



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Videoconferencing Meeting
November 2, 2021
6:00 PM**

Coronavirus (Covid-19) Advisory Notice

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

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

How to Watch the Meeting:

- 1) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 2) Livestream online at www.ci.benicia.ca.us/agendas.
- 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 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.
- Comments received after 2:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council, but will not be posted on the City's website, and will not be read into the record.

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

Additionally, the public may view and provide public comment via Zoom (via computer or phone) link: <https://us02web.zoom.us/j/81779401494?pwd=eXFtd0JTK3VxZzZlFkM1B3ZzV3UHhVZz09>

- If prompted for a password, enter 858835.
- 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: 817 7940 1494 *please note this is an updated ID number*.
- Enter password: 858835
- When prompted for a Participant ID, press #.
- Press *9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

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

1. Call To Order (6:00 P.M.)

2. Convene Open Session

3. Roll Call

4. Pledge Of Allegiance

5. Reference To The Fundamental Rights Of The Public

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

6. Announcements

6.A - MAYOR'S OFFICE HOURS

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

6.B - OPENINGS ON BOARDS AND COMMISSIONS

- Building Code Board of Appeals
1 Full Term, Expiring July 31, 2025
- Historic Preservation Review Commission
2 Full Terms, Expiring July 31, 2025
- Human Services Board
1 Full Term, Expiring July 31, 2025
- Planning Commission
1 Partial Term, Expiring January 31, 2022
- Sky Valley Open Space Committee
1 Full Term, Expiring January 31, 2023

7. Proclamations

None

8. Appointments

None

9. Presentations

9.A - FINANCE DEPARTMENT UPDATE

10. Adoption Of Agenda

11. Opportunity For Public Comments

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12. Written Comment

13. Public Comment

14. 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.

14.A - APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 19, 2021 REGULAR MEETING (City Clerk)

Recommendation:
Approve the minutes.

[October 19, 2021 City Council Meeting Minutes](#)

14.B - PURCHASE ORDER CARRY FORWARD AND APPROVAL OF THE NECESSARY BUDGET AMENDMENTS (Finance Director)

The City's fiscal year is July 1-June 30. Each fiscal year there are projects, which may or may not be capital in nature that require purchase orders/contracts to be continued into the next fiscal year. Since budget preparation is typically completed in late spring, staff is not always able to predict the completion of projects. When this occurs, and as a normal course of business, the Finance Department will submit for City Council approval the ability to increase appropriations for these instances when a purchase order is required to be "carried forward" to the next fiscal year and sufficient budget is unavailable in the new fiscal year's budget to cover the "carried forward" potential (purchase order) expenses.

Recommendation:
Move to adopt a resolution (Attachment 1) approving the necessary budget amendments to fund the remaining purchase orders "carried forward" from FY 2020/21 to FY 2021/22 that do not have sufficient appropriation authority in the current fiscal year.

[Staff Report -Purchase Order Carry Forward and Approval of the Necessary Budget Amendments](#)

[1. Resolution- Carry Forward Purchase Orders into FY 2021-22](#)

14.C - APPROVAL OF BUDGET AMENDMENTS TO REALLOCATE DEFEDERALIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS AND DISENCUMBER EXCESS PROGRAM INCOME TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (Finance Director)

The City currently possesses \$148,156.15 of Community Development Block Grant (CDBG) program income. Of these funds, \$101,584 has been classified as defederalized and therefore must be moved from the City's CDBG fund to the City's General Fund, and \$46,573 has been classified as excess program income which must be returned, or disencumbered, to California Department of Housing and Community Development (HCD).

Recommendation:
Move to adopt a resolution (Attachment 1) approving the necessary budget amendments to reallocate defederalized funds into the General Fund and disencumber remaining funds to California Department of Housing and Community Development (HCD).

[Staff Report - Approval of Budget Amendments to Reallocate Defederalized CDBG](#)

[1. Resolution - CDBG Budget Amendments](#)

14.D - APPROVAL OF A BUDGET AMENDMENT IN ORDER TO REIMBURSE THE UNITED STATES FOREST SERVICE (Fire Chief)

The California Fire and Rescue Mutual Aid System provides systematic mobilization, organization, and operation of necessary fire and rescue resources throughout California to mitigate the effects of disasters. Agencies are reimbursed for personnel time and equipment costs incurred as a result of response to mutual aid requests. The California Office of Emergency Services (Cal OES) manages reimbursement claims for all mutual aid incidents.

A strike team from the Benicia Fire Department provided mutual aid response to the Red Salmon Complex fire during the 2020 fire season. Due to the region of the Complex fire, it was managed by the United States Forest Service (USFS). In December 2020, the USFS reimbursed the City of Benicia for the full cost of the strike team's staff and equipment in the amount of \$58,745. Then, in June 2021, the USFS mistakenly reimbursed the City a second time via a \$58,745 direct deposit. City staff notified the USFS of the error and have since received an invoice requesting the City return the second payment. Fiscal Year 2020/2021 (FY20/21) funds have been closed and accepted; therefore, sufficient funds are not available to refund the USFS for the second payment. A budget amendment is required in the amount of \$58,745 to refund the USFS for the excess payment.

Recommendation:

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

1. Approving the payment of \$58,745 to the United States Forest Service to refund the USFS's excess reimbursement to the Benicia Fire Department for mutual aid services rendered during the Red Salmon Complex fire in 2020;
2. Approval of the necessary budget amendments.

[Staff Report - Approval of a Budget Amendment in order to Reimburse the United States Forest Service](#)

[1. Resolution – United States Forestry Service Refund Budget Amendment](#)

14.E - AUTHORIZING THE BUDGET AMENDMENT TO OUTFIT A PATROL VEHICLE (Police Chief)

In the Fiscal Year 19-20, the Police Department had requested City Council's approval to purchase and outfit three vehicles. Due to some manufacturing delays and the Covid-19 pandemic, the delivery of one of the vehicles was delayed until 2021.

Recommendation:

Move to adopt a resolution (Attachment 1) authorizing a budget amendment to outfit one patrol vehicle in the amount of \$24,530.

[Staff Report - Authorizing the Budget Amendment to Outfit A Patrol Vehicle](#)

[1. Resolution - Patrol Vehicle Outfit](#)

14.F - AUTHORIZE PURCHASE OF THREE PUBLIC WORKS SERVICE VEHICLES AND APPROVE BUDGET AMENDMENTS (Public Works Director)

The Public Works Department is requesting approval to purchase three replacement vehicles for the Maintenance Division, along with the necessary budget amendments. Staff is requesting approval of the quotes received from Downtown Ford, using the CMAS (California Multiple Award Schedules) Contract # 1-18-23-20A to move forward with the purchase of these trucks.

Recommendation:

Move to adopt a resolution (Attachment 1) authorizing the purchase of three Public Works vehicles from Downtown Ford for a cost not to exceed \$102,000 (See quotes as Attachment 2); approving the necessary budget amendments; and authorizing the City Manager to sign the purchase order on behalf of the City.

[Staff Report - Authorize Purchase of Three Public Works Service Vehicles and Approve Budget Amendments](#)

[1. Resolution - Purchase of Public Works Vehicles](#)

[2. Price Quotes from Downtown Ford](#)

[3. City of Benicia Equipment-Vehicle Replacement Policy & Procedures](#)

14.G - ACCEPTANCE OF THE EL BONITO WAY SANITARY SEWER FORCE MAIN REPLACEMENT PROJECT (Public Works Director)

On June 1, 2021, City Council adopted Resolution No. 21-59, awarding the construction contract to Ghilotti Brothers, Inc. for the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082 (Project).

The Project replaced a 4-inch diameter sanitary sewer force main approximately 650 feet in length along El Bonito Way and included the construction and/or installation of asphalt paving, striping, pavement markings and markers, traffic control, and all appurtenant work. This project is ready to be accepted as complete; the final construction cost is \$331,716.01.

Recommendation:

Move to adopt the resolution (Attachment 1) approving contract change orders (Attachment 1, Exhibit A), accepting the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082, as complete, authorizing the City Manager to sign the Notice of Completion (Attachment 2), and authorizing the City Clerk to file said notice with the Solano County Recorder.

[Staff Report - Acceptance of the El Bonito Way Sanitary Sewer Force Main Replacement Project](#)

[1. Resolution - Acceptance of El Bonito Way Sanitary Force Main Replacement Project](#)

[2. Notice of Completion – El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082](#)

[3. Resolution No. 21-59](#)

14.H - AUTHORIZATION OF CONTINUATION OF VIRTUAL MEETINGS (City Attorney)

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

Recommendation:

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

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

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

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

15. Business Items

15.A - INTRODUCTION OF AN ORDINANCE AMENDING LANGUAGE IN BENICIA MUNICIPAL CODE CHAPTERS 13.12 AND 13.52 REGARDING WATER AND WASTEWATER RATES (Public Works Director)

The proposed ordinance seeks to amend language in the water and wastewater chapters of the Benicia Municipal Code. The amendments are clean up changes in preparation of the November 16, 2021 public hearing where the City Council will consider whether to adopt proposed water and wastewater rates. This action on November 2, 2021 does not affect water or wastewater rates; it aims to delete outdated sections and clarify language for customers’ better understanding.

Recommendation:

Move to waive the first reading and introduce an ordinance (Attachment 1) of the City Council to amend Sections 13.12.010 (General Water Service Rates) and 13.52.030 (General Sewerage Service)

of the Benicia Municipal Code and finding the ordinance exempt under the California Environmental Quality Act.

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

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

16. Adjournment (8:00 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 Kim Imboden, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

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

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

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

Public Records

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

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

Contact Your Council Members

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

Mayor Young: 707-746-4213

Vice Mayor Campbell: 707-746-4213

Council Member Strawbridge: 707-746-4213

Council Member Largaespada: 707-746-4213

Council Member Macenski: 707-746-4213

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MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
OCTOBER 19, 2021
6:00 PM

Teleconferencing meeting: 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 (6:00 P.M.)

Mayor Young called the meeting to order at 6:00 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 - ARBOR DAY

Proclamation - Arbor Day 2021 

7) APPOINTMENTS

8) **PRESENTATIONS**

8.A - VISIT BENICIA TOURISM PROGRAM UPDATE

9) **ADOPTION OF AGENDA**

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Erik Upson stated that Item 13.I would be pulled from Consent due to conflict of interest for two Council Members. Those items would be voted on separately.

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

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

Noes: (None)

10) OPPORTUNITY FOR PUBLIC COMMENTS

11) WRITTEN COMMENT

Please click [here](#) to view general written comment.

12) PUBLIC COMMENT

None

13) CONSENT CALENDAR

13.A - APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 5, 2021 SPECIAL AND REGULAR MEETING (City Clerk)

[October 5, 2021 City Council Meeting Minutes](#) 

13.B - APPROVING THE NECESSARY BUDGET AMENDMENTS TO FUND IMPROVEMENTS TO THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE SYSTEM (Finance Director)

[Staff Report - ERP Budget Amendments](#) 
[1. Resolution - ERP Budget Amendments](#) 

RESOLUTION NO. 21- 129 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE NECESSARY BUDGET AMENDMENTS TO FUND IMPROVEMENTS TO THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE SYSTEM

13.C - APPROVING THE NECESSARY BUDGET AMENDMENTS TO FUND ECONOMIC DEVELOPMENT ACTIVITIES RELATED TO RESOLUTION 21-15 (Finance Director)

DRAFT

Staff Report - Economic Development Budget Amendments - Parklet Program 
1. Resolution - Economic Development Budget Amendments - Parklet Program 

RESOLUTION NO. 21- 130 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE NECESSARY BUDGET AMENDMENTS TO FUND ECONOMIC DEVELOPMENT ACTIVITIES RELATED TO RESOLUTION 21-15

13.D - MODIFICATION OF BSPA MOU TO ALLOW FOR ADDITIONAL MEMBERS OF THE CITY PUBLIC COMMUNICATION TEAM (Deputy City Manager)

Staff Report - Modification of BSPA MOU 
1. Resolution – Approval of Amendment to the MOU Between the City of Benicia and BSPA 

RESOLUTION NO. 21- 133 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE MOU BETWEEN THE CITY OF BENICIA AND THE BENICIA SUPERVISOR AND PROFOESSIONAL ASSOCIATION (BSPA) INCREASING THE CITY’S PUBLIC COMMUNICATION TEAM MEMBERSHIP FROM FOUR (4) TO UP TO SIX (6) MEMBERS

Mayor Young and Staff discussed the stipend listed in the staff report, the purpose of the City Public Communication Team, and how the team will be involved in social media.

