BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA

October 27, 2026
6:00 PM

Benicia City Hall, Council Chambers
250 East L Street, Benicia, CA 94510

COURTESY ZOOM PARTICIPATION
https://us02web.zoom.us/j/88508047557?pwd=cHRsZlBrYlphU3pkODcycytmcFR2UT09
Meeting ID: 885 0804 7557
Password: 449303
Phone: 1 669 900 9128

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

6. **ANNOUNCEMENTS**

   6.A MAYOR'S OFFICE HOURS

   RECOMMENDED ACTION: Mayor Young maintains 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.

7. **PROCLAMATIONS**

   7.A PROCLAMATION - RUBY BRIDGES WALK TO SCHOOL DAY - NOVEMBER 18, 2026
   Proclamation - Ruby Bridges Walk to School Day

8. **APPOINTMENTS**

9. **PRESENTATIONS**

10. **ADOPTION OF AGENDA**

11. **OPPORTUNITY FOR PUBLIC COMMENTS**

How to Submit Public Comments for this City Council meeting:
Besides appearing in person and offering public comments, members of the public may provide public comment via Zoom, or 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 to. 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.

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 AMENDMENTS TO BMC TITLE 17 (ZONING) FOR DATA CENTERS

RECOMMENDED ACTION: Adopt the ordinance amending the Benicia Municipal Code (BMC) after a determination that the project is exempt from the California Environmental Quality Act (CEQA).
Staff Report - Data Centers
1. Ordinance - Data Centers

14.B APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA

15. BUSINESS ITEMS

15.A CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)

RECOMMENDED ACTION: Adopt resolutions certifying the nature of employment and appointment of Mark Menesini (Attachment 1) as described herein and detailed in the attached Personnel Action Form (Exhibit A) and Stacy Hatfield (Attachment 2) as described herein and detailed in the attached Personnel Action Form (Exhibit A), as retired annuitants, effective 10/21/26 and 12/3/2026, respectively.
Staff Report - CalPERS Retired Annuitant Interim and Extra Help Appointments
1. Resolution - CalPERS Retired Annuitant 180-Day Exemption - Mark Menesini
2. Resolution - CalPERS Retired Annuitant 180-Day Exemption - Stacy Hatfield

15.B DECLARATION OF A STATE OF LOCAL EMERGENCY DUE TO HISTORIC EL NINO SEASON

RECOMMENDED ACTION: Adopt a resolution (Attachment 1) confirming the

Declaration of a State of Local Emergency due to historic El Nino Season.
Staff Report - Declaration of Emergency El Nino and Industrial Way Sewer
Resolution - Declaration of Emergency El Nino and Industrial Way Sewer

16. ADJOURNMENT (7:30 P.M.)

Public Participation

The City of Benicia welcomes your interest and involvement in the City's legislative process. Persons wishing to address the Council, Board, Commission or Committee (CBCC) are asked to voluntarily complete a speaker request form, available at the entrance of Council Chambers, and submit it to the meeting Secretary/City Clerk. Speakers, addressing the CBCC at the time the item is considered, are requested to restrict their comments to the item as it appears on the agenda and stay within the three-minute time limit. The Brown Act does not permit the CBCC to take action on items brought up during the Public Comment period.

As a courtesy, and technology permitting, members of the public may participate remotely. Please be advised that those participating in the meeting remotely via Zoom do so at their own risk. Meetings will not be cancelled due to technical difficulties. The meeting can also be observed on Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel, or livestream online at www.ci.benicia.ca.us/agendas.

Americans with Disabilities Acts

The City of Benicia is committed to providing meeting facilities that are accessible to persons with disabilities. Meeting materials in alternative formats, a sign language interpreter, real-time captioning, assistive listening devices or other accommodations can be requested by calling (707) 746-4200 or by emailing ADACoordinator@ci.benicia.ca.us, at least four working days prior to a meeting. Assistive listening devices may be obtained at the meeting.

Meeting Procedures

Pursuant to Government Code Section 65009, if you challenge a decision of the CBCC in court, you may be limited to the issues raised during the meeting or in written correspondence delivered to the CBCC by the meeting. You may also be limited to a ninety (90) day statute of limitations when challenging certain administrative decisions, including any final decisions regarding planning or zoning.

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

Public Records and Writings Received After Agenda Posting

A printed version of the agenda packet for this meeting is available at the Benicia Public Library during regular working hours. To the extent feasible, the agenda packet and any writing or documents related to an agenda item for this meeting provided to the CBCC, will be made available for public inspection on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." A complete recording of each meeting is available online at www.ci.benicia.ca.us/agendas.

Contact Your Council Members

Voicemail for Mayor and Council Members: (707) 746-4213
Mayor Steve Young: SYoung@ci.benicia.ca.us
Vice Mayor Trevor Macenski: TMacenski@ci.benicia.ca.us
Council Member Kari Birdseye: KBirdseye@ci.benicia.ca.us
Council Member Lionel Largaespada: LLargaespada@ci.benicia.ca.us
Council Member Terry Scott: TScott@ci.benicia.ca.us

PROCLAMATION

IN RECOGNITION OF

Ruby Bridges Walk to School Day
November 18, 2026

WHEREAS, on November 14, 1960, six-year-old Ruby Bridges became a symbol of hope, resilience, and equality when she integrated William Frantz Elementary School in New Orleans, walking past crowds of protesters and into history as one of the first Black students to desegregate an all-white school in the South; and

WHEREAS, despite daily threats, protests, and hostility, Ruby demonstrated extraordinary courage and did not miss a single day of class that year; and

WHEREAS, Ruby's bravery, grace, and determination have inspired generations to stand against injustice and work toward a future in which all children, regardless of race, ethnicity, or background, have equal educational opportunities and can attend school without fear of discrimination; and

WHEREAS, at a time when efforts to erase this history and reverse hard-fought gains persist, Ruby's story reminds us of the importance of preserving and teaching our nation's history and offers an opportunity to introduce a new generation to her lifelong advocacy for racial equality; and

WHEREAS, the values Ruby Bridges embodies—courage, respect, and a belief in the power of education to create change—are essential to building stronger, more inclusive communities; and

WHEREAS, Ruby Bridges Walk to School Day provides an opportunity for students, educators, and community members to commemorate her historic walk, honor her legacy, and reaffirm their commitment to making every school a place of opportunity, respect, and inclusion.

