

BENICIA CITY COUNCIL CITY COUNCIL MEETING AGENDA

**August 4, 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

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 MINUTES FROM THE JULY 21, 2026 SPECIAL AND REGULAR MEETING

[July 21, 2026 Special City Council Meeting Minutes](#)

[July 21, 2026 Regular City Council Meeting Minutes](#)

14.B DESIGNATION OF VOTING DELEGATE FOR THE 2026 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND EXPO GENERAL ASSEMBLY

RECOMMENDED ACTION: Designate, by minute action, Council Member Kari Birdseye as voting delegate, there will be no alternate for the General Assembly of the Cal Cities Annual Conference to be held on Friday, September 25, 2026 at the Anaheim Convention Center.

[Staff Report - 2026 Cal Cities Voting Delegate](#)

[1. 2026 Voting Delegate Information Packet](#)

14.C ACCEPT THE AWARD OF A 5-YEAR GRANT WITH THE BOARD OF STATE AND COMMUNITY CORRECTIONS FOR THE PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM, APPROVE THE CITY MANAGER TO SIGN THE GRANT AGREEMENT ON BEHALF OF THE BENICIA POLICE DEPARTMENT, AND APPROVE BUDGET AMENDMENTS IN THE POLICE DEPARTMENT GENERAL FUND FOR FY27

RECOMMENDED ACTION: Move to adopt a resolution (Attachment 1) accepting the 5-year grant award with the Board of State and Community Corrections for the Proposition 64 Health and Safety Grant Program, approve the City Manager to sign the Standard Agreement (Attachment 2) on behalf of the Benicia Police Department, and approve the Administrative Services Director to make the necessary budget amendments to (Attachment 3) the FY27 budget for the Police Department to allow for use of grant funds earmarked for programs and projects in year 1 of the grant term.

[Staff Report - Proposition 64 Grant](#)

[1. Resolution Proposition 64 Grant](#)

[2. Prop 64 Grant Agreement](#)

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

15. BUSINESS ITEMS

15.A APPROVAL TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON THE NOVEMBER 3, 2026 BALLOT

RECOMMENDED ACTION: There are two recommendations associated with this item: 1. Move to adopt a Resolution (Attachment 1) authorizing the placement of the limited city charter ballot measure with proposed Ordinance (Attachment 1 Exhibit A) on the November 3, 2026 General Election ballot; and 2. Move to adopt a Resolution (Attachment 2) authorizing the placement of the real property transfer tax ballot measure with proposed Ordinance (Attachment 2 Exhibit A) on the November 3, 2026 General Election ballot.

[Staff Report - Limited Charter & RPTT](#)

[1. Resolution - Limited Charter Resolution with Ballot Question Language](#)

[2. Resolution - RPTT Resolution with Ballot Question Language](#)

[3. Staff Report from July 21, 2026 City Council Meeting](#)

[4. Email from Mr. Shenfield](#)

15.B AWARD OF CONSTRUCTION CONTRACT, AUTHORIZE A BUDGET AMENDMENT, AND APPROVE A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE CORPORATION YARD BATHROOM REMODEL

RECOMMENDED ACTION: Adopt a resolution (Attachment 1) approving the construction plans and specifications, accepting the bids and awarding the construction contract in the amount of \$241,249.49 to Atkinson Builders, Inc. of Sonoma, CA for the Public Works Corporation Yard Bathroom Remodel Project, authorizing the Project Manager to sign Contract Change Orders up to the 15% contingency, authorizing the City Manager to sign the contract (Attachment 2) on behalf of the City, subject to approval by the City Attorney, authorizing the necessary budget amendments, and approving a Notice of Exemption (NOE) (Attachment 3) under the California Environmental Quality Act (CEQA) Guidelines.

[Staff Report - Award of Construction Contract Corp Yard Bathrooms](#)

[1. Resolution - Award of Construction Contract Corp Yard Bathrooms](#)

[2. Construction Contract - Atkinson Builders, Inc.](#)

[3. CEQA Notice Of Exemption Corp Yard Bathroom Remodel](#)

16. ADJOURNMENT (8:00 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

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MINUTES OF THE SPECIAL MEETING – CITY COUNCIL JULY 21, 2026 5:30 P.M.

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded. These are action minutes; a full video is available online at www.ci.benicia.ca.us/agendas.

1) **CALL SPECIAL MEETING TO ORDER**

Mayor Young called the Special Meeting to order at 5:30 p.m.

2) **CONVENE OPEN SESSION**

3) **ROLL CALL**

Present: Council Member Birdseye, Council Member Largaespada, Council Member Scott, Mayor Young

Absent: Vice Mayor Macenski

Excused: None

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

5) **PUBLIC COMMENT FOR CLOSED SESSION**

None

6) **ADJOURN TO CLOSED SESSION**

Mayor Young adjourned the meeting to Closed Session at 5:30 p.m.

6.A CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

6.B CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

7) **RECONVENE OPEN SESSION**

Mayor Young reconvened the Open Session at 6:00 p.m.

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

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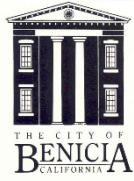
Ben Stock, City Attorney, reported that Council met in Closed Session on two items and took no reportable actions.

9) ADJOURNMENT

Mayor Young adjourned the Special Meeting at 6:00 p.m.

City Clerk

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MINUTES OF THE REGULAR MEETING – CITY COUNCIL JULY 21, 2026 6:00 P.M.

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded. These are action minutes; a full video is available online at www.ci.benicia.ca.us/agendas.

COURTESY ZOOM PARTICIPATION

1) CALL TO ORDER (6:00 P.M.)

Mayor Young called the meeting to order at 6:00 p.m.

2) CONVENE OPEN SESSION

3) ROLL CALL

All Council Members were present.

Vice Mayor Macenski arrived at 6:05 p.m. via remote location.

4) PLEDGE OF ALLEGIANCE

5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

6) ANNOUNCEMENTS

6.A MAYOR'S OFFICE HOURS

7) PROCLAMATIONS

8) APPOINTMENTS

9) PRESENTATIONS

10) ADOPTION OF AGENDA

On motion of Council Member Birdseye, seconded by Council Member Scott, Council approved the Adoption of the Agenda, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

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Noes: (None)

11) OPPORTUNITY FOR PUBLIC COMMENTS

12) WRITTEN COMMENT

13) PUBLIC COMMENT

1. Christina Strawbridge - Ms. Strawbridge discussed the upcoming Waterfront Festival and how the 3rd and 4th of July events went.
2. Marilyn Bardet - Ms. Bardet discussed the need for a public process with respect to the large upcoming development proposals.
3. Myra Nissen - Ms. Nissen discussed concern regarding flooding in the Portside Village area.
4. Clay Merrill, PG&E - Mr. Merrill stated he would be meeting with each council member to see how PG&E could support the City of Benicia.
5. Sahei Takhar - Mr. Takhar discussed the need to revive the Benicia Youth Commission
6. Kathy Kerridge - Ms. Kerridge discussed the need for more public input in the Catalyst Grant process.

14) **CONSENT CALENDAR**

14.A **MINUTES FROM THE JULY 7, 2026 SPECIAL AND REGULAR MEETING**

[July 7, 2026 Special City Council Meeting Minutes](#) 

[July 7, 2026 Regular City Council Meeting Minutes](#) 

14.B **AWARD OF CONSTRUCTION CONTRACT, AND APPROVE A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE AFFORDABLE HOUSING EAST 4TH & L FRONTAGE IMPROVEMENT PROJECT**

[Staff Report - Award of Construction Contract East 4th and L Frontage Improvement Project](#) 

[1. Resolution - East 4th and L Frontage Improvement Project](#) 

[2. Agreement - N G Builder Company](#) 

[3. Notice of Exemption - East 4th and L Frontage Improvement Project](#) 

RESOLUTION NO. 26- 69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE AFFORDABLE HOUSING EAST 4TH & L FRONTAGE IMPROVEMENT PROJECT, AWARDING THE CONSTRUCTION CONTRACT, TO N G BUILDER COMPANY OF SANTA ROSA, CA, IN THE AMOUNT OF \$332,996, APPROVING BUDGET AMENDMENTS, NOTICE OF EXEMPTION UNDER

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THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

14.C APPROVAL OF SECOND AMENDMENT TO AGREEMENT WITH LARRY WALKER ASSOCIATES, INC. FOR REGULATORY SUPPORT FOR STORMWATER PERMIT COMPLIANCE

Staff Report - Approval of Amendment to Agreement with Larry Walker Associates, Inc. 

1. Resolution - Approval of Amendment to Agreement with Larry Walker Associates, Inc. 
2. Second Amendment to Agreement Larry Walker Associates, Inc. 
3. Original Agreement and First Amendment to Agreement Larry Walker Associates, Inc. 

RESOLUTION NO. 26- 70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A SECOND AMENDMENT TO AGREEMENT WITH LARRY WALKER ASSOCIATES, INC. FOR REGULATORY SUPPORT FOR STORMWATER PERMIT COMPLIANCE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

14.D ACCEPTANCE OF MILITARY WEST PEDESTRIAN BRIDGE AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

Staff Report - Acceptance of Military West Pedestrian Bridge Project 

1. Resolution - Acceptance of Military West Pedestrian Bridge Project 
2. Notice of Completion 

RESOLUTION NO. 26- 71 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING MILITARY WEST PEDESTRIAN BRIDGE AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

14.E ACCEPTANCE OF THE 2025 CITYWIDE PAVEMENT REHABILITATION AND BICYCLE/PEDESTRIAN IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

Staff Report - Acceptance of 2025 Citywide Pavement Rehabilitation and Bicycle Pedestrian Improvements Project 

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1. Resolution - Acceptance of 2025 Citywide Pavement Rehabilitation and Bicycle Pedestrian Improvements Project 
2. Notice of Completion 

RESOLUTION NO. 26- 72 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE 2025 CITYWIDE PAVEMENT REHABILITATION AND BICYCLE/PEDESTRIAN IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

Council pulled Items 14.H and 14.I for discussion.

14.F ACCEPTANCE OF THE WATER TREATMENT PLANT MISCELLANEOUS MECHANICAL IMPROVEMENT PROJECT

- Staff Report - Acceptance of WTP Misc. Mech 
1. Resolution - Acceptance of WTP Misc. Mech 
 2. Notice of Completion 

RESOLUTION NO. 26- 73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WATER TREATMENT PLANT MISCELLANEOUS MECHANICAL IMPROVEMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

14.G FY 2025/26 THIRD QUARTER INVESTMENT REPORT

- 1.FY2025-26 Third Quarter Investment Report.PDF 
 - 2.LAIF Statement Ending March 31, 2026.pdf 
 - 3.CAMP Statement Ending March 31, 2026.pdf 
 - 4.115 Trust Statement Ending March 31, 2026.pdf 
- Staff Report - FY2025-26 Third Quarter Investment Report.pdf 

14.H AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SOLANO COUNTY SHERIFF'S OFFICE TO CONTINUE TO PROVIDE ANIMAL CONTROL SERVICES FOR THE CITY OF BENICIA

RESOLUTION NO. 26- 74 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SOLANO COUNTY SHERIFF'S OFFICE TO CONTINUE PROVIDING ANIMAL CONTROL SERVICES FOR THE CITY OF BENICIA

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Council and Staff discussed the issue of dogs off-leash in public, whether an animal control officer could be assigned to the city a few days per week, and the issue of BPD issuing citations to off-leash dog owners.

Public Comment:

1. Lori Grundman - Ms. Grundman asked how many citations have been issued to off-leash dog owners.

Staff Report - Animal Control Services FY27-28

1. Resolution Animal Control Services FY27-28 
2. Agreement with Solano County for Animal Control Services FY27-28 

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-74, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

14.I SECOND READING AND ADOPTION OF AN ORDINANCE ADDING A NEW CHAPTER 12.54 TO TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE (BMC) AND AMENDING BMC SECTION 5.28.040 TO TITLE 5 (BUSINESS, TAXES, LICENSES AND REGULATIONS) TO REGULATE SIDEWALK VENDORS

ORDINANCE NO. 26-1 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA, CA, ADOPTING A NEW CHAPTER 12.54 TO TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE (BMC), AND AMENDING BMC SECTION 5.28.040 TO TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) TO REGULATE SIDEWALK VENDORS

Mayor Young pulled this item so he could affirm he did not support it.

Public Comment:

None

Staff Report - Sidewalk Vending Second Reading

1. Ordinance - Adding a New Chapter 12.54 to Title 12 (Streets, Sidewalks and Public Places) 

On motion of Council Member Birdseye, seconded by Council Member Scott, Council approved the adoption of Ordinance 26-1, as presented, on a roll call by the following vote:

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Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott

Noes: Mayor Young

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

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

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

15) BUSINESS ITEMS

15.A APPROVAL TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON THE NOVEMBER 3, 2026 BALLOT

RESOLUTION NO. 26- 75 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUBMITTING A BALLOT MEASURE TO VOTERS To Approve AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ESTABLISHING THE CITY OF BENICIA AS A CHARTER CITY AND ADDING A NEW CHAPTER 1A (CITY OF BENICIA CHARTER) TO THE BENICIA MUNICIPAL CODE SOLELY WITH RESPECT TO THE AUTHORITY NECESSARY FOR THE IMPOSITION, LEVY AND COLLECTION OF A TAX ON THE CONVEYANCE OF REAL PROPERTY BASED ON THE VALUE OF THE REAL PROPERTY SALES AND NO OTHER CHARTER CITY AUTHORITIES

RESOLUTION NO. 26- 76 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUBMITTING A BALLOT MEASURE TO VOTERS To Approve AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA FOR THE IMPOSITION, LEVY AND COLLECTION OF A TAX ON THE CONVEYANCE OF REAL PROPERTY BASED ON THE VALUE OF THE REAL PROPERTY IN ADDITION TO THE AMOUNT AUTHORIZED BY CALIFORNIA REVENUE AND TAXATION CODE SECTION 11911, TO BE CONSIDERED BY THE VOTERS AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2026

Sarah Shawky, Deputy City Manager, reviewed the staff report and a PowerPoint presentation.

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Council and Staff discussed amending the ballot question to read 'Shall the City of Benicia adopt a limited City Charter with one purpose only; to allow voters to enact a RPTT under Measure Z. Nothing else about the city government would change.'

Public Comment:

1. Lori Grundman - Ms. Grundman spoke in support of Council Member Scott's proposed amendment.
2. Marilyn Bardet - Ms. Bardet spoke in support of Council Member Scott's proposed amendment.

Council and Staff discussed support for amending the language to reflect the following: 'Shall the City of Benicia adopted a limited charter that has a single purpose: allow the real property transfer tax in Measure Z to take effect if voters approve both measures Y and Z, while everything else about how the City is governed stays the same.'

Staff Report - Proposed Limited Charter and RPTT Ballot Measures

1. Resolution - Place the City Charter on the November 3, 2026 Ballot
2. Resolution - Place the RPTT Measure on the November 3, 2026 Ballot

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-75, as amended, on a roll call by the following vote:

Ayes: Council Member Birdseye, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: Council Member Largaespada

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-76, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: Council Member Largaespada

15.B BUSINESS LICENSE TAX MODERNIZATION MEASURE - APPROVAL OF A PROPOSED ORDINANCE, ADOPTION OF AN ELECTION RESOLUTION, AND APPROVAL OF A BALLOT QUESTION

RESOLUTION NO. 26- 77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, CALIFORNIA, SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER AN UPDATE TO THE CITY'S BUSINESS LICENSE TAX BY AMENDING BENICIA MUNICIPAL CODE CHAPTER 5.04

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(“BUSINESS LICENSES”) AND CHAPTER 5.06 (“BUSINESS LICENSES TAX”), TO BE CONSIDERED BY THE VOTERS AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2026; AND DESIGNATING INDIVIDUALS TO SUBMIT PRIMARY AND REBUTTAL BALLOT ARGUMENTS IN FAVOR OF THE BALLOT MEASURE

Mario Giuliani, City Manager, reviewed the staff report and a PowerPoint presentation.

