EXECUTIVE SUMMARY:

Councilmember Campbell submitted a two-step process request (see Attachment 1) for Council’s consideration of closing a larger area of First Street, as well as funding a few small bands, on Thursdays during the Farmers Market event. The request also asks Council to consider a mobile drive-in movie to be held once per week, however Councilmember Campbell has withdrawn this portion of the request.

RECOMMENDATION:

Discuss the request and provide direction to staff on whether or not to schedule this topic for future Council discussion.

BUDGET INFORMATION:

There is no budget impact for determining whether or not to place this topic on a future agenda for Council discussion.

BACKGROUND:

City Council members may request items be placed on future agendas according to the process described in the “Council Rules of Procedure” in Section II:

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form (Attachment 1) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an upcoming agenda for action if the subject of the request is time sensitive (Step 2). The Council Member submitting the request shall inform the Council if the item is time sensitive.

Please see attached two-step process request included as Attachment 1.

General Plan	N/A
---------------------	-----

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> <p>1. City Council - Support</p> <p>2.</p> <p>3.</p>
	<p align="center">Priority Based Budgeting (PBB) Website:</p> <p>Coming soon in Fall 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.
----------------------	--

ATTACHMENT:

1. Two-Step Request, Councilmember Campbell

For more information contact: Interim City Manager Erik Upson

Phone: 707.746.4200

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

TOM CAMPBELL, D.D.S., M.S.D., M.A., M.B.A., J.D.

164 EAST "H" STREET
BENICIA, CALIFORNIA 94510
TELEPHONE (707) 745-1994

9/18/2020

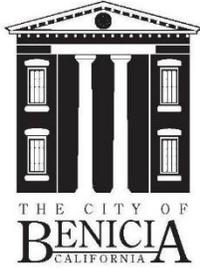
Two step agenda request:

In an effort to increase people coming downtown I would like the Council to consider on Thursdays closing more of First St. to cars possibly up to G or H St. Also I would like to have the Council consider funding a few small band groups to also enhance the downtown during this Thursday extended First St. closure. It may be too late to do it this year but is worth considering for next year also.

Secondly I would like for the City Council to consider doing once a week mobile drive in movies at the East E St. parking lot. The goal is the same as the above First St. closure, to increase people coming downtown.



Dr. Tom Campbell



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
COUNCIL MEMBER COMMITTEE REPORT**

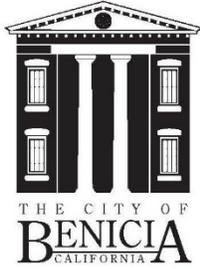
TO : Mayor Patterson
Councilmember Campbell

FROM : Community Development Director

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

The following information is provided for your committee report at the October 20, 2020 Council meeting.

The next regular scheduled meeting of the Board of Directors is November 19, 2020. The meeting schedule and minutes can be found online at:
<https://www.mcecleanenergy.org/meeting-archive/>.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 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 October 20, 2020 Council meeting.

Attached are the regular board minutes from September 10, 2020 and the agenda from the regular board meeting held on October 8, 2020. The next regular board meeting will be on November 12, 2020, via Zoom.

ATTACHMENTS:

1. Minutes from the September 10, 2020 Board meeting
2. Agenda from the October 8, 2020 Board meeting

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES
MEETING DATE: September 10, 2020**

The Solano County Water Agency Board of Directors met this evening via Zoom teleconferencing, in deference to the ongoing State and County COVID-19 “shelter in place” directives. Present were:

Mayor Elizabeth Patterson, City of Benicia
Vice-Mayor Scott Pederson, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Ronald Kott, City of Rio Vista
Mayor Lori Wilson, City of Suisun City
Mayor Ron Rowlett, City of Vacaville
Mayor Bob Sampayan, City of Vallejo
Supervisor Erin Hannigan, Solano County District 1
Supervisor Monica Brown, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Skip Thomson, Solano County District 5
Director Dale Crossley, Reclamation District No. 2068
Director Lance Porter, Solano Irrigation District

CALL TO ORDER

The meeting was called to order by Chair Kott at 6:30 pm.

APPROVAL OF AGENDA

On a motion by Mayor Price and a second by Supervisor Brown the Board unanimously approved – by roll call vote - the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

On a motion by Supervisor Vasquez and a second by Vice-Mayor Pederson the Board unanimously approved – by roll call vote - the following consent items:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Service Agreement with TRPA Fish Biologists
- (D) Contract Amendment with thinking Green Consultants
- (E) Contract with Kennedy Jenks for Urban Water Management Plan Support

BOARD MEMBER REPORTS

There were no Board Member reports.

GENERAL MANAGER’S REPORT

There were no additions to the General Manager’s written report.

SOLANO WATER ADVISORY COMMISSION

The Solano Water Advisory Commission did not meet in August.

IMPACTS OF LNU LIGHTNING COMPLEX FIRE ON WATER AGENCY OPERATIONS

General Manager Roland Sanford began the discussion with an overview of the damage caused by the LNU Lightning Complex Fire (LNU Fire). He noted that for the most part there was comparatively little direct damage to Water Agency infrastructure, but that staff is very concerned about the potential for soil erosion, fire-related debris clogging stream channels, and contaminated runoff impacting the Solano

Project and the Ulatis Flood Control Channels. Mr. Sanford explained that damage assessments are ongoing and given the massive size of the burn area, the Water Agency will need to prioritize where and which remediation measures to perform in the short term. He observed that based on an initial review of the situation, it is likely that emphasis will be placed on the Pleasants Creek and Cold Canyon drainages located between Monticello Dam and the Putah Diversion Dam, which have the most direct impact on the operation of the two dams and water quality conditions in the Putah South Canal; followed by Lake Berryessa, where the principal concern appears to be floating debris that at some point could be discharged to Lower Putah Creek when the Glory Hole spills; and finally, the headwaters of the Ulatis Creek drainage, which could become a major source of debris during flood flows. Mr. Sanford further stated that staff anticipates implementing an expanded water quality monitoring program to at the very least provide the Solano Project water users information regarding the extent and nature of any contaminants their water treatment plant operators should anticipate and plan for.

Following Mr. Sanford's overview, Principal Water Resources Engineer Alex Rabidoux began a PowerPoint presentation of the LNU Fire impacts at and near Lake Berryessa. Mr. Rabidoux noted that the Markley Cove Resort was essentially destroyed, and that most of the resorts at the Lake had sustained extensive damage. He displayed a number of photos of destroyed structures, including homes located at Berryessa Highlands, and explained that while floating debris in Lake Berryessa was a concern, staff was much more concerned about contaminated runoff from burnt structures during the forthcoming rainy season.