Council Member Macenski discussed the increase in responsibility of the team and the MOU.

Council Member Largaespada and Staff discussed support for the proposed item.

Public Comment:

None

On motion of Council Member Largaespada, seconded by Council Member Strawbridge, Council approved the adoption of Resolution 21-133, as presented, on a roll call by the following vote:

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

Noes: (None)

13.E - AWARD CONTRACT FOR CITY COUNCIL CHAMBER AUDIO-VISUAL (AV) UPGRADE (Information Technology Manager)

DRAFT

Staff Report - City Council Chamber Audio-Visual Project

1. Resolution - Award of Council Chambers Audio- Visual Project
2. Professional Service Contract with Signal Solutions

RESOLUTION NO. 21- 131 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR UPGRADING THE CITY COUNCIL CHAMBERS AUDIO VISUAL SYSTEMS; AWARDED THE PROFESSIONAL CONTRACT TO SIGNAL SOLUTIONS CORPORATION OF BENICIA, CALIFORNIA, IN THE AMOUNT OF \$162,897.95; AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND ANY CHANGE ORDERS ON BEHALF OF THE CITY IN AN AMOUNT NOT TO EXCEED \$179,187.75, WHICH INCLUDES A 10% CONTINGENCY OF \$16,290

13.F - AUTHORIZING THE PURCHASE OF THREE REPLACEMENT POLICE VEHICLES AND APPROVING THE NECESSARY BUDGET AMENDMENT (Police Chief)

Staff Report - Purchase of Police Vehicles

1. Resolution - Purchase of Police Vehicles
2. Vehicle and Equipment Purchase and Replacement Policy and Procedures

RESOLUTION NO. 21 - 134 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT POLICE VEHICLES AND APPROVING THE NECESSARY BUDGET AMENDMENT

Public Comment:

Terry Scott - Mr. Scott discussed his request that the City consider using Tesla electric vehicles for police cruisers.

Mayor Young discussed study the Fremont Police Department's did using Tesla vehicles. He would like at least one of the vehicles to be electric, if not all three.

Mr. Upson discussed the challenges switching at this time would pose. It needs to be thought out fully. He suggested including this issue in Council's priority setting meeting. There needs to be a comprehensive plan to incorporate the needed infrastructure into the plan.

Chief Greene discussed the fact that the Tesla is not a purpose-built police vehicle. It is an electric vehicle being turned into a police vehicle. He was not clear on the safety of the vehicles, their safety for high-speed pursuits, whether the current electronic package would fit into a Tesla, and how the cars would be charged (some are used 24 hours per day). He has looked into the Ford electric police vehicles, as they are purpose-built police vehicles.

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Council Member Macenski discussed concern with starting the City's safety fleet with electric vehicles. He suggested trying the vehicles out on non-safety vehicles. He would like some sort of independent evaluation before we move forward with that. He discussed concern about having all-electric vehicles in the event of a citywide emergency, and whether that would create a logistical challenge.

Vice Mayor Campbell discussed the abilities of a Tesla vehicle. He would like to move forward, but not at this time. The charging equipment would be very expensive. He was not sure the community would be comfortable seeing the police officers driving expensive Tesla cars.

Written Comment:

Please click [here](#) to view written comment received for Item 13.F.

Additional Public Comments:

None

On motion of Council Member Largaespada, seconded by Council Member Strawbridge, Council approved the adoption of Resolution 21-134, as presented, on a roll call by the following vote:

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

Noes: (None)

13.G - RE-DESIGNATION OF SOLANO TRANSPORTATION AUTHORITY AS ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM SERVICE AUTHORITY FOR SOLANO COUNTY (Police Chief)

[Staff Report - Abandoned Vehicle Abatement Program](#) 
[1. Resolution - Abandoned Vehicle Abatement Program](#) 

RESOLUTION NO. 21- 132 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RE-DESIGNATING THE SOLANO TRANSPORTATION AUTHORITY (STA) AS THE ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM SERVICE AUTHORITY FOR SOLANO COUNTY

13.H - AWARDING CONTRACTS FOR THE WASTEWATER TREATMENT PLANT LANDSCAPE IMPROVEMENT PROJECT AND APPROVING THE NECESSARY BUDGET AMENDMENT (Public Works Director)

RESOLUTION NO. 21- 135 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING NEWTON CONSTRUCTION AND

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MANAGEMENT, INC. AS THE ACCEPTED CONTRACTOR AND THE GORDIAN GROUP FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE WASTEWATER TREATMENT PLANT LANDSCAPE IMPROVEMENT PROJECT; AWARDING THE CONSTRUCTION CONTRACT TO NEWTON CONSTRUCTION AND MANAGEMENT, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$261,152.82 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND ANY CHANGE ORDERS ON BEHALF OF THE CITY IN AN AMOUNT NOT-TO-EXCEED \$287,268.10, WHICH INCLUDES A \$26,115.28 CONSTRUCTION CONTINGENCY; APPROVING THE CONSTRUCTION MANAGEMENT CONTRACT WITH THE GORDIAN GROUP IN THE AMOUNT OF \$15,538.59 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY; AND APPROVING THE NECESSARY BUDGET AMENDMENT

Mayor Young discussed concerns regarding spending money on something that was not an infrastructure expense.

Council Member Macenski and Staff discussed how the project was being funded, and how the proposed project would be a model for citizens with regards to water use efficiency, drought resistant plants, and moving to drip systems rather than spray watering.

Council Member Largaespada discussed support for the proposed project.

Council Member Macenski and Staff discussed taking on different facilities at a time in small progressive steps.

Mike Dotson, Parks and Community Services Director, discussed how this issue was being addressed in the Parks Master Plan. It is something Staff is always looking at and considering.

Vice Mayor Campbell discussed concern with the cost of the project.

Public Comment:

1. Allison Fleck - Ms. Fleck discussed the positive aspects of drought resistant plants and drip systems.
2. Jane Curl - Ms. Curl discussed concern regarding the large sign and the flagpole that is on the corner.

[Staff Report - WWTP Landscape Improvement Project](#) 

[1. Resolution - WWTP Landscape Improvement Project](#) 

[2. Construction Contract with Newton Construction and Management, Inc.](#) 

[3. Agreement for Construction Management Services with The Gordian Group](#) 

DRAFT

On motion of Council Member Largaespada, seconded by Council Member Strawbridge, Council approved the adoption of Resolution 21-135, as presented, on a roll call by the following vote:

Ayes: Council Member Largaespada, Council Member Strawbridge, Council Member Macenski

Noes: Vice Mayor Campbell, Mayor Young

13.I - APPROVAL OF AGREEMENT FOR THE WEST 7TH STREET 12-INCH WATER MAIN IMPROVEMENT PROJECT AND APPROVAL OF THE NECESSARY BUDGET AMENDMENT (Public Works Director)

Staff Report - West 7th Water Main Improvement Project 

1. Resolution - West 7th Water Main Improvement Project 

2. Agreement for Professional Services with Stantec Consulting Services, Inc. 

RESOLUTION NO. 21-136 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$191,652 FOR ENGINEERING DESIGN SERVICES FOR THE WEST 7TH STREET 12-INCH WATER MAIN IMPROVEMENT PROJECT AND APPROVING THE NECESSARY BUDGET AMENDMENT

Mayor Young pulled this item so Staff could speak to the issue of the road reconstruction.

Will Tarbox, Public Works Director, and Dan Sequeira, Deputy Director Operations, discussed the project. West 7th Street would require a grind and an overlay. That work could be scheduled in Fiscal Year 22-23. There is currently grant work happening on West 7th Street. Staff clarified that the water line being replaced starts on Military West at West 7th Street, but it is not on West 7th Street. It goes from Military/West 7th to Military West/Plaza de Oro.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Vice Mayor Campbell, Council approved the adoption of Resolution 21-136, as presented, on a roll call by the following vote:

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

Noes: (None)

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

DRAFT

Council pulled items 13.D, 13.F, 13.H, and 13.I for discussion.

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

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

Noes: (None)

14) BUSINESS ITEMS

14.A - APPROVAL OF LEASE AGREEMENT WITH ARTS BENICIA FOR THE COMMANDING OFFICER'S QUARTERS, 1 COMMANDANT'S LANE (Deputy City Manager)

Staff Report - Approval of Lease Agreement - Arts Benicia

1. Resolution - Lease Agreement with Arts Benicia for the COQ
2. Proposed COQ Lease Agreement with Arts Benicia
3. Commanding Officer's Quarters Reuse Study 2009

RESOLUTION NO. 21- 137 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE LEASE AGREEMENT WITH ARTS BENICIA FOR THE COMMANDING OFFICER'S QUARTERS AT 1 COMMANDANT'S LANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE

Mario Giuliani, Deputy City Manager, reviewed the staff report.

Council Member Largaespada discussed the need to provide consideration to the other non-profit groups to have equally generous lease agreements, and the need for rent or fee schedules that will show the increase in the City's costs for providing such an agreement (maintenance costs, etc.).

Council Member Strawbridge discussed support for the proposed agreement. She would like to have Arts Benicia do a presentation to Council on how they propose to use the building (once they get settled), She and Staff discussed why Arts Benicia can't use the basement.

Council Member Macenski discussed support for the proposed agreement, and concern regarding maintenance/repair costs.

Mayor Young and Staff discussed the restrictions on the use of the building, such as hanging things on the walls, putting holes in the walls, lighting, etc., and the issue of window coverings.

DRAFT

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Largaespada, Council approved the adoption of Resolution 21-137, as presented, on a roll call by the following vote:

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

Noes: (None)

14.B - CONSIDERATION OF PROPOSING UPDATES TO THE CITY'S CAMPAIGN ORDINANCES (City Attorney)

Staff Report - Consider Updates to Campaign Ordinances 

1. Two-Step Request - Mayor Young & Vice Mayor Campbell 

2. Voluntary Code of Fair Campaign Practices 

Ben Stock, City Attorney, reviewed the staff report.

Council Member Largaespada discussed Benicia's robust campaign ordinances, its fair elections, and his support for reforms that are constitutional and enforceable. He and Staff discussed the issue of cities enforcing and regulating campaign speech - that it would likely be shot down, and possibly having a third-party group to encourage groups (such as Nextdoor, etc.) to monitor their posts. They also discussed the issue of using the hosting of the candidate forum to address hit pieces, and whether that was against government code.

Council Member Macenski and Vice Mayor Campbell discussed the original campaign ordinance and whether something was left out. Vice Mayor Campbell did not think anything was left out. Vice Mayor Campbell said the concern now is the issue of social media. We need someone to look at the information and see if statements are not credible or are false.

Mayor Young discussed the issue of paid ads and comments made by individuals on Facebook, whether the League of Women Voters would take on the roll as a third-party fact checker, the issue of fake videos and images, whether there is a limit to what people can say (defamation), and false speech being protected speech.

Council Member Strawbridge discussed the issue of paid ads and individuals within a campaign making false statements, and concerns about political gamesmanship.

Vice Mayor Campbell discussed the issue of regulating speech and the need for a third-party fact checking entity that could referee in the event an issue arises.