NOW, THEREFORE, BE IT RESOLVED THAT I, Steve Young, Mayor of the City of Benicia, on behalf of the City Council of the City of Benicia, hereby proclaim November 18, 2026, as Ruby Bridges Day in the City of Benicia and encourage all students to participate in Ruby Bridges Walk to School Day on Wednesday, November 18, 2026.

_____

Steve Young, Mayor
October 27, 2026

AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 27, 2026
BUSINESS ITEM

TO : City Manager

FROM : Assistant City Manager

SUBJECT : **AMENDMENTS TO BMC TITLE 17 (ZONING) FOR DATA CENTERS**

EXECUTIVE SUMMARY:

The proposed amendments would establish zoning regulations for Data Centers and make minor clean up amendments. The City Council conducted a public hearing, waived the first reading and introduced the ordinance during a duly noticed public hearing on October 20, 2026.

RECOMMENDATION:

Adopt the ordinance amending the Benicia Municipal Code (BMC) after a determination that the project is exempt from the California Environmental Quality Act (CEQA).

BUDGET INFORMATION:

The proposed text amendments would not directly affect the City's budget. Indirect budgetary impacts can be anticipated if a data center is established, primarily through property tax and utility users tax. Based on preliminary analysis, the City may expect each data center to generate ongoing revenue of approximately $700,000 for a 5-megawatt data center to $2.8 million for a 20-megawatt data center. Additional one-time sales tax benefits are likely but would be dependent on specific circumstances.

BACKGROUND:

The City of Benicia adopted its current Zoning Ordinance in 1987. The industrial land use classifications and regulations in the City are largely unchanged since their adoption. However, technological and economic shifts necessitate updates from time to time. The Zoning Ordinance currently permits "Industry, Technology" uses in all Industrial Districts. More recently, advancements in technology and computing have resulted in land use shifts related to data centers. While these facilities can present adjacency and colocation benefits, they are also known to pose potential impacts for land use compatibility, water and electricity resources, and noise. The proposed amendments would classify "Data Centers" as a subset of "Industry, Technology" and establish associated regulations to guide the review and conditions necessary to ensure their compatible operation.

Proposed Amendments
The proposed regulations are intended to facilitate data centers at a scale appropriate to Benicia's industrial park while ensuring that adverse impacts for all facilities are identified and managed at the outset and monitored on an ongoing basis.

The project would amend Title 17 (Zoning) to classify Data Centers and require discretionary review (i.e., a use permit) prior to establishing a new Data Center use. Use permits require public notice and a public hearing, as well as environmental review pursuant to the California Environmental Quality Act (CEQA). The ordinance would amend three sections of the Zoning Ordinance, summarized below:

1. Use Classifications. Chapter 17.16 (Use Classifications) of the Zoning Ordinance describes each regulated land use. Land uses are organized by category (Residential, Commercial, Industrial, etc.). The ordinance would create a sub-category (new use classification) of "Industry, Technology" for Data Centers.
2. Land Use Regulations. Chapter 17.32 (Industrial Districts) regulates the land uses and development standards that apply to all industrial districts (Limited Industrial, General Industrial, Waterfront Industrial and Industrial Park). The proposed ordinance would add Data Centers to the Land Use Regulations table as a conditionally permitted use, meaning that a public hearing and use permit is required to authorize the use. In addition, a clean-up change is proposed that would eliminate caretakers housing in the Industrial Districts as the Industrial Park includes heavy industrial uses and traffic patterns and volumes that are incompatible with residential uses.
3. Additional Regulations. Chapter 17.70 (General Regulations) contains various additional regulations that govern site development and land use in the City. Recently, various sections of Chapter 17.70 were reorganized into a new chapter, Housing (17.90) including Section 17.70.430 "Objective planning and design standards for mixed use residential and multifamily development projects." This section would be renamed "Data centers" and establish regulations that address review authority, application requirements, standards governing the establishment and operation of the use, and required findings for approval or conditional approval of a use permit.

On October 20, 2026, the Council introduced the ordinance and waived the first reading. Following a public hearing and deliberation, the Council directed that the ordinance be updated to assign review authority for data center use permits to the Planning Commission only. The proposed ordinance now reads as follows in section 17.70.430:

B. Review authority. The planning commission shall conduct a public hearing and approve, conditionally approve, or disapprove a use permit application for any data center.

NEXT STEPS:
If adopted, the BMC amendments would become effective in 30 days, on November 26, 2026.

ALTERNATIVE ACTIONS:
The Council may choose not to adopt the amendments or provide alternate direction.

CEQA Analysis	This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations. The proposed amendments on their own do not have the potential to result in significant environmental impacts as they establish a new use classification that increases review and analysis for proposed uses and establish standards to avoid adverse impacts. New uses or development proposed pursuant to this amendment would be subject to CEQA review on a case by-case basis to ensure that any significant environmental impacts are adequately addressed.

ATTACHMENT:
1. Ordinance Amending Title 17 (Zoning) for Data Centers

For more information contact: Suzanne Thorsen, Assistant City Manager
Phone: (707) 746-4280
E-mail: sthorsen@ci.benicia.ca.us

CITY OF BENICIA

ORDINANCE NO. 26-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.16.060 (INDUSTRIAL USE CLASSIFICATIONS), SECTION 17.32.020 (IL, IG, IW AND IP DISTRICTS – LAND USE REGULATIONS) AND CHAPTER 17.70 (GENERAL REGULATIONS) TO ESTABLISH REGULATIONS FOR DATA CENTERS AND MAKING MINOR CLEAN UP AMENDMENTS

WHEREAS, the Benicia Zoning Ordinance, adopted by Ordinance No. 87-4, establishes standards to protect and promote the public health, safety, and general welfare, and to implement the policies of the city's general plan; and