Mr. Sanford continued the PowerPoint presentation with a discussion of the Pleasants Creek and Cold Canyon drainages located between Monticello Dam and the Putah Diversion Dam. He described how these drainages have historically been major sources of sediment and that by virtue of their location, just upstream of the Putah Diversion Dam and headworks of the Putah South Canal, they tend to have a disproportionately larger impact on Solano Project operations, as opposed to the much larger drainage area upstream of Monticello Dam. Mr. Sanford presented photos of the two drainages taken in 1997, an extremely wet year in which both Pleasants Creek and Cold Canyon deposited large quantities of sediment into Putah Creek, and commented that a similar scenario could unfold this winter due to the lack of healthy vegetation. He then described staff's proposal to install "rock vanes" at various locations along lower Pleasants Creek, to capture sediment and minimize the potential for further channel erosion, and discussed the staff's recommendation to employ emergency contracting and to the degree possible, emergency regulatory permitting protocols to expedite installation of the rock vanes.

Several Board members asked questions about the impacts of the fire and offered suggestions. Following what amounted to a short question and answer session, Mr. Sanford concluded the PowerPoint presentation with a brief discussion of the potential fire-related impacts to the Ulatis Flood Control Project, noting that the primary concern was fire-related debris clogging stream channels and potentially damaging instream structures.

On a motion by Supervisor Vasquez and a second by Mayor Price the Board unanimously approved – by roll call vote – 1) Adoption of Resolution 2020-03 authorizing staff to employ emergency contracting procedures pursuant to the Uniform Public Construction Cost Accounting Act for post-fire remediation projects, including but not limited to erosion control, debris removal, and water quality monitoring in the Lake Berryessa drainage, Lower Putah Creek, and Solano County; 2) Adoption of Resolution 2020-04 confirming that the proposed emergency post-fire remediation projects are statutorily exempt from CEQA; and 3) Authorized the General Manager to execute a \$94,000 contract with Streamwise for construction of up to 32 rock vane weirs at various locations along Pleasants Creek.

LEGISLATIVE UPDATES

Chair Kott reported that the Legislative Committee did not meet in August. Bob Reeb, the Water Agency's legislative advocate, stated that the legislative session will be ending soon and it is unlikely that legislators will be called back for a special legislative session.

WATER POLICY UPDATES

1. Staff had nothing to report on emerging Delta and Water Policy issues.
2. The Water Policy Committee did not meet in August.
3. Supervisor Thomson had nothing to report on The Delta Counties Coalition, Delta Protection Commission, or the Delta Conservancy.
4. Mayor Patterson stated that there were no additions to the notes of the North Bay Watershed Association meeting in the Board packet.

TIME AND PLACE OF NEXT MEETING

Thursday, October 8, 2020 at 6:30 p.m., at the SCWA offices in Vacaville.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:37 p.m.

Roland Sanford
General Manager & Secretary to the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

BOARD OF DIRECTORS:

Chair:

Mayor Ron Kott
City of Rio Vista

Vice Chair:

Director Dale Crossley
Reclamation District No. 2068

Mayor Elizabeth Patterson
City of Benicia

Mayor Thom Bogue
City of Dixon

Mayor Harry Price
City of Fairfield

Director Ryan Mahoney
Maine Prairie Water District

Supervisor Erin Hannigan
Solano County District 1

Supervisor Monica Brown
Solano County District 2

Supervisor Jim Spering
Solano County District 3

Supervisor John Vasquez
Solano County District 4

Supervisor Skip Thomson
Solano County District 5

Director Lance Porter
Solano Irrigation District

Mayor Lori Wilson
City of Suisun City

Mayor Ron Rowlett
City of Vacaville

Mayor Bob Sampayan
City of Vallejo

GENERAL MANAGER:

Roland Sanford
Solano County Water Agency

DATE: Thursday, October 8, 2020

TIME: 6:30 P.M.

PLACE: Virtual Meeting – Zoom Meeting

Join Zoom Meeting:

<https://us02web.zoom.us/j/89276434457?pwd=WWs2dzhyOUluVVhneDhZVitBUjB5dz09>

Meeting ID: 892 7643 4457/Passcode: 175480

One tap mobile+16699009128,,89276434457#,,,,,0#,,175480#

Find your local number: <https://us02web.zoom.us/j/kerQKoWHmJ>

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

4. **PUBLIC COMMENT**

If you wish to make a Public Comment, please contact the Secretary at: clee@scwa2.com to expedite the process, thank you. Public Comments may still be made during the virtual meeting without prior notice.

5. **CONSENT ITEMS** (estimated time: 5 minutes)

(A) **Minutes:** Approval of the Minutes of the Board of Directors meeting of September 10, 2020.

(B) **Expenditure Approvals:** Approval of the September 2020 checking account register.

(C) **Quarterly Financial Reports:** Approve the Income Statement and Balance Sheet of September 2020.

(D) **FY 2020-2021 Appropriations Limit:** Adopt Resolution Number 2020-06 establishing the fiscal year 2020-2021 State appropriations limit of \$16,662,604.

(E) **Adoption of Revised Conflict of Interest Code:** Adopt revisions to Water Agency's Conflict of Interest Code.



- (F) Contract Amendment with Luhdorff & Scalmanini Consulting Engineers: Authorize General Manager to execute \$92,861 contract amendment with Luhdorff & Scalmanini Consulting Engineers for construction of additional groundwater monitoring wells and analysis of data.
- (G) Sale of Surplus Property: Adopt Resolution Number 2020-07 authorizing sale of surplus equipment no longer needed or useful for ongoing and anticipated Lower Putah Creek restoration activities.
- (H) Contract Amendment with Southwest Environmental Inc: Authorize General Manager to execute \$35,000 contract amendment with Southwest Environmental Inc. for continuation of High Efficiency Toilet (HET) rebate program.
- (I) Contract Amendment with Department of Water Resources: Authorize General Manager to execute contract amendment #6 with Department of Water Resources for continued participation in Dry Year Water Purchase Program.
- (J) Contract with CBEC for Post-Fire Flood Modeling: Authorize General Manager to execute a \$65,000 professional services contract with CBEC for post-fire flood modeling for the Ulatis-Alamo Creek Watershed.

6. **BOARD MEMBER REPORTS** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

8. **SOLANO WATER ADVISORY COMMISSION REPORT** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

9. **REVIEW OF FLOOD MANAGEMENT POLICY** *(estimated time: 20 minutes)*

RECOMMENDATION: Hear presentation and provide direction to staff.

10. **LEGISLATIVE UPDATES** *(estimated time: 10 minutes)*

RECOMMENDATION:

- 1. Hear report from Committee Chair on activities of the SCWA Legislative Committee.
- 2. Hear report from Bob Reeb of Reeb Government Relations, LLC.

11. **WATER POLICY UPDATES** *(estimated time: 5 minutes)*

RECOMMENDATION:

1. Hear report from staff on current and emerging Delta and Water Policy issues and provide direction.
2. Hear status report from Committee Chair on activities of the SCWA Water Policy Committee.
3. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition, Delta Protection Commission, and Delta Conservancy.
4. Hear report from Mayor Patterson on activities of the North Bay Watershed Association (see <https://www.nbwatershed.org> for additional information)

12. **CLOSED SESSION** *(estimated time: 20 minutes)*

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code § 54956.8)

Property: Sackett Ranch Solano County Assessor Parcel Number 101-020-110

Agency negotiator: Roland Sanford, Jeanne Zolezzi

Negotiating parties: Solano County

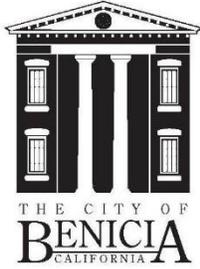
Under negotiation: Shared ownership and operation of Sackett Ranch

13. **TIME AND PLACE OF NEXT MEETING**

Thursday, November 12, 2020 at 6:30 p.m. at the SCWA offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.



AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
COUNCIL MEMBER COMMITTEE REPORT

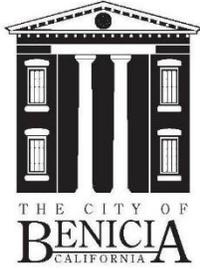
TO : Councilmember Young
Councilmember Largaespada

FROM : Community Development Director

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the October 20, 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 – OCTOBER 20, 2020
COUNCIL MEMBER COMMITTEE REPORT

TO : Council Members Campbell
Vice Mayor Strawbridge

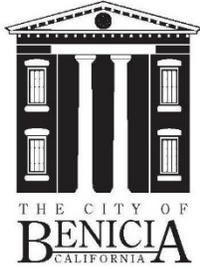
FROM : Interim City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee reports at the October 20, 2020 City Council meeting.

The last meeting of the Solano Economic Development Corporation Board of Directors was held on Thursday, September 10, 2020. The agenda was previously issued. The minutes are not yet available.

The next meeting is scheduled for Thursday, November 12, 2020 via video conference. The agenda is not yet available.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 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 October 20, 2020 Council meeting.

Attached are the minutes from the September 9, 2020 board meeting and the agenda from the October 14, 2020 board meeting. The next regular board meeting will be on December 9, 2020 via Zoom. There is no meeting scheduled for November.

ATTACHMENTS:

1. Minutes from the September 9, 2020 Board Meeting
2. Agenda from the October 14, 2020 Board Meeting



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Virtual Meeting of
September 9, 2020

1. CALL TO ORDER

Vice Chair Sampayan called the regular meeting to order at 6:09 p.m. A quorum was confirmed.

MEMBERS

PRESENT: Ron Rowlett, Chair City of Vacaville
Bob Sampayan, Vice Chair City of Vallejo
Elizabeth Patterson City of Benicia
Thom Bogue City of Dixon
Harry Price City of Fairfield
Ron Kott City of Rio Vista
Lori Wilson City of Suisun City
Jim Spering County of Solano

MEMBERS

ABSENT: None.

STAFF

PRESENT: **(In alphabetical order by last name.)**
Anthony Adams Project Manager
Janet Adams Deputy Executive Director/Director of Projects
Amy Antunano Program Coordinator
Karin Bloesch Safe Routes to School (SR2S) Senior Program
Coordinator
Katelyn Costa Employer Program Coordinator
Bernadette Curry Legal Counsel
Cecilia de Leon Admin Assistant
Susan Furtado Accounting & Administrative Services Mgr.
Ron Grassi Director of Programs
Robert Guerrero Director of Planning
Daryl Halls Executive Director
Vincent Ma Marketing & Legislative Program Manager
Johanna Masielat Office Manager/Clerk of the Board
Debbie McQuilkin Transit Mobility Coordinator
Lloyd Nadal Program Services Division Manager
Brent Rosenwald Planning Assistant
Brandon Thomson Transit Mobility Coordinator
Neil Quintanilla Marketing Assistant

ALSO PRESENT: (In alphabetical order by last name.)

Pat Carr	Solano County Transit (SolTrans)
Diane Feinstein	Fairfield and Suisun Transit
Ryan FitzGerald	Solano County Deputy County Counsel
Greg Folsom	City of Suisun City
George Gwynn	Resident, Suisun City
Louren Kotow	City of Dixon
Beth Kranda	Solano County Transit
Michael Malone	City of Vallejo
Matt Medill	City of Suisun City
Kyle Ochendusko	City of Benicia
Beth Schoenberger	City of Vallejo
Dan Sequiera	City of Benicia
William Tarbox	City of Benicia
Matt Tuggle	County of Solano
Wanda Williams	Councilmember, City of Suisun City

2. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board, Johanna Masielat. There was no Statement of Conflict declared at this time.

3. APPROVAL OF AGENDA

At the approval of the agenda, Daryl Halls cited an amended to Consent Calendar Agenda Item 8.D and noted that Solano County requested to add a project into the proposed Board action to support projects for ATP Cycle 5.

On a motion by Board Member Patterson, and a second by Board Member Kott, the STA Board approved the agenda as amended by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Sampayan, and Spering
NOES: None
ABSENT Rowlett, Wilson
ABSTAIN None

4. OPPORTUNITY FOR PUBLIC COMMENT

None at this time.

5. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following items:

- SolanoExpress Health and Safety Plan & Transit Updates on COVID 19 Safety Protocols
- MTC's Blue Ribbon Transit Recovery Task Force Transitions to Next Phase
- SolanoExpress FY 2019-20 Annual Report
- Countywide Transportation Electrification Update
- Solano County Provides CARES Act Funds to Assist Mobility Needs
- STA Comments on Four Quadrants of ABAG/MTC's Plan Bay Area 2050
- STA to Initiate Micro Transit Pilots in Benicia and Rio Vista
- I-80 Corridor Update
- Utility Relocation Statutes and Policy Discussion
- Safe Routes to School Program Annual Report
- Solano Mobility Programs Continue to Provide Mobility Options During COVID 19 Pandemic
- Rotation of STA Chair and Vice-Chair for 2021

6. **REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)**
MTC Commissioner and Board Member Spering reported that he and Daryl Halls are working closely with MTC on Plan Bay Area taking a good look at the job housing balance, Managed Lanes project and how SR 37 fits into Plan Bay Area 2050.

Chair Rowlett and Board Member Wilson joined the meeting.

7. **STA PRESENTATIONS**

A. COVID-19 Safety Protocols

1. Solano County Transit presented by Beth Kranda
2. Fairfield and Suisun Transit (FAST) presented by Diane Feinstein
3. Vacaville City Coach presented by Lori DaMassa
4. Dixon Redit-Ride presented by Louren Kotow
5. Rio Vista Delta Breeze presented by Brandon Thomson

B. Directors Reports:

1. Projects
2. Planning
3. Programs
 - a. Safe Routes to School presented by Karin Bloesch
 - b. Commuter/Employer Program presented by Katelyn Costa
 - c. Older Adults/ADA Mobility Program presented by Debbie McQuilkin
 - d. Call Center presented by Amy Antunano

8. **CONSENT CALENDAR**

The Consent Calendar Items A through K was approved to include amendment to Item 8.D shown below in ***bold italics*** by Vice Chair Sampayan, and a second by Board Member Patterson by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Rowlett, Sampayan, Spering, and Wilson

NOES: None

ABSENT None

ABSTAIN None

A. Meeting Minutes of the STA Board Meeting of July 8, 2020

Recommendation:

Approve the Minutes of the STA Board Meeting of July 8, 2020.