Council and Staff discussed the proposed ballot question and approved changing the approximate amount to \$1,612,000 in the first year.

Public Comment:
None

Staff Report - Business License Tax Modernization 

1. Resolution - Place the Business License Tax Measure on the November 3 2026 Ballot 

2. Redline Version of the Proposed Amendments to Chapters 5.04 and 5.06 of the Benicia Municipal Code 

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-77, as amended, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

15.B BUSINESS LICENSE TAX MODERNIZATION MEASURE - APPROVAL OF A PROPOSED ORDINANCE, ADOPTION OF AN ELECTION RESOLUTION, AND APPROVAL OF A BALLOT QUESTION

RESOLUTION 26-77 – A RESOLUTION OF THE CITY OF BENICIA, CALIFORNIA, SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER AN UPDATED TO THE CITY’S BUSINESS LICENSE TAX BY AMENDING BENICIA MUNICIPAL CODE CHAPTER 5.04 (“BUSINESS LICENSES”) AND CHAPTER 5.06 (“BUSINESS LICENSES TAX”), TO BE CONSIDERED BY THE VOTERS AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2026; AND DESIGNATING INDIVIDUALS TO SUBMIT PRIMARY AND REBUTTAL BALLOT ARGUMENTS IN FAVOR OF THE BALLOT MEASURE

Mario Giuliani, City Manager, reviewed the staff report and a PowerPoint presentation.

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Council and Staff discussed the proposed ballot question, and support for changing the approximate amount to \$1,612,000 in the first year.

Public Comment:

None

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved as amended, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

15.C RESOLUTION PROVIDING FOR AND REQUESTING THE SOLANO COUNTY BOARD OF SUPERVISORS TO PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2026

Staff Report - Consolidation of the 2026 General Municipal Election 

1. Resolution - Consolidation of the 2026 Election 

2. 2026 ROV Fee Schedule 

RESOLUTION NO. 26- 78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROVIDING FOR AND REQUESTING THE SOLANO COUNTY BOARD OF SUPERVISORS TO PERMIT THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2026

Lisa Wolfe, City Clerk, reviewed the staff report.

Public Comment:

None

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-78, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

15.D RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2026, AND FEES RELATED TO THAT ELECTION

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Staff Report - Calling for 2026 General Municipal Election 

1. Resolution - Calling for the 2026 General Municipal Election 

RESOLUTION NO. 26- 79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, FOR THE ELECTION OF TWO (2) CITY COUNCIL MEMBERS, MEASURE X 'BENICIA BUSINESS LICENSE MODERNIZATION', MEASURE Y 'PROTECTING BENICIA'S FUTURE – PART 1 – LIMITED CHARTER', AND MEASURE Z 'PROTECTING BENICIA'S FUTURE – PART 2 – REAL PROPERTY TRANSFER TAX', AND AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR CANDIDATES IF CANDIDATE SIGNS THE VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES

Public Comment:

None

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved the adoption of Resolution 26-79, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

15.E ZONING AMENDMENTS - COMMERCIAL RECREATION AND OUTDOOR FOOD SERVICE

Staff Report - Commercial Recreation and Mixed Use Infill Amendments 

ORDINANCE 26- - AN ORDINANCE AMENDING CHAPTERS 17.32 (INDUSTRIAL DISTRICTS) AND 17.70 (GENERAL REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO CLARIFY AND UPDATE REGULATIONS REGARDING INDOOR COMMERCIAL RECREATION IN INDUSTRIAL ZONING DISTRICTS AND OUTDOOR FOOD SERVICE IN THE MIXED USE – INFILL ZONING DISTRICT

Dave Feinstein, Senior Planner, reviewed the staff report and a PowerPoint presentation.

Staff and Council discussed limitations, sports training facilities, pickle ball facilities, shooting gallery facilities, other sports facilities, conditional use permit issues.

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Public Comment:

1. Lori Grundman - Ms. Grundman discussed concern regarding the issue of a shooting gallery.
2. Marilyn Bardet - Ms. Bardet discussed concern regarding the issue of a shooting gallery and discussed support for a climbing facility.

Council majority would like the City Attorney to look into the issue of banning live ammunition.

1. Draft Ordinance 
2. PC Staff Report - June 11, 2026 
3. PC Reso 26-2 with Attached Draft Ordinance 
4. Draft Planning Commission Meeting Minutes - June 11, 2026 
5. Zoning Map 

On motion of Council Member Birdseye, seconded by Council Member Largaespada, Council did not approve the Introduction and First Reading of the above ordinance, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada
Noes: Vice Mayor Macenski, Council Member Scott, Mayor Young

On motion of Mayor Young, seconded by Council Member Scott, Council approved referring this item back to Staff for further analysis regarding the definition of commercial recreation, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young
Noes: (None)

16) CITY COUNCIL TASK FORCE GROUPS: ADVOCACY, COLLABORATION AND TRANSITION (ACT)

16.A AD HOC "ACT" TASK FORCE GROUPS UPDATES

[Ad Hoc "ACT" Task Force Groups Updates](#) 

17) COUNCIL MEMBER COMMITTEE REPORTS

17.A COUNCIL MEMBER COMMITTEE REPORTS

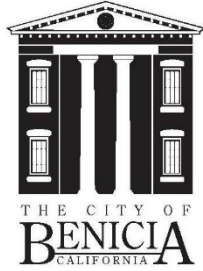
[Council Member Committee Reports](#) 

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

Mayor Young adjourned the meeting at 8:34 p.m.

DRAFT

City Clerk



**AGENDA ITEM
CITY COUNCIL MEETING DATE – AUGUST 4, 2026
CONSENT CALENDAR**

TO : City Council

FROM : City Manager

SUBJECT : **DESIGNATION OF VOTING DELEGATE FOR THE 2026 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND EXPO GENERAL ASSEMBLY**

EXECUTIVE SUMMARY:

The City Council is being asked to select a voting delegate for the 2026 League of California Cities (Cal Cities) Annual Conference and Expo (Annual Conference) General Assembly on Friday, September 25, 2026.

RECOMMENDATION:

Designate, by minute action, Council Member Kari Birdseye as voting delegate, there will be no alternate for the General Assembly of the Cal Cities Annual Conference to be held on Friday, September 25, 2026 at the Anaheim Convention Center.

BUDGET INFORMATION:

This action by the City Council has no impact on the budget.

BACKGROUND:

The 2026 Annual Conference will be held September 23-25, 2026 at the Anaheim Convention Center. An important part of the Annual Conference is the General Assembly which takes place on Friday, September 25, 2026. Every year, the League of California Cities convenes a member-driven General Assembly at the Cal Cities Annual Conference. The Cal Cities Annual Conference resolution process is one way that city officials can directly participate in the development of Cal Cities policy. At this meeting, Cal Cities membership considers, and acts, on resolutions that establish Cal Cities policy. To cast a vote during the General Assembly, Council must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Staff recommends that Council approve, by minute action, Council Member Kari Birdseye to be the City of Benicia's voting delegate at the Annual Business Meeting during General Assembly. Please see the Voting Delegate Packet for more information (Attachment 1).

NEXT STEPS:

Submit the voting delegate submission form via the Cal Cities online submission portal at <https://my.calcities.org/Voting-Delegate-Submissions> by September 1, 2026.

ALTERNATIVE ACTIONS:

Council could choose not to select a delegate to vote at the 2026 League of California Cities Annual Business Meeting.

CEQA Analysis	Designating voting delegates to the League of California Cities Conference is not subject to the California Environmental Quality Act under Guidelines Section 15378 (b)(5) because organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a project.
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ATTACHMENT:

1. 2026 Voting Delegate Information Packet

For more information contact: Mario Giuliani, City Manager

Phone: 707.746.4200

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

Council Action Advised by September 1, 2026

DATE: Wednesday, May 13, 2026

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 23-25, 2026
Anaheim Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Friday, Sept. 25, 2026 the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Following council action, please submit your city's delegates through [the online submission portal](#) by Tuesday, Sept. 1, 2026. When completing the Voting Delegate submission form, you will be asked to attest that council action was taken. You will need to be signed in to your My Cal Cities account when submitting the form.

Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration opens June 2.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and



alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the Anaheim Convention Center, will be open at the following times: Wednesday, Sept. 23, 8:00 a.m.-6:00 p.m. and Thursday, Sept. 24, 7:30 a.m.-4:00 p.m. On Friday, Sept. 25, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for submitting your voting delegate and alternates by Tuesday, Sept. 1. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Information Sheet: Cal Cities Resolutions and the General Assembly

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance

to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members

review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during

the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee

or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

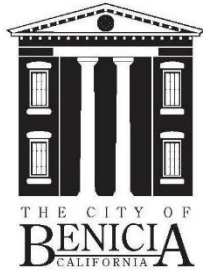
Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates—one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).



AGENDA ITEM
CITY COUNCIL MEETING DATE – AUGUST 4, 2026
CONSENT CALENDAR

TO : City Manager

FROM : Police Chief

SUBJECT : **ACCEPT THE AWARD OF A 5-YEAR GRANT WITH THE BOARD OF STATE AND COMMUNITY CORRECTIONS FOR THE PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM**

EXECUTIVE SUMMARY:

The Benicia Police Department was awarded grant funding totaling \$1,000,000 as part of the Proposition 64 Public Health and Safety Grant Program from the Board of State and Community Corrections (BSCC) for qualifying programs and projects that assist with law enforcement to address public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. With Council's acceptance of the grant award and the necessary budget amendments to the FY27 General Fund Budget, the Benicia Police Department will begin to implement programs and projects for year one of the 5-year grant.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) accepting the 5-year grant award with the Board of State and Community Corrections for the Proposition 64 Health and Safety Grant Program, authorize the City Manager to sign the Standard Agreement (Attachment 2) on behalf of the Benicia Police Department, and authorize the Administrative Services Director to make the necessary budget amendments to the FY27 budget for the Police Department to allow for use of grant funds earmarked for programs and projects in year 1 of the grant term.

BUDGET INFORMATION:

The Benicia Police Department (BPD) is requesting budget amendment to increase both revenue and expenditures in the BPD General Fund (0105000) for FY27. To accommodate anticipated grant revenue an increase in the account for State Grants in the Police Department General Fund (0105000-5340) in the amount of \$375,400 and corresponding increases in the expense object codes for Salaries - Full time (6001) and related benefits, Salaries – Sworn (6002) and related benefits, Contract Services (7008), Professional Services (7011), Police Data Network (7077), Noncapitalized equipment (7128), and Vehicles (7430). The remaining funding of the grant, totaling

\$624,600, will be included in future budget development proposals for years 2-5 of the grant term (F28-FY31).

The grant will reimburse expenses based on quarterly invoices submitted for eligible expenses. The grant does not require a match from the city.

BACKGROUND:

The City of Benicia is eligible for a BSCC Proposition 64 Public Health and Safety Grant because the city allows the retail sale of cannabis in storefronts. As a small jurisdiction, defined as less than 50,000 residents, the City is eligible to receive up to \$1,000,000 in grant funds to cover public safety operations related to cannabis activities.

On March 17th, the City Manager's Office was made aware of the available grant, that had an application deadline on March 30th, just 13 days later. The City Manager's Office forwarded the email to the Benicia Police Department who, with the assistance of Townsend Public Affairs, Inc., was able to collect the required information needed to complete and submit the application by the deadline.

On June 25th, the Benicia Police Department received notification from the Board of State and Community Corrections that the City has been awarded the requested \$1,000,000 for eligible programs and projects. In the application, the Benicia Police Department proposed goals in two categories that met project eligibility. In the category of Public Safety/Enforcement, proposed projects include enforcement and public safety operations, personnel and staffing, equipment and supplies [including the purchase and outfitting of a vehicle], technology and data systems, legal and administrative actions, and public information, outreach and community planning. The total award for this category across the term of the grant is \$783,910. In the category of Youth Development/Youth Prevention and Intervention, proposed projects include youth development and skill building, prevention and early intervention, and outreach and education. The total award for this category across the term of the grant is \$216,090.

NEXT STEPS:

If City Council adopts the resolution, the City Manager will sign the Standard Agreement, and the Administrative Services Director will make the necessary budget amendments to the FY27 budget so that funds from the grant award can be used for projects and programs in accordance with the grant agreement.

ALTERNATIVE ACTIONS:

Council could choose not to adopt the resolution, which will require the Benicia Police Department to reject the award of the Prop 64 grant funding.

CEQA Analysis	The proposed actions are exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the "general rule" exemption, which states that where it can be seen with certainty that there is no possibility that the activities in
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	question may have a significant effect on the environment, the actions are not subject to CEQA.
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ATTACHMENTS:

1. Resolution – Proposition 64 Grant Program
2. Prop 64 Grant Agreement – City of Benicia 1426-26

For more information contact: Mark Menesini, Police Chief

Phone: 707-746-4262

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

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE AWARD OF A 5-YEAR GRANT WITH THE BOARD OF STATE AND COMMUNITY CORRECTIONS FOR THE PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM, APPROVING THE CITY MANAGER TO SIGN THE GRANT AGREEMENT ON BEHALF OF THE BENICIA POLICE DEPARTMENT, AND APPROVING BUDGET AMENDMENTS IN THE POLICE DEPARTMENT GENERAL FUND FOR FY27

WHEREAS, the City of Benicia is eligible for a 5-year grant through the Board of State and Community Corrections (BSCC) because the city allows the retail sale of cannabis in storefronts; and

WHEREAS, the City is defined as a small jurisdiction, having less than 50,000 residents is eligible to receive up to \$1,000,000 in grant funds to cover public safety operations related to cannabis activities; and

WHEREAS, the grant does not require a match of funds by the city; and

WHEREAS, on June 25th the Benicia Police Department was awarded grant funding totaling \$1,000,000 as part of the Proposition 64 Public Health and Safety Grant Program; and

WHEREAS, the funding will be used for public safety and enforcement programs and projects as well as youth development and youth prevention programs and projects as defined in the grant application; and

WHEREAS, the Benicia Police Department is requesting the Administrative Services Director amend the FY27 General Fund budget (0105000) to increase both revenue and expenses for an amount totaling \$375,400 in the object codes for State Grants (5340), Salaries – full time (6001) and related benefits, Salaries – Sworn (6002) and related benefits, Contract Services (7008), Professional Services (7011), Police Data Network (7077), Noncapitalized equipment (7128), and Vehicles (7430); and

WHEREAS, the budget for the remaining \$624,600 will be included in future budget development proposals for years 2-5 of the grant term (FY25-FY31); and

WHEREAS, the BSCC grant requires a resolution to confirm the individual authorized to execute the grant agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby accept the award of a 5-year grant with the Board of State and Community Corrections for the Proposition 64 Public Health and Safety Grant Program, approve the City Manager to sign the grant agreement on behalf of the Benicia Police

Department, and approve the Administrative Services Director to make the necessary budget amendments in the Police Department General Fund for FY27.