WHEREAS, the purposes of the Zoning Ordinance, established Section 17.04.030 (Purposes) include: providing a precise guide for the physical development of the city; promoting the economic stability of existing land uses that are consistent with the general plan and protecting them from intrusions by inharmonious or harmful land uses; permitting the development of office, commercial, industrial, and related land uses that are consistent with the general plan, in order to strengthen the city's economic base; and ensuring that service demands of new development will not exceed the capacities of existing streets, utilities, or public services; and

WHEREAS, the Zoning Ordinance currently defines “Industry, Technology” as an industrial use classification and permits such use within each of the four (IL, IG, IW, and IP) Industrial Districts; and

WHEREAS, the Zoning Ordinance does not currently define “Data Center,” and such use is currently regulated the same as any other “Industry, Technology” use; and

WHEREAS, in light of technological and economic advancements, there is an increased demand for data center uses, which carry with them unique potential impacts for land use compatibility, water and electricity resources, and noise; and

WHEREAS, amendments to the Zoning Ordinance are warranted to ensure that data center uses do not become overly burdensome to the City and its residents and that the goals of the Benicia General Plan and the purposes of the Benicia Zoning Ordinance are attained; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing at a regular meeting on September 10, 2026, and recommended approval of the Zoning Ordinance amending Chapters of the BMC Title 17; and

WHEREAS, pursuant to Benicia Municipal Code (BMC) section 17.120.40 (Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly

published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on ; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations because the proposed amendments on their own do not have the potential to result in significant environmental impacts as they establish a new use classification that increases review and analysis for proposed uses and establish standards to avoid adverse impacts; and

WHEREAS, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case by-case basis to ensure that any significant environmental impacts are adequately addressed; and

WHEREAS, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Benicia does hereby find that the proposed zoning text amendments are consistent with the purposes of Title 17 (Zoning), and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

  The amendments advance Goal 2.5 by ensuring that a decision to approve or conditionally approve a Data Center meets specific findings, including that "the operation of the data center, individually or in accumulation with other existing data centers, will advance the specific purpose of the underlying zoning district to provide areas for business, commercial, manufacturing and/or water-related industry as described in section 17.32.010."

- Goal 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.
  - Policy 2.6.2: Other land uses should not adversely affect existing industrial and commercial land uses.

  The amendments advance Goal 2.6 by creating a framework for review of Data Centers, including a proactive review of potential impacts. These considerations would facilitate the necessary findings for approval or conditional approval of a data center that "the proposed data center will implement and maintain long-term measures that ensure the facility will not compromise the capacity and reliability

of public utilities, including electric power and water supply" and the data center will comply with the performance standards of this Municipal Code and will not result in injurious effects due to the placement of equipment or operation of the facility, including effects related to lighting and noise."

- Goal 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of Benicia.
    - Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

    The amendments advance Goal 2.7 by facilitating a land use that can provide essential computing capacity to existing and future companies – including those engaged in advanced manufacturing and research and development – while also providing revenue generation through property tax and utility user tax.

- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses.
    - Policy 2.36.1: Approve development plans only when a dependable and adequate water supply to serve the development is assured.

    The amendments advance Goal 2.36 by requiring water consumption data, measures to recirculation and conserve water, and annual reporting to ensure that these measures are implemented and maintained through operation of the business.

THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

The City Council finds that each of the Recitals and Findings set forth above are true and correct, and by this reference incorporates those Recitals and Findings as an integral part of this Resolution.

Section 2.

Section 17.16.060 (Industrial Use Classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is hereby amended to establish a use classification for Data Centers as follows:

E. Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies, not including cannabis or cannabis products. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms,

biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

1. Data Centers. Facilities used primarily for the storage, processing, management, and/or transmission of digital data, including but not limited to buildings and structures housing computer servers, network and telecommunications equipment, data storage systems. This use also includes cooling and power infrastructure, security systems, and/or other associated equipment and components that support digital data operations and services. Data centers may be distinguished from related uses by the density or redundancy of server equipment and electric power supply, and/or the provision of services to meet off-premises or collocated business, computing or data needs.

Section 3.
Section 17.32.020 (IL, IG, IW and IP districts – Land use regulations.) of Chapter 17.32 (Industrial Districts) of Title 17 (Zoning) is hereby amended to read as follows:

17.32.020 IL, IG, IW and IP districts – Land use regulations.

Industrial	**IL**	**IG**	**IW**	**IP**	**Additional Regulations**
* * *					
Industry, Technology	P	P	P	P	L-8
Data Centers	U	U	U	U	L-8, (E)
* * *					
Accessory Uses	P/U	P/U	P/U	P/U	L-1

* * *

L-8 In IW district, only water-related uses allowed.

* * *

(E) See BMC 17.70.430, Data Centers.

Section 4.
Section 17.70.430 (Objective planning and design standards for mixed use residential and multifamily development projects) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) is hereby renamed “Data centers” and amended to read as follows:

A. Applicability. Data centers may be conditionally permitted only in Industrial Districts, as specified in BMC 17.32.020 (IL, IG, IW and IP districts – Land use regulations) and pursuant to the requirements of this section.

B. Review authority. The planning commission shall conduct a public hearing and

approve, conditionally approve, or disapprove a use permit application for any data center.

C. Application. An application for a use permit shall be prepared in a manner acceptable to the city in accordance with the applicable posted submittal checklist and/or standards and shall also include the following:

1. Electric utility. A “will serve” letter, executed interconnection agreement, or equivalent documentation from the electric utility provider, dated within the prior 12 months and indicating the availability of existing capacity and any associated on- or off-site improvements for power supply.

2. Water utility. A “will serve” letter or equivalent documentation from the water utility provider, dated within the prior 12 months and indicating the availability of existing capacity and any associated on- or off-site improvements for water supply.