B. Draft Minutes of the STA TAC Meeting of August 26, 2020

Recommendation:

Approve the Draft Minutes of the STA TAC Meeting of August 26, 2020.

C. Fiscal Year (FY) 2020-21 Indirect Cost Allocation Plan (ICAP) Rate Application for Caltrans

Recommendation:

Approve the following:

1. STA's ICAP Rate Application for FY 2020-21 at 55.10%; and
2. Authorize the Executive Director to submit the ICAP Rate Application to Caltrans.

D. Amended - Active Transportation Program (ATP) Cycle 5 Letters of Support

Recommendation:

Authorize the Executive Director to submit a Letter of Support for each Solano County project submitting an application to the Active Transportation Program Cycle 5 as outlined in Table 1 ***as amended.***

E. Consulting Contract Amendment for SolanoExpress Marketing and Advertising for BB&B

Recommendation:

Authorize the Executive Director to amend the consulting contract with BB&B for an amount not-to-exceed \$15,000 for marketing consultant services for Solano Express.

F. Fiscal Year (FY) 2020-21 Transportation Development Act (TDA) and State Transit Assistance Funds (STAF) for Solano Transportation Authority (STA)

Recommendation:

Approve STA Resolution No. 2020-04 (Attachment A) authorizing the STA's filing of a claim with MTC for the allocation of TDA and STAF funds in accordance with the STA's FY 2020-21 Budget.

G. Transit and Intercity Rail Capital Program (TIRCP) Allocation and California Environmental Quality Assessment (CEQA) Approval for Solano Regional Transit Improvements Phase

Recommendation:

Approve the following:

1. Approve the California Environmental Quality Assessment (CEQA) Categorical Exclusion (CE) under category 1, as defined under state CEQA guidelines, for In-Route Inductive Charging for SolanoExpress; and
2. Authorize the Executive Director to sign the California Environmental Quality Assessment (CEQA) Categorical Exclusion (CE) under category 1, as defined under state CEQA guidelines, for In-Route Inductive Charging for SolanoExpress.

H. I-80/I-680/State Route (SR) 12 Interchange - Construction Package 2A Project Implementation

Recommendation:

Approve the following:

1. Contract amendment for the Contra Costa Real Estate Division in the not-to-exceed amount of \$50,000, to complete the right of way acquisition services for the I-80/I-680/SR12 Interchange – Construction Package 2A; and
2. Authorize the Executive Director to sign the contract amendment.

K. Moving Solano Forward III: Solano County Recovery and Resilience Strategy

Recommendation:

Approve the following:

1. Approve \$10,000 as contribution toward the Solano Economic Development Corporation's (EDC) Moving Solano Forward III: Solano County Recovery and Resilience Strategy; and
2. Authorize the STA Executive Director to enter into a funding agreement with Solano EDC for this effort.

9. ACTION FINANCIAL ITEMS

A. Countywide Transportation Electrification Update and Implementation

Anthony Adams, STA and Pat Carr, SolTrans, presented the County Transportation Electrification Implementation. They cited that as part of this mandate to reduce GHG, the STA is working to develop and implement strategies across the County and for member agencies to have a roadmap for electrification. They outlined the multiple elements

(Consumer Vehicle Chargers, Transit Electrification, and Freight Electrification) that include implementing capital improvements to put in place charging infrastructure throughout the county. They concluded by outlining staff’s recommendation to commit \$500,000 in FY 2020-21 LCTOP funding towards SolTrans for inductive charging implementation at Vallejo Transit Center and Curtola Transit Facility.

Board/Public Comments:

None presented.

Recommendation:

Approve the following:

1. Commit \$500,000 in FY 2020-21 LCTOP funding towards SolTrans for inductive charging implementation at Vallejo Transit Center and Curtola Transit Facility; and
2. Authorize the Executive Director to enter into a contract not to exceed \$1.6M with WSP as an amendment to the existing SolTran’s Electrification contract for Countywide Electrification Plan, SolanoExpress BRT Lite Study, and In-Route Inductive Charging for SolanoExpress.

On a motion by Board Member Patterson, and a second by Board Member Bogue, the STA Board approved the recommendation by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Rowlett, Sampayan, Spring, and Wilson
NOES: None
ABSENT None
ABSTAIN None

B. Expansion of Medical Trip Concierge (GoGo) Program with CARES Act Funding

Debbie McQuilkin presented and outlined staff’s recommendation to expand the Medical Trip Concierge (GoGo) Program to include participation of ADA Eligible Solano County residents and increase the number of rides per person per month to 20 (pre-pandemic limit was 10). She also noted that program expansion would be funded using CARES Act Funds in the amount of \$150,000 that will be added to the STA Budget.

Board/Public Comments:

None presented.

Recommendation:

Approve the following:

1. Expansion of the Medical Trip Concierge (GoGo) Program to provide additional essential trips for older adults 60 plus (limit to 20 per month);
2. Expand the program to include ADA Eligible residents for a pilot period through the end of FY 2020-21;
3. Authorize the Executive Director to enter into a funding agreement/MOU with the County of Solano to receive \$150,000 in CARES Act Funds; and
4. Authorize the STA Chair to send a letter expressing the STA Board’s gratitude to the Solano County Board of Supervisors for the CARE Act Funds.

On a motion by Board Member Kott, and a second by Board Member Wilson, the STA Board approved the recommendation by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Rowlett, Sampayan, Spring, and Wilson
NOES: None
ABSENT None
ABSTAIN None

10. ACTION NON-FINANCIAL

A. Adoption of Riding Together: Bay Area Healthy Transit Plan for SolanoExpress

Pat Carr, SolTrans, Diane Feinstein, FAST and Brandon Thomson, STA outlined the eight safety measures that have been layered together to reduce the likelihood that an individual would contract COVID-19 while riding on SolanoExpress. They identified them as Face Coverings, Physical Distancing, Hand Hygiene, a Quiet Ride Campaign, Vehicle and Facility Conditions-Ventilation, Touchelss Fares, Personal Protective Equipment (PPE), Infected Employees/Contract Tracing. They concluded by requesting the STA Board to adopt the Riding Together: Bay Area Healthy Transit Plan as a baseline set of measures that SolanoExpress will implement to ensure the health of transit riders and workers during the COVID-19 pandemic.

Board/Public Comments:

None presented.

Recommendation:

Approve the adoption of the Riding Together: Bay Area Healthy Transit Plan as a baseline set of measures that SolanoExpress will implement to ensure the health of transit riders and workers during the COVID-19 pandemic.

On a motion by Board Member Patterson, and a second by Board Member Sampayan, the STA Board approved the recommendation by the following roll call vote:

AYES:	Bogue, Kott, Patterson, Price, Rowlett, Sampayan, Spring, and Wilson
NOES:	None
ABSENT	None
ABSTAIN	None

B. Recommendation for Amendment to Rotation for 2021 STA Chair and Vice Chair

Daryl Halls noted that the Executive Committee agreed to forward a recommendation to the STA Board recommending the Board adopt Option 2 – keeping the current Chair through the year 2021 and having the new Vallejo and Benicia representatives move back a year in rotation along with the other cities and County representatives. He explained the other options as Option 1 would be to keep rotation as is with new Vallejo representative to serve as STA Chair in 2021 and Option 3 as other options identified by the Executive Committee.