DRAFT

Council Member Largaespada discussed the issue of hiring a third-party fact checker, concern about violating the freedom of speech, and concern regarding using government funds to pay for a third-party fact checking service.

Vice Mayor Campbell discussed the difference between regulating speech and analyzing speech.

Council Member Macenski discussed the possibility of making who is associated with a candidate's campaign public. He was not opposed to having the Open Government Commission (OGC) look into the ordinances.

Public Comment:

1. Terry Mollica - Mr. Mollica discussed the issue of defamation and false speech. He favored the third-party fact checking approach.
2. Lori Grundman - Ms. Grundman spoke in support for sending this to the OGC for review.

Vice Mayor Campbell made a motion to have the OGC look at any pages they may want to consider, within the parameters that you can't touch freedom of speech, paid ads, individuals, PAC's etc. He thought the City Attorney could fill the specifics in. He wanted to have the OGC take a look at what Council discussed tonight, and what happened in the last election (2020) to see if they want to look into what could be done, and possibly putting a third-party fact checker's information in the election packet so the candidates could hire them on their own dime.

Mayor Young seconded the motion.

Council Member Largaespada discussed concern about the OGC revisiting the issue when they reviewed it a year ago and found the rules were not enforceable.

Vice Mayor Campbell clarified that the OGC did not look at the issue of social media.

Council Member Strawbridge discussed the OGC's producing the voluntary code of campaign ethics. She discussed the need for a violation tool to have some teeth/enforcement.

Vice Mayor Campbell said he didn't have a problem with Council Member Strawbridge's suggestion. This is an attempt to take what we have and improve it.

Mayor Young suggested phrasing it in general terms: to look at the campaign ordinance with attention paid to the issues mentioned by Council Member Strawbridge, digital manipulation of images and videos, false statements, and the ability to have independent fact checkers.

DRAFT

Council Member Largaespada discussed case law regarding violating the fair campaign act. He was concerned about coming up with something we cannot enforce. He could not support something that is general, not enforceable, and unconstitutional.

Mayor Young stated that what Council was asking for was to have the OGC look into these issues and come back to Council with recommendations. He clarified that the motion was to complete the referral to the OGC and ask them to return to Council by Spring of next year with their recommendations.

On motion of Vice Mayor Campbell, seconded by Mayor Young, Council approved sending the above issues to the Open Government Commission, and having them return to Council by Spring 2022 with their recommendations, on a roll call by the following vote:

Ayes: Vice Mayor Campbell, Council Member Macenski, Mayor Young

Noes: Council Member Largaespada, Council Member Strawbridge

14.C - UPDATE ON FACE COVERINGS MANDATE AND THE CONTINUATION OF VIRTUAL MEETINGS (City Manager)

Staff Report - Update on Face Coverings Mandate and Continuation of Virtual Meetings

Erik Upson, City Manager, and Vice Mayor Campbell reviewed the staff report.

Council Member Strawbridge and Staff discussed whether we were able to track what caused the recent spikes and whether the City would change its mask policies like other Bay Area cities were doing.

Mayor Young and Staff discussed the City employee's vaccination rates.

Council Member Largaespada discussed amending the mandate to add some reasonable exceptions.

Vice Mayor Campbell reviewed a slide showing the Covid-19 cases in Benicia (copy on file).

Mr. Upson suggested bringing this item back when Staff could obtain more data and information and include discussion regarding the current resolution.

Mayor Young discussed Council Member Largaespada's suggestion for reasonable exceptions. He did not think that needed to be done.

Council Member Largaespada discussed the issue of gyms and how well they are ventilated and sanitized. There is no indication they are super-spreaders.

Council Member Macenski stated that gyms are privately owned, and the mask mandate did not apply to gyms.

DRAFT

Public Comment:

None

Mayor Young said there would be more discussion on this item at the 11/16/21 City Council meeting.

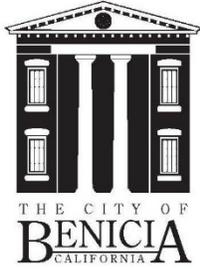
15) **COUNCIL MEMBER COMMITTEE REPORTS:**

15.A - COUNCIL MEMBER COMMITTEE REPORTS

Committee Reports 

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

Mayor Young adjourned the meeting at 9:28 p.m.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR**

TO : City Manager

FROM : Finance Director

SUBJECT : **PURCHASE ORDER CARRY FORWARD AND APPROVAL OF THE NECESSARY BUDGET AMENDMENTS**

EXECUTIVE SUMMARY:

The City’s fiscal year is July 1-June 30. Each fiscal year there are projects, which may or may not be capital in nature that require purchase orders/contracts to be continued into the next fiscal year. Since budget preparation is typically completed in late spring, staff is not always able to predict the completion of projects. When this occurs, and as a normal course of business, the Finance Department will submit for City Council approval the ability to increase appropriations for these instances when a purchase order is required to be “carried forward” to the next fiscal year and sufficient budget is unavailable in the new fiscal year’s budget to cover the “carried forward” potential (purchase order) expenses.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) approving the necessary budget amendments to fund the remaining purchase orders “carried forward” from FY 2020/21 to FY 2021/22 that do not have sufficient appropriation authority in the current fiscal year.

BUDGET INFORMATION:

Staff is requesting an increase in appropriations for the Organization and Object account codes as outlined below. The increase in funding will be offset by its respective fund balance.

ORG	Object	FY 2021/22 Budget Increase
0104010	7011	10,000
7508020	7052	31,000
7108030	7008	12,000
7508020	7008	16,000
7108030	7011	38,000
7508020	7011	38,000
4158010	7087	15,100
7108030	7011	23,000
7508020	7011	23,000
7508020	7160	28,200
7508021	7087	2,000
7608021	7435	32,000
7508020	7011	11,100
4258050	7425	135,000
7608021	7435	18,750
6259010	7008	36,500
7108030	7052	12,500
7508020	7008	3,900
7108030	7008	3,900
7508021	7008	2,000
7108031	7008	2,000
4158010	7425	50,000
7208031	7435	230,000
3118050	7425	250,000
4158010	7425	132,000
4258050	7425	716,000
0104010	7011	22,500
7108030	7011	3,100
0104020	7011	11,000
0104020	7011	12,500
7508020	7008	116,000
7508020	7011	46,000
6259010	7008	110,100
7508020	7009	6,750
7108030	7085	148,000
0104010	7011	326,000
7208031	7435	8,100
7108030	7011	1,650
7608021	7435	97,000
7508020	7011	106,000

BACKGROUND:

The City’s fiscal year is July 1-June 30. Each fiscal year there are projects, which may or may not be capital in nature that require purchase orders/contracts to be continued into the next fiscal year. Since budget preparation is typically completed in late spring, staff is not always able to predict the completion of projects requiring these purchase orders, thus budget may or may not exist in the next fiscal year to cover these ongoing expenses. When this occurs, and as a normal course of business, the Finance Department will submit for City Council approval the ability to increase appropriations for these instances only if a funding source, fund balance or similar funding source, is available to cover these increased “carried forward” purchase orders. This item is the formal administrative process to request such actions.

NEXT STEPS:

If the City Council adopts the resolution, staff will have the necessary funding to complete the projects related to the “carried forward” purchase orders.

ALTERNATIVE ACTIONS:

If not approved, staff will not have the budget authority to carry over the purchase orders and would have to utilize existing FY 2021/22 appropriations which could limit the department’s ability to complete other work that was already planned into the FY 2021/22 spending plan.

General Plan	Goal 2.28 Improved and maintain public facilities and services
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input checked="" type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Administration - Finance Department 2. Capital Improvement Program 3. Citywide Project Funding

CEQA Analysis	This project is Categorical Exempt per CEQA Section 21080(b)(9);15300 which applies to any project that has been determined not to have significant effect on the environment and exempt from this division.
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ATTACHMENT:

1. Resolution – Carry Forward Purchase Orders into FY 2021/22
 - a. Exhibit A – List of Organization and Object Codes for FY 2021/22 Budget Increase

*For more information contact: Bret Prebula, Finance Director
Phone: 707-746-4712; E-mail: bprebula@ci.benicia.ca.us*

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE NECESSARY BUDGET AMENDMENTS TO FUND PURCHASE ORDERS THAT MUST BE CARRIED FORWARD FROM FY 2020/21 TO FY 2021/22

WHEREAS, the City has capital and non-capital projects that may cross fiscal years; and

WHEREAS, the City must continue the contract/purchasing obligations with vendors in order to complete the projects; and

WHEREAS, due to the timing of the budget creation, staff is not always able to anticipate when multi-year funding would be required for one-time projects; and

WHEREAS, as a normal course of business when sufficient budget cannot be identified, staff will make this annual request of City Council to increase appropriations to allow for purchase orders to be “carried forward” from the previous year to complete specific projects; and

WHEREAS, a budget amendment is required in the following organizations and objects increasing appropriations as outlined in Exhibit A, offset by each fund’s respective available fund balance.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the necessary budget amendments listed in Exhibit A to allow for funding of the “carried forward” purchase orders from FY 2020/21 into FY 2021/22.

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 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

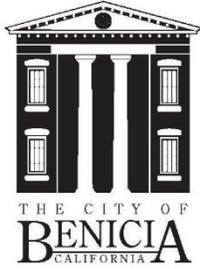
Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A

ORG	Object	FY 2021/22 Budget Increase
0104010	7011	10,000
7508020	7052	31,000
7108030	7008	12,000
7508020	7008	16,000
7108030	7011	38,000
7508020	7011	38,000
4158010	7087	15,100
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7108030	7085	148,000
0104010	7011	326,000
7208031	7435	8,100
7108030	7011	1,650
7608021	7435	97,000
7508020	7011	106,000



**AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR**

TO : City Manager

FROM : Finance Director

SUBJECT : **APPROVAL OF BUDGET AMENDMENTS TO REALLOCATE DEFEDERALIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS AND DISENCUMBER EXCESS PROGRAM INCOME TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

EXECUTIVE SUMMARY:

The City currently possesses \$148,156.15 of Community Development Block Grant (CDBG) program income. Of these funds, \$101,584 has been classified as defederalized and therefore must be moved from the City’s CDBG fund to the City’s General Fund, and \$46,573 has been classified as excess program income which must be returned, or disencumbered, to California Department of Housing and Community Development (HCD).

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) approving the necessary budget amendments to reallocate defederalized funds into the General Fund and disencumber remaining funds to California Department of Housing and Community Development (HCD).

BUDGET INFORMATION:

Staff is requesting to move of \$101,584 from account 2400000-7699 (CDBG Cash) to account 0102900-5799, and move \$46,573 to account 2400000-7126 for disencumbering to HCD.

<u>Account Number</u>	<u>Item Description</u>	<u>Amount</u>
2400000-7699	Transfer Out to General Fund	\$ 101,584
0102900-5799	Transfer In from CDBG	\$ 101,584
2400000-7126	Miscellaneous Expenses/ Return to HCD	\$ 46,573

BACKGROUND:

Over the years, the City of Benicia has received program income associated with various CDBG activities. In coordination with HCD, staff has determined that the current balance of

\$148,156.15 must be partially returned, or disencumbered, to HCD, while the remainder may be reallocated to the General Fund.

The City of Benicia receives program income (PI) when a CDBG loan is repaid to the City and also from interest income on the CDBG bank account. The total amount of PI that is received each fiscal year determines the actions that the City must take. If the amount of PI received by the City is below \$35,000, then the City can follow a reporting process to “defederalize” these funds and deposit them into the General Fund with no further restrictions. If the amount of PI received in a single fiscal year by the City exceeds \$35,000, the City must apply these funds to an eligible activity under CDBG regulations. The City has up to 36 months to use these funds before they must be disencumbered and returned back to the State.