3. Plans and calculations documenting:

    a. Electrical design capacity and measures for on-site energy production and storage, where applicable.

    b. Water usage, wastewater volumes, including associated strengths and requirements; as well as and methods for water recirculation or conservation. The analysis shall specify methods for reducing potable water consumption through appropriate technologies and operational practices.

    c. Mechanical equipment layout, including interior and exterior equipment, and associated details.

    d. Thermal generation analysis, prepared by a qualified licensed engineer, identifying cumulative heat production, thermal plume, and proposed measures to capture or reduce thermal impacts, including primary cooling methodology and associated Safety Data Sheet (SDS) and chemical inventory of associated heat transfer fluids, dielectric liquids, refrigerants, and liquid cooling agents used within the facility.

    e. Acoustic analysis, prepared by a qualified licensed engineer, identifying baseline and project noise generation at full, continuous operation during AM and PM hours. Where the analysis shows that noise will exceed 75 decibels at industrial property lines and/or 50 decibels at the nearest residential property lines at any time, noise attenuation measures to meet these standards must be included with the analysis. Where noise attenuation measures are proposed, the analysis shall indicate unattenuated and attenuated noise levels and provide associated technical details.

    f. Fire prevention, hazard management and life safety plan, which shall

indicate the adequacy or improvements necessary to achieve fire flow and fire access, document compliance with applicable life safety and equipment listing standards, specify containment and secondary spill protocols, and describe on-site hazard mitigation and emergency response measures.

4. A phasing plan identifying the full reserved capacity of the facility and timeline for buildout.

D. Standards

1. Maximum capacity. No data center may exceed an electrical design capacity of 20 megawatts, regardless of whether renewable power is generated on-site.
2. Electric power. Electric power supply shall be through a utility provider or on-site renewable energy including but not limited to solar, wind or geothermal energy. Data centers shall employ equipment and/or operational practices to reduce electric power consumption to the maximum feasible extent. No supplemental or backup electricity may be provided by internal combustion equipment, such as diesel generators.
3. Water conservation. Data centers shall utilize water-efficient cooling technologies, recirculation or recycled water, and other operational practices to reduce potable water consumption to the maximum feasible extent.
4. Exterior lighting. In addition to the requirements of BMC 17.70.240, all exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property. Exterior lighting shall not overspill onto adjacent roads and properties.
5. Noise. Structural noise reduction measures shall be provided for any exterior cooling fans or equipment, such as acoustic barrier walls, baffles or louvers and shall demonstrate compliance, at time of full operation, with the applicable standards of BMC Chapter 8.20.

E. Annual report.

1. Annual Report Required. The operator of a data center shall submit an annual report documenting compliance with the use permit conditions of approval and reporting on the facility's water consumption and electric power consumption in a form acceptable to the director or their designee, which shall be received no later than December 31 of each year.
2. Fee. Submittal of the annual report shall be accompanied by payment of a fee associated with the expense of time and materials for administration and review. If no fee is established by Council resolution, such costs shall be reimbursed based on established hourly rates and/or direct costs incurred.
3. Review. The city may verify information contained in the report through a request

for additional records or conduct on-site inspections. Such request shall be granted without delay to support a determination that the standards of this section and the conditions of the use permit have been met.

4. Revocation. Failure to comply with the requirements of this subsection may result in enforcement actions and/or revocation of the use permit pursuant to Chapter 17.128.

F. Supplemental Findings.

1. In addition to compliance with the requirements of this title and the findings of Chapter 17.104, the decision-making body shall determine that the application meets all of the following findings prior to approving or conditionally approving a use permit for a data center:

   a. That the operation of the data center, individually or in accumulation with other existing data centers, will advance the specific purpose of the underlying zoning district to provide areas for business, commercial, manufacturing and/or water-related industry as described in section 17.32.010 of this title.

   b. That the proposed data center will implement and maintain long-term measures that ensure the facility will not compromise the capacity and reliability of public utilities, including electric power and water supply.

   c. That the data center will comply with the performance standards of this Municipal Code and will not result in injurious effects due to the placement of equipment or operation of the facility, including effects related to emissions and discharges, lighting and noise.

2. If the review authority determines that the application does not meet findings in subsection F.1., above, then the reasons for the determination shall be specified in writing and the use permit shall be denied.

G. Modifications. Any modification to a data center that would cause the data center to exceed the approved size, capacity or water consumption of the facility, or modify any finding or condition of approval as determined by the director, shall be subject to review and approval of a new use permit application.

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

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

*****

On motion of Council Member , seconded by Council Member , the foregoing ordinance was introduced at a regular meeting of the City Council on the day of 2026, and adopted at a regular meeting of the Council held on the day of 2026, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Steve Young, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

_____
Date

AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 27, 2026
BUSINESS ITEM

TO : City Council

FROM : Interim Human Resources Manager

SUBJECT : **CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)**

EXECUTIVE SUMMARY:

Mark Menesini, Police Chief, recently announced his plan to retire on October 20, 2026, and Stacy Hatfield, Administrative Secretary, has recently announced her plan to retire on December 2, 2026. Both employees have offered to temporarily serve during the recruitment period and transition for their replacements. Under Government Code Sections 7522.56 and 21221(h), the City is permitted to utilize this temporary assistance. Normally a non-safety retired person cannot be employed by a CalPERS agency for a period of 180 days after retirement. The statues, however, provide an exception to the 180-day wait period when the agency certifies the nature of the employment, that the appointment is necessary to fill a critically needed role before 180 days have passed, and the appointment has been approved by the agency's government body. Public Safety Officers are exempt from the 180-day waiting period if they will perform peace officer retired annuitant work. Retired Annuitants are limited to working no more than 960 hours during a fiscal year.

RECOMMENDATION:

Adopt resolutions certifying the nature of employment and appointment of Mark Menesini (Attachment 1) as described herein and detailed in the attached Personnel Action Form (Exhibit A) and Stacy Hatfield (Attachment 2) as described herein and detailed in the attached Personnel Action Form (Exhibit A), as retired annuitants, effective 10/21/26 and 12/3/2026, respectively.

BUDGET INFORMATION:

There is no additional budget impact associated with these actions. Funding is derived from salary savings generated from the vacancies of the full-time positions.

BACKGROUND:

Mark Menesini, Police Chief, retired on October 20, 2026, following more than 26 years of service with the City of Benicia. In November 2026, the City will begin the recruitment process to fill the vacancy. The recruitment and placement are expected to take at least four to six months. The position of Police Chief is vital to the organization. The Police

Chief performs critical oversight and management of the various activities and operations of the City's Police Department, including law enforcement, crime prevention, and crime suppression. Menesini's history and knowledge of important aspects of the Police Department are critical during the transition. Menesini has agreed to serve in an Interim role during the recruitment process for his replacement. The proposed resolution will allow Menesini to work temporarily in conformance with state law pursuant to Government Code Sections 7522.56 and 21221(h), which allow CalPERS retired annuitants to work in an interim capacity under state rules.