Board/Public Comments:

Board Member Wilson suggested and made a motion to skip the Cities of Vallejo (2022) and Benicia (2023) and move the City of Rio Vista (2024) to the top of the rotation (2021) which meets the criteria to have 1 year experience prior to assuming the responsibility of serving as STA Chair. Board Member Spring explained that it would not be to the STA's advantage to change Chairs during the COVID crisis with millions of transportation dollars at stake and given the fact that one of the major roles of the current Chair is to participate and meet to have discussions with delegations both local and state level elected officials throughout the region in the next few months. He encouraged the Board not to support this motion. Board Members Kott and Price concurred with Board Member Spring's comments.

George Gwynn, Member of the Public, supported Board Member Spring's comments to allow the current Chair to serve another year and keep the rotation as noted in Option 2.

After hearing all the comments, Board Member Wilson’s motion was not seconded. Board Member Patterson made a separate motion and seconded by Board Member Spering to approve the recommendation from the STA Board’s Executive Committee to designate the current Chair, Ron Rowlett as 2021 STA Chair and amend the rotation of Chair and Vice-Chair as specified in the staff report by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Rowlett, Sampayan, and Spering
NOES: Wilson
ABSENT None
ABSTAIN None

C. MTC Plan Bay Area 2050 Blueprint Comment Letter

Robert Guerrero reviewed staff’s recommendation to the Board to authorize to send a comment letter in response to MTC’s Draft Blueprint Strategies. He cited that the purpose of the letter is to reiterate STA’s priority projects and efforts related to their strategies with support where appropriate. He added that recognizing the challenge that MTC staff is facing, STA staff recommends a comment letter that focuses on how Solano County is working to meet the PBA objectives. He also outlined the draft points that STA staff proposes to raise in the comment letter, and concluded by noting that the draft Blue Print Strategies are going to be finalized by the MTC in October.

Board/Public Comments:

None presented.

Recommendation:

Authorize the STA Executive Director to submit a comment letter consistent with the points outlined in Attachment B for the four quadrants of MTC’s Plan Bay Area 2050 Blueprint.

On a motion by Vice Chair Sampayan, and a second by Board Member Bogue, the STA Board approved the recommendation by the following roll call vote:

AYES: Bogue, Kott, Patterson, Price, Rowlett, Sampayan, Spering, and Wilson
NOES: None
ABSENT None
ABSTAIN None

Chair Rowlett left the meeting at this time.

11. INFORMATIONAL – DISCUSSION

A. Draft STA Policy and Procedures Pertaining to Utility Relocations

After extensive discussion, the STA Board directed STA staff and legal counsel to meet with Vallejo and Benicia’s staffs and counsel to discuss the proposed procedure and funding options.

Board/Staff Comments:

Bob Sampayan commented that Vallejo City Manager/water staff did not have enough time to do a complete analysis from the time the Board packet was received. The biggest concern I have is the financing of this project and the movement of the water pipes which will be affected. How will that be financed? The main concern is that the City has raised water rates to Vallejo residents and are we going to raise the rates again to finance this project?

Elizabeth Patterson commented that she appreciates Mayor Sampayan's remarks. She mentioned that her original motion that was seconded by Mayor Sampayan and concurrence with the Board was to develop a policy that there would be no cost to Vallejo and Benicia and any other Board city/county member. She added that having a procedure for a signing liability is not what I was asking for or what the Board concurred in. There was an exchange in communication with the Benicia City Attorney and STA Legal Counsel got these procedures but that's how Caltrans deals with property. To me, this is not the way the STA should deal with Board members. Let me restate what the Board may have concurred on the policy that I was asking for. And that is

“STA Board Policy that no member of the STA Board is liable for that member’s utility realignment, there may be interest by Board members to participate but by doing will not contravene the Board Policy of no liability by Board members.”

Mayor Sampayan mentioned about water rates – Vallejo had elections to determine the increase in water rates. He cited that if you look at EPA burden of water rate by capita basis, were just hitting that right now and don't know the cost of this realignment but last time we actually had experience with meeting of the minds approach and can tell you a word that would not be suitable for a public meeting is how we got treated. We were told initially that maybe \$600K well in excess of a million dollars, our city general fund budget is slightly over \$30 million and that's before we had to take the revenues that we're losing because of the current situation. So, it's incredibly important that, unless the Board disagrees, the principle is that we should not be liable for a transportation project. The problem with the procedures that have been presented are that we don't qualify for having Caltrans pay for it and there is some complicated reasons. Mayor Sampayan talking to his folks would know that part of the problem is that some of the alignments were on a “hand shake” apparently. Keep in mind Benicia has been around since 1847 so a lot of this stuff has a lot of history does not necessarily meet the technical requirements that Caltrans has....well, we're not Caltrans, we're Board members of STA and I don't think any Board member agency should be stuck with a liability that they can't afford and to ask us to participate in a multi-million dollar realignment when we're barely able to figure out next year. So that's the main idea...it was a simple policy statement and then because we work together has one for all all for one, that's been our philosophy and we've done really well that way. I can't abide by this idea that if there's a dispute that it would be resolved by the Board...that's putting Board members to go against another Board member, so I think I would go directly to a mediator and arbitration. But I think the principle is that the policy I introduced was seconded and concurred by the Board is that no STA Board member would be held liable for utility realignment.

Bernadette Curry noted that going back to when this item was first brought up by Mayor Patterson, it wasn't properly agendized so it was a motion to bring it back. So what we brought back is the policy that is consistent with direction from Caltrans given the fact that this was Caltrans project for which STA was taking the lead both on utility relocations as well as property acquisitions. So, to put STA in a position whereby we are now in conflict with Caltrans, we felt that this is the appropriate way to bring it forward consistent with the law. My conversation with the Benicia City Attorney, he concurred with this position said that he has had conversations with Mayor with regards to how Caltrans looks at this. It's a policy on how you want to fund other things but with regards to a policy that says that we must act and concur with Caltrans requirements is not something staff can bring forward for your information.

Elizabeth Patterson asked if it's an STA project, right?

Bernadette Curry responded no, it's a Caltrans project.

Elizabeth Patterson asked so, what's STA's role?

Bernadette Curry responded that through a Cooperative Agreement, and Janet can speak to this, that STA can taking on an assuming certain roles so when it's an STA project I think you have far more discretion when Caltrans is contracting with the STA to perform certain duties we have to act and bind with their requirements both by state laws and their own procedural manuals. Again with regards to financing of how the Board would like to choose to use or to allocate your discretionary dollars that I think is a policy statement that is definitely within the Board's purview but when the STA is acting as an agent for Caltrans I believe we our bound by their requirements.

Elizabeth Patterson asked so, who was the lead agency for the EIR?

Bernadette Curry responded the STA, in consultation with Caltrans.