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 18th day of August, 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

STANDARD AGREEMENT

STD 213 (Rev 03/2019)

AGREEMENT NUMBER

BSCC 1426-26

PURCHASING AUTHORITY NUMBER (If Applicable)

BSCC-5227

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTOR NAME

CITY OF BENICIA**2. The term of this Agreement is:**

START DATE

July 1, 2026

THROUGH END DATE

December 31, 2031**3. The maximum amount of this Agreement is:****\$1,000,000.00****4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.**

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	4
Exhibit B	Budget Detail and Payment Provisions	4
Exhibit C	General Terms and Conditions (02/2025)	4
Exhibit D	Special Terms and Conditions	4
Attachment 1*	Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Request for Proposals	*
Attachment 2	Proposition 64 PH&S Grant Program Cohort 4 Application for Funding	20
Appendix A	Proposition 64 PH&S Grant Program Cohort 4 Scoring Panel Roster	1
Appendix B	Criteria for Non-Governmental Organizations Receiving BSCC Program Funds	2

* This item is hereby incorporated by reference and can be viewed at:

<https://www.bscc.ca.gov/proposition-64-public-health-safety-grant-program/>*IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.***CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

CITY OF BENICIA

CONTRACTOR BUSINESS ADDRESS

250 EAST L STREET

CITY

BENICIA

STATE

CA

ZIP

94510

PRINTED NAME OF PERSON SIGNING

MARIO GIULIANI

TITLE

CITY MANAGER

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

BOARD OF STATE AND COMMUNITY CORRECTIONS

CONTRACTING AGENCY ADDRESS

2590 Venture Oaks Way, Suite 200

CITY

Sacramento

STATE

CA

ZIP

95833

PRINTED NAME OF PERSON SIGNING

COLLEEN CURTIN

TITLE

Deputy Director

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED



EXHIBIT A: SCOPE OF WORK

1. GRANT AGREEMENT – Proposition 64 Public Health and Safety Grant Program

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and City of Benicia (hereafter referred to as the Grantee or Contractor).

2. PROJECT SUMMARY AND ADMINISTRATION

- A. The City of Benicia proposes to implement a comprehensive illicit cannabis enforcement program to identify, investigate, disrupt, and deter illegal cannabis activity while strengthening compliance among licensed operators. The Benicia Police Department will utilize grant funding to support officer and sergeant overtime for targeted enforcement operations, including investigations, compliance checks, and coordinated responses to illicit activity. The project will also fund unmarked vehicles to enable undercover operations, along with monitoring infrastructure to review live camera feeds from licensed businesses. A facility upgrade will support centralized enforcement coordination, and a cannabis consultant and records staff will enhance regulatory oversight and data tracking. This project will improve public safety, increase compliance with state and local laws, and reduce the prevalence of illicit cannabis activity.
- B. Grantee agrees to administer the project in accordance with Attachment 1: Proposition 64 PH&S Grant Request for Proposals (incorporated by reference) and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding, which are attached and hereto and made part of this agreement.

3. PROJECT OFFICIALS

- A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.
- B. The Grantee's Designated Financial Officer and Project Director must be employees of the Contractor. The Grantee's project officials shall be those identified as follows:

Authorized Officer with legal authority to sign:

Name: Mario Giuliani
Title: City Manager
Address: 250 East L. Street, Benicia, CA 94510
Phone: 707-746-4289
Email: mgiuliani@ci.benicia.ca.us

Designated Financial Officer authorized to receive warrants:

Name: Roxanna Moradi
Title: Budget Manager
Address: 200 East L. Street, Benicia, CA 94510
Phone: 707-746-4225
Email: rmoradi@ci.benicia.ca.us

Project Director authorized to administer the project:

Name: Wendy Stratton Monahan
Title: Sr. Management Analyst
Address: 200 East L. Street, Benicia, CA 94510
Phone: 707-746-4306
Email: wmonahan@ci.benicia.ca.us

EXHIBIT A: SCOPE OF WORK

- C. Either party may change its project representatives upon written notice to the other party.
- D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he or she has full legal authority to bind the entity for which he or she signs.

4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in Attachment 1: Proposition 64 PH&S Grant Request for Proposals and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding.

5. REPORTING REQUIREMENTS

- A. Grantee will submit quarterly progress reports in a format prescribed by the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

Quarterly Progress Report Periods

1. July 1, 2026 to September 30, 2026
2. October 1, 2026 to December 31, 2026
3. January 1, 2027 to March 31, 2027
4. April 1, 2027 to June 30, 2027
5. July 1, 2027 to September 30, 2027
6. October 1, 2027 to December 31, 2027
7. January 1, 2028 to March 31, 2028
8. April 1, 2028 to June 30, 2028
9. July 1, 2028 to September 30, 2028
10. October 1, 2028 to December 31, 2028
11. January 1, 2029 to March 31, 2029
12. April 1, 2029 to June 30, 2029
13. July 1, 2029 to September 30, 2029
14. October 1, 2029 to December 31, 2029
15. January 1, 2030 to March 31, 2030
16. April 1, 2030 to June 30, 2030
17. July 1, 2030 to September 30, 2030
18. October 1, 2030 to December 31, 2030
19. January 1, 2031 to March 31, 2031
20. April 1, 2031 to June 30, 2031

Due no later than:

- November 15, 2026
- February 15, 2027
- May 15, 2027
- August 15, 2027
- November 15, 2027
- February 15, 2028
- May 15, 2028
- August 15, 2028
- November 15, 2028
- February 15, 2029
- May 15, 2029
- August 15, 2029
- November 15, 2029
- February 15, 2030
- May 15, 2030
- August 15, 2030
- November 15, 2030
- February 15, 2031
- May 15, 2031
- August 15, 2031

Note: Project activity period ends June 30, 2031. The period of July 1, 2031 to December 31, 2031 is for completion of Final Local Evaluation Report and program-specific compliance audit only.

B. Evaluation Documents

1. Local Evaluation Plan
2. Final Local Evaluation Report

Due no later than:

- November 20, 2026
- December 31, 2031

C. Other

Program-Specific Compliance Audit

Due no later than:

December 31, 2031

EXHIBIT A: SCOPE OF WORK

6. PROJECT RECORDS

- A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records and required reports.
- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project. Source documentation includes copies of all awards, applications, approved modifications, financial records and narrative reports.
- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.
- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

7. CONFLICT OF INTEREST

- A. Existing law prohibits any grantee, subgrantee, partner or like party who participated on the Proposition 64 PH&S Scoring Panel (See Appendix A) from receiving funds from the Proposition 64 PH&S grants awarded under this RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Proposition 64 PH&S Scoring Panel membership roster (see Appendix A) and ensuring that no grant dollars are passed through to any entity represented by the members of the Proposition 64 PH&S Scoring Panel.
- B. In cases of an actual conflict of interest with a Scoring Panel member, the Board may revoke the grant award and legal consequences could exist for the parties involved, including, but not limited to, repayment of the grant award.

8. STATE AUDIT REQUIREMENTS

Grantees are required to provide the BSCC with a program-specific compliance audit the covers the entire service delivery period of the grant (July 1, 2026 to December 31, 2031). The audit report will be due no later than the end of the contract term, December 31, 2031. The program-specific compliance audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county's or city's project financial management functions. Expenses for this final audit may be reimbursed for actual costs up to \$25,000.

EXHIBIT A: SCOPE OF WORK

In addition, the BSCC reserves the right to call for a program, compliance or financial audit at any time between the execution of the grant agreement and three (3) years following the end of the grant period.

The Department of General Services, State Controller, the California State Auditor, the Department of Finance, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this grant.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

1. INVOICING AND PAYMENTS

- A. The Grantee shall be paid in quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

Quarterly Invoicing Periods:

1. July 1, 2026 to September 30, 2026
2. October 1, 2026 to December 31, 2026
3. January 1, 2027 to March 31, 2027
4. April 1, 2027 to June 30, 2027
5. July 1, 2027 to September 30, 2027
6. October 1, 2027 to December 31, 2027
7. January 1, 2028 to March 31, 2028
8. April 1, 2028 to June 30, 2028
9. July 1, 2028 to September 30, 2028
10. October 1, 2028 to December 31, 2028
11. January 1, 2029 to March 31, 2029
12. April 1, 2029 to June 30, 2029
13. July 1, 2029 to September 30, 2029
14. October 1, 2029 to December 31, 2029
15. January 1, 2030 to March 31, 2030
16. April 1, 2030 to June 30, 2030
17. July 1, 2030 to September 30, 2030
18. October 1, 2030 to December 31, 2030
19. January 1, 2031 to March 31, 2031
20. April 1, 2031 to June 30, 2031

Due no later than:

- November 15, 2026
February 15, 2027
May 15, 2027
August 15, 2027
November 15, 2027
February 15, 2028
May 15, 2028
August 15, 2028
November 15, 2028
February 15, 2029
May 15, 2029
August 15, 2029
November 15, 2029
February 15, 2030
May 15, 2030
August 15, 2030
November 15, 2030
February 15, 2031
May 15, 2031
August 15, 2031

Final Invoicing Periods:

21. July 1, 2031 to September 30, 2031
22. October 1, 2031 to December 31, 2031

Due no later than:

- November 15, 2031
February 29, 2032

**Note: Only expenditures associated with completion of the Final Local Evaluation Report and the financial audit may be included on these last two invoices.*

- B. All project expenditures (excluding costs associated with the completion of the Final Local Evaluation Report and the program-specific compliance audit) must be expended by the end of the grant project period, June 30, 2031, and included on the invoice due August 15, 2031. Project expenditures spent after June 30, 2031 will not be reimbursed.
- C. The Final Local Evaluation Report is due to BSCC by December 31, 2031. Expenditures spent for the completion of the Final Local Evaluation Report during the period of July 1, 2031 to December 31, 2031 must be submitted during the Final Invoicing Periods, with the final invoice due on February 29, 2032. Supporting fiscal documentation will be required for all expenditures claimed on during the Final Invoicing Periods and must be submitted with the final invoice.
- D. The program-specific compliance audit is due to BSCC by December 31, 2031. Expenditures spent for the completion of the financial audit during the period of July 1, 2031 to December 31, 2031 must be submitted during the Final Invoicing Periods, with the final invoice due on February 29, 2032. Supporting fiscal documentation will be required for all expenditures claimed during the Final Invoicing Periods and must be submitted with the final invoice.

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

- D. Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.
- E. Upon the BSCC's request, supporting documentation must be submitted for project expenditures. Grantees are required to maintain supporting documentation for all expenditures for the life of the grant and make it readily available for review during BSCC site visits. See Exhibit A. Scope of Work, Item 6. Project Records. Grantee also agrees to maintain such records for possible audit for a minimum of three (3) years after final payment.
- F. The BSCC maintains the right to disallow all or any portion of an invoice at any time based upon information or documentation uncovered through a site visit, desk review, audit, etc. The BSCC may disallow all or any portion of an invoice even after an invoice is approved or paid.

2. GRANT AMOUNT AND LIMITATION

- A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC, and the State of California on account of project costs that may exceed the sum of the grant award.
- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement.

3. BUDGET CONTINGENCY CLAUSE

- A. This grant agreement is valid and enforceable only if sufficient funds are made available through the Proposition 64 Initiative (the Control, Regulate and Tax Adult Use of Marijuana Act) via the State and Local Government Law Enforcement Account. On or before July 15th of each fiscal year, the State Controller shall deposit funds derived from Proposition 64 taxes into the State and Local Government Law Enforcement Account pursuant to Revenue and Taxation Code section 34019, subdivision (f)(3). The grantee agrees that the BSCC's obligation to pay any sum to the grantee under any provision of this agreement is contingent upon the availability of sufficient funding made available to the BSCC pursuant to Revenue and Taxation Code section 34019, subdivision (f)(3)(C).
- B. If Proposition 64 PH&S funding is reduced or falls below estimates contained within the Proposition 64 PH&S Cohort 4 Request for Proposals, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- C. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

4. PROJECT COSTS

- A. Grantee is responsible for ensuring that actual expenditures are for eligible project costs. "Eligible" and "ineligible" project costs are set forth in the March 2026 BSCC Grant Administration Guide, which can be found under Quick Links here:

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

https://www.bscc.ca.gov/s_correctionsplanningandprograms/

- B. The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.
- C. Grantee is responsible for ensuring that invoices submitted to the BSCC claim actual expenditures for eligible project costs.
- D. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions or commitments of this Grant Agreement.
- E. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grantor suspension of future program funding through BSCC grants.

5. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

6. WITHHOLDING OF GRANT DISBURSEMENTS

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. The BSCC may withhold the final payment amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
 - 1) submittal and approval of the final invoice;
 - 2) submittal and approval of the final quarterly progress report; and
 - 3) submittal and approval of any additional required reports, including but not limited to the Final Local Evaluation Report and the program-specific compliance audit.
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.
- D. In the event that grant funds are withheld from the Grantee, the BSCC's Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.

7. EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities,

EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

8. PROJECT BUDGET

BUDGET CATEGORIES	A. GRANT FUNDS FOR PPA 1 (PUBLIC SAFETY/ ENFORCEMENT)	B. GRANT FUNDS FOR PPAs 2-4	TOTAL REQUESTED GRANT FUNDS (A+B)
1. Salaries and Benefits	\$392,840	\$216,090	\$608,930
2. Services and Supplies	\$171,820	\$0	\$171,820
3. Professional Services or Public Agency Contracts	\$0	\$0	\$0
4. Non-Governmental Organization (NGO)	\$0	\$0	\$0
5. Equipment/Fixed Assets	\$219,250	\$0	\$219,250
6. Other (Travel, Training, etc.)	\$0	\$0	\$0
7. Indirect Costs		\$0	\$0
TOTAL	\$783,910	\$216,090	\$1,000,000

EXHIBIT C: GENERAL TERMS AND CONDITIONS (02/2025)

- 1. APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
- 2. AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
- 3. ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
- 4. AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
- 5. INDEMNIFICATION:** Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
- 6. DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
- 7. TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
- 8. INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
- 9. RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
- 10. NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic

EXHIBIT C: GENERAL TERMS AND CONDITIONS (02/2025)

information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

- 11. CERTIFICATION CLAUSES:** The CONTRACTOR CERTIFICATION CLAUSES contained in the document [CCC 04/2017](#) are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
- 12. TIMELINESS:** Time is of the essence in this Agreement.
- 13. COMPENSATION:** The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
- 14. GOVERNING LAW:** This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
- 15. ANTITRUST CLAIMS:** The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
 - A. The Government Code Chapter on Antitrust claims contains the following definitions:
 - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
 - B. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective

EXHIBIT C: GENERAL TERMS AND CONDITIONS (02/2025)

at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

- C. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
- D. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

- A. The Contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The Contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- A. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- B. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false

EXHIBIT C: GENERAL TERMS AND CONDITIONS (02/2025)

information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

21. GENERATIVE AI DISCLOSURE OBLIGATIONS:

- A. The following terms are in addition to the defined terms and shall apply to the Contract:
 - 1) "Generative AI (GenAI)" means an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system's training data. (Gov. Code § 11549.64.)
- B. Contractor shall immediately notify the State in writing if it: (1) intends to provide GenAI as a deliverable to the State; or (2), intends to utilize GenAI, including GenAI from third parties, to complete all or a portion of any deliverable that materially impacts: (i) functionality of a State system, (ii) risk to the State, or (iii) Contract performance. For avoidance of doubt, the term "materially impacts" shall have the meaning set forth in State Administrative Manual (SAM) § 4986.2 Definitions for GenAI.
- C. Notification shall be provided to the State designee identified in this Contract.
- D. At the direction of the State, Contractor shall discontinue the provision to the State of any previously unreported GenAI that results in a material impact to the functionality of the System, risk to the State, or Contract performance, as determined by the State.
- E. If the use of previously undisclosed GenAI is approved by the State, then Contractor will update the Deliverable description, and the Parties will amend the Contract accordingly, which may include incorporating the GenAI Special Provisions into the Contract, at no additional cost to the State.
- F. The State, at its sole discretion, may consider Contractor's failure to disclose or discontinue the provision or use of GenAI as described above, to constitute a material breach of Contract when such failure results in a material impact to the functionality of the System, risk to the State, or Contract performance. The State is entitled to seek any and all remedies available to it under law as a result of such breach, including but not limited to termination of the contract.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

1. GRANTEE'S GENERAL RESPONSIBILITY

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC are solely for the purpose of proper administration of grant funds and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: Proposition 64 PH&S Grant Request for Proposals and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

2. GRANTEE ASSURANCES AND COMMITMENTS

- A. Compliance with Laws and Regulations
This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.
- B. Fulfillment of Assurances and Declarations
Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: Proposition 64 PH&S Grant Request for Proposals and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.
- C. Permits and Licenses
Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

3. POTENTIAL SUBCONTRACTORS

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.
- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the [Grant Program Name] RFP and described in Appendix B.
- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:
 - 1) Books and Records

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.