To employ Menesini as a retired annuitant during this transition, it is necessary to certify the nature of the employment and appointment of Mark Menesini as a retired annuitant with CalPERS. Menesini's assistance during the staffing transition is critical to the continued success of the Police Department. Currently, the police department has four vacancies at the police officer level. Additionally, multiple officers are out on extended medical leaves. The dispatch center also has multiple vacancies. Council may recall that a few years ago, staffing at the command level was reduced. If Menesini is not employed as a retired annuitant during the recruitment of the next Police Chief, the department would be left with just two managers for the entire department. The Police Chief position is a critical position that must remain filled to ensure the smooth operation of the Police Department and the health, welfare, and safety of the City's residents. With the approval of the proposed resolution, as of October 21, 2026, Mark Menesini will be able to serve in an Interim position with the City of Benicia, consistent with the requirements of the Public Employers Retirement Law (PERL), Government Code Sections 7522.56 and 21221(h).

It is anticipated that Menesini will serve in this capacity for approximately six months during the recruitment and transition process for permanent replacement. Salary compensation paid to retirees cannot be less than the minimum nor exceed the maximum rate of pay for the position. The maximum monthly base salary for this position is $22,029.93 and the hourly equivalent is $127.12. The minimum monthly base salary for this position is $18,124.07 and the hourly equivalent is $104.58. The hourly rate paid to Menesini will be $127.12.

Stacy Hatfield, Administrative Secretary, was hired in 2002 and will retire on December 2, 2026. The City has started the process to fill the upcoming vacancy. The recruitment and placement are expected to take about three months. The position of Administrative Secretary is vital to the fire department, now so more than ever. The Benicia Fire Department's administrative workload is carried by two positions: the Senior Management Analyst and the Administrative Secretary. Together, these two positions handle all department administration, including timekeeping, public records requests, purchasing and invoice entry, budget, grants, personnel transactions, records, and administrative support to the Fire Prevention Division. Both fire dept incumbents submitted separation paperwork. The Senior Management Analyst resigned to accept a position with another agency, and the Administrative Secretary submitted her retirement. As a result, the department will lose 100 percent of its administrative staff, and the institutional knowledge that goes with it, within four weeks. No other Fire department employees are trained in these functions, and most of the work relies on fire-specific systems and processes that other City departments do not use and do not

have capacity to absorb. The timing of these vacancies coincides with several time-sensitive obligations that cannot be deferred until new staff are hired:

- Bay Area Air District grant. The department is entering the award / implementation phase of a multimillion-dollar grant from the Bay Area Air District. Grant administration requires expenditure tracking, procurement documentation, reimbursement requests, and progress reporting on fixed deadlines. Errors or missed deadlines put grant funding at risk.
- Shift personnel payroll. Payroll for 24-hour shift personnel involves FLSA work periods, overtime, and constant staffing. Payroll runs without interruption, and errors directly affect employee pay and FLSA compliance.
- Mutual aid cost recovery. Reimbursement claims for the department's 2026 fire season mutual aid deployments must be compiled and submitted to Cal OES under the California Fire Assistance Agreement. Delays defer or jeopardize hundreds of thousands in reimbursement revenue to the City.
- Fire Prevention permits and fees. Permit intake, plan review routing, and fee invoicing in OpenGov directly affect customer service to developers and businesses and the collection of fee revenue.
- Purchasing and accounts payable. Vendor payments, purchase orders, and procurement for department operations must continue without interruption.
- Public records requests. California Public Records Act requests have statutory response deadlines.
- Personnel transactions. The department is processing several recent retirements and promotions that require timely and accurate personnel paperwork.
- Knowledge transfer. Ms. Hatfield is the only remaining employee with working knowledge of the department's administrative procedures. Her limited, part-time return will allow her to document procedures and train permanent replacements, preventing a loss of institutional knowledge that would take months to rebuild.

Hatfield’s history and knowledge of important aspects of the Fire Department are critical during the transition. Hatfield has agreed to serve in an extra help role during the recruitment and transition process for her replacement. The proposed resolution will allow Hatfield to work temporarily in conformance with state law.

To employ Stacy Hatfield as a retired annuitant during this transition, it is necessary to certify the nature of the employment and appointment of Stacy Hatfield as a retired annuitant with CalPERS. Her work on the transition cannot be delayed for 180 days after her retirement, and she has specialized skills needed in performing work of limited duration. Therefore, it is recommended the Council adopt the proposed resolution. With the approval of the proposed resolution, as of December 3, 2026, Stacy Hatfield will be able to serve in an extra help position with the City of Benicia, consistent with the requirements of PERL, Government Code Sections 7522.56 and 21221(h).

It is anticipated that Hatfield will serve in this capacity for approximately six months during the recruitment process for the permanent replacement and then assisting with the training of new staff. Salary compensation paid to retirees cannot be less than the minimum nor exceed the maximum rate of pay for the position. The maximum monthly base salary for this position is $6,491.99 and the hourly equivalent is $37.46. The

minimum monthly base salary for this position is $5,340.98 and the hourly equivalent is $30.81. The hourly rate paid to Hatfield will be $37.46.

NEXT STEPS:
If the Council approves the recommended actions, staff will take the administrative steps necessary to implement the action.

ALTERNATIVE ACTIONS:
If Council doesn't approve, key administrative and operational functions in both the Police and Fire Departments will be significantly impacted until new employees can be hired into the positions.

CEQA Analysis	The requested action is exempt from CEQA because it will not result in a direct or indirect physical change in the environment and therefore it is not a project as defined in CEQA Guidelines Section 15378.