A total of \$46,572.15 in the City of Benicia’s CDBG fund is considered excess PI by HCD and is beyond the 36-month expenditure deadline for reuse. As a result, HCD is requesting that \$46,572.15 be disencumbered, or returned, back to the State under provisions in the Standard Agreement between Benicia and the State. If the City wishes to make use of these funds in the future, it may submit a grant application and complete the grant administration and reporting process pursuant to HCD’s adopted program requirements.

NEXT STEPS:

If the City Council adopts the resolution, the necessary budget amendments will be made and excess PI funds will be disencumbered to the State.

ALTERNATIVE ACTIONS:

If the City Council does not adopt the resolution, the defederalized funds will not be available for use and HCD will pursue further action to obtain excess PI from the City, which may damage future opportunities to obtain CDBG grants.

General Plan	Housing Element Goal 1: Benicia shall be an active leader in attaining the goals of the City’s Housing Element.
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	1. Administration - Finance Department

	2. Enterprise Resource Planning (ERP)
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CEQA Analysis	This project is Categorical Exempt per CEQA Section 21080(b)(9);15300, which applies to any project that has been determined not to have significant effect on the environment and is exempt from this division.
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ATTACHMENT:

1. Resolution – CDBG Budget Amendments

For more information contact: Bret Prebula, Finance Director

Phone: 707-746-4217

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

RESOLUTION NO. 21-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE NECESSARY BUDGET AMENDMENTS TO DISENCUMBER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS TO HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND MOVE DEFEDERALIZED FUNDS INTO THE GENERAL FUND**

WHEREAS, the City has utilized Community Development Block Grants (CDBG) over the past several decades; and

WHEREAS, the City has retained program income from making various grants from CDBG funds to recipients in the City; and

WHEREAS, program income retained can be defederalized and moved into the City's General Fund if under a set threshold based on the year retained; and

WHEREAS, if program income exceeds the threshold the City must return, or disencumber, these excess funds back to California Housing and Community Development; and

WHEREAS, the following budget amendments are required to comply with regulations governing the use of Community Development Block Grant funds.

<u>Account Number</u>	<u>Item Description</u>	<u>Amount</u>
2400000-7699	Transfer Out to General Fund	\$ 101,584
0102900-5799	Transfer In from CDBG	\$ 101,584
2400000-7126	Miscellaneous Expenses/ Return to HCD	\$ 46,573

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the necessary budget amendments listed above to comply with CDBG regulations, move \$101,584 of defederalized funds into the General Fund, and return, or disencumber, \$46,573 to California Housing and Community Development.

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 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

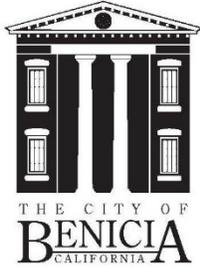
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR

TO : City Manager

FROM : Fire Chief

SUBJECT : **APPROVAL OF A BUDGET AMENDMENT IN ORDER TO REIMBURSE THE UNITED STATES FOREST SERVICE**

EXECUTIVE SUMMARY:

The California Fire and Rescue Mutual Aid System provides systematic mobilization, organization, and operation of necessary fire and rescue resources throughout California to mitigate the effects of disasters. Agencies are reimbursed for personnel time and equipment costs incurred as a result of response to mutual aid requests. The California Office of Emergency Services (Cal OES) manages reimbursement claims for all mutual aid incidents.

A strike team from the Benicia Fire Department provided mutual aid response to the Red Salmon Complex fire during the 2020 fire season. Due to the region of the Complex fire, it was managed by the United States Forest Service (USFS). In December 2020, the USFS reimbursed the City of Benicia for the full cost of the strike team's staff and equipment in the amount of \$58,745. Then, in June 2021, the USFS mistakenly reimbursed the City a second time via a \$58,745 direct deposit. City staff notified the USFS of the error and have since received an invoice requesting the City return the second payment. Fiscal Year 2020/2021 (FY20/21) funds have been closed and accepted; therefore, sufficient funds are not available to refund the USFS for the second payment. A budget amendment is required in the amount of \$58,745 to refund the USFS for the excess payment.

RECOMMENDATION:

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

1. Approving the payment of \$58,745 to the United States Forest Service to refund the USFS's excess reimbursement to the Benicia Fire Department for mutual aid services rendered during the Red Salmon Complex fire in 2020;
2. Approval of the necessary budget amendments.

BUDGET INFORMATION:

The USFS reimbursed the Benicia Fire Department \$58,745 into Account No. 0106000-5458 on December 23, 2020 for their services at the Red Salmon Complex fire. The USFS mistakenly

reimbursed the Benicia Fire Department \$58,745 into Account No. 0106000-5458 on June 8, 2021 for the same services that had already been fully reimbursed on December 23.

Sufficient funds for this refund are not available because the excess USFS revenue from June 8, 2021 in the amount \$58,745 has been closed and accepted as part of the FY20/21 budget closeout.

Staff is requesting increasing appropriations in the Fire Department budget (ORG/Object-0106000-7126) by \$58,745, offset by the use of available fund balance, in order to reimburse USFS for the overpayment.

BACKGROUND:

The California Fire and Rescue Mutual Aid System provides systematic mobilization, organization, and operation of necessary fire and rescue resources throughout California to mitigate the effects of disasters. Agencies are reimbursed for personnel time and equipment costs incurred as a result of response to mutual aid requests. The California Office of Emergency Services (Cal OES) manages reimbursement claims for all incidents in the State.

During the 2020 fire season, a strike team from the Benicia Fire Department provided mutual aid response to the Red Salmon Complex fire. Due to the region of the Complex fire, it was managed by the United States Forestry Service (USFS). On December 23, 2020 the USFS reimbursed the City of Benicia for the full cost of the strike team’s staff and equipment in the amount of \$58,745. Then, on June 8, 2021, the USFS mistakenly reimbursed the City a second time in the amount of \$58,745. City staff notified the USFS of the error and have since received an invoice requesting the City return the second payment.

FY 2020/21 funds have been closed and accepted; therefore, sufficient funds are not available to refund the USFS for the second payment, thus a budget amendment is required to allow enough appropriation authority to refund the USFS.

NEXT STEPS:

If City Council approves the requested action, the Fire Department will have enough appropriation authority to allow for the refund to the USFS.

ALTERNATIVE ACTIONS:

If the proposed resolution is not adopted, the Benicia Fire Department will not have sufficient funds to refund the USFS for excess reimbursement.

General Plan	Goal 2.28 Improve and Maintain Public Facilities and Services
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input checked="" type="checkbox"/> Protect Community Health & Safety</p>

	<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
	<p style="text-align: center;">City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Emergency Response - Fire 2. Disaster Management 3. Fire and Emergency Services Equipment

CEQA Analysis	<p>The Agreement Amendment does not constitute a project as defined by the California Quality Act Guidelines (CEQA). Section 15378 (b) (2) excludes continuing administrative activities, therefore this action is not subject to environmental review pursuant to CEQA Guidelines Section 15060 (c) (3).</p>
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ATTACHMENT:

1. Resolution – United States Forestry Service Refund Budget Amendment

For more information contact: Josh Chadwick, Fire Chief

Phone: 707-746-4275

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

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE PAYMENT OF \$58,745 TO THE UNITED STATES FOREST SERVICE TO REFUND EXCESS REIMBURSEMENT, AND NECESSARY BUDGET AMENDMENT

WHEREAS, the California Fire and Rescue Mutual Aid System provides systematic mobilization, organization, and operation of necessary fire and rescue resources throughout California to mitigate the effects of disasters; and

WHEREAS, agencies are reimbursed for personnel time and equipment costs incurred as a result of response to mutual aid requests; and

WHEREAS, a strike team from the Benicia Fire Department provided mutual aid response to the Red Salmon Complex fire; and

WHEREAS, on December 23, 2020, the United States Forest Service (USFS) reimbursed the City of Benicia for the full cost of the strike team's staff and equipment in the amount of \$58,745; and

WHEREAS, on June 8, 2021, the USFS mistakenly reimbursed the City a second time in the amount of \$58,745; and

WHEREAS, City staff notified the USFS of the error and have since received an invoice requesting the City return the second payment; and

WHEREAS, sufficient funds are not available to refund the USFS for the second payment because Fiscal Year 2020/21 funds have been closed and accepted; and

WHEREAS, a budget amendment is needed increasing appropriations in the Fire Department budget (ORG/Object- 0106000-7126) by \$58,745, offset by the use of available fund balance, in order to reimburse USFS for the overpayment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia does hereby approve the payment of \$58,745 to the USFS to refund the USFS's excess reimbursement to the Benicia Fire Department for mutual aid services rendered during the Red Salmon Complex fire in 2020.

BE IT FURTHER RESOLVED the City Council of the City of Benicia does hereby approve the budget amendment necessary to refund the USFS.

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 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

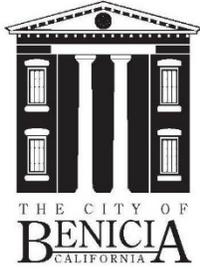
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR

TO : City Manager

FROM : Police Chief

SUBJECT : **AUTHORIZING THE BUDGET AMENDMENT TO OUTFIT A PATROL VEHICLE**

EXECUTIVE SUMMARY:

In the Fiscal Year 19-20, the Police Department had requested City Council’s approval to purchase and outfit three vehicles. Due to some manufacturing delays and the Covid-19 pandemic, the delivery of one of the vehicles was delayed until 2021.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) authorizing a budget amendment to outfit one patrol vehicle in the amount of \$24,530.

BUDGET INFORMATION:

The outfitting cost for three vehicles were approved in 2019 (Resolution 19-64). Since the funds were never used in FY 19-20, there are available monies in the ISF-Fund Balance to cover the costs in FY 21-22.

Staff is requesting Council approval of a budget amendment increasing appropriations within the ISF-Vehicle Replacement Fund (ORG/Object 6305000-7430) by \$24,530, offset using ISF fund balance to cover this purchase in FY 21-22.

BACKGROUND:

In July 2019, Council had approved the purchase and outfitting of three new police vehicles (Resolution 19-64). Last year two vehicles were delivered. However, due to a delay in manufacturing and the Covid-19 pandemic, one vehicle was not received until 2021. The current fiscal year budget did not account the cost to outfit this vehicle. Therefore, staff is requesting a budget amendment for the current fiscal year to cover the cost of outfitting one police vehicle in FY 2021-22.

NEXT STEPS:

If approved, purchase orders will be utilized to outfit the vehicle for the Police Department.

ALTERNATIVE ACTIONS:

Council could choose to not approve the budget adjustment, therefore taking away a patrol vehicle from the Police Department fleet.

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

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 checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <ul style="list-style-type: none"> • Strategy #4: Provide adequate funding for ongoing infrastructure needs. <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. Fleet-Police

CEQA Analysis	The purchase of these vehicles does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378 (b) (2), therefore is not subject to environmental review under CEQA Guidelines Section 15060 (c) (3).
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ATTACHMENT:

1. Resolution – Patrol Vehicle Outfit

For more information contact: Michael Greene, Police Chief

Phone: 707-746-4265

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

RESOLUTION NO. 21-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING A BUDGET AMENDMENT TO OUTFIT A PATROL VEHICLE**

WHEREAS, in July 2019, the City Council approved the purchase and outfitting of three police vehicles via Resolution 19-64; and

WHEREAS, the last of the three vehicles was only delivered in 2021 due to manufacturing delays and the Covid-19 pandemic; and

WHEREAS, the cost to outfit the vehicle was not budgeted in the Fiscal Year 2021-2022; and

WHEREAS, there are available funds in ISF-Fund Balance to cover the approved amount of \$24,530.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve the budget amendment increasing appropriations within the ISF-Vehicle Replacement Fund (ORG/Object 6305000-7430) by \$24,530, offset by the use of ISF fund balance, to cover this purchase in FY 21-22.