2) Access to Books and Records

Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

4. PROJECT ACCESS

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant period.

5. ACCOUNTING AND AUDIT REQUIREMENTS

- A. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail. Supporting documentation shall permit the tracing of transactions from such documents to relevant accounting records, financial reports and invoices.
- B. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

6. DEBARMENT, FRAUD, THEFT OR EMBEZZLEMENT

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to grantees that have been:

- 1. debarred by any federal, state, or local government entities during the period of debarment; or
- 2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All Grantees must have on file with the BSCC a completed and signed Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement (Required as Attachment E of the original Proposal Package).

7. MODIFICATIONS

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or program components contained in Attachment 1: Proposition 64 PH&S Grant Request for Proposals and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding.

8. TERMINATION

- A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:
 - 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
 - 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: Proposition 64 PH&S Grant Request for Proposals and Attachment 2: Proposition 64 PH&S Grant Program Cohort 4 Application for Funding, or approved modifications;
 - 3) failure to provide the required local match share of the total project costs; and
 - 4) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.
- B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 8. Settlement of Disputes.

9. SETTLEMENT OF DISPUTES

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to

EXHIBIT D: SPECIAL TERMS AND CONDITIONS

render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.

- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.
- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal for a final decision, it shall be deemed a final decision adverse to the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.
- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

10. UNION ACTIVITIES

For all agreements, except fixed price contracts of \$50,000 or less, the Grantee acknowledges that applicability of Government Code §§16645 through 16649 to this Grant Agreement and agrees to the following:

- A. No State funds received under the Grant Agreement will be used to assist, promote or deter union organizing.
- B. Grantee will not, for any business conducted under the Grant Agreement, use any State property to hold meetings with employees or supervisors, if the purpose of such meetings is to assist, promote or deter union organizing, unless the State property is equally available to the general public for holding meetings.
- C. If Grantee incurs costs or makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no reimbursement from State funds has been sought for these costs, and that Grantee shall provide those records to the Attorney General upon request.

11. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver.

Appendix A:
PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM
SCORING PANEL ROSTER

Name	Title	Organization/Agency
Ella Ban	Environmental Scientist	California State Water Resources Control Board
Jose Barajas	Assistant Branch Chief	California Department of Cannabis Control
Jacqueline Campion	Deputy Director, Policy & Research	California Department of Cannabis Control
Brittany Falcon	Program Analyst II	Board of State and Community Corrections
Jason Grundel	Deputy State Public Defender	State of California, Office of the State Public Defender
Jim Keddy	Executive Director	Youth Forward
Colin Medigovich	Strategic Intelligence Analyst	California Governor's Office of Emergency Services
Nikkole Melgoza	Office of Program Operations	California Department of Corrections and Rehabilitation
Nancy O'Malley	District Attorney (Ret.)	Alameda County
Douglas Roehler	Staff Services Manager I	California Department of Cannabis Control
Killi Seto	Deputy Lieutenant	San Joaquin County Sheriff's Office
Douglas Smurr	Attorney IV / Assistant General Counsel	California Department of Cannabis Control
Doug Snell	Correctional Lieutenant (Ret.)	California Department of Corrections and Rehabilitation
George Tiongson	Sergeant	California Department of Cannabis Control
Kellie Vasen	Attorney IV	California Department of Cannabis Control

Title	City of Benicia	03/30/2026
	by Alex Gibbs in Proposition 64 Public Health & Safety Grant Program, Cohort 4- Request for Proposals	id. 53673846
	925 L Street Ste. 1404 Sacramento, California 95814 United States 714-883-6967 agibbs@townsendpa.com	

Original Submission	03/30/2026
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Score	n/a
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KEY INFORMATION	The Proposition 64 Public Health & Safety Grant Program, Cohort 4 Request for Proposals is organized into five (5) sections: Part I – Applicant Information Part II – Proposal Abstract Part III – Proposal Narrative Part IV – Project Budget (upload attachment) Part V – Attachments: Mandatory and Optional (upload attachments) Each section contains fields that require a response. Applicants may be prompted to provide written text, numerical input, select radial button options, or upload attachments. Some narrative response fields have character limits. When a character limit applies, a counter will display the total number of allowable characters and will update to show the number remaining as text is entered. Character limits include all letters, numbers, punctuation, and spaces. If the character limit is exceeded, a red prompt will appear stating: “You have exceeded the character limit.” Applicants may start and stop their application at any time during the solicitation period. To ensure information is saved in the BSCC–Submittable Application, applicants must select “Save Draft” at the bottom of the application before exiting. Applicants are prohibited from submitting the Prop 64 Grant Program, Cohort 4 application until all mandatory fields (identified with a red asterisk) are completed, all character limits are met, and all required documents have been uploaded. Applicants should review the Prop 64 Cohort 4 RFP Instruction Packet before beginning the application. The Instruction Packet contains all information necessary to successfully complete and submit the Prop 64 Cohort 4 application. The document is available at: http://www.bscc.ca.gov/proposition-64-public-health-safety-grant-program/..
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CONFIDENTIALITY NOTICE:	All documents submitted as a part of the Proposition 64 Public Health & Safety Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)
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PART I - APPLICANT INFORMATION	This section requires information about the applicant (County/City), grant funds being requested, proposed project synopsis and project officials.
Name of City or County Applicant	City of Benicia
Applicant Category	Small county or city (with fewer than 50,000 residents)*
*Check this box if you are a city or county with a population under 10,000.	unchecked
Tax Identification Number	94-6000412
Lead Public Agency (LPA) Information	This sub-section requires information about the governmental agency with local authority of or within the applicant county or city that will be acting as the LPA. All Prop 64 grantees are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with local government agencies and non-governmental organizations (if applicable) to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, overseeing evaluative activities, and will serve as the primary point of contact with the BSCC.
Name of Lead Public Agency (LPA)	City of Benicia
Project Title	City of Benicia Illicit Cannabis Enforcement and Compliance Program
Project Summary	The City of Benicia proposes to implement a comprehensive illicit cannabis enforcement program to identify, investigate, disrupt, and deter illegal cannabis activity while strengthening compliance among licensed operators. The Benicia Police Department will utilize grant funding to support officer and sergeant overtime for targeted enforcement operations, including investigations, compliance checks, and coordinated responses to illicit activity. The project will also fund unmarked vehicles to enable undercover operations, along with monitoring infrastructure to review live camera feeds from licensed businesses. A facility upgrade will support centralized enforcement coordination, and a cannabis consultant and records staff will enhance regulatory oversight and data tracking. This project will improve public safety, increase compliance with state and local laws, and reduce the prevalence of illicit cannabis activity.
Project Purpose Areas (PPAs)	PPA 1: Public Safety/Enforcement (Applicants that dedicate at least 70% of their budget to PPA 1 will earn priority points) PPA 3: Youth Development/Youth Prevention and Intervention

Applicant's Physical Address	250 E. L Street Benicia CA 94510 US
Applicant's Mailing Address (if different than physical address)	
Mailing Address For Reimbursement Payments	2000 E. L Street Benicia CA 94510 US
Project Director	Mark Menesini
Project Director's Title	Police Chief
Project Director's Email Address	MMenesini@ci.benicia.ca.us
Project Director's Phone Number	+17077464262
Financial Officer	Roxanna Moradi
Financial Officer's Title	Budget Manager
Financial Officer's Email Address	rmoradi@ci.benicia.ca.us
Financial Officer's Phone Number	+17077464225
Day-To-Day Program Contact	Wendy Stratton Monahan
Day-To-Day Program Contact's Title and Agency/Department/Organization	Senior Management Analyst
Day-To-Day Program Contact's Email Address	WMonahan@ci.benicia.ca.us

Day-To-Day Program +17077464306
Contact's Phone
Number

Day-To-Day Fiscal Contact Wendy
Stratton Monahan

Day-To-Day Fiscal Contact's Title with Senior Management Analyst
Agency/Department/Organization

Day-To-Day Fiscal Contact's Email WMonahan@ci.benicia.ca.us
Address

Day-To-Day Fiscal Contact's Phone +17077464306
Number

Name of Authorized Officer* Mark
Menesini

Authorized Officer's Title Police Chief

Authorized Officer's Email Address rmoradi@ci.benicia.ca.us

Authorized Officer's Phone Number +17077464225

I hereby certify I am checked
vested by the
Applicant with the
authority to enter into
contract with the
BSCC, and the
grantee and any
subcontractors will
abide by the laws,
policies, and
procedures
governing this
funding.

PART II - PROPOSAL ABSTRACT The Proposal Abstract should provide a brief summary of the proposed project. This section will not be included in the rating of the proposal.

PROPOSAL
ABSTRACT

The City of Benicia proposes to implement a comprehensive illicit cannabis enforcement and compliance program designed to identify, investigate, disrupt, and deter illegal cannabis activity while strengthening compliance among licensed operators. Following the legalization of adult-use cannabis under Proposition 64, the Benicia Police Department has experienced increased demands related to regulatory oversight, enforcement, and community safety. However, the Department currently lacks dedicated resources to proactively conduct enforcement activities, resulting in a largely reactive approach.

This project will expand the City's enforcement capacity through a coordinated approach that integrates personnel, equipment, regulatory expertise, and real-time monitoring. Funding will support a contracted Cannabis Consultant to ensure compliance with state and local laws through license review, inspections, and violation resolution. Administrative oversight will be strengthened through Records staff and Command Staff, who coordinate compliance monitoring, enforcement actions, and regulatory response.

The project will include the acquisition of a specialized Ford Ranger enforcement vehicle outfitted for the secure transport of seized illicit cannabis and evidence, as well as undercover and investigative operations. Additional investments in monitoring infrastructure, including dedicated internet connectivity and upgraded visual display systems, will enable real-time review of required camera feeds from licensed cannabis businesses. A facility upgrade within the Police Department Dispatch Center will increase available wall space to accommodate additional monitors and improve visibility and operational efficiency.

The project will also fund a School Resource Officer (SRO) in partnership with the local school district to support cannabis enforcement and prevention efforts on school campuses. The SRO will address illegal cannabis activity among youth through enforcement, investigations, and coordination with school officials, while also participating in community engagement events to educate the public about the risks and legal consequences of illicit cannabis activity.

Through these combined efforts, the City of Benicia will reduce the prevalence of illicit cannabis operations, improve compliance with state and local laws, and enhance overall community safety. The project is primarily focused on Public Safety and Enforcement and aligns with the intent of Proposition 64 to address the public health and safety impacts of cannabis legalization.

PART III -
PROPOSAL
NARRATIVE

This section requires responses

Proposal Narrative Instructions	The Proposal Narrative includes four sections: Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation. The character limits and page equivalents for each narrative section are outlined below and must be followed when preparing proposal materials. The Project Need narrative may not exceed 8,400 total characters. The Project Description narrative may not exceed 14,000 total characters. The Project Organizational Capacity and Coordination narrative may not exceed 5,600 total characters. The Project Evaluation narrative may not exceed 5,600 total characters.
Proposal Need	Following the passage of Proposition 64, the legalization of adult-use cannabis has introduced new public safety, regulatory, and enforcement responsibilities for local jurisdictions, including the City of Benicia. The City permits regulated commercial cannabis activity, which has contributed to local economic development while also increasing the need for consistent oversight, compliance monitoring, and enforcement. As cannabis legalization has matured, local law enforcement agencies have been tasked with addressing both the impacts of licensed operations and the continued presence and risk of illicit cannabis activity. These responsibilities are directly aligned with the intent of Proposition 64, which allocates funding to support local governments in addressing public health and safety impacts associated with cannabis legalization. The primary need for the proposed project falls under Project Purpose Area 1: Public Safety and Enforcement. The Benicia Police Department is responsible for ensuring that licensed cannabis businesses operate in compliance with state and local regulations, while also identifying, investigating, disrupting, and deterring illicit cannabis activity. Illicit cannabis operations, including unlicensed sales, distribution, and diversion, undermine the integrity of the regulated market, expose consumers to untested and potentially unsafe products, and create broader public safety risks. These activities often occur without regulatory oversight, making them more difficult to detect and increasing the potential for associated criminal activity and community impacts. Despite these growing responsibilities, the Benicia Police Department currently lacks dedicated resources to proactively conduct cannabis-related enforcement. Existing personnel must balance cannabis-related duties with competing public safety priorities, limiting the Department's ability to engage in sustained, proactive enforcement operations. As a result, enforcement is largely reactive and complaint-driven, rather than strategic and intelligence-led. This creates a significant service gap in the City's ability to effectively identify and disrupt illicit cannabis activity and ensure consistent compliance among licensed operators. This service gap is further exacerbated by recent fiscal challenges facing the City. The closure of the Valero Refinery, which historically provided a significant portion of the City of Benicia's tax base and general fund revenue, has created substantial budgetary constraints. As a result, the City is facing difficult decisions regarding resource allocation across essential services, including public safety. Without supplemental funding, the City is at risk of reducing its capacity to support cannabis-related

enforcement activities at a time when regulatory demands and enforcement needs continue to increase. This creates a critical need for external funding to maintain and expand enforcement capacity and prevent a decline in oversight and public safety.

Additional service gaps include limited capacity for undercover investigations, evidence transport, and real-time compliance monitoring. The Department's current vehicle used for investigative purposes is more than ten years old and is no longer sufficient to support modern enforcement needs, particularly for the secure transport of seized illicit cannabis and related evidence. Without a properly equipped enforcement vehicle, officers face challenges in maintaining chain of custody, conducting field investigations, and safely transporting materials from crime scenes.

The Police Department also faces infrastructure limitations that impact its ability to effectively monitor licensed cannabis businesses. Local regulations require cannabis businesses to maintain security camera systems and provide access to live camera feeds; however, the Department's current monitoring setup is constrained by limited space within the Dispatch Center. Due to the existing drop ceiling configuration, available wall space is insufficient to properly mount and position monitoring screens, resulting in several displays being located outside of direct line of sight. This limits situational awareness and reduces the effectiveness of real-time monitoring and response. As additional cannabis businesses come online, these limitations will be further exacerbated without facility improvements.

Administrative and regulatory capacity is another critical area of need. The City relies on a combination of internal staff and specialized expertise to manage cannabis licensing, compliance, and enforcement coordination. The Records Division serves as the central point of contact for cannabis-related administrative functions, including license management, review of required security audit submissions, and follow-up on identified violations. However, the increasing volume and complexity of cannabis-related activities require additional support and coordination with sworn personnel to ensure that violations are addressed in a timely and effective manner. Specialized expertise is also necessary to interpret evolving state and local cannabis regulations, conduct inspections, and guide enforcement actions.