Elizabeth Patterson noted that it is an STA project which has to go through Caltrans because of the technical aspect. The procedures and protocols and the policies have to be in alignment with Caltrans state laws. But the agreement that STA has, going forward, the policy means the STA finds the funds if we don't qualify under Caltrans' protocols and that is the problem. And the problem manifested itself in the last time we spent an excess of a million plus dollars that we were never advised about until the project was too far down the road to get any funding from Caltrans. They couldn't pay for it anyway, because we didn't qualify under those standards and it was too late to go back to find other pots of money to pay for it so we got stuck with it. And getting stuck with more than a million dollars when we have an excess of millions of dollars of roads falling apart in Benicia and we have incredible cost for infrastructure. We're putting hundreds of thousands of dollars as I speak into updating ancient pumps in Cordelia. So, it's the unaffordability of realigning pipes and it's the need by STA, as a lead agency in collaboration with Caltrans. So that is why I have proposed the policy.

Bob Sampayan commented that again, if it comes to financing this project, I have to concur with Mayor Patterson. The City of Vallejo will not be able to come up with funding for this alignment. There is absolutely no way we will be able to afford it...that is the bottom line. He noted that if I try to bring this before our rate payers they there will be held to pay by every Councilmember in the City of Vallejo and I guarantee you the STA Board will be hearing about this. This is not doable for the City of Vallejo. As you all know, we are sitting in very difficult financial times. COVID 19 has hit us significantly and have lost 30% of our budget this year. We are dipping in our reserves monthly to pay our bills and to say we're going to throw in X million to align this project and bring these pipes into alignment is just not going to work. I stand fast with that. I really suggest that STA meet with Vallejo's legal staff as well as public works and our water department and come up with some kind of solution moving this forward. I agree, this is an important project. I get it, but the bottom line is is that we need to stay financially solvent in my city, and that's my bottom line. So, I encourage you to work intimately with my community, with my staff to move this project forward.

Lori Wilson had a question in regards to the procedures that are here for discussions basically going back to staff through the Technical Advisory Committee (TAC). So I hear the concerns of Mayor Patterson and Mayor Sampayan and so my question is that since there is not a decision tonight or that type of feedback in regard to the lack of affordability for their cities and their rate payers will that go back to the TAC and be discussed? Or are you looking to get input from the Board members so they can have a more productive discussion at the next because I know it's coming back to us for approval. I'm just trying to get a feel on how to take in the information received from Mayors Patterson and Sampayan as it specifically relates to the information in the packet.

Daryl Halls cited that after other questions have been addressed, I will answer since these are process steps. What we brought you today was information on the state's statutes and Caltrans' relocation process researched by legal counsel. Mayor Sampayan asked about when Vallejo staff got the information and we completed our research around the Tues. or Wed. prior and briefed Benicia and Vallejo staff the week prior as well to give them a heads-up and made it clear that this was being presented as information item only and that the Board is not being asked to act on the process or the policy at the first meeting. That gives us time to go back to meet with staff for both agencies to talk about both process, standing of the waterlines and funding options as well. In terms of timing from a projects perspective, the project is not going to move forward until there's funding. Right now there is no funding for the next 3 phases of the interchange which will affect the waterlines in the two cities so we have time to line up the process first. Today, the intent is to get feedback k from the Board and return with any answers or information as requested.

Bernadette Curry wanted to comment to Mayor Wilson with regards to what we're looking for. As Daryl said, we provided the legal parameters – if it's the Board's policy to then direct us to incorporate in something other than a legal requirements, but more of a policy on how financing or funding is secured to address non covered projects costs, staff will be asking for some direction on that as well.

Jim Spring noted that he understands where Mayors Patterson and Sampayan are coming from to discuss this a little more might have a compromised position. The one thing that the Board has to understand is that if this burden falls on the STA that means that the rest of us will be paying for these improvements for those two cities. I think the cities have some responsibilities, but to the extent to where this burden will be detrimental that there needs to be some discussion about that, so I would support the suggestion to come back. But Daryl, I think, it takes more than talking to staff in those two cities. Mayor Wilson was suggesting that this entire Board will need to be involved in this discussion because it impacts all of us. I do think there is consideration with the issues being raised by Mayors Patterson and Sampayan, but it's a much bigger issue than for the transportation authority and who can actually absorb all of that costs and I don't think it's fair, but I just know we have an obligation to work this out with the two cities.

Elizabeth Patterson asked a clarification question. Could you explain what you mean by the cities' improvement projects? The city does not have an improvement project on its capital list. We just went through a conditions assessment – there's no improvement of these pipes – the realignment is the result of the transportation project.

Jim Spring mentioned that in some cases, putting it in a different alignment is an improvement project.

Question for Bernadette.....if we were not involve in this, what would Caltrans do with these two cities?

Bernadette Curry responded that it is my understanding that they would do exactly what the procedure says.... Which says they would do the consultation to advise the utility owner as to the potential conflict of the utilities in the right of way that's going to be realigned. There would be discussion and communication to demonstrate whether or not there is pre-existing rights and to the extent that information cannot be brought forth to demonstrate or justify or prove that then the process is then that Caltrans advises them that they would move forward and the cost would be bore by the utility owner. Caltrans would then have a way to recoup the cost from the utility owner.

Jim Sperring noted that with that said, could one of the options be that the STA is not the lead and let the two cities deal with Caltrans? Then we could support the two cities with whatever position they take but take us out of the loop which will not affect our funding. I'm sure Caltrans will expect someone to pay for it.

Lori Wilson commented that after hearing the clarification in the conversation between Director Sperring and Bernadette Curry, I agree and would rather see it directed to Caltrans, and we as a Board can then be in a better position if we so chose to advocate on behalf of our member cities.

Bob Sampayan cited that he agreed with that because Mayor Patterson made it clear that we're pinning ourselves against one another when we're supposed to be working as a team. And quite frankly, that doesn't work well.

Elizabeth Patterson commented that the Caltrans approach does not recognize some of the ownership of the current alignments. And because of that, it means that we're stuck and so I want to be really clear that we do not succumb to the more rigid standards that Caltrans has established. And I go back to what I said that the historic alignment of the pipes is not necessarily certified with an easement, a title, or some recognizable claim of ownership. In my opinion, the pipe alignment is ownership and if we could adopt that as Board policy that makes it much easier if Caltrans is doing the negotiations and have declared it and that would have some standings. My goal is that we don't end up robbing the bank in order to survive in Benicia. And getting stuck with millions of dollars that each of us would be responsible for. So, if we could be clear in the direction to staff to meet and clear those things with our legal counsel and would be happy to participate in any of the conversations but to get the fairness and the process done quickly. I would be looking for a draft language for action at our next meeting.

Bernadette Curry clarified that with regards to what you said about standing... is that with regards to any policy that the STA Board were to adopt with regards to how you view the pipes and ownership in the right of way is within the STA, that is not something that would be recognized by Caltrans. But if it is a Caltrans project that it would still go back which would be the STA's obligation to find the funding. I just wanted to make sure that no matter what the Board says and to acknowledge for the purposes of your own internal policy that would not impact the calculation by Caltrans therefore it could not be a Caltrans funded component and would have to find an alternative source.