ATTACHMENT:
1. Resolution – CalPERS Retired Annuitant 180-Day Exemption – Mark Menesini Exhibit A – Personnel Action Form
2. Resolution – CalPERS Retired Annuitant 180-Day Exemption – Stacy Hatfield Exhibit A – Personnel Action Form

For more information contact: Interim Human Resources Manager Kimberly Imboden
Phone: (707) 746-4205
E-mail: kimboden@ci.benicia.ca.us

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CERTIFYING THE NATURE OF THE EMPLOYMENT AND APPOINTMENT OF MARK MENESINI AS A RETIRED ANNUITANT SERVING AS INTERIM POLICE CHIEF, EFFECTIVE OCTOBER 21, 2026

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the governing body (City Council of the City of Benicia) must provide CalPERS this certification resolution; and

WHEREAS, Mark Menesini, CalPERS ID 5875325050 is retiring from the City of Benicia in the position of Police Chief, effective October 20, 2026; and

WHEREAS, the City Council, the City of Benicia and Mark Menesini certify that Menesini has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the governing body has authorized the search for a permanent appointment to begin on November 1st, 2026; and

WHEREAS, the City Council of the City of Benicia hereby appoints Mark Menesini as an interim appointment retired annuitant to the vacant position of Police Chief for the City of Benicia under Gov. Code section 21221(h), effective October 21st, 2026 (Exhibit A); and

WHEREAS, this Gov. Code section 21221(h) interim appointment shall only be made once and therefore will end upon filling the vacancy of Police Chief;
and

WHEREAS, the entire employment agreement, contract or appointment document between Mark Menesini and the City of Benicia has been reviewed by this body and is attached herein; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is $22,029.83 and the hourly equivalent is $127.12, and the minimum base salary for this position is $18,124.07 and the hourly equivalent is $104.58; and

WHEREAS, the hourly rate paid to Mark Menesini will be $127.12; and

WHEREAS, Mark Menesini has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby certify the nature of the employment of Mark Menesini as described herein and detailed in the attached Personnel Action Form (Exhibit A) and that this appointment is necessary to fill the critically needed position of Police Chief for the City of Benicia on October 21st, 2026 because of the critical and time sensitive duties performed by the Police Chief including law enforcement, crime prevention, and crime suppression, and confidential personnel matters such as employee investigations.

*****

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 27th day of October 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Steve Young, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

_____
Date

Exhibit A
Personnel Action Form
[see next page]

CITY OF BENICIA PERSONNEL ACTION FORM (PAF)

EMPLOYEE NAME: **Mark Menesini** **EMPLOYEE NO:** 2598 **DATE PREPARED:** 10/20/2026

CHECK TYPE OF ACTION OR ACTIONS:

	Probationary Appointment (initial) or Probationary Promotion			NA (see note)	**Acting Pay** – In place of a PAF, complete and submit a CalPERS Out of Class/Temporary Upgrade/Interim form.
	Exempt/At Will Appointment	**X**	**Limited Duration End Date:**		**Separation of Employment:** End of Season/Temporary/Limited Duration Employee Resignation Employee Retirement Employer Generated Other (describe below)
X	**Temporary/Seasonal/Part-Time** Less than 20 hours per week More than 20 hours per week **Anticipated length of assignment** Less than 12 months; Other:				
	Salary Step Increase (submit an evaluation to HR w/PAF) ***Step increases are effective on the 21st of the month.***				**SPECIFY SCHEDULE CHANGE AND 1ST DAY OFF:** 5/8 4/10 9/80 12 hr Fire 24-day Police 28-day **Schedule** **1st day off is:**
	Job Change (non-promotional) or Job Transfer				
	End of Probation				**Other:**

PRESENT POSITION (if applicable)		**NEW POSITION, SALARY, OR APPOINTMENT**	
Title:	**Job Class:**	**Title: Interim Police Chief**	**Job Class:**
Dept: Div.:	**Supervisor:**	**Dept: Div.:**	**Supervisor:**
Current Rate of Pay / Step:		**New Rate of Pay / Step:** $127.12 per hour	

COMMENTS/EXPLANATIONS/BENEFITS: CalPERS Retired Annuitant to work under Government Code Section 21221(h) as Interim Police Chief during the recruitment for the vacancy.

Prepared by: Kimberly Imboden	**Recommended Effective Date: 10/21/2026**
Supervisor Approval:	**Date Signed:**
Department Head Approval:	**Date Signed:**
City Manager Approval (if action requires CM Signature):	**Date Signed:**

For Human Resources Use Only

Human Resources Analyst (review/initial):	**Effective Date of Change:**
Human Resources Manager Approval:	**Date Signed by HR Manager:**
Munis Position Control #:	**Reso# (if applicable):**
Pre-Employment Checklist: **DS (if applicable) : _____ Livescan: _____**	**Hiring Authorization #:** **Recruitment Tracking #:**
Will employee move to a new Bargaining Unit? No / Yes **If Yes, New BU_____ (if applicable)**	**PAT:_____CARDEX:_____AB2561_____** **EVAL REC'D:_____ CalPERS Date:_____**

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CERTIFYING THE NATURE OF THE EMPLOYMENT AND APPOINTMENT OF STACY HATFIELD AS A RETIRED ANNUITANT EFFECTIVE DECEMBER 3, 2026

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the governing body (City Council of the City of Benicia) must provide CalPERS this certification resolution; and

WHEREAS, when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Stacy Hatfield, CalPERS ID 1776509520 is retiring from the City of Benicia in the position of Administrative Secretary, effective December 2, 2026; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is May 31, 2027, without this certification resolution; and

WHEREAS, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council, the City of Benicia and Stacy Hatfield certify that Hatfield has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 7522.56 requires the retiree has the special knowledge and skills and is appointed as extra help during recruitment for a permanent appointment; and

WHEREAS, the City Manager has authorized the search for a permanent appointment on to begin; and

WHEREAS, the City Council of the City of Benicia hereby appoints Stacy Hatfield to the vacant position of Administrative Secretary for the City of Benicia under Gov. Code section 7522.56, effective December 3, 2026 (Exhibit A); and

WHEREAS, the entire employment agreement, contract or appointment document between Stacy Hatfield and the City of Benicia has been reviewed by this body and is attached herein; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is $6,491.99 and the hourly equivalent is $37.46, and the minimum base salary for this position is $5,340.98 and the hourly equivalent is $30.81; and

WHEREAS, the hourly rate paid to Stacy Hatfield will be $37.46; and

WHEREAS, Stacy Hatfield has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby certify the nature of the employment of Stacy Hatfield as described herein and detailed in the attached Personnel Action Form (Exhibit A) and that this appointment is necessary to fill the critically needed work resulting from the retirement of Hatfield.