In addition to enforcement and regulatory challenges, the City faces emerging concerns related to youth access to and exposure to illegal cannabis. Schools and community stakeholders have identified the need for a coordinated approach to address cannabis-related activity among youth, particularly as illicit products may be more accessible and lack regulatory safeguards. Without targeted enforcement and intervention, these risks may contribute to broader public safety and public health concerns.

The need for this project has been identified through ongoing coordination between Police Department leadership, City administration, the local school district, and community stakeholders. Law enforcement personnel

have identified increasing demands related to cannabis enforcement, compliance monitoring, and investigative activities, while community members have expressed concerns regarding neighborhood impacts, youth exposure, and the importance of maintaining a well-regulated cannabis market. These inputs underscore the need for a comprehensive, enforcement-focused approach that strengthens the City's capacity to address both licensed and illicit cannabis activity.

To address these needs, the City of Benicia requires targeted investments in enforcement personnel, equipment, and infrastructure to transition from a reactive approach to a proactive, coordinated enforcement strategy. By expanding its capacity to conduct investigations, monitor compliance in real time, safely transport evidence, and engage in targeted enforcement and prevention efforts, the City will be better positioned to reduce the prevalence of illicit cannabis operations, improve compliance with state and local laws, and enhance overall community safety. This project directly supports the intent of Proposition 64 by addressing the public safety impacts of cannabis legalization and strengthening local enforcement capabilities.

Project Description	The City of Benicia proposes to implement a comprehensive illicit cannabis enforcement and compliance program designed to identify, investigate, disrupt, and deter illegal cannabis activity while ensuring adherence to state and local regulations among licensed operators. The project is primarily aligned with Project Purpose Area 1: Public Safety and Enforcement and will be led by the Benicia Police Department. The proposed program integrates enforcement operations, regulatory oversight, real-time monitoring, and targeted youth intervention into a coordinated framework that addresses the public safety impacts of cannabis legalization.
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To address the identified need for increased enforcement capacity, the project will fund targeted enforcement operations conducted by sworn personnel. These activities will include inspections, compliance checks, follow-up investigations, and coordinated responses to complaints related to cannabis activity. The Benicia Police Department will transition from a reactive, complaint-driven approach to a proactive enforcement model that prioritizes identifying and disrupting illicit cannabis operations and ensuring compliance among licensed businesses. Enforcement efforts will be supported by Command Staff oversight, ensuring that all activities are conducted in accordance with state and local laws and aligned with Department priorities.

A key component of the project is the integration of regulatory expertise through a contracted Cannabis Consultant. The consultant provides specialized knowledge of state and local cannabis laws governing cultivation, distribution, and retail operations. This role includes reviewing all Public Safety License applications and renewals, conducting biannual inspections of licensed cannabis businesses, identifying compliance issues, and recommending corrective actions. The consultant also supports enforcement activities by ensuring that violations are documented and addressed in accordance with applicable regulations, strengthening the City's ability to take appropriate administrative or enforcement action.

The Police Department's Records Division will serve as the central administrative hub for cannabis compliance and enforcement coordination. The Records staff member is responsible for managing licensing records, reviewing required weekly security audit submissions from cannabis businesses, responding to municipal code inquiries, and coordinating follow-up actions related to violations identified during inspections or throughout the year. The Records staff member works in close coordination with a designated member of Command Staff, who is a sworn officer with authority to enforce cannabis laws. This Command Staff member participates in inspections, evaluates compliance issues, and initiates enforcement actions when necessary, ensuring that administrative oversight is directly connected to enforcement outcomes.

To enhance field-based enforcement capabilities, the project will include the acquisition of a specialized enforcement vehicle, a Ford Ranger pickup truck outfitted for the transportation of seized illicit cannabis and evidence from crime scenes. The vehicle will be equipped with a locking hard shell cover, emergency lighting, radio communications, and a mobile data computer. This equipment will enable officers to safely and securely transport evidence, maintain chain of custody, and conduct undercover and investigative operations. The replacement of the Department's aging investigative vehicle will significantly improve operational efficiency and officer safety while supporting effective enforcement activities.

The project will also expand the Department's real-time monitoring capabilities through the use of dedicated internet connectivity and upgraded visual display systems. Local regulations require cannabis businesses to maintain security camera systems and provide access to live feeds, which are used by the Police Department to monitor compliance and respond to potential violations. Grant funding will support the ongoing cost of dedicated internet service as well as the purchase and replacement of monitors used to display these feeds. These tools are critical for maintaining situational awareness, identifying suspicious activity, and supporting enforcement operations.

To support these monitoring functions, the City will undertake a facility upgrade within the Police Department Dispatch Center by raising the existing drop ceiling to increase available wall space for monitor installation. The current configuration limits the Department's ability to effectively position monitors, with several displays located outside of direct line of sight due to space constraints. By increasing vertical wall space, the Department will be able to install additional monitors to accommodate future cannabis businesses and reposition existing screens into optimal viewing locations. This improvement will enhance real-time monitoring, improve response times, and support coordinated enforcement efforts.

In addition to enforcement and monitoring activities, the project will include a School Resource Officer component in partnership with the local school district. The School Resource Officer will support cannabis enforcement and prevention efforts on school campuses by addressing illegal cannabis activity among youth through enforcement actions, investigations, and coordination with school administrators. The School Resource Officer will

also participate in community engagement activities, including events such as National Night Out and other public safety outreach efforts, to educate students, families, and community members about the risks and legal consequences of illicit cannabis activity. These efforts will reinforce enforcement objectives by reducing youth access to illegal cannabis and increasing community awareness of reporting mechanisms and compliance expectations.

The target population for this project is the broader City of Benicia community, including residents, businesses, and youth. The project is designed to address both the supply and demand aspects of illicit cannabis activity by combining enforcement operations with targeted prevention and outreach efforts. The inclusion of school-based enforcement and community engagement activities ensures that the project addresses emerging risks related to youth access while maintaining a primary focus on public safety and enforcement.

Through the implementation of this project, the City of Benicia will significantly enhance its capacity to identify, investigate, disrupt, and deter illicit cannabis operations, improve compliance with state and local laws, and strengthen overall community safety. The coordinated approach outlined in this proposal ensures that all components, including personnel, equipment, infrastructure, and outreach, work together to achieve measurable enforcement outcomes and support the long-term integrity of the regulated cannabis market.

Project
Organizational
Capacity and
Coordination

The City of Benicia has the organizational capacity, leadership experience, and administrative infrastructure necessary to successfully implement and manage the proposed illicit cannabis enforcement and compliance program. The Benicia Police Department will serve as the Lead Public Agency and will be responsible for overseeing all project activities, ensuring compliance with grant requirements, and coordinating across internal staff and external partners.

The project will be led by the Chief of Police, who brings extensive law enforcement experience and demonstrated leadership in managing complex public safety initiatives. The Chief has a proven track record of overseeing department operations, implementing strategic enforcement programs, and coordinating with regional and community partners to address emerging public safety challenges. Under the Chief's leadership, the Department has maintained a strong commitment to community-oriented policing, regulatory compliance, and proactive enforcement strategies. The Chief will provide overall direction for the project, ensure alignment with departmental priorities, and support the effective deployment of personnel and resources dedicated to cannabis enforcement.

The Benicia Police Department has an established organizational structure that supports both administrative and enforcement functions. The Records Division serves as the central hub for cannabis-related administrative activities, including license management, compliance tracking, and coordination of follow-up actions related to violations. Records staff work closely with sworn Command Staff, who provide enforcement authority and oversight for cannabis-related inspections, investigations, and compliance

actions. This integrated structure ensures that administrative review and enforcement are closely coordinated, allowing the Department to respond efficiently to compliance issues and illicit activity.

A critical component of the City's capacity to manage cannabis-related activities is the use of a contracted Cannabis Consultant. The consultant serves as the City's subject matter expert on state and local cannabis regulations related to cultivation, distribution, and retail operations. The consultant is responsible for reviewing Public Safety License applications and renewals, conducting biannual inspections of licensed cannabis businesses, and identifying compliance issues. In addition, the consultant provides guidance on appropriate corrective actions and supports the City in interpreting evolving regulatory requirements. This expertise ensures that enforcement actions are grounded in current law and that compliance determinations are consistent, defensible, and aligned with state and local regulations. The consultant also works in coordination with Police Department staff to ensure that violations identified during inspections or ongoing monitoring are properly documented and escalated for enforcement when necessary.

Project coordination and oversight will be supported by the Department's Command Staff, who will supervise enforcement personnel, including sworn officers and the School Resource Officer assigned to the project. Command Staff will ensure that enforcement activities are conducted in accordance with departmental policies and grant objectives, and that resources are deployed effectively to address both licensed and illicit cannabis activity. The School Resource Officer will work in partnership with the local school district to address cannabis-related activity among youth and support broader community engagement efforts, further extending the Department's reach and impact.

The City of Benicia also has the administrative capacity to manage grant funding and reporting requirements. City staff have experience administering state and federal grants and maintaining compliance with financial, reporting, and audit requirements. The City's financial and administrative systems support accurate tracking of expenditures, timely reporting, and adherence to all applicable grant guidelines. The Police Department will coordinate closely with City administrative staff to ensure that all fiscal and programmatic requirements are met throughout the grant period.

The City's readiness to proceed with this project is high. Existing personnel, established processes, and ongoing coordination with community stakeholders position the City to begin implementation immediately upon award. The combination of experienced leadership, dedicated administrative and enforcement staff, and specialized regulatory expertise ensures that the City of Benicia is well-equipped to successfully implement the proposed project and achieve its intended outcomes.

Project Evaluation

The City of Benicia will implement a comprehensive evaluation approach to ensure that the proposed illicit cannabis enforcement and compliance program is implemented as intended and achieves its stated goals and objectives. The Benicia Police Department, in coordination with City

administrative staff, will be responsible for overseeing project monitoring, data collection, and reporting. Evaluation activities will be integrated throughout all phases of the project, including start-up, implementation, and ongoing service delivery, and will align with the Board of State and Community Corrections reporting requirements, including Quarterly Progress Reports, the Local Evaluation Plan, and the Local Evaluation Report.

Project monitoring will include both process and outcome measures. Process evaluation will track the implementation of project components, including staffing, equipment acquisition, infrastructure improvements, and program activities. Outcome evaluation will assess the extent to which the project contributes to reducing illicit cannabis activity, improving compliance among licensed operators, and enhancing community safety.

Key process measures will include the completion of all major project components. This includes the purchase, outfitting, and deployment of the specialized enforcement vehicle, the installation and operational use of monitoring equipment and dedicated internet connectivity, and the completion of the Police Department facility upgrade to support improved monitoring capacity. Progress will also be tracked for the engagement of the Cannabis Consultant, the ongoing work of Records and Command Staff, and the implementation of School Resource Officer activities.

The project will track the number of biannual inspections conducted at licensed cannabis storefronts, as facilitated by the Cannabis Consultant in coordination with Police Department staff. These inspections will be used to assess compliance with state and local regulations and to identify violations requiring corrective action or enforcement. Data will be collected on inspection outcomes, including the number and type of violations identified and the resolution of those violations.

The School Resource Officer component will be evaluated through both activity-based and outcome-based measures. The City will track the number of quarterly events conducted by the School Resource Officer at local schools and Police Department community events, including participation in outreach efforts such as National Night Out. These activities will focus on cannabis enforcement awareness and prevention. In addition, the project will track the number of cannabis-related incidents identified and reported by the School Resource Officer to the Benicia Police Department. This will provide a measure of youth-related cannabis activity and the effectiveness of school-based enforcement and intervention efforts.

Enforcement-related outcomes will be measured using data from existing Police Department systems, including Computer Aided Dispatch and Records Management Systems. Metrics will include the number of enforcement actions conducted, compliance checks completed, and violations identified and addressed. Where feasible, the City will also track trends over time to assess changes in illicit cannabis activity and compliance rates among licensed operators.

Data collection will rely on a combination of existing systems and project-

specific tracking tools. The Police Department will maintain logs of enforcement activities, inspections, and School Resource Officer engagements. Administrative staff will support data entry, tracking, and quality assurance to ensure accuracy and consistency. Data will be reviewed on a regular basis by project leadership to assess progress, identify challenges, and inform any necessary adjustments to project implementation.

Quarterly Progress Reports will be used to document implementation status, summarize activities, and report on progress toward achieving project goals and objectives. The City will develop a Local Evaluation Plan early in the project period to define data sources, collection methods, and performance measures, and will use this plan to guide ongoing evaluation activities. At the conclusion of the grant period, the City will prepare a Local Evaluation Report that documents the extent to which the project achieved its intended outcomes.

Through this structured evaluation approach, the City of Benicia will ensure accountability, support continuous improvement, and demonstrate the effectiveness of its efforts to reduce illicit cannabis activity, improve compliance, and enhance public safety.

**PART IV: PROJECT
BUDGET
ATTACHMENT**

The Budget Attachment must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Budget Attachment. All project costs must be directly related to the objectives and activities of the project, demonstrating how the funds will be used to address the local needs due to the impact of legalizing cannabis in California. The Budget Table must cover the entire 66-month grant period. For additional guidance related to allowable uses of grant funds, refer to pages 8-15 of the Proposition 64 Request for Proposals (RFP).

Project Budget Attachment

[**Benicia_2.-Prop-64-PHS-Cohort-4-Budget-Attachment.xlsx**](#)

**PART V -
ATTACHMENTS:
MANDATORY AND
OPTIONAL**

In addition to the Budget Attachment, the list of mandatory attachments include: Project Work Plan Letter of Eligibility Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement Criteria for Non-Governmental Organizations Receiving BSCC Funds The Governing Board Resolution attachment upload is optional at Application submission. However, it will be required if the project is awarded Prop 64 Cohort 4 Grant Funds. These documents are stand-alone documents available on the BSCC Proposition 64 Homepage:
<http://www.bscc.ca.gov/proposition-64-public-health-safety-grant-program/>.
Download, complete, and upload where prompted below.

PROJECT WORK PLAN

[**Benicia_3.-Prop-64-Project-Work-Plan-Appendix-G.docx**](#)

Letter of Eligibility

[**Cannabis_ordinances_on_City_letterhead.pdf**](#)

Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement

[5.-Debarment-Attachment-Appendix-E.docx](#)

Criteria for Non-Governmental Organizations Receiving BSCC Funds as a Subcontractor

[Prop-64-Cohort-4-NGO.docx](#)

Governing Board
Resolution (Optional)

Prop 64 PH&S Grant Project Work Plan

Complete this required document. You will be prompted to upload this attachment to the BSCC Submittable Application.

Instructions: Applicants must complete a Project Work Plan using the format below. Provided goals and objectives must have a clear relationship to the need and intent of the grant. The Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. The plan must identify the top three goals and corresponding objectives, with a minimum of one goal pertaining to each identified PPA. Completed plans should identify:

1. the project's top goals and objectives.
2. how the goal(s) will be achieved in terms of the activities/services, responsible staff/partners, and the timelines.
3. a list of the data elements to be collected.