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 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

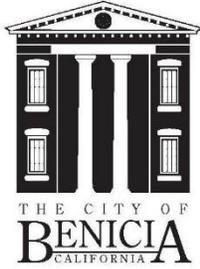
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **AUTHORIZE PURCHASE OF THREE PUBLIC WORKS SERVICE VEHICLES AND APPROVE BUDGET AMENDMENTS**

EXECUTIVE SUMMARY:

The Public Works Department is requesting approval to purchase three replacement vehicles for the Maintenance Division, along with the necessary budget amendments. Staff is requesting approval of the quotes received from Downtown Ford, using the CMAS (California Multiple Award Schedules) Contract # 1-18-23-20A to move forward with the purchase of these trucks.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) authorizing the purchase of three Public Works vehicles from Downtown Ford for a cost not to exceed \$102,000 (See quotes as Attachment 2); approving the necessary budget amendments; and authorizing the City Manager to sign the purchase order on behalf of the City.

BUDGET INFORMATION:

Funding for the replacement vehicles was not included in the City's 2021-2022 budget. The amount needed requires a budget amendment of \$102,000 from Vehicle Replacement Reserves, as well as the necessary financial transactions for the capital asset, various budget amendments are being requested. In order to facilitate the funding necessary, the following actions are required:

- Increase appropriations within the ISF-Vehicle Replacement Fund (obj/org 6308050-7430) by \$102,000 offset by the use of ISF fund balance.

The three Public Works vehicles will be purchased using the CMAS (California Multiple Award Schedules) Contract # 1-18-23-20A from Downtown Ford of Sacramento. The total not-to-exceed cost of purchasing the three Public Works vehicles is \$102,000.

BACKGROUND:

The new vehicles will replace two 2008 Ford F-250 trucks and one 2012 Ford F-250 truck. The replacement vehicle purchases comply with the City Council's adopted Vehicle and Equipment Purchase and Replacement Policy and Procedures (Attachment 3), which established 10 years or

100,000 miles as the threshold for replacement of trucks in this class. The vehicles being replaced will be sold at auction. There will be no increase to the City’s fleet count from purchasing these vehicles.

Hybrid or electric vehicles are not currently available with the towing and weight capacity required for the Public Works Department operations. Further, the infrastructure needed to support an electric or alternate fuel fleet is not currently in place at the Corporation Yard. In considering this opportunity, staff prepared a preliminary cost estimate to purchase and install charging stations. The preliminary cost estimate for one charging station is approximately \$240,000. The purchase and installation of 50 charging stations, which might be necessary to support a fully electric fleet, is \$8,946,000.

NEXT STEPS:

If approved, a purchase order will be prepared, and the vehicles will be ordered.

ALTERNATIVE ACTIONS:

The City could rent and/or lease pick-up trucks; however, that would be inconsistent with the City’s vehicle purchasing policy (Attachment 3).

General Plan	Goal 2.20: Provide a balanced street system to service automobiles, pedestrians, bicycles, and transit
	Goal 2.28: Improve and maintain public facilities and services

Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p> <input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input checked="" type="checkbox"/> High Performing Government </p>
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Vehicle and Equipment Maintenance 2. Maintenance and Repair of Asphalt Pavement 3. Capital Improvement Project

CEQA Analysis	The purchase of the vehicles do not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378 (b) (2) therefore is not subject to environmental review under CEQA Guidelines Section 15060 (c) (3).
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ATTACHMENTS:

1. Resolution – Purchase of Public Works Vehicles
2. Price Quotes from Downtown Ford
3. City of Benicia Equipment/Vehicle Replacement Policy & Procedures

For more information contact: William Tarbox, Public Works Director

Phone: 707-746-4240

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

RESOLUTION NO. 21-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE PURCHASE OF THREE PUBLIC WORKS SERVICE
VEHICLES AND APPROVING THE NECESSARY BUDGET AMENDMENTS**

WHEREAS, the Public Works Department is requesting approval to purchase three replacement vehicles for the Maintenance Division, along with the necessary budget amendments; and

WHEREAS, the new vehicles will replace two 2008 Ford F-250 trucks and one 2012 Ford F-250 truck. The replacement vehicle purchases comply with the City Council’s adopted Vehicle and Equipment Purchase and Replacement Policy and Procedures, which established 10 years or 100,000 miles as the threshold for replacement of trucks in this class; and

WHEREAS, the Public Works vehicles will be purchased using the CMAS (California Multiple Award Schedules) Contract # 1-18-23-20A from Downtown Ford of Sacramento; and

WHEREAS, funding for the replacement vehicles was not included in the City’s 2021-2022 budget; and

WHEREAS, the amount needed requires a budget amendment of \$102,000 from Vehicle Replacement Reserves; and

WHEREAS, the following budget amendments are required:

- Increase appropriations within the ISF-Vehicle Replacement Fund (obj/org 6308050-7430) by \$102,000, offset by the use of ISF fund balance.

WHEREAS, the total cost of purchasing the three Public Works vehicles, including tax, is \$102,000, to be paid from Vehicle Replacement Fund (org/obj 6308050-7430).

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve the purchase of three Public Works service vehicles from Downtown Ford for a total purchase cost not to exceed \$102,000, approve the necessary budget amendments, and authorizes the City Manager to sign the purchase order on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

THIS IS YOUR QUOTEQuote # **92321F2Aa**

DOWNTOWN FORD SALES
 525 N16th Street, Sacramento, CA. 95811
 916-442-6931 fax 916-491-3138

QUOTE**Customer**

Name City of Benicia
 Address 2400 East Second St
 City Benicia State CA Zip 94510
 Phone _____

Date 10/6/2021
 Rep Pat
 FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
1	New FORD F250 Reg Cab pickup 4X2 STATE OF CALIFORNIA CONTRACT 1-18-23-20A CLIN# 19 -	\$23,176.00	\$23,176.00
1	110V / 400W outlet 243C	\$177.00	\$177.00
1	Backup alarm 276C	\$141.00	\$141.00
1	Tommygate 1000# liftgate 0TOM	\$4,284.00	\$4,284.00
1	Power group 290L	\$916.00	\$916.00
1	Boxlink bed tiedown 266B	\$76.00	\$76.00
1	Cruise control 2525	\$236.00	\$236.00
1	Daytime running lights 0942	\$46.00	\$46.00
1	Rear view camera 2871	\$415.00	\$415.00
1	Running boards 218B	\$321.00	\$321.00
1	Trailer brake controller 252B	\$270.00	\$270.00
1	XL Value package 296V	\$396.00	\$396.00
1	Toolbox Diamond plate crossbox 0XBX	\$795.00	\$795.00
1	Spray in bedliner 0LIN	\$595.00	\$595.00
1	Doc Fee SALES TAX CALCULATED AT 8.375% County Tax BASED ON REGISTRATION ADDRESS	\$85.00	\$85.00

Payment Details

- Cash
 Check
 Credit Card

Name _____
 CC # _____
 Expires _____

SubTotal	\$31,929.00
Delivery	\$300.00
Taxes	\$2,674.06
CA Tire Tax	\$8.75
TOTAL	\$34,911.81

Office Use Only

\$500 DISCOUNT WITH PAYMENT IN 20 DAYS

SIGNATURE _____ DATE _____

THIS IS YOUR QUOTEQuote # **92321F2Aa**

DOWNTOWN FORD SALES
 525 N16th Street, Sacramento, CA. 95811
 916-442-6931 fax 916-491-3138

QUOTE**Customer**

Name City of Benicia
 Address 2400 East Second St
 City Benicia State CA Zip 94510
 Phone _____

Date 10/6/2021
 Rep Pat
 FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
1	New FORD F250 Reg Cab pickup 4X2 STATE OF CALIFORNIA CONTRACT 1-18-23-20A CLIN# 19 -	\$23,176.00	\$23,176.00
1	110V / 400W outlet 243C	\$177.00	\$177.00
1	Backup alarm 276C	\$141.00	\$141.00
1	Material Rack 2MAT	\$1,995.00	\$1,995.00
1	Power group 290L	\$916.00	\$916.00
1	Boxlink bed tiedown 266B	\$76.00	\$76.00
1	Cruise control 2525	\$236.00	\$236.00
1	Daytime running lights 0942	\$46.00	\$46.00
1	Rear view camera 2871	\$415.00	\$415.00
1	Running boards 218B	\$321.00	\$321.00
1	Trailer brake controller 252B	\$270.00	\$270.00
1	XL Value package 296V	\$396.00	\$396.00
1	Toolbox Diamond plate crossbox 0XBX	\$795.00	\$795.00
1	Spray in bedliner 0LIN	\$595.00	\$595.00
1	Doc Fee SALES TAX CALCULATED AT 8.375% County Tax BASED ON REGISTRATION ADDRESS	\$85.00	\$85.00

Payment Details

- Cash
 Check
 Credit Card

Name _____
 CC # _____
 Expires _____

SubTotal	\$29,640.00
Delivery	\$300.00
Taxes	\$2,482.35
CA Tire Tax	\$8.75
TOTAL	\$32,431.10

Office Use Only

\$500 DISCOUNT WITH PAYMENT IN 20 DAYS

SIGNATURE _____ DATE _____

THIS IS YOUR QUOTEQuote # **92321F2B**

DOWNTOWN FORD SALES
 525 N16th Street, Sacramento, CA. 95811
 916-442-6931 fax 916-491-3138

QUOTE**Customer**

Name City of Benicia
 Address 2400 East Second St
 City Benicia State CA Zip 94510
 Phone _____

Date 10/6/2021
 Rep Pat
 FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
1	New FORD F250 Reg Cab pickup 4X4 STATE OF CALIFORNIA CONTRACT 1-18-23-20A CLIN# 22 -	\$25,990.00	\$25,990.00
1	110V / 400W outlet 243C	\$177.00	\$177.00
1	Bsbackup alarm 276C	\$141.00	\$141.00
1	All Terrain Tires TCD	\$455.00	\$455.00
1	Power group 290L	\$926.00	\$926.00
1	Boxlink bed tiedown 266B	\$76.00	\$76.00
1	Cruise control 2525	\$236.00	\$236.00
1	Daytime running lights 0942	\$46.00	\$46.00
1	FX4 package 17X	\$829.00	\$829.00
1	Running boards 218B	\$321.00	\$321.00
1	Trailer brake controller 252B	\$270.00	\$270.00
1	XL Value package 296V	\$396.00	\$396.00
1	Toolbox Diamond plate crossbox 0XBX	\$795.00	\$795.00
1	Spray in bedliner 0LIN	\$595.00	\$595.00
1	Doc Fee SALES TAX CALCULATED AT 8.375% County Tax BASED ON REGISTRATION ADDRESS	\$85.00	\$85.00

Payment Details

- Cash
 Check
 Credit Card

Name _____
 CC # _____
 Expires _____

SubTotal	\$31,338.00
Delivery	\$300.00
Taxes	\$2,624.56
CA Tire Tax	\$8.75
TOTAL	\$34,271.31

Office Use Only

\$500 DISCOUNT WITH PAYMENT IN 20 DAYS

SIGNATURE _____ DATE _____

**CITY OF BENICIA
EQUIPMENT/VEHICLE REPLACEMENT POLICY & PROCEDURES**

Purpose:

The City of Benicia establishes this policy to provide a fiscally responsible equipment and vehicle replacement policy that will maximize equipment and vehicle utilization while maintaining a reliable fleet. Each department should review and propose their vehicle rotation, repurpose, and replacement as part of the biennial budget development. Their evaluations of fleet utilization should categorize and project usages for the upcoming budget and future cycles, such as: number of similar units in the fleet, average annual miles/hours of similar units, consideration and description of special uses, cost-benefit of retaining the item in terms of program efficiency and service delivery, and mechanical condition.