*****

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 27th day of October 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Steve Young, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

_____
Date

Exhibit A
Personnel Action Form
[see next page]

CITY OF BENICIA PERSONNEL ACTION FORM (PAF)

EMPLOYEE NAME: **Stacy Hatfield** **EMPLOYEE NO:** 2905 **DATE PREPARED:** 10/20/2026

CHECK TYPE OF ACTION OR ACTIONS:

	Probationary Appointment (initial) or Probationary Promotion			NA (see note)	**Acting Pay** – In place of a PAF, complete and submit a CalPERS Out of Class/Temporary Upgrade/Interim form.
	Exempt/At Will Appointment	**X**	**Limited Duration End Date:**		**Separation of Employment:** End of Season/Temporary/Limited Duration Employee Resignation Employee Retirement Employer Generated Other (describe below)
X	**Temporary/Seasonal/Part-Time** Less than 20 hours per week More than 20 hours per week **Anticipated length of assignment** Less than 12 months; Other:				
	Salary Step Increase (submit an evaluation to HR w/PAF) ***Step increases are effective on the 21st of the month.***				**SPECIFY SCHEDULE CHANGE AND 1ST DAY OFF:** 5/8 4/10 9/80 12 hr Fire 24-day Police 28-day **Schedule** **1st day off is:**
	Job Change (non-promotional) or Job Transfer				
	End of Probation				**Other:**

PRESENT POSITION (if applicable)		**NEW POSITION, SALARY, OR APPOINTMENT**	
Title:	**Job Class:**	**Title: Administrative Secretary (extra-help)**	**Job Class:**
Dept: Div.:	**Supervisor:**	**Dept: Div.:**	**Supervisor:**
Current Rate of Pay / Step:		**New Rate of Pay / Step:** $37.46 per hour	

COMMENTS/EXPLANATIONS/BENEFITS: CalPERS Retired Annuitant to work under Government Code Section 7522.56 as extra help during the recruitment for vacancy.

Prepared by: Kimberly Imboden	**Recommended Effective Date: 12/03/2026**
Supervisor Approval:	**Date Signed:**
Department Head Approval:	**Date Signed:**
City Manager Approval (if action requires CM Signature):	**Date Signed:**

For Human Resources Use Only

Human Resources Analyst (review/initial):	**Effective Date of Change:**
Human Resources Manager Approval:	**Date Signed by HR Manager:**
Munis Position Control #:	**Reso# (if applicable):**
Pre-Employment Checklist: **DS (if applicable) : _____ Livescan: _____**	**Hiring Authorization #:** **Recruitment Tracking #:**
Will employee move to a new Bargaining Unit? No / Yes **If Yes, New BU_____ (if applicable)**	**PAT:_____CARDEX:_____AB2561_____** **EVAL REC'D:_____ CalPERS Date:_____**

AGENDA ITEM
CITY COUNCIL MEETING DATE – OCTOBER 27, 2026
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **DECLARATION OF A STATE OF LOCAL EMERGENCY DUE TO HISTORIC EL NIÑO SEASON**

EXECUTIVE SUMMARY:

The National Oceanic and Atmospheric Administration's (NOAA) October 8, 2026, forecast indicates that El Niño continues to strengthen, with a greater than 83% chance of strong to very strong conditions persisting through January–March 2027. NOAA also identifies a high likelihood of a historically strong event, while noting that associated weather impacts are not guaranteed. Potential impacts to Benicia include heavy rainfall, elevated water levels, flooding, erosion, power outages, downed trees, and infrastructure damage. These anticipated conditions could exceed available local resources, warranting the proclamation of a local emergency to support preparedness and response efforts.

As part of the resolution declaring a state of emergency, staff requests approval of emergency procurement procedures to address the emergency conditions. One such circumstance that is going to require emergency repairs involve a sewer main collapse under Industrial Way near Park Road. Proceeding with an emergency project under the proposed declaration will allow staff to utilize emergency contracting procedures and expenditures pursuant to Benicia Municipal Code Section 3.09.050.C and Public Contract Code Section 22050(b)(1) based on the persistence of emergency conditions.

RECOMMENDATION:

Adopt a resolution (Attachment 1) confirming the Declaration of a State of Local Emergency due to historic El Niño Season.

BUDGET INFORMATION:

State or Federal funds may be available to assist with repairs and recovery efforts.

The estimated cost of the Industrial Way Sewer Repairs near Park Road currently is $1.8 million (Public Works Project No. 26-07, Munis Project #830030). Funding will be split 50/50 between the following accounts:

- $900,000 – 7108031-7087 (Wastewater Collection Preventative Maintenance)
- $900,000 – 7208031-7435 (Wastewater Major Capital Infrastructure)

BACKGROUND:

El Niño

El Niño conditions are expected to bring humid summer conditions, dangerous coastal swells, and high probabilities of heavy winter storms and flooding. Previous El Niño events of a similar magnitude have brought record-breaking sea levels, significant coastal erosion, and severe regional flooding. While very strong El Niño conditions tilt the odds heavily toward destructive storms, historical outcomes show that actual rainfall totals can still vary significantly. On September 21, 2026, California Governor Gavin Newsom proclaimed a state of emergency in anticipation of the historic El Niño season.

Conditions of disaster and extreme peril to the safety of persons and property are anticipated to arise within the City of Benicia as a result of the historic El Niño season, and are expected to continue until early 2027, directly affecting the safety of persons and property within the City of Benicia and allowing the City to deploy all available responses, actions, and measures deemed necessary to ensure the safety of residents and property.

Industrial Way Sewer Repairs near Park Road

On October 8, 2026, a collapsed 12-inch sewer main was discovered under Industrial Way near Park Road. A temporary sewer bypass including 24/7 pump system was put into place, and one of the three travel lanes will remain closed while the City assesses the damage and arranges repairs. Minor traffic delays may occur during this time.