Name of City or County Applicant:	City of Benicia		
(1) Goal:	> Increase the City of Benicia's capacity to identify, investigate, disrupt, and deter illicit cannabis activity.		
Objectives (A., B., etc.)	A.> Conduct proactive cannabis enforcement operations, including investigations and compliance checks B.> Enhance evidence collection, transport, and chain of custody procedures C.> Improve real-time monitoring of licensed cannabis businesses		
Process Measures and Outcome Measures:	> Process measures include number of enforcement operations conducted, number of compliance checks completed, and deployment of equipment and monitoring systems. Outcome measures include reduction in illicit cannabis activity, increased compliance among licensed operators, and improved response times to violations.		
Project activities that support the identified goal and objectives:	Responsible staff/partners:	Timeline	
		Start Date	End Date
1.> Conduct enforcement operations and investigations 2. Purchase and outfit specialized enforcement vehicle (Ford Ranger) 3. Complete facility upgrade to Dispatch Center for monitoring improvements 4. Install and utilize monitoring systems (internet and screens)	1. > Command Staff 2. Police Department, City Procurement 3. City Facilities, Police Department 4. Police Department, Records Staff	1.> Month 1 2. Month 1 3. Month 1 4. Month 3	1.> Ongoing through grant term 2. Month 6 3. Month 6 4. Ongoing

List data and sources to be used to measure outcomes: > CAD/RMS data, enforcement logs, compliance inspection records, monitoring system logs, and internal Police Department reporting.

(2) Goal:	> Improve compliance among licensed cannabis businesses through coordinated inspections, monitoring, and regulatory oversight.		
Objectives (A., B., etc.)	A.> Conduct biannual inspections of all licensed cannabis storefronts B.> Review weekly security audit submissions and identify violations C.> Ensure timely resolution of compliance issues		
Process Measures and Outcome Measures:	> Process measures include number of biannual inspections completed, number of security audits reviewed, and number of violations identified. Outcome measures include increased compliance rates and reduced repeat violations.		
Project activities that support the identified goal and objectives:	Responsible staff/partners:	Timeline	
		Start Date	End Date
1.> Conduct biannual inspections of licensed cannabis businesses 2. Review weekly security audit submissions from cannabis businesses 3. Coordinate enforcement actions for identified violations 4. Provide regulatory guidance and compliance support	1.> Cannabis Consultant, Command Staff 2. Records Staff 3. Command Staff, Police Department 4. Provide regulatory guidance and compliance support	1.> Month 3 2. Month 1 3. Month 1 4. Month 1	1.> Ongoing (twice annually) 2. Ongoing 3. Ongoing 4. Ongoing
List data and sources to be used to measure outcomes: > Inspection reports, compliance tracking logs, consultant reports, violation records, and administrative tracking systems.			

(3) Goal:	> Reduce youth access to illicit cannabis and increase community awareness through school-based enforcement and outreach.		
Objectives (A., B., etc.)	A.> Conduct quarterly School Resource Officer events at schools and Police Department community events B.> Identify and respond to cannabis-related incidents on school campuses C.> Increase awareness of risks and legal consequences of illicit cannabis activity		

Process Measures and Outcome Measures:	> Process measures include number of quarterly SRO events conducted and number of outreach activities completed. Outcome measures include number of cannabis-related incidents reported by the SRO to the Benicia Police Department and increased awareness among youth and community members.		
Project activities that support the identified goal and objectives:	Responsible staff/partners:	Timeline	
		Start Date	End Date
1.> Conduct quarterly SRO events at schools and community events 2. Investigate and report cannabis-related incidents on school campuses 3. Participate in community outreach events such as National Night Out 4. Coordinate with school district on prevention and enforcement efforts	1.> School Resource Officer 2. School Resource Officer, Police Department 3. School Resource Officer, Police Department 4. School Resource Officer, School District	1.> Month 1 2. Month 1 3. Month 3 4. Month 1	1.> Ongoing (quarterly) 2. Ongoing 3. Ongoing 4. Ongoing
List data and sources to be used to measure outcomes: > SRO activity logs, incident reports, CAD/RMS data, event attendance records, and Police Department reporting systems.			

2026 Proposition 64 Public Health & Safety Grant Program - Proposal Budget and Budget Narrative				
Name of City or County Applicant:		City of Benicia		
Grant Term: July 1, 2026 through December 31, 2031				
Note: Budget Categories 1 - 7 will auto-populate based on the information entered in the sections below. Do not alter or recreate this budget template. Applicants that do not use the BSCC Budget Template will be disqualified.				
Budget Category		A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
1. Salaries and Benefits		\$392,840	\$216,090	\$608,930
2. Services and Supplies		\$171,820	\$0	\$171,820
3. Professional Services or Public Agency Subcontracts		\$0	\$0	\$0
4. Non-Governmental Organization (NGO) Subcontracts		\$0	\$0	\$0
5. Equipment/Fixed Assets		\$219,250	\$0	\$219,250
6. Other (Travel, Training, etc.)		\$0	\$0	\$0
7. Indirect Costs (For PPAs 1 through 4)		\$0		\$0
TOTAL		\$783,910	\$216,090	\$1,000,000
Percentage of Grant Funds Dedicated to PPA 1: Public Safety/Enforcement (excludes amount budgeted for Indirect Costs)		78.39%		
1a. Salaries and Benefits				
Position Title	(Show as either % FTE or Hourly Rate) & Benefits	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
Records Staff	Approx. 0.15 FTE (Salary & Benefits)	\$78,000	\$0	\$78,000
Command Staff	\$121.67/hr (Straight Time), \$182.50/hr (OT) – Includes Benefits	\$98,750	\$0	\$98,750
School Resource Officer	\$101.38/hr (Straight Time), \$152.08/hr (OT) – Includes Benefits	\$216,090	\$216,090	\$432,180
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$392,840	\$216,090	\$608,930
1b. Salaries and Benefits Narrative: Provide a brief description for each position that addresses their role on the grant project.				
The Records Staff serves as the primary administrative lead for cannabis-related oversight within the Benicia Police Department. This role manages cannabis licensing records, reviews required weekly security audit submissions from licensed businesses, responds to Benicia Municipal Code inquiries, and coordinates follow-up actions related to identified violations. The Records Staff works closely with sworn personnel to ensure that compliance issues are documented, tracked, and escalated for enforcement when necessary. The Command Staff position provides sworn oversight and enforcement authority for all cannabis-related activities. This individual participates in inspections of licensed cannabis businesses, evaluates compliance issues identified through administrative review and monitoring, and initiates enforcement actions when violations require sworn intervention. This role ensures that regulatory oversight is directly connected to enforcement operations and supports the Department’s ability to identify, investigate, and address illicit cannabis activity. The School Resource Officer’s time is allocated between enforcement activities and youth-focused prevention efforts. Enforcement activities include responding to and investigating cannabis-related incidents on school campuses, coordinating with the Police Department, and supporting compliance with applicable laws. Prevention activities include participation in school-based and community outreach events to educate youth and families about the risks and legal consequences of illicit cannabis activity.				
2a. Services and Supplies				
Description of Services or Supplies	Calculation for Expenditure	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
Cannabis Consultant	\$16,000 annually × 5 years	\$80,000	\$0	\$80,000
Dedicated Internet for Camera Feed Monitoring	\$1,197/month × 12 months × 5 years	\$71,820	\$0	\$71,820
Monitors (TVs) for Camera Feed (Annual Replacement)	\$4,000 annually × 5 years	\$20,000	\$0	\$20,000
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$171,820	\$0	\$171,820
2b. Services and Supplies Narrative: Provide a brief description for each item that explains how it will be used toward fulfilling grant objectives.				
The City of Benicia will utilize grant funds to support key services and supplies necessary to implement and sustain the illicit cannabis enforcement and compliance program. The Cannabis Consultant will provide subject matter expertise on state and local cannabis regulations related to cultivation, distribution, and retail operations. The consultant will review Public Safety License applications and renewals, conduct biannual inspections of licensed cannabis businesses, and provide guidance on resolving compliance issues and violations. This role ensures that enforcement actions are legally sound and aligned with current regulatory requirements.				

Dedicated internet service will be maintained to support continuous access to live camera feeds from licensed cannabis businesses, as required by local regulations. This connectivity is critical for real-time monitoring, allowing the Police Department to identify potential violations, respond to suspicious activity, and support enforcement operations.

Monitors will be purchased and replaced as needed to display live camera feeds from licensed cannabis businesses. These monitors operate continuously and are essential for maintaining situational awareness, supporting compliance monitoring, and enabling timely enforcement response.

3a. Professional Services or Public Agency Subcontracts

Description of Professional Service(s)	Calculation for Expenditure	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$0	\$0	\$0

3b. Professional Services or Public Agency Subcontracts Narrative: List each consultant and/or public agency that will receive grant funds. Provide a brief description of the services that will be provided.

Enter narrative here. You may expand row height if needed.

4a. Non-Governmental Organization (NGO) Subcontracts

Description of Subcontracts	Calculation for Expenditure	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$0	\$0	\$0

4b. Non-Governmental Organization (NGO) Subcontracts Narrative: List each NGO subcontractor that will receive grant funds. Provide a brief description of the services that will be provided.

Enter narrative here. You may expand row height if needed.

5a. Equipment/Fixed Assets

Description of Equipment/Fixed Assets	Calculation for Expense	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
Specialized Enforcement Vehicle (Ford Ranger – Outfitted for Narcotics and Evidence Transport)	1 Vehicle & Outfitting × \$150,000	\$150,000	\$0	\$150,000
Police Department Facility Upgrade (Dispatch Center Ceiling Modification)	One-time construction cost	\$69,250	\$0	\$69,250
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$219,250	\$0	\$219,250

5b. Equipment/Fixed Assets Narrative: List any equipment or fixed assets that will be purchased with grant funds and provide a brief description of each item that explains how it will be used toward fulfilling grant objectives. Enter narrative here. You may expand row height if needed.				
6a. Other (Travel, Training, etc.)				
Description of Other (Travel, Training, etc.)	Calculation for Expense	A. Grant Funds for PPA 1: Public Safety/Enforcement	B. Grant Funds for PPA 2, 3, and/or 4	Total Requested Grant Funds (A+B)
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL		\$0	\$0	\$0
6b. Other (Travel, Training, etc.) Narrative: Provide a brief explanation for how each item listed above will contribute toward fulfilling grant objectives. Please budget for at least one 2-day trip to Sacramento for 3-5 key grant team members. The City of Benicia is located within a reasonable driving distance of Sacramento, allowing project staff to attend required meetings and trainings without the need for significant travel expenditures. Appropriate project personnel will participate in any required Board of State and Community Corrections meetings or training sessions in Sacramento. The City will cover all associated travel costs, including mileage, lodging if necessary, and per diem, using non-grant funds. This approach ensures compliance with grant requirements while maximizing the use of grant funds for direct enforcement and program activities.				
7a. Indirect Costs				
For this grant program, indirect costs may be charged using only <u>one</u> of the two options below:			Grant Funds	Total Requested Grant Funds
1) Indirect costs not to exceed 15 percent (15%) of all grant-funded costs, excluding equipment and fixed assets . Applicable if the applicant does not have a federally approved indirect cost rate.			\$0	\$0
If using Option 1) grant funds allocated to Indirect Costs may not exceed:			\$117,113	
2) Indirect costs not to exceed 20 percent (20%) of all grant-funded costs, excluding equipment and fixed assets . Applicable if the applicant has a federally approved indirect cost rate. Amount claimed may not exceed the applicant's federally approved indirect cost rate.			\$0	\$0
If using Option 2) grant funds allocated to Indirect Costs may not exceed:			\$156,150	
Please see Instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns red , please adjust it to not exceed the line-item noted.			\$0	\$0
7b. Indirect Costs Narrative:				
Enter narrative here. You may expand row height if needed. If using a federally approved indirect cost rate, please include the rate in the narrative.				

APPENDIX B: Criteria and Assurance for Non-Governmental Organizations that Receive BSCC Grant Funds as a Subcontractor

The Proposition 64 Public Health and Safety (Prop 64 PH&S) Grant Program, Cohort 4, includes requirements that apply to non-governmental organizations **that receive BSCC grant funds as subcontractors**. Grantees are responsible for ensuring that all subcontracted third parties continually meet these requirements as a condition of receiving any Prop 64 PH&S grant funds. These requirements are as follows.

Any non-governmental organization that receives **Prop 64 PH&S grant funds** must:

- Have been duly organized, in existence, and in good standing at least six (6) months prior to the start date of the Grantee's Grant Agreement with BSCC.

Note: Non-governmental organizations that have recently reorganized or have merged with other qualified non-governmental organizations that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the applicant's Grant Agreement with BSCC.

- Be registered with the California Secretary of State's Office, if applicable.
- Have a valid business license, Employer Identification Number (EIN), and/or Taxpayer ID (if sole proprietorship).
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable.

In the table below, provide the name of the Grantee and list all subcontracted third parties.

Name of Grantee:			
Name of Subcontracted Third Party	Address	Email / Phone	Meets All Requirements
			Yes ☐ No ☐
			Yes ☐ No ☐
			Yes ☐ No ☐
			Yes ☐ No ☐

See next page for signature block.

APPENDIX B:
Criteria and Assurance for Non-Governmental Organizations
that Receive BSCC Grant Funds as a Subcontractor

Grantees are required to update this list and submit it to BSCC any time a new third-party subcontract with an NGO is executed after the initial assurance date. Grantees shall retain (on site) applicable source documentation for each subcontracted party that verifies compliance with the requirements listed in the **Prop 64 PH&S RFP**. These records will be subject to the records and retention language found in the Standard Agreement.

Unless prior approval is obtained, the BSCC prohibits disbursement or reimbursement to any NGO that does not meet the requirements listed above and for which the BSCC does not have a signed Criteria and Assurance form on file.

A signature below is an assurance that all requirements listed above have been met.

AUTHORIZED SIGNATURE <i>(This document must be signed by the person who is authorized to sign the Grant Agreement.)</i>			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
STREET ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE (verified e-signature is acceptable) X			DATE



AGENDA ITEM
CITY COUNCIL MEETING DATE – AUGUST 4, 2026
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **APPROVAL TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON THE NOVEMBER 3, 2026 BALLOT**

EXECUTIVE SUMMARY:

With the objective of ensuring the City's ongoing fiscal stability, the City Council has discussed taking the steps necessary to become a limited charter city (Measure Y) for the sole purpose of implementing a Real Property Transfer Tax (RPTT) (Measure Z), which only charter cities are authorized to levy. To this end, the City would like to bring certain ballot measures before voters in the November 3, 2026 election, including one to establish Benicia as a limited charter city and one to subsequently implement an RPTT. As statutorily required, City Council has now held two public hearings on the proposed adoption of the limited city charter, during which the structure of the proposed RPTT has also been discussed. City Council has provided direction on how both the limited charter and RPTT should be structured and is now being asked to approve placing each measure on the November 3, 2026, ballot.

RECOMMENDATION:

There are two recommendations associated with this item:

1. Move to adopt a Resolution (Attachment 1) rescinding Resolution No. 26-75 and authorizing the placement of the limited city charter ballot measure with proposed Ordinance (Attachment 1 Exhibit B) on the November 3, 2026 General Election ballot; and
2. Move to adopt a Resolution (Attachment 2) rescinding Resolution No. 26-76 and authorizing the placement of the real property transfer tax ballot measure with proposed Ordinance (Attachment 2 Exhibit A) on the November 3, 2026 General Election ballot."

BUDGET INFORMATION:

There is no additional fiscal impact associated with the recommended actions. The costs associated with placing the measures on the November 3, 2026 General Municipal Election ballot were previously approved and remain unchanged.

BACKGROUND:

At its July 21, 2026 City Council meeting, the Council placed Measures Y and Z on the November 3, 2026 General Election ballot. A copy of the previous staff report

(Attachment 3) is provided for additional background and context. Shortly after taking this action, a member of the community objected to some of the language in each of the ballot questions (Attachment 4). In response to this objection, staff further refined the language of the ballot measures and updated the language for Council consideration. The Council is being asked to consider this updated language, and, if acceptable, rescind the resolutions adopted on July 21st, and adopt the proposed resolutions attached to this staff report.