Policy:

The City will establish replacement metrics that will be based upon:

1. Type of vehicle or equipment
2. Miles/Hour Usage
3. Reliability: Repair and Maintenance Costs
 - a. Parts
 - b. Labor (hrs/costs)
4. Condition Age (year)
5. Type of Service (department usage and vehicle capability)
 - a. Emergency Response first line verses Emergency Response second-line
 - b. Non-Emergency Response
 - i. Public safety department
 - ii. Non-public safety department
6. Book value of vehicle
 - a. Net depreciable value
 - b. Manufacturers recommended replacement and maintenance standards
 - c. Kelly Blue Book or other secondary industry recommendations and valuations
7. Recommended for disposal or other rotation
8. Availability of funds

Inv. ID	Unit #	Year	Make	Model	Miles/ Engine Hours	Parts (cost) YTD	Labor (hrs) YTD	Labor (costs) YTD	Total Maintenance Costs YTD	Current KBB Value	Recommended for disposal or other City use

Weighted Factors

- A. The most heavily weighted factor is reliability and type of service with an emphasis on repurposing older vehicles throughout the fleet.
- B. The second weighted factor is mileage and engine hours.
 - Every hour of engine idling is equivalent to 33 driving miles
- C. The third weighted factor is maintenance and repair costs, both parts and labor.
 - For maintenance labor costs done by City staff, department hourly rate is determined by the City’s adopted cost allocation formulas.
 - For maintenance labor costs done by outside services, the invoiced hourly rate will be used.

- D. Less weighted items: age, condition, and book value of vehicle/equipment.
- E. Availability of funds, while important, should be considered only after vehicle has been deemed ineffectual for service.

Each of the above criteria is reviewed on an annual basis for each vehicle or piece of equipment by each department, with the assistance of the Public Works Department. The review should be conducted to identify equipment and vehicles that meet the minimum replacement criteria. The size and nature of the department’s equipment and vehicles is governed primarily by need and function, and should be no greater than what is necessary to provide public services in an efficient manner.

All equipment and vehicles acquired by the City are recommended for replacement in accordance with adopted guidelines/procedures and all departments are responsible for complying with these guidelines/procedures. The City may decide to retain a vehicle or equipment beyond the stated criteria after evaluation of anticipated usage, repairs, and operating costs. If the evaluation proves the vehicle would be economical to retain for an additional year, the vehicle will be targeted for retention or reassignment. In some cases, it may be reassigned to other departments with "low usage" requirements or to a loaner pool.

Equipment/Vehicle Replacement Schedule

Because each municipality's fleet and usage is unique, a universal management guide does not exist that can be applied to all types of fleets for every locality. City equipment or vehicles are eligible for replacement on the basis of the following established useable life or mileage recommendations:

Vehicle Category*	Fuel Type	Years/Miles
Police patrol/traffic vehicles	Gasoline or AFV	3 and 36,000 4 and 24,000 5 and any miles any year and 75,000
Police Motorcycle	Gasoline or AFV	3 and 36,000 4 and 24,000 5 and any miles any year and 75,000
Police unmarked vehicle/ command vehicles	Gasoline or AFV	3 and 36,000 4 and 24,000 5 and any miles any year and 75,000

Vehicle Category*	Fuel Type	Years/Miles
Passenger Vehicles	Gasoline or AFV	3 and 36,000 4 and 24,000 5 and any miles any year and 75,000
	Hybrid or Electric	5 and 60,000 7 and any miles any year and 85,000
	LSEV	6 and any miles
SUVs, Vans, Light Trucks 4x2	Non-diesel	7 or 65,000
	Diesel	8 or 150,000
	Hybrid	7 and any miles
Light Trucks 4x4	Non-diesel	7 or 65,000
	Diesel	8 or 150,000
	Hybrid	7 and any miles
Medium Trucks 4x2/4x4	Non-diesel	10 or 100,000
	Diesel	10 or 150,000
Heavy Trucks 4x2/4x4/6x4/6x6	Non-diesel	12 or 100,000
	Diesel	12 or 250,000
Ambulances	Non-diesel	7 or 70,000
	Diesel	7 or 100,000
Fire Ladder trucks	Non-diesel	10 or 75,000
	Diesel	10 or 100,000
Backhoes, forklifts, and small construction equipment	Non-diesel	12 or 100,000
	Diesel	12 or 120,000
Standby generators	Non-diesel	15 years
	Diesel	15 years

*Note: This does not represent the full equipment list, but provides a general guideline as to standard equipment used throughout the City. Safety vehicles are segregated further into first-response vehicles and stand-by vehicles so as to provide reliability and redundancy with in the department’s fleet allowing them to respond to various types of emergency situations.

Other equipment such as weed eaters, chain and cement saws, generators, small hand-operated equipment that are used to serve the public on an “as needed” basis will be replaced after the total maintenance cost exceeds the original purchase price; or when economically or operationally justified.

These useable life standards are for financial estimating purposes only. When an equipment or vehicle reaches the end of its established useable life and the department operating the equipment or vehicle requests replacement, each vehicle will be assessed by the City to determine if replacement is justified, given the general condition, mileage, maintenance and repair history, safety conditions. In addition, this list is not all encompassing and may be expanded or contracted based upon the actual fleet inventory.

If a department determines that an assigned vehicle is no longer needed, the vehicle shall be returned to the Public Works Maintenance Division for re-allocation or rotation within the fleet or disposition as surplus.

Department Budgeting for Equipment/Vehicle Acquisition

Before a department determines the need to purchasing a vehicle to its inventory, it shall first check if funds are available in the department’s Internal Service Fund budget and with the Public Works Department to determine whether existing equipment or vehicle is available elsewhere in the fleet that may meet the department’s needs. If none is available, the requesting department shall submit an equipment or vehicle purchase request to the Finance Director with the following information:

- The purpose for which the equipment or vehicle is needed
- The type requested and the total estimated purchase price
- The estimated total cost of any special auxiliary equipment or equipment packages above what might be considered standard equipment. The cost of adding the new equipment or vehicle shall be paid by the requesting department. Internal service charges to that department’s budget shall be established at the time of vehicle purchase to ensure adequate future funding for the equipment or vehicle’s eventual replacement.
- Working with the Public Work’s Fleet Mechanics, each department’s vehicle and equipment selection should consider the following
 - The City’s Preventive and Routine Maintenance and Repairs policy
 - The City’s Green Purchasing Policy
 - The City’s General Purchasing Policy

All departments shall submit equipment or vehicle purchase requests to the Finance Director. The Finance Director will consider requests and verify that there are sufficient funds for the new equipment or vehicle. All purchases shall comply with the bidding procedures and City Purchasing Ordinance and Policies, when applicable, to ensure competitive pricing. Vehicles with the lowest long-term maintenance and repair costs and occupant safety are preferable.

Expansion or Contraction of Department Fleet

The City’s Fleet size be regularly reviewed as part of the biennial budget process. It can be assumed that over time, department’s service levels, effectiveness, and technology will change and the current fleet needs may also change overtime. Department’s request to modify the size or type of their fleet should

be proposed to the Finance and Public Work's departments for recommendation on funding, maintenance, and fuel consideration. The Finance will forward to the City Manager for consideration in the department's budget.

Equipment and Vehicle Replacement/Acquisition/Maintenance/Fuel Funding

In collaboration with Finance and Public Works Fleet division, each department must develop and maintain their City fleet (vehicle and equipment) schedule that will effectively and efficiently serve the community. For fiscal planning and sustainability, the City's fleet schedule should include a ten-year (or longer) replacement/acquisition schedule; as well as, a calculation of the estimated maintenance and fuel costs of over the life of the department's vehicles and equipment. At a minimum, each department's ten-year fleet schedule must be updated during the development of the biennial budget process and will be used in the determination of the department's cost allocations to the Internal Services Fleet Fund for the next budget cycles. Throughout the year, each department will receive a monthly charge based upon the adopted budget. In the event of large or unexpected maintenance or loss occurs during the budget cycle, Finance may propose a mid-year adjustment to a department's operating budget to recover the Internal Services Fleet funds' costs associated with this charge.

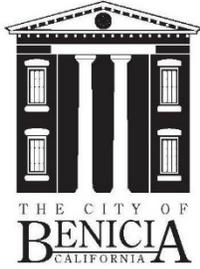
Early Replacement

The consideration of early replacement of an equipment/vehicle often arises when major expenditures are necessary to restore it to a safe operating condition. The economic effect of such repairs cannot be avoided because the cost to the City is normally about the same whether the vehicle is sold in un-repaired condition or restored to repaired condition. Requests for early replacement shall be accompanied by a thorough justification, including criteria supporting the request.

Reassignment and Disposal of Vehicles and Equipment:

The vehicle and equipment fleet is sized to meet the current needs of the City. Fleet vehicles and equipment will not be reassigned unless it is used to replace unit(s) currently assigned to other departments. In those instances, the older units will be disposed. As part of the Operating and Capital Budgets preparation, each department should review their vehicle and equipment replacement schedule, and plan for the reassignment or disposal of vehicles and equipment that have reached their age, and mileage thresholds and will be replaced in the next budget cycle. Final review and recommendations must be obtained by Public Works and Finance before proposals are forwarded to the City Manager for consideration in the next budget cycle.

All vehicles accepted by the Public Works Maintenance Division for replacement or permanent elimination from the fleet shall be consigned to public auction or appropriately donated in accordance with the City's Municipal Code. Departments shall deliver vehicles being replaced to the Maintenance Division prior to accepting the new replacement vehicle. A request for disposal form should be forwarded to the Finance Department for approval and release of the vehicle's pink slip.



**AGENDA ITEM
CITY COUNCIL MEETING – NOVEMBER 2, 2021
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **ACCEPTANCE OF THE EL BONITO WAY SANITARY SEWER FORCE MAIN REPLACEMENT PROJECT**

EXECUTIVE SUMMARY:

On June 1, 2021, City Council adopted Resolution No. 21-59, awarding the construction contract to Ghilotti Brothers, Inc. for the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082 (Project).

The Project replaced a 4-inch diameter sanitary sewer force main approximately 650 feet in length along El Bonito Way and included the construction and/or installation of asphalt paving, striping, pavement markings and markers, traffic control, and all appurtenant work. This project is ready to be accepted as complete; the final construction cost is \$331,716.01.

RECOMMENDATION:

Move to adopt the resolution (Attachment 1) approving contract change orders (Attachment 1, Exhibit A), accepting the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082, as complete, authorizing the City Manager to sign the Notice of Completion (Attachment 2), and authorizing the City Clerk to file said notice with the Solano County Recorder.

BUDGET INFORMATION:

The total construction cost of the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082 is \$331,716.01, which includes:

- \$250,636.51 – Construction performed by Ghilotti Brothers, Inc.
- \$73,227 – Construction management and inspection provided by Stantec Consulting Services, Inc.
- \$ 7,852.50 – Materials Testing provided by Terracon

The Project is budgeted in the FY 19-20 Capital Improvement Program and funded by:

- Wastewater Major Capital – Infrastructure (Acct. No. 7208031-7435 – FY19-21)
- Wastewater Major Capital – Infrastructure (Acct. No. 7208031-7435 – FY21-22)

Sufficient funds for this project are available for the closeout and completion of this project.

BACKGROUND:

On May 4, 2021, five bids were received for the Project. On June 1, 2021, City Council adopted Resolution No. 21-59 (Attachment 3), awarding the construction contract to Ghilotti Brothers, Inc.

The Project is a critical element in preserving and protecting the City’s wastewater collection system. The work consisted of replacing a 4-inch diameter sanitary sewer force main approximately 650 feet in length along El Bonito Way and included the construction and/or installation of asphalt paving, a 70 linear foot trench drain, striping, pavement markings and markers, traffic control, and all appurtenant work.

NEXT STEPS:

If the resolution is adopted, the City Manager will sign the Notice of Completion and the City Clerk will file the notice with the Solano County Recorder. The project manager will release the 5% retention 35 days after the Notice of Completion is filed with Solano County, pending stop payment notices are not received by the City.