Elizabeth Patterson cited but if it qualifies under the categories that Caltrans has, keep in mind that Caltrans cannot have DWR pay for that portion of the pipe. Well the alignment of the road is to avoid the conflict between Caltrans and DWR so instead it's impacting Vallejo and Benicia. If it is written in such a way that it recognizes that yes if you qualify under the qualifications that Caltrans has on the procedures for funding by Caltrans, great, no one would want to throw that out but if you don't then it's recognized by the STA that that's an ownership alignment that the STA would be responsible for and recognize that Caltrans cannot be responsible for.

Jim Spring commented that this would be part of the discussion when this item comes back but I'm not sure I can support the STA taking on that full burden. I think the cities have some obligation – I don't know at what level, what type of participation, but for the two cities to just say STA, it's your problem, then that burden falls on the rest of us; I don't think it's fair or equitable. I'm fine with bringing forward what Mayor Patterson is asking for, but the discussion will be a lot more than what she's presenting.

Bob Sampayan cited that again, this item is informational. Staff has received what we want to see. We have all been very clear. Legal can craft how this policy is going to come together along with conversation with my city and the City of Benicia and potentially will affect the City of Fairfield, TAFB, and could affect Suisun.

Daryl Halls noted that staff will have this item at the October Board meeting. We will endeavor to meet with the two cities and the STA TAC and bring this back for additional discussion.

B. I-80/I-680/State Route 12 (SR 12) Interchange Package 2A Project

Janet Adams reported that staff worked with Caltrans, the Metropolitan Transportation Commission (MTC), and the California Transportation Commission (CTC) to fund a cost increase of \$16.7 M, which was funded with STIP funds programmed for Fiscal Year (FY) 2021-22. He added that this additional STIP funding is a loan from future RM 3 funds dedicated to the Interchange, and that the CTC advanced the STIP funds one year along with the SB 1 TCEP construction allocation funding in August 2020. He concluded by noting that with that, and because the Project is a being delivered with the Construction Manager/General Contractor (CM/GC) method, construction will begin in September 2020.

C. SolanoExpress Intercity Year-End Report for Fiscal Year (FY) 2019-20

Brandon Thomson presented the year-end report for SolanoExpress for FY 2019-20.

NO DISCUSSION

D. Solano Safe Routes to School (SR2S) Program Annual Report Fiscal Year (FY) 2019-20 and 2020-21 School Year Engagement Plan

E. Commuter/Employer Programs Annual Report for Fiscal Year (FY) 2019-20

F. Fiscal Year (FY) 2019-20 Solano Mobility Programs Year End Update

- 1. Travel Training**
- 2. Countywide ADA In-Person Eligibility Program**
- 3. Taxi Card Program utilizing the PEX card**
- 4. Medical Trip Concierge using GoGo Grandparents**

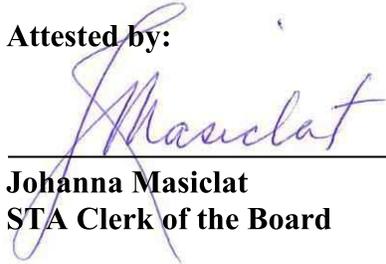
- G. Solano Mobility Call Center/Transportation Depot Fiscal Year (FY) 2019-20 Annual Update**
- H. Fiscal Year (FY) 2019-20 Abandoned Vehicle Abatement (AVA) Program Third Quarter Report**
- I. Lifeline Transportation Program Cycle 6 Funding (JARC)**
- J. Legislative Update**
- K. Summary of Funding Opportunities**
- L. 2020 STA Board and Advisory Committee Meeting Schedule**

12. BOARD MEMBER COMMENTS

13. ADJOURNMENT

The meeting was adjourned at 8:05 p.m. The next STA Board meeting is scheduled at **6:00 p.m., Wednesday, October 14, 2020** tentatively via Zoom.

Attested by:



Johanna Masielat
STA Clerk of the Board

In furtherance of the direction from Governor Newsom (Executive Order N-25-20) and Solano County Public Health (Solano County’s “Stay at Home” Order) and pursuant to the Executive Order issued by Governor Gavin Newsom (Executive Order N-29-20), the STA Board will not be convening at Suisun City Hall Council Chambers but will instead move to a remote meeting.

Join Zoom Webinar
<https://us02web.zoom.us/j/81839443680?pwd=YXBnQmNRVk1aaG9lM0lZYmtMTFJ0QT09>
 Password: 580979

To Participate by Phone
 Dial: 1(408) 638-0968
 Webinar ID: 818 3944 3680

Public Comments:

Public Comment may still be provided by either submitting written public comments to STA’s Clerk of the Board, Johanna Masiclat via email at jmasiclat@sta.ca.gov by 5:30 p.m. on the day of the meeting, which will be read during Public Comment or on the related item when Public Comment is called and entered into the record. Public Comment can also be requested during the meeting via the phone/computer audio when the Chair calls for Public Comment on an item. We request that you state and spell your first and last name, verify the item that you wish to speak on and then you will be allowed three minutes to address the STA Board when your name is called.

Americans with Disabilities Act (ADA):

This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 399-3203 during regular business hours at least 24 hours prior to the time of the meeting.

Translation Services: For document translation please call:

Para la llamada de traducción de documentos:

對於文檔翻譯電話

Đối với tài liệu gọi dịch:

Para sa mga dokumento tawag sa pagsasalain:

707-399-3203

ITEM

BOARD/STAFF PERSON

**1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE
(6:00 p.m.)**

<u>STA BOARD MEMBERS</u>							
Jim Spring	Lori Wilson	Elizabeth Patterson	Thom Bogue	Harry Price	Ronald Kott	Ron Rowlett (Chair)	Bob Sampayan (Vice Chair)
County of Solano	City of Suisun City	City of Benicia	City of Dixon	City of Fairfield	City of Rio Vista	City of Vacaville	City of Vallejo
<u>STA BOARD ALTERNATES</u>							
Erin Hannigan	Mike Segala	Lionel Largaespada	Steve Bird	Chuck Timm	Hope Cohn	Raymond Beaty	Robert McConnell

The complete STA Board Meeting Packet is available on STA’s Website at www.sta.ca.gov
 (Note: STA Board Meetings are held at Suisun City Hall, 6:00 p.m. on the 2nd Wednesday of every month except August (Board Summer Recess) and November (Annual Awards Ceremony).)