NEXT STEPS:

Following City Council action, staff will submit the approved resolutions and required election materials to the Solano County Registrar of Voters in accordance with the applicable election deadlines.

ALTERNATIVE ACTIONS:

Instruct staff to exclude the limited charter and RPTT ballot measures from the November 3, 2026 ballot or provide additional guidance on the measures' contents.

CEQA Analysis	The recommended actions remain exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b)(4), as previously determined.
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ATTACHMENTS:

1. Resolution – Limited Charter Resolution with Ballot Question Language
Exhibit A – Draft Ordinance for Limited Charter
2. Resolution – RPTT Resolution with Ballot Question Language
Exhibit A – Draft Ordinance for RPTT
3. Staff Report from July 21, 2026 City Council Meeting
4. Email from Mr. Shenfield

For more information contact: Mario Giuliani, City Manager
E-mail: MGiuliani@ci.benicia.ca.us

RESOLUTION NO. 26-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUBMITTING A BALLOT MEASURE TO VOTERS TO APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ESTABLISHING THE CITY OF BENICIA AS A CHARTER CITY AND ADDING A NEW CHAPTER 1A (CITY OF BENICIA CHARTER) TO THE BENICIA MUNICIPAL CODE SOLELY WITH RESPECT TO THE AUTHORITY NECESSARY FOR THE IMPOSITION, LEVY AND COLLECTION OF A TAX ON THE CONVEYANCE OF REAL PROPERTY BASED ON THE VALUE OF THE REAL PROPERTY SALES AND NO OTHER CHARTER CITY AUTHORITIES.

WHEREAS, the City of Benicia is committed to maintaining high-quality municipal services, preserving public infrastructure, and planning responsibly for the City's future; and

WHEREAS, the City recognizes that future growth and development should contribute to maintaining the public services, facilities, and infrastructure necessary to support that growth; and

WHEREAS, the City anticipates significant future development opportunities, including approximately 527 acres of privately owned undeveloped property planned for the development of more than 1,600 residential units; and

WHEREAS, the former Valero Benicia Refinery, consisting of more than 900 acres, is anticipated to undergo redevelopment following the refinery's closure in April 2027, with planning efforts contemplating a mix of industrial, commercial, retail, and residential uses, including the potential for approximately 3,500 residential units; and

WHEREAS, these and other future anticipated development opportunities represent a significant investment in the City's future and will create additional demand for municipal services, public safety, transportation infrastructure, parks, and other community facilities that require ongoing maintenance and investment; and

WHEREAS, the City Council finds that it is appropriate for newly constructed residential development, commercial development, and higher-value real property transactions to contribute toward maintaining the long-term sustainability of City services and infrastructure that benefit the community; and

WHEREAS, the proposed Measures Y (Limited Charter Authorizing Imposition of a Real Property Transfer Tax) and Z (Real Property Transfer Tax) are intended to work together to ensure that newly constructed properties and higher-property transactions contribute toward maintaining City services and infrastructure; and

WHEREAS, under the California Constitution, only a charter city may levy a real property transfer tax at rates different from those otherwise authorized by general law; and

WHEREAS, the adoption of the proposed limited charter, for which a ballot measure is also being presented to voters on November 3, 2026 as Measure Y is therefore legally necessary to authorize the City to enact the proposed Real Property Transfer Tax; and

WHEREAS, the proposed limited charter would establish limited charter authority solely for the purpose of authorizing the City to adopt and administer a municipal real property transfer tax and would not alter the City's governmental organization, powers, or authority except as necessary to accomplish that limited purpose; and

WHEREAS, the proposed Real Property Transfer Tax is structured so that newly constructed residential properties and commercial properties contribute upon transfer, while existing residential properties constructed before January 1, 2027, remain exempt unless sold for two million dollars (\$2,000,000) or more, thereby focusing the tax on future development and higher-value property sales; and

WHEREAS, the adoption of a limited City Charter ("City Charter") is legally necessary to allow the City to enact a real property transfer tax, for which a ballot measure is also being presented to the voters on November 3, 2026 as Measure Z, revenue from which will be used for unrestricted general governmental purposes, including infrastructure such as roads, repairing potholes, storm drains, sidewalks, and public facilities such as the City Pool, Community Center, Library, Marina, parks, and essential services such as police, fire, library, youth and senior programs, engineering and community development (planning and building) and other uses; and

WHEREAS, if the real property transfer tax (Measure Z), as authorized by the City Charter, is approved by the voters, the revenue from the real property tax will be subject to transparency and accountability provisions such as financial audits and oversight by an independent Citizens Oversight Committee as well as the City's Local Tax Oversight Board to ensure that all funds will remain in the City of Benicia for the local general services on which residents and businesses rely and that the Federal or State governments can take none of the new funding; and

WHEREAS, pursuant to authority provided by Article XI of the California Constitution, and Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Elections Code of the State of California, the City Council desires to submit a measure to the qualified electors of the City of Benicia regarding whether the City of Benicia shall become a Charter City for the limited and sole purpose of levying a Real Property Transfer Tax (RPTT); and

WHEREAS, in accordance with Government Code Section 34458, on May 19, 2026, the City Council held the first duly noticed public hearing whereby it received public comment on and considered the matter of the proposal of a limited charter for the City of Benicia for the limited and sole purpose of granting the City the power necessary for the imposition, levy and collection of a tax on the conveyance of real property based on the value of the real property and the content of the proposed charter; and

WHEREAS, in accordance with Government Code Section 34458, on June 23, 2026, the City Council held the second duly noticed public hearing whereby it received public comment on and considered the matter of the proposal of a limited charter for the City of Benicia and the content of the proposed charter; and

WHEREAS, the proposed Ordinance adopting the “City of Benicia Charter”, attached hereto and incorporated herein by reference as Exhibit “A”, (“Ballot Measure”) would provide the City with the constitutional powers conferred on cities under Article XI sections 7 and 5 of the California Constitution solely with respect to the power necessary for the imposition, levy and collection of a tax on the conveyance of real property based on the value of the real property; and

WHEREAS, the City Council of the City of Benicia has determined that adoption of the proposed Charter would be beneficial for the City of Benicia and its residents by establishing the authority for the qualified electors of the City of Benicia to decide whether to enact a Real Property Transfer Tax Ordinance, the revenues of which would be locally controlled and help to ensure that essential city services are provided and maintained; and

WHEREAS, Government Code Section 34458.5 requires that a proposal to adopt or amend a charter include in a ballot description an enumeration of new city powers as a result of the adoption of the charter, in this instance being solely that the City Council will have the new power to enact a real property transfer tax that is subject to approval by the City’s voters and as stated in section 200 of the proposed charter, all other powers of the City shall be governed by the general laws of the State that currently govern the City, and the proposed charter does not give the City Council any new powers to raise its compensation or that of other City officials without voter approval; and

WHEREAS, Elections Code Section 9255(b) provides that a charter proposed by the local governing body shall be submitted to the voters at an established statewide general election pursuant to Section 1200, provided there are at least 88 days before the election at a statewide general election pursuant to Elections Code Section 1200; and

WHEREAS, on July 21, 2026, the City Council adopted Resolution 26-75, submitting the Ballot Measure to the voters, however, now decides that it would like to amend the Ballot Question that was adopted in Resolution 26-75; and

WHEREAS, the City Council desires to submit the Ballot Measure to the voters of the City at a General Municipal Election to be held on Tuesday, November 3, 2026, and to be consolidated with the general municipal election and the statewide election to be held on that date.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BENICIA:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct and are hereby fully incorporated by this reference.

Section 2. Rescission of Resolution No. 26-75. Resolution No. 26-75, adopted on July 21, 2026 is hereby rescinded in its entirety.

Section 3. Election. The City Council of the City of Benicia hereby orders the Ballot Measure be submitted to the voters at the General Municipal Election to be held on Tuesday, November 3, 2026 and requests the Solano County Elections Department to conduct the election and consolidate it with the statewide election to be held on November 3, 2026.

Section 4. Ballot Question. The City Council hereby approves and orders the following ballot question for the Ballot Measure to be submitted to the voters of the City of Benicia at the general municipal election on November 3, 2026:

Measure Y Limited City Charter	
Shall the measure, adopting a limited City Charter for the City of Benicia that has a single purpose: allow the real property transfer tax in Measure Z to take effect if voters approve both Measures Y and Z, while everything else about how the City is governed stays the same, be adopted?	YES
	NO

Section 5. Proposed Ordinance. The text of the Ballot Measure to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated by reference. The full text of the Ballot Measure shall be printed in the Sample Ballot and Voters Pamphlet and shall be made available to the public and to any voter at the Solano County Elections Department and the Benicia City Clerk.

Section 6. Publication of Measure. The City Clerk is directed to publish a synopsis of the Ballot Measure at least one time not later than one week before the election.

Section 7. Approval. The vote requirement for this Ballot Measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

Section 8. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Solano County Elections Department.

Section 9. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Ballot Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Ballot Measure, not to exceed 500 words in length, showing the effect of the Ballot

Measure on the existing law and the operation of the measure, and shall transmit such impartial analysis to the City Clerk.

Section 10. Ballot Arguments. Pursuant to California Elections Code Sections 9286 and 9287, the City elections official shall fix the date and time for submitting arguments for or against, as well as rebuttal arguments, for the Ballot Measure. The City Council hereby adopts the provisions of California Elections Code Section 9285 regarding procedures by which the City elections official will consider ballot arguments in favor, against, or rebuttal for the Ballot Measure.

Section 11. Implementation. The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary City acts to enter into a service agreement for the provision of election services with the Solano County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Solano County Elections Department.

Section 12. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

Section 13. Effective Date. This Resolution shall take immediate effect upon its adoption by the City Council and the City Clerk shall certify the vote adopting the resolution.

Section 14. Environmental Compliance. The proposed City Charter ballot measure is exempt from further review under the California Environmental Quality Act (CEQA) because the Charter enabling the adoption of a Real Property Transfer Tax involves the creation of a government funding mechanism which does not involve any commitment to any specific project and thus is not a project subject to the requirements of CEQA as provided by Guidelines Section 15378(b)(4), and further pursuant to Guidelines Section 15061(b)(3) which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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 4th day of August 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A

CITY OF BENICIA CHARTER

[see next page]

DRAFT

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ESTABLISHING THE CITY OF BENICIA AS A CHARTER CITY AND ADDING A NEW CHAPTER 1A (CITY OF BENICIA CHARTER) TO THE BENICIA MUNICIPAL CODE SOLELY WITH RESPECT TO THE POWERS OVER MUNICIPAL AFFAIRS IN RELATION TO A SYSTEM FOR THE IMPOSITION, LEVY AND COLLECTION OF A TAX ON THE CONVEYANCE OF REAL PROPERTY BASED ON THE VALUE OF THE REAL PROPERTY IN ADDITION TO THE AMOUNT AUTHORIZED BY CALIFORNIA REVENUE AND TAXATION CODE SECTION 11911

WHEREAS, the City of Benicia was incorporated as a general law city in 1851 by residents seeking to manage local affairs and today serves a population of approximately 26,200, providing a host of general governmental services through the exercise of its Constitutional Police Powers to the community including police, fire, parks and recreation, library, public works engineering and maintenance, water and wastewater, community development (planning and building), and various administrative support services in a fiscally sustainable manner; and

WHEREAS, Benicia has a limited economic base for which to derive revenue for public services; by design, Benicia has chosen not to seek commercial development, and our industrial park is anchored by an oil refinery that has recently closed; and

WHEREAS, for more than a generation Benicia has seen limited growth both in housing and even more so with commercial and industrial development; additionally, more than 40% of residential units have not transferred in more than 35 years, and

WHEREAS, this limited economic base and little growth have placed great strain on the City's ability to meet service demands and maintain essential infrastructure; and

WHEREAS, current revenues are insufficient for the City of Benicia to continue to provide those services in fiscally sustainable manner; and

WHEREAS, to address this challenge, the City of Benicia has pursued cost saving measures and the City's voters have approved multiple revenue measures in recent past including a Cannabis Excise Tax, specially designated Sales Tax increases and a Transient Occupancy Tax increase; and

WHEREAS, the anticipated revenue generation from those measures still leaves the City well short of what is required to fund services and maintain important infrastructure needs such as roads, repairing potholes, storm drains, sidewalks, and public facilities such as the City Pool, Community Center, Library, Marina, parks, and essential services such as police, fire, library, youth and senior programs, engineering

and community development (planning and building) and other unrestricted general government purposes; and

WHEREAS, for this reason, it is necessary for the City of Benicia to seek additional sources of revenue generation, such as levying a Real Property Transfer Tax on the sale of properties within its boundaries; and

WHEREAS, becoming a charter city would grant Benicia the power to institute a Real Property Transfer Tax, a power it does not have as a general law city; and

WHEREAS, to address this matter, in April 2026, the City Council, pursuant to the authority granted by Government Code Section 34458, provided direction to staff to draft a city charter focused exclusively on granting the power to levy a Real Property Transfer Tax that, if approved by a simple majority of voters, would establish Benicia as a charter city under California state law; and

WHEREAS, pursuant to Government Code Section 34458(b), the City Council held two public hearings to receive comments from the public and to consider the proposed Benicia City Charter for the limited and sole purpose of enacting a Real Property Transfer Tax; and

WHEREAS, at the conclusion of the hearing process, after considering all testimony, evidence, and comments from the public, the City Council directed the preparation of a ballot measure for the November 2026 election to put before voters the decision to adopt the proposed Benicia City Charter for the limited and sole purpose of enacting a Real Property Transfer Tax; and

WHEREAS, pursuant to Elections Code Section 9217, if a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the City. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body and shall go into effect 10 days after that date.

NOW, THEREFORE THE PEOPLE OF THE CITY OF BENICIA DO ORDAIN AS FOLLOWS:

The following Charter is hereby adopted to be included as Title 1A of the City of Benicia Municipal Code:

CITY OF BENICIA CHARTER

ARTICLE 1 NAME AND BOUNDARIES

101. Name and Boundaries. The municipal corporation now existing and known as the City of Benicia, hereafter referred to as “the City,” shall remain and continue to be a municipal body corporate and politic, as at present, in name, in fact, and in law.

ARTICLE 2 POWERS OF CITY

201. Exercise of Constitutional Power of Taxation. The City of Benicia adopts this Charter to exercise the constitutional powers conferred on cities under Article XI section 5 of the California Constitution solely with respect to the power to enact a system for the imposition, levy and collection of a tax on the conveyance of real property based on the value of the real property in addition to the amount authorized by California Revenue and Taxation Code section 11911.

202. Subject to General Laws. Except as provided in this Charter stated in Section 200, the powers of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under said general laws.

203. Severability. If any provision of this Charter is found by a court of competent jurisdiction to be invalid, the remaining provisions of the Charter shall remain in full force and effect.

204. Amendment. Any amendment to this Charter shall require approval by a simple majority of City of Benicia voters and shall be effective when approved by City of Benicia voters and filed pursuant to the California Constitution and applicable State law.

ARTICLE 3 SUCCESSION

301. Rights and Liabilities. The City shall remain vested with and continue to have, hold, and enjoy all property, rights of property, and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, contracts, liabilities, debts, and duties that now exist against or with the City.

302. Ordinances, Codes, and Other Regulations. All ordinances, codes, resolutions, regulations, rules, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until repealed, amended, changed, or superseded in the manner provided by this Charter and any other applicable laws.