ALTERNATIVE ACTIONS:

None.

General Plan	Goal 2.28: Improve and maintain public facilities and services
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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 checked="" type="checkbox"/> Protect Community Health & Safety <input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life <input checked="" type="checkbox"/> Preserve & Enhance Infrastructure <input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions <input checked="" type="checkbox"/> Protect & Enhance the Environment <input checked="" type="checkbox"/> High Performing Government
	<p>City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Wastewater Treatment Plant Program 2. Capital Improvement Program 3. Asset Management

CEQA Analysis	This project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (c), which exempts the operation, repair, maintenance of existing roadways, permitting, licensing, or minor
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	alteration of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
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ATTACHMENTS:

1. Resolution – Acceptance of the El Bonito Way Sanitary Sewer Force Main Replacement Project
 - a. Exhibit A – Summary of Contract Change Orders
2. Notice of Completion – El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082
3. Resolution No. 21-59

For more information contact: Dan Sequeira, City Engineer

Phone: 707-746-4237

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

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGE ORDERS AND ACCEPTING THE EL BONITO WAY SANITARY SEWER FORCE MAIN REPLACEMENT PROJECT, PROJECT NO. WO-082, AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

WHEREAS, by Resolution No. 21-59, City Council awarded the construction contract for the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082 (Project) to Ghilotti Brothers, Inc. in the amount of \$229,933.10 plus a 15% contingency of \$34,500.00, for a total amount of \$264,433.10; and

WHEREAS, there were three (3) contract change orders in the amount of \$20,703.41 issued to Ghilotti Brothers, Inc., as listed in the attached Exhibit A; and

WHEREAS, the total construction cost of the Project is \$331,716.01, which includes \$250,636.51 for construction performed by Ghilotti Brothers, Inc., \$73,227 for construction management and inspection provided by Stantec Consulting Services, Inc., and \$7,852.50 for materials testing provided by Terracon; and

WHEREAS, Ghilotti Brothers, Inc. has completed the work in accordance with the approved plans and specifications and to the satisfaction of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby accept the El Bonito Way Sanitary Sewer Force Main Replacement Project, Project No. WO-082 as complete, for a total construction cost of \$331,716.01, funded by Wastewater Major Capital – Infrastructure funds, and approve three (3) contract change orders in the amount of \$20,703.41.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the Notice of Completion, and the City Clerk is authorized to file said Notice with the Solano County Recorder.

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 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

EXHIBIT A - SUMMARY OF CONTRACT CHANGE ORDERS

CONTRACT CHANGE ORDERS		
REFERENCE	DESCRIPTION	AMOUNT
CCO-1	Provide HDPE pipe in lieu of C900 due to 12 to 16 week lead time.	26,868.60
CCO-2	Additional asphalt grinding and paving due to existing condition of the pavement	5,134.51
CCO-3	Final Balancing Contract Change Order	-11,299.70
Contract Change Orders Approved by This Resolution		\$ 20,703.41

Recorded at the request of:
CITY OF BENICIA

After recording return to:
CITY OF BENICIA
ATTN: CITY CLERK'S OFFICE
250 EAST L STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East L Street, Benicia, CA, 94510, is the owner of the construction project described as:

El Bonito Sanitary Sewer Force Main Replacement Project, Project No. WO-082, completed in the City of Benicia, County of Solano, State of California

Nature of title as stated owner: In Fee.

2. A Capital Improvements Project known as the El Bonito Sanitary Sewer Force Main Replacement Project, Project No. WO-082, at El Bonito Way, Benicia, CA 94510 was completed for a total construction cost amount of \$331,716.01 and accepted by the City Council of the City of Benicia on November 2, 2021.
3. The name of the contractor for the improvement is **Ghilotti Brothers, Inc., San Rafael, CA.**

CITY OF BENICIA

Dated: _____

By: _____
Erik Upson, City Manager

Attest:

Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk

RESOLUTION NO. 21- 59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE EL BONITO WAY SANITARY SEWER FORCE MAIN REPLACEMENT PROJECT; AWARDED THE CONSTRUCTION CONTRACT TO GHILOTTI BROTHERS, INC., OF SAN RAFAEL, CA, IN THE AMOUNT OF \$229,933.10; AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND ANY CHANGE ORDERS ON BEHALF OF THE CITY IN AN AMOUNT NOT-TO-EXCEED \$264,433.10, WHICH INCLUDES A 15% CONSTRUCTION CONTINGENCY OF \$34,500; AND AUTHORIZE ISSUANCE OF NOTICE TO PROCEED

WHEREAS, the Notice to Bidders for the El Bonito Way Sanitary Sewer Force Main Replacement Project was advertised in the *Contra Costa Times* and posted on the City's website for three weeks; and

WHEREAS, the bid documents, which includes the project plans and specifications, were distributed on the BPXpress Reprographics website; and

WHEREAS, on May 4, 2021, five bids were received and opened as listed in the table below; and

RANK	BIDDER'S NAME AND CITY	BID AMOUNT
1	Ghilotti Brothers, Inc., San Rafael, CA	\$229,933.10
2	Team Ghilotti, Inc., Petaluma, CA	\$269,141.77
3	Ghilotti Construction, Santa Rosa, CA	\$278,290.25
4	W.R. Forde Associates, Richmond, CA	\$316,644.00
5	Kerex Engineering, Pleasant Hill, CA	\$543,883.35

WHEREAS, staff determined that Ghilotti Brothers, Inc. (GBI) is the lowest responsive and responsible bidder and recommends awarding the construction contract to GBI in the amount of \$229,933.10, including a 15% construction contingency in the amount of \$34,500.00, for a total not-to-exceed amount of \$264,433.10; and

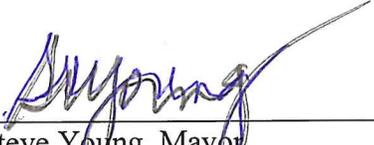
WHEREAS, sufficient funds are included in the proposed budget for Fiscal Year 2021-22 in the Wastewater Major Capital – Infrastructure budget for construction of this project (Acct. No. 7208031-7435); and

WHEREAS, the project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15302 (c) of the CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the bids and awards the construction contract to Ghilotti Brothers, Inc. of San Rafael, CA, in the amount of \$229,933.10 for the El Bonito Way Sanitary Sewer Force Main Replacement Project; authorizes the City Manager to sign the construction contract and any change orders up to 15%, in an amount not-to-exceed \$264,433.10; and authorizes the issuance of the Notice to Proceed.

On motion of Council Member **Largaespada**, seconded by Council Member **Macenski**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of June, 2021 by the following vote:

- Ayes: **Council Members Campbell, Largaespada, Macenski, Strawbridge, and Mayor Young**
- Noes: **None**
- Absent: **None**
- Abstain: **None**

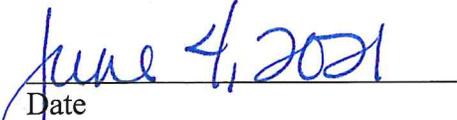


Steve Young, Mayor

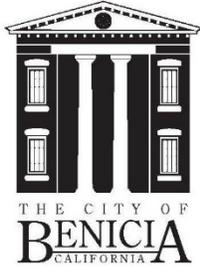
Attest:



Lisa Wolfe, City Clerk



Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
CONSENT CALENDAR**

TO : City Council

FROM : City Attorney

SUBJECT : **AUTHORIZATION OF CONTINUATION OF VIRTUAL MEETINGS**

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

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

BUDGET INFORMATION:

There are no budget impacts associated with this item.

BACKGROUND:

On October 5, 2021, City Council adopted Resolution No. 21-127 making findings which allow all its legislative bodies to conduct virtual meetings. This resolution must be reviewed at least every thirty days under the new legislation to affirm the findings that meeting in person would present imminent risks to health and safety of attendees.

Staff is recommending that Council approve the proposed resolution to provide the City with the ability to continue with virtual meetings for all its legislative bodies, including City Council and all of the City’s boards and commissions.

NEXT STEPS:

If the resolution is adopted, then the City Council meetings, as well as all of the City’s boards and commissions’ meetings, will continue to be held virtually.

ALTERNATIVE ACTIONS:

Council could choose not to adopt the resolution, or could make changes to the resolution.

General Plan	Goal 4.1: Make community health and safety a high priority for Benicia
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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 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
	<p>City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. City Council Policy Development – City Manager’s Office 2. Community Engagement and Public Relations – City Manager’s Office

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

1. Resolution – Authorization of Continuation of Virtual Meetings

For more information contact: Benjamin Stock, City Attorney

Phone: 415-755-2600

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

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 15, 2020, the City Manager proclaimed the existence of a local state of emergency within the City, pursuant to Section 2.36.050 of the Benicia Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic, which was ratified by the City Council on March 19, 2020; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, that the Delta Variant accounts for over 80% of cases sequenced, and that cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health and safety of persons within the City; and

WHEREAS, on October 5, 2021, the City Council, acting as a legislative body pursuant to Government Code section 54952(a), and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as “Legislative Bodies”), adopted Resolution No. 21-127, finding that the conditions met the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings; and

WHEREAS, the City Council finds that the circumstances that led to the adoption of Resolution No. 21-127 continue to persist, and that the state of emergency continues to directly impact the ability of the members of the public and the City’s Legislative Bodies to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby:

1. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and current conditions, the City Council finds that meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

On motion of _____, seconded by _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 2nd day of November, 2021, by the following vote:

Ayes:

Noes:

Absent:

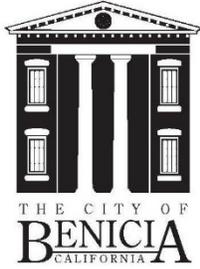
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – NOVEMBER 2, 2021
BUSINESS ITEMS**

TO : City Manager

FROM : Public Works Director

SUBJECT : **INTRODUCTION OF AN ORDINANCE AMENDING LANGUAGE IN BENICIA MUNICIPAL CODE CHAPTERS 13.12 AND 13.52 REGARDING WATER AND WASTEWATER RATES**

EXECUTIVE SUMMARY:

The proposed ordinance seeks to amend language in the water and wastewater chapters of the Benicia Municipal Code. The amendments are clean up changes in preparation of the November 16, 2021 public hearing where the City Council will consider whether to adopt proposed water and wastewater rates. This action on November 2, 2021 does not affect water or wastewater rates; it aims to delete outdated sections and clarify language for customers' better understanding.

RECOMMENDATION:

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

BUDGET INFORMATION:

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

BACKGROUND:

In preparation for the upcoming public hearing regarding proposed water and wastewater rate increases on November 16, 2021, staff is bringing forth an Ordinance that cleans up language in the water and wastewater chapters of the Benicia Municipal Code.

The proposed Ordinance includes the following changes in Section 13.12.10 (General Water Service Rates):

- Clarifies that the Low-Income Discount will only be applied to rates for general water service and that it may be amended or revised by resolution.

- Deletes the previous “Four-year phase out for senior citizens who do not qualify for the low-income discount” as this water discount program ended in 2016.
- Deletes the section that says the Public Works Director will set minimum charges for meters greater than six inches (large meter sizes are included in the current and proposed rate schedules)
- Adds a section on Refund of Charges that describes how any overpayments will be handled.
- Other minor changes.

The proposed Ordinance includes the following changes in Section 13.52.030 (General Sewerage Service):

- Modifies the chapter title from General Sewerage Service to General Wastewater Service Rates.
- Eliminates the section on equivalent dwelling units.
- Adds a section on Refund of Charges that describes how any overpayments will be handled.
- Other minor changes.