- 2. CONFIRM QUORUM/ STATEMENT OF CONFLICT** Chair Rowlett
 An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.
- 3. APPROVAL OF AGENDA**
- 4. OPPORTUNITY FOR PUBLIC COMMENT**
 (6:05 – 6:10 p.m.)
- 5. EXECUTIVE DIRECTOR'S REPORT** Daryl Halls
 (6:10 – 6:15 p.m.)
Pg. 7
- 6. REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)** MTC Commissioner
Jim Spring
 (6:15 – 6:20 p.m.)
- 7. STA PRESENTATIONS**
 (6:20 – 6:30 p.m.)
- A. Proclamation of Appreciation for STA Board Member and Benicia Mayor Elizabeth Patterson** Chair Rowlett
- B. Directors Reports:**
1. Projects - Janet Adams
 Regional Transportation Impact Fee (RTIF) 7th Annual Report Erika McLitus
 2. Planning Robert Guerrero
 3. Programs Ron Grassi
- 8. CONSENT CALENDAR**
- Recommendation:
 Approve the following consent items in one motion.
 (Note: Items under consent calendar may be removed for separate discussion.)
 (6:30 – 6:35 p.m.)
- A. Meeting Minutes of the STA Board Meeting of September 30, 2020** Johanna Masiclat
Recommendation:
 Approve the Minutes of the STA Board Meeting of September 30, 2020.
Pg. 13
- B. Draft Minutes of the STA TAC Meeting of September 30, 2020** Johanna Masiclat
Recommendation:
 Approve the Draft Minutes of the STA TAC Meeting of September 30, 2020.
Pg. 27
- C. Expansion of Solano Older Adults Medical Trip Concierge Program** Ron Grassi
Recommendation:
1. Authorize the expansion of the Medical Trip Concierge Program through Go Go Grandparent to include the John Muir Primary Care Facility and, the Sutter Delta Medical Center located in Antioch to service Rio Vista residents; and

2. Authorize the Executive Director to enter into a mobility agreement with Sutter Solano Medical Center as outlined in Attachment B.

Pg. 33

D. Fiscal Year (FY) 2020-21 Transportation Development Act (TDA) Matrix – October 2020 – Dixon Readi Ride and Rio Vista Delta Breeze (RVDB)

Ron Grassi

Recommendation:

Approve the October 2020 TDA Matrix for FY 2020-21 which includes the TDA claim for Dixon in the amount of \$526,642 and TDA claim for Rio Vista in the amount of \$345,774.

Pg. 39

E. Fiscal Year (FY) 2019-20 Vallejo Community Based Transportation Plan (CBTP)

Debbie McQuilkin
Elizabeth Richards, STA
Consultant

Recommendation:

Approve the FY 2019-20 Vallejo Community Based Transportation Plan developed with Participatory Budgeting as shown in [Attachment C](#).

Pg. 45

F. STA’s Title VI Program - Title VI of the Civil Rights Act of 1964

Brandon Thomson
Tina Spencer, STA
Consultant

Recommendation:

Approve the following:

1. Adopt the STA’s 2020 Title VI Program as shown in [Attachment A](#); and
2. Authorize the Executive Director to submit the STA’s Title VI Program to Caltrans.

Pg. 51

G. 2020 Solano Mobility Study for Older Adults and People with Disabilities Report Update

Debbie McQuilkin
Elizabeth Richards, STA
Consultant

Recommendation:

Approve the Solano Mobility Study for Older Adults and People with Disabilities Update as shown in [Attachment B](#).

Pg. 53

H. Regional Transportation Impact Fee (RTIF) 7th Annual Report for FY 2019-20

Erika McLitus

Recommendation:

Approve the 7th Annual Solano Regional Transportation Impact Fee (RTIF) Report as shown in [Attachment A](#).

Pg. 59

I. STA Local Preference Policy Annual Report for Fiscal Year (FY) 2019-20

Brenda McNichols

Recommendation:

Receive and file.

Pg. 61

J. STA Debt Management Policy

Recommendation:

Approve STA Resolution No. 2020-05 (Attachment A) approving a Debt Management Policy for STA.

Pg. 65

Janet Adams
Bernadette Curry

9. ACTION FINANCIAL ITEMS

A. STA's Fiscal Year (FY) 2020-21 Proposed Budget Revision and FY 2021-22 Proposed Budget

Recommendation:

Approve the following:

1. Adopt the STA's FY 2020-21 Proposed Budget Revision as shown in Attachment A; and
2. Adopt the STA's FY 2021-22 Proposed Budget as shown in Attachment B.

(6:35 – 6:40 p.m.)

Pg. 75

Daryl Halls
Susan Furtado

B. STA New Building Lease Purchase Financing Agreement

Recommendation:

Approve STA Resolution No. 2020-06 approving a site lease, lease agreement, and assignment agreement; making certain determinations relating to the good faith estimates of the estimated lease payments; and authorizing the Executive Director to take all actions necessary to effectuate the financing of the building.

(6:40 – 6:45 p.m.)

Pg. 81

Janet Adams
Bernadette Curry

C. Fiscal Year (FY) 2021-22 SolanoExpress Intercity Budget

Recommendation:

Approve the FY 2021-22 SolanoExpress Budget and Cost Sharing as specified in Attachment A.

(6:45 – 6:50 p.m.)

Pg. 157

Ron Grassi/
Mary Pryor

10. ACTION NON-FINANCIAL ITEMS

A. None.

11. INFORMATIONAL – DISCUSSION

A. Update on STA Policy and Procedures Pertaining to Future Utility Relocations and Draft Funding Options for Benicia and Vallejo Waterline Relocation Costs for I-80/I-680/I-80/SR 12 Interchange

(7:00 – 7:20 p.m.)

Pg. 161

Daryl Halls
Janet Adams
Ryan FitzGerald

NO DISCUSSION

- | | |
|--|------------------|
| B. Highway Safety Improvement Program (HSIP) Cycle 10 Set-Aside Draft Project List
Pg. 173 | Anthony Adams |
| C. One Bay Area Grant (OBAG) Cycle 3 Overview
Pg. 177 | Erika McLitus |
| D. Metropolitan Transportation Commission (MTC) Draft Annual Federal Obligation Plan Fiscal Year (FY) 2020-21
Pg. 181 | Erika McLitus |
| E. Fiscal Year (FY) 2019-20 Abandoned Vehicle Abatement (AVA) Program Fourth Quarter Report
Pg. 197 | Debora Harris |
| F. Legislative Update
Pg. 201 | Vincent Ma |
| G. Summary of Funding Opportunities
Pg. 229 | Brent Rosenwald |
| H. 2020 STA Board and Advisory Committee Meeting Schedule
Pg. 231 | Johanna Masielat |

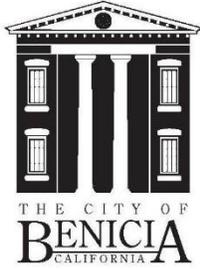
12. BOARD MEMBERS COMMENTS

13. ADJOURNMENT

The STA Board's next regularly scheduled meeting is at **6:00 p.m., Wednesday, December 9, 2020.**

STA Board Meeting Schedule for Calendar Year 2020

**No Meeting in November
6:00 p.m., Wed., December 9th**



AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020
COUNCIL MEMBER COMMITTEE REPORT

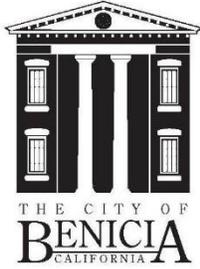
TO : Council Member Young
Council Member Largaespada

FROM : Public Works Director

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

The following information is provided for your committee report at the October 20, 2020 Council meeting.

The TPBS Committee last met on January 16, 2020. The October 15, 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, January 21, 2021.



AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 20, 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 October 20, 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>.