Staff engaged the services of Coastland DCCM, one of the City's on-call engineering firms, to assist with evaluating the necessary repairs, soliciting a contractor, and managing the construction through to completion. Given the urgency of the situation, it was determined that emergency repairs to the 12-inch sewer main are necessary to ensure continued wastewater flow as El Niño approaches. Once we have a scope and bid for the project, and assuming the Council adopts the proposed proclamation of emergency, staff will move forward with this emergency repair and present the costs for ratification to the Council as required by law.

NEXT STEPS:

This item will continue to be presented to Council at least once every 60 days at a regular Council meeting until the declaration is terminated.

The City will continue to work with Coastland DCCM on analysis of the repairs, assessing and procuring a contractor, and managing construction through completion.

ALTERNATIVE ACTIONS:

Consider not adopting the proclamation of emergencies.

CEQA Analysis	This activity is not a project as defined by the California Environmental Quality Act Section 21065 and State CEQA Guidelines Section 15378(b)(5), as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment and therefore this activity is not subject to CEQA, pursuant to Section 15060(c)(3).

ATTACHMENT:

1. Resolution - Declaration of a State of Local Emergency Due to Historic El Niño Season

For more information contact: Danielle Martinez, Public Works Director
Phone: 707-746-4240
E-mail: PW@ci.benicia.ca.us

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROCLAIMING THE EXISTENCE OF A STATE OF LOCAL EMERGENCY DUE TO HISTORIC EL NIÑO SEASON

WHEREAS, Government Code Section 8630 authorizes and empowers the City Council of the City of Benicia to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Chapter 2.36 of the Benicia Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim the existence or threatened existence of a local emergency when said City is affected by or likely to be affected by a public calamity; and

WHEREAS, on September 21, 2026, California Governor Gavin Newsom proclaimed a state of emergency in anticipation of the historic El Niño season; and

WHEREAS, the National Oceanic and Atmospheric Administration's National Weather Service Climate Prediction Center has found that the El Niño event is strengthening, with a greater than 90 percent chance of a very strong event during the fall and winter of 2026-2027 and a 69 percent chance that the El Niño event will reach historic strength during the October through December 2026 season, exceeding the strength of all prior El Niño events in the historical record beginning in 1950; and

WHEREAS, the Governor's Proclamation recognizes the need to act before severe storms arrive, including by pre-positioning personnel, equipment, supplies, and other resources, and by expediting work to reduce the risks of flooding, coastal erosion, landslides, mud and debris flows, and related impacts, and the City may similarly need to undertake immediate work and to procure equipment, supplies, services, or public works on an expedited basis to prepare for, prevent, mitigate, respond to, or recover from the impacts of the El Niño event; and

WHEREAS, the City Manager of the City of Benicia, acting as Director of Emergency Services, has requested the City Council to find that conditions of disaster and extreme peril to the safety of persons and property are anticipated to arise within the City of Benicia as a result of the historic El Niño season, and are expected to continue until early 2027, directly affecting persons and property within Benicia; and

WHEREAS, these weather conditions may bring heavier than usual rainfall, larger and stronger surf, beach erosion, significant flooding, extreme heat, mudslides, power outages, infrastructure impacts, downed trees, and other hazardous conditions; and

WHEREAS, these emergency conditions and their impacts will likely be beyond the control of local resources, services, personnel, equipment, and facilities; and

WHEREAS, these anticipated conditions warrant and necessitate the proclamation of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia hereby proclaims a local emergency as follows:

1. The City Council finds and determines that the foregoing recitals are true and correct and are incorporated herein as findings of the City Council. Based on the Governor's Proclamation and the entirety of the record before it, the City Council finds that the El Niño event presents conditions of extreme peril and risks to persons, property, City infrastructure, and essential public services within the City.

2. Pursuant to the California Emergency Services Act and Section 2.36.050 of the Benicia Municipal Code, the City Council hereby declares that a local emergency exists within the City of Benicia resulting from the developing 2026-2027 El Niño event. During the existence of this local emergency, the powers, functions, and duties of the Director of Emergency Services and of the emergency organization of the City shall be those prescribed by State law and by the ordinances, resolutions, and approved plans of the City in order to mitigate the effects of the local emergency.

3. The City Council also proclaims and orders that during this local emergency the powers, functions and the duties of the Benicia City Manager/Emergency Services Director and the emergency organization of the City of Benicia shall be those prescribed by State law and the ordinances, resolutions and approved emergency services plans of the City of Benicia.

4. The City Council directs the Benicia City Manager/Emergency Services Director to publish and promulgate, in as widespread a manner as is reasonably feasible in light of the conditions prevailing during the local emergency, this proclamation and the contents.

5. The City Council finds, by a four-fifths vote and pursuant to Public Contract Code section 20168, that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of the emergency resulting from the El Nino event. In accordance with Public Contract Code sections 20168, 22050, and the City's Municipal Code section 3.09.050(A), the City Council delegates to the City Manager the authority to order any action necessary to prepare for, prevent, mitigate, respond to, or recover from the impacts of the El Nino event, including repairing or replacing public facilities, taking any directly related and immediate action required by the emergency, and directly negotiating, awarding, and executing contracts and procuring the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts, to the extent authorized by Public Contract Code sections 20168 and 22050 and applicable City law. The Director of Public Works

is authorized to approve change orders and use contingency in a cumulative amount not to exceed fifteen percent (15%) of the original contract amount for contracts awarded under the emergency authority provided by this Resolution.

6. Government Code section 8630 requires that the City Council review the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency, and that the City Council proclaims the termination of the local emergency at the earliest date that conditions warrant. The City Manager is directed to report to the City Council within this time frame regarding the status of the emergency. To the extent the City undertakes emergency contracting pursuant to Public Contract Code section 22050, the City Council will review the emergency action at its next regularly scheduled meeting and at each regularly scheduled meeting thereafter until the action is terminated, and will determine, by a four-fifths vote, whether there is a need to continue the emergency action.

7. This Resolution shall become effective immediately upon its adoption by a four-fifths vote of the City Council and shall remain in effect, and the local emergency declared hereby shall continue, until terminated by the City Council in accordance with applicable law.

*****

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 27th day of October 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Steve Young, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

_____
Date