On November 16, 2021, Benicia City Council will hold a public hearing to consider adoption of a resolution updating water and wastewater rate schedules, updated rate methodologies, and proposed water shortage contingency rate surcharges. The Notice of Public Hearing was mailed to customers on September 13, 2021. The Notice includes information on the proposed water and wastewater rates and water shortage contingency rate surcharges and opportunities for public input. The Notice also includes details on how to submit a written protest. The staff report for the November 16, 2021 public hearing will include a preliminary count of written protests received. A final count of written protests will be determined after the close of the public hearing for each item.

The November 16, 2021 City Council agenda will also include the second reading and adoption of this Ordinance (if approved at the November 2, 2021 meeting) along with an agenda item regarding modifying the Low-Income Discount Program.

NEXT STEPS:

If approved, the ordinance will be brought back for a second reading and adoption at the November 16, 2021 City Council meeting.

ALTERNATIVE ACTIONS:

Council may choose to modify or to not approve the proposed ordinance.

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

CEQA Analysis	This activity does not meet the definition of a project as described in Title 14 of the California Code of Regulations, §15378(b)(4) and 15061(b)(3).
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ATTACHMENT:

1. Ordinance - Amending Language in Water and Wastewater Chapters of the Benicia Municipal Code

For more information contact: William Tarbox, Public Works Director

Phone: 707-746-4240

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

CITY OF BENICIA

ORDINANCE NO. 21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 13.12.010 (GENERAL WATER SERVICE RATES) OF CHAPTER 13.12 (WATER RATES AND CHARGES) AND SECTION 13.52.030 (GENERAL SEWERAGE SERVICE) OF CHAPTER 13.52 (SEWER RATES AND CHARGE) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1. Section 13.12.010 (General water service) of Chapter 13.12 (Water rates and charges) of Title 13 (Public services) of the Benicia Municipal Code is amended in its entirety to read as follows (~~strike through~~ marking items deleted, underlines marking additions):

13.12.010 General water service rates.

A. The rates and charges for water furnished through water meters and any service charge therefor shall be established, and may be amended or revised, from time to time, by resolution of the city council. Such rates and charges shall constitute the charges for supplying water service to any customer and shall be collected by the finance department of the city. ~~The city shall establish rates for automatic fire sprinklers, private fire hydrants, untreated water, drought penalties, rate stabilization and other reasonable charges related to water service.~~

B. Low-Income Discount.

~~B.~~ 1. ~~Low-Income Discount.~~ To be eligible for the low-income discount, a resident must:

a. Provide low-income verification by providing a copy of a recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program. (Current income guidelines can be found at www.PGE.com/CARE); and

b. Every two years, apply in person in the finance department or designated location.

2. The discount is applicable to residential water service only and will only be applied to rates foris off the general water service.

3. Mobile home parks where the mobile home spaces share common meters may apply for the low-income discount if at least 75 percent of the tenants qualify and the mobile home park owner or designee applies in person at the finance department every two years.

4. The low income discount shall be established, and may be amended or revised, from time to time, by resolution of the city council.

~~C. Four Year Phase-Out for Senior Citizens Who Do Not Qualify for the Low Income Discount. There will be a four year phase-out of the discount on the general water service (i.e., “water maintenance charge” on the utility bill) for all other seniors that are enrolled in the senior discount rate by December 4, 2012, who do not qualify for the low income discount, to soften the transition to higher rates. The four year phase-out discount amounts are shown in the table below. Beginning January 17, 2013, the senior citizen customers will begin paying the full price of volume charge (i.e., “water consumption charge” on the utility bill) at the revised rates. Only customers who meet the qualifications under subsection (B) of this section will be eligible to receive the low income discount. All other senior citizens that are grandfathered in by December 4, 2012, will be eligible to receive the discounts shown in the table through December 31, 2016. The senior citizen rate will end on January 1, 2017.~~

Phase-Out of Senior Citizen Rate (per unit, per month)	1/17/13 – 6/30/13	7/1/13 – 12/31/13	1/1/14 – 12/31/14	1/1/15 – 12/31/15	1/1/16 – 12/31/16	1/1/17 – 12/31/17
Single family dwelling discount amount	\$11.52	\$9.38	\$8.18	\$6.22	\$3.36	\$0.00
Multifamily dwelling discount amount	\$8.65	\$6.43	\$5.68	\$4.36	\$2.37	\$0.00

~~D. The public works director shall fix the minimum monthly charge for a meter larger than six inches.~~

C. Refund of Charges

1. Whenever the amount of any water service charge has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.

2. The claimant or his or her guardian, conservator, executor or administrator must submit a written application to the city’s public works director within six months of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant’s right to the refund by written records.

3. Upon receipt of the claim, the city’s public works director will evaluate the request and provide a written evaluation of his or her analysis, including any refund due, within sixty days.

4. Any customer aggrieved by the public works director’s decision with respect to its refund request, may appeal to the city manager by filing a notice of appeal with the city clerk, within fifteen days of the decision. The city manager will render a written decision within sixty days of the filing of the appeal. The findings of the city manager shall be final. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 2. Section 13.52.030 (General sewerage service) of Chapter 13.52 (Sewer rates and charges) of Title 13 (Public services) of the Benicia Municipal Code is amended to read in its entirety as follows:

13.52.030 General ~~sewer-wastewater~~ service rates.

A. The rates and charges for ~~sewerage-wastewater~~ service shall be established, and may be amended or revised from time to time, by resolution of the city council. Such rates and charges shall constitute the charges for supplying ~~sewerage-wastewater~~ service to any customer and shall be collected by the finance department of the city.

~~The basis of sewer service charges prescribed in this chapter is the establishment of a unit cost, hereinafter referred to as an EDU (equivalent dwelling unit), computed to collect for the costs of operating, maintaining, repairing and replacing the collection, treatment and disposal system of the city for a residential dwelling unit. A residential dwelling unit is defined as discharging 200 gallons per day (gpd) of sewage flow (or 250 gpd of water consumed) over a one-year period with strengths for BOD (biochemical oxygen demand) of 200 milligrams per liter (mg/l) and SS (suspended solids) of 200 mg/l.~~

~~The calculation of EDUs to be assigned to individual users on the sewerage system is based on the EPA approved formula, and for purposes of this chapter is as follows:~~

$$\begin{aligned}
 \text{EDU} &= \frac{\text{gpd}}{200} \times \{\text{Strength Factor}\} \\
 &= \frac{\text{gpd}}{200} + \frac{(\text{0.65 BOD mg/l})}{200} + \frac{(\text{0.17 SS mg/l})}{200}
 \end{aligned}$$

~~Assignment of EDUs to individual sewerage system users shall be made as follows:~~

~~A. Minimum EDU Assignment. All residential (single and multifamily) users connected to the city sewerage system shall be assigned a minimum of 1.00 EDU per dwelling unit.~~

~~B. Residential Dwelling Units.~~

~~1. Single Family Units. 1.00 EDU shall be assigned to each dwelling unit identified by the city as single family.~~

~~2. Multifamily Units. This category includes condominiums, duplex, triplex, four-plex, apartment or other residential dwelling units. Each dwelling unit will be assigned 1.00 EDU. For premises with mixed uses (e.g., dwelling units and clubhouses), users will be assigned EDUs according to the residential category (see subsection (A) of this section) or commercial category (see subsection (E) of this section), depending on the major sewer use, as determined by the public works director. Other facilities on the premises that are~~

~~non-dwelling units but have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.~~

~~C. Mobile Home or Trailer Court Units. 1.00 EDU shall be assigned to each rental space provided in the mobile home park or trailer court. Other facilities on the premises that require a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.~~

~~D. Hotel or Motel. A hotel or motel shall be assigned a minimum of 0.60 EDU per room without kitchen facilities and 1.00 EDU per room with kitchen facilities. Other facilities on the premises that have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section. Notwithstanding the minimum EDU assignment of this subsection, users are assigned EDUs as stated in subsection (E) of this section.~~

~~E. Commercial/Industrial Premises. Notwithstanding the minimum EDU assignment of subsection (A) of this section, the commercial and industrial users shall be assigned as follows:~~

Customer Class	BOD	TSS
	Average Strength Factor (mg/l)	Average Strength Factor (mg/l)
Commercial and Industrial—Low User	75	100
Commercial and Industrial—Medium User	150	175
Commercial and Industrial—High User	375	400

~~1. Mixed Uses. This category includes units such as “live-work” quarters and other units with mixed residential/commercial uses. For purposes of this chapter, users in this category are classified as commercial/industrial users. Strength factor and EDUs shall be assigned by the director of public works in accordance with the EPA formula stated in this section. In some cases, strength factor shall be determined by the director of public works based on the chemical oxygen demand or other appropriate constituents of the user’s sewer discharge where the constituent selected would more accurately measure the strength of the discharge.~~

~~2. Low Strength Pretreated Sewage. For certain industrial users who pretreat their process water discharge to a level close to or better than drinking water, the user classification shall be determined by the director of public works.~~

~~F. Inquiry Regarding Assignment of EDUs. Inquiries regarding the assignment of EDUs must be submitted to the city in writing before changes in EDU assignment will be considered. The director of public works shall have the authority to make appropriate adjustments in EDUs.~~

B. Low-Income Discount.

~~1. To be eligible for the low income discount, a resident must:~~The only customer eligible to receive the low-income discount is Casa de Vilarrasa.

~~Provide low income verification by providing a copy of a recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program. (Current income guidelines can be found at www.PG&E.com/CARE); and~~

~~Every two years, apply in person in the finance department or designated location.~~

~~2. The discount is applicable to residential sewerage wastewater service only and will only be applied to rates for general wastewater service.~~

~~Mobile home parks where the mobile home spaces share a common sewerage connection may apply for the low income discount if at least 75 percent of the tenants qualify and the mobile home park owner or designee applies in person at the finance department every two years.~~

~~3. The low-income discount shall be established, and may be amended or revised, from time to time, by resolution of the city council.~~

C. Refund of Charges

1. Whenever the amount of any wastewater service charge has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.

2. The claimant or his or her guardian, conservator, executor or administrator must submit a written application to the city's public works director within six months of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant's right to the refund by written records.

3. Upon receipt of the claim, the city's public works director will evaluate the request and provide a written evaluation of his or her analysis, including any refund due, within sixty days.

4. Any customer aggrieved by the public works director's decision with respect to its refund request, may appeal to the city manager by filing a notice of appeal with the city clerk, within fifteen days of the decision. The city manager will render a written decision within sixty days of the filing of the appeal. The findings of the city manager shall be final. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 3. **Validity.** The above recitations are true and correct, are material to the adoption of this ordinance, and are incorporated herein by reference.

Section 4. **Findings.** The City Council finds that the water and wastewater service rates are necessary to fund water and wastewater services and are permitted by California state law.

Section 5. **Environmental review.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"). This action is not a project within the meaning of the CEQA Guidelines Section 15378 and 15061(b)(3) as it has no potential for physical effects on the environment because it authorizes the city council to adopt certain rates and/or charges imposed by the City and does not commit the City to any specific project, and said rates and/or charges will be used to fund future projects and/or activities, each of which future projects and/or activities will be fully evaluated in compliance with CEQA when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (see CEQA Guidelines, Section 15004(b)(1)). Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause significant effect on the environment, is not defined as a "project" under CEQA. Therefore, approval of the rates and/or charges is not a "project" for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a "project" under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the rates and/or charges may have a significant effect on the environment.

Section 6. **Actions to effectuate and codification.** The City Manager is hereby authorized and directed to take other actions on behalf of City, which are not expressly and specifically reserved for the City Council, to implement and effectuate this ordinance. The City Clerk is directed to codify this ordinance in a manner which best reflects the legislative intent of the City Council in enacting this ordinance. The City Clerk is directed to resolve any numbering conflicts accordingly.

Section 7. **Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration 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 12. Effective date. This ordinance shall be in full force and effect 30 days after its adoption.

Section 13. 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.

On motion of _____, seconded by _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 2nd day of November 2021, and adopted at a regular meeting of the Council held on the ____ day of _____ 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date