303. Pending Actions And Proceedings. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, or department thereof, shall be affected or abated by the adoption of this Charter, or by anything herein contained.

ARTICLE 4 FORM OF GOVERNMENT

401. Form of Government. The form of government shall be that commonly known as the Council-Manager form of government. The City Council, consisting of five councilmembers elected at large for four year staggered terms, in the manner in effect when this Charter was adopted, shall establish the policy of the City and the City Manager shall carry out that policy.

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUBMITTING A BALLOT MEASURE TO VOTERS TO APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA FOR THE IMPOSITION, LEVY AND COLLECTION OF A TAX ON THE CONVEYANCE OF REAL PROPERTY BASED ON THE VALUE OF THE REAL PROPERTY IN ADDITION TO THE AMOUNT AUTHORIZED BY CALIFORNIA REVENUE AND TAXATION CODE SECTION 11911, TO BE CONSIDERED BY THE VOTERS AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2026

WHEREAS, the City of Benicia is committed to maintaining high-quality municipal services, preserving public infrastructure, and planning responsibly for the City's future; and

WHEREAS, the City recognizes that future growth and development should contribute to maintaining the public services, facilities, and infrastructure necessary to support that growth; and

WHEREAS, the City anticipates significant future development opportunities, including approximately 527 acres of privately owned undeveloped property planned for the development of more than 1,600 residential units; and

WHEREAS, the former Valero Benicia Refinery, consisting of more than 900 acres, is anticipated to undergo redevelopment following the refinery's closure in April 2027, with planning efforts contemplating a mix of industrial, commercial, retail, and residential uses, including the potential for approximately 3,500 residential units; and

WHEREAS, these and other future anticipated development opportunities represent a significant investment in the City's future and will create additional demand for municipal services, public safety, transportation infrastructure, parks, and other community facilities that require ongoing maintenance and investment; and

WHEREAS, the City Council finds that it is appropriate for newly constructed residential development, commercial development, and higher-value real property transactions to contribute toward maintaining the long-term sustainability of City services and infrastructure that benefit the community; and

WHEREAS, the proposed Measures Y (Limited Charter Authorizing Imposition of a Real Property Transfer Tax) and Z (Real Property Transfer Tax) are intended to work together to ensure that newly constructed properties and higher-property transactions contribute toward maintaining City services and infrastructure; and

WHEREAS, under the California Constitution, only a charter city may levy a real property transfer tax at rates different from those otherwise authorized by general law; and

WHEREAS, the adoption of the proposed limited charter, for which a ballot measure is also being presented to voters on November 3, 2026 as Measure Y is therefore legally necessary to authorize the City to enact the proposed Real Property Transfer Tax; and

WHEREAS, the proposed limited charter would establish limited charter authority solely for the purpose of authorizing the City to adopt and administer a municipal real property transfer tax and would not alter the City's governmental organization, powers, or authority except as necessary to accomplish that limited purpose; and

WHEREAS, the proposed Real Property Transfer Tax is structured so that newly constructed residential properties and commercial properties contribute upon transfer, while existing residential properties constructed before January 1, 2027, remain exempt unless sold for two million dollars (\$2,000,000) or more, thereby focusing the tax on future development and higher-value property sales; and

WHEREAS, the adoption of a City Charter, for which a ballot measure is also being presented to the voters on November 3, 2026 as Measure Y, is legally necessary to allow the City to enact a Real Property Transfer Tax, revenue from which will be used for unrestricted general governmental purposes, including infrastructure such as roads, repairing potholes, storm drains, sidewalks, and public facilities such as the City Pool, Community Center, Library, Marina, parks, and essential services such as Police, Fire, library, youth and senior programs, engineering and community development (planning and building) and other uses; and

WHEREAS, if the Real Property Transfer Tax (Measure Z), as authorized by the City Charter, is approved by the voters, the revenue from the real property tax will be subject to transparency and accountability provisions such as financial audits and oversight by an independent Citizens Oversight Committee as well as the City's Local Tax Oversight Board to ensure that all funds will remain in the City of Benicia for the local general services on which residents and businesses rely and that the Federal or State governments can take none of the new funding; and

WHEREAS, pursuant to authority provided by Article XI of the California Constitution, and Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Elections Code of the State of California, the City Council desires to submit a measure to the qualified electors of the City of Benicia regarding whether the City of Benicia shall become a Charter City for the limited and sole purpose of levying a Real Property Transfer Tax (RPTT); and

WHEREAS, the proposed "ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 3.17 (VOTER APPROVED REAL PROPERTY TRANSFER TAX) TO TITLE 3 (REVENUE AND FINANCE) OF THE BENICIA MUNICIPAL CODE", attached hereto and incorporated herein by reference as Exhibit "A" (the "Real Property Transfer Tax Ordinance"), would impose a tax on the transfer of real property at the rate of \$4.00 per \$1,000.00 of sale price for properties sold for less than \$2,000,000, \$6.00 per \$1,000.00 of sale price for properties sold for \$2,000,000 to

\$9,999,999.99, and \$8.00 per \$1,000.00 for properties sold for \$10,000,000 and greater; and

WHEREAS, the City Council finds that placing both the proposed Limited Charter Measure and the proposed Real Property Transfer Tax Measure before the voters at the same election will allow the electorate to consider these interdependent measures together and determine whether future growth, including newly constructed properties, and higher-value property sales contribute to maintaining City services and infrastructure; and

WHEREAS, the City Council desires to submit the proposed Real Property Transfer Tax Ordinance (Exhibit A) to the voters of the City at a General Municipal Election to be held on Tuesday, November 3, 2026, and to be consolidated with the general municipal election and the statewide election to be held on that date ("Election"); and

WHEREAS, on July 21, 2026, the City Council adopted separate resolutions to: (1) call and give notice of the General Municipal Election to be held on November 3, 2026; and (2) authorize and request the County of Solano to consolidate the General Municipal Election with the Statewide General Election; and

WHEREAS, on July 21, 2026, the City Council adopted Resolution 26-76, submitting the Real Property Transfer Tax Measure to the voters, however, now decides that it would like to amend the Ballot Question that was adopted in Resolution 26-76; and

WHEREAS, pursuant to Government Code Section 53724, Elections Code Section 9222, and other applicable provisions of California law, the City Council desires to submit the proposed Real Property Transfer Tax Ordinance ("Ballot Measure") to the qualified electors of the City of Benicia at the November 3, 2026 General Municipal Election.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BENICIA:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct and are hereby fully incorporated herein by this reference.

Section 2. Rescission of Resolution No. 26-76. Resolution No. 26-76, adopted on July 21, 2026 is hereby rescinded in its entirety.

Section 3. Election. The City Council hereby orders that the proposed Ballot Measure be submitted to the voters at the General Municipal Election to be held on Tuesday, November 3, 2026 and requests the Solano County Elections Department to conduct the election and consolidate it with the statewide election to be held on November 3, 2026

Section 4. Ballot Question. The City Council hereby approves and orders the following ballot question for the Ballot Measure to be submitted to the voters of the City of Benicia at the general municipal election on November 3, 2026:

Measure Z Real Property Transfer Tax	
Shall the Measure, to primarily ensure newly constructed property sales contribute to maintaining city services and infrastructure, establish a real property transfer tax that will 1. not apply to existing homes that sell for less than \$2 million, 2. not apply to immediate-family transfers but apply to other property sales at rates of: 1. \$2,000,000 or less: 0.004 2. Over \$2,000,000 - \$10,000,000: 0.006 3. In excess of \$10,000,000: 0.008 providing approximately \$230,000 annually, with citizen oversight, until ended by voters, be adopted?	YES
	NO

Section 5. Proposed Ordinance. The text of the proposed Ballot Measure to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated herein by reference. The full text of the Ballot Measure shall be printed in the Sample Ballot and Voter's Pamphlet and shall also be made available to the public and to any voter at the Solano County Elections Department and the Benicia City Clerk's Office.

Section 6. Publication of Measure. The City Clerk is directed to publish a synopsis of the Ballot Measure at least one time no later than one week before the election.

Section 7. Approval. The vote requirement for this Ballot Measure to pass shall be a majority of the votes cast on the measure (50% plus 1).

Section 8. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Solano County Elections Department.

Section 9. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Ballot Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Ballot Measure, not to exceed 500 words in length, showing the effect of the Ballot Measure on the existing law and the operation of the measure, and shall transmit such impartial analysis to the City Clerk.

Section 10. Ballot Arguments. Pursuant to California Elections Code Sections 9286 and 9287, the City elections official shall fix the date and time for submitting arguments for or against, as well as rebuttal arguments, for the Ballot Measure. The City Council hereby adopts the provisions of California Elections Code Section 9285 regarding the procedures by which the City elections official will consider ballot arguments in favor, against, or rebuttal for the Ballot Measure.

Section 11. Implementation. The City Clerk and City Manager are authorized to take all actions necessary to effectuate the purposes of this Resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary City acts required to enter into a service agreement for the provision of election services with the Solano County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this Resolution as may be deemed necessary by the Solano County Elections Department.

Section 12. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at its regular meeting following certification of the election results.

Section 13. Effective Date. This Resolution shall take effect immediately upon adoption. The City Clerk shall certify the vote adopting this Resolution.

Section 14. Environmental Compliance. The proposed Real Property Transfer Tax ballot measure is exempt from further review under the California Environmental Quality Act (CEQA) because the adoption of a Real Property Transfer Tax involves the creation of a government funding mechanism which does not involve any commitment to any specific project and thus is not a project subject to the requirements of CEQA as provided by Guidelines Section 15378(b)(4), and further pursuant to Guidelines Section 15061(b)(3) which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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 4th day of August 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A
Ordinance Adding New Municipal Code Chapter 3.17 –
Voter Approved Real Property Transfer Tax

[see next page]

CITY OF BENICIA

ORDINANCE NO. 26-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 3.17 (VOTER APPROVED REAL PROPERTY TRANSFER TAX) TO TITLE 3 (REVENUE AND FINANCE) OF THE BENICIA MUNICIPAL CODE

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

SECTION 1. Title 3. (Revenue and Finance) of the Benicia Municipal Code is amended by adding a new Chapter 3.17 (Voter Approved Real Property Transfer Tax) to read as follows:

Chapter 3.17

VOTER APPROVED REAL PROPERTY TRANSFER TAX

Sections:

- 3.17.010 Title and Purpose.
- 3.17.020 Imposition.
- 3.17.030 Payment.
- 3.17.040 Exception – Security agreement.
- 3.17.050 Exception – Public agencies.
- 3.17.060 Exception – Conveyances.
- 3.17.070 Exception – Order of S.E.C.
- 3.17.080 Exception – Partnership interest.
- 3.17.090 Exception – Instrument of foreclosure.
- 3.17.100 Exception – Intra family transfers
- 3.17.110 Exception – Transfer of Restricted Affordable Units
- 3.17.120 Exception – Residential property built prior to January 1, 2027 and sold for less than \$2 million
- 3.17.130 Administration.
- 3.17.140 Refunds.
- 3.17.150 Audits and Oversight

3.17.010. Title and Purpose. This article may be cited as the “Real Property Transfer Tax Ordinance of the City of Benicia.” It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California. It is also enacted pursuant to the authority of Article XI, Section 5 of the Constitution of the State of California and the Charter of the City of Benicia held as a chartered city.

The tax imposed under this article is solely for the purpose of enacting a Real Property Transfer Tax to raise revenues for the general governmental purposes of the City. All of the proceeds from the tax imposed by this article shall be placed in the City’s general fund. This article is not enacted for regulatory purposes.

3.17.020. Imposition. There is imposed on each instrument or writing by which land, tenement or other realty sold within the city is transferred or conveyed to the purchaser or other grantee when the consideration or value of the interest conveyed, exclusive of the value of an encumbrance remaining at the time of sale, exceeds \$100, a tax at the rate of \$4.00 for each \$1,000.00 or fractional part of \$1,000.00 for transactions with sales values \$2,000,000 and under, a tax at the rate of \$6.00 for each \$1,000.00 or fractional part of \$1,000.00 for transactions with sales values of over \$2,000,000 to \$10,000,000, and a tax at the rate of \$8.00 for each \$1,000.00 or fractional part of \$1,000.00 for transactions with sales values of over \$10,000,000.

3.17.030. Payment. The tax imposed under BMC 3.17.020 shall be paid by any person who makes a transfer of real property subject to the tax and any person to whom such a transfer is made shall be jointly and severally liable for payment of the tax. The transferor and transferee may apportion the tax among themselves.

3.17.040. Exception – Security agreement. The tax imposed does not apply to an instrument in writing given to secure a debt.

3.17.050. Exception – Public agencies. Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title.

3.17.060. Exception – Conveyances. The tax imposed does not apply to a conveyance to make effective a plan of reorganization or adjustment:

- A. Confirmed under the federal Bankruptcy Act;
- B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
- C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
- D. Whereby a mere change in identity, form or place of organization is effected.

This section applies only if the filing of instrument of transfer or conveyance occurs within five years from the date of confirmation, approval or change.

3.17.070. Exception – Order of S.E.C. The tax does not apply to the making of conveyances to make effective an order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954 if:

- A. The order of the Securities and Exchange Commission recites that the conveyance is necessary or appropriate to carry out Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935; and

B. The order specifies the property which is ordered to be conveyed. (Prior code § 11-307).

3.17.080. Exception – Partnership interest.

A. In the case of realty held by a partnership, no levy is imposed by reason of transfer of an interest in a partnership if:

1. The partnership is a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. The continuing partnership continues to hold the realty concerned.

B. If there is a termination of a partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter the partnership shall be treated as having executed an instrument whereby there was conveyed for fair market value, exclusive of the land value of an encumbrance remaining, all realty held by the partnership at the time of termination.

C. Not more than one tax may be imposed by reason of a termination described in subsection (B) of this section, and any transfer pursuant to it, with respect to the realty held by the partnership at the time of termination.

3.17.090. Exception – Instrument of foreclosure. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds that unpaid debt, including accrued interest and cost of foreclosure.

3.17.100. Exception – Intra-family transfer. Any tax imposed pursuant to this chapter shall not apply with respect to any intra-family transfers of property, including:

A. Transfers such as a gift or purchase between parents and children;

“Children” is defined to include the following: sons and daughters, sons-in-law and daughters-in-law, stepchildren, and children adopted under age 18.

B. Transfers such as a gift or purchase between grandparents and grandchildren;

C. Transfers such as a gift or purchase between siblings;

D. Transfer made during the term of a marriage or domestic partnership between spouses or domestic partners;

E. Transfers from one spouse or domestic partner to the other in accordance with the terms of a decree of dissolution or legal separation or in fulfillment of a property settlement incident;

3.17.110 Exception – Transfer of Restricted Affordable Units. The tax imposed pursuant to this chapter shall not apply to transfers of real property if the real property is encumbered by a recorded and enforceable covenant executed in favor of the city restricting the ownership and occupancy of the real property, for a period of no less than thirty years following the date of transfer, to "persons and families of low or moderate income" as defined in California Health and Safety Code Section 50093.

3.17.120 Exception – Residential property built prior to January 1, 2027 and sold for less than \$2 million. The tax imposed pursuant to this chapter shall not apply to residential properties where the original residential improvements were first constructed and substantially completed before January 1, 2027, as demonstrated by a certificate of occupancy, county assessor records, building permit records, or other evidence acceptable to the Tax Administrator, and the sale of such property does not exceed two million dollars (\$2,000,000).

3.17.130. Administration. The county recorder shall administer this chapter in conformity with Part 6.7 of Division 2 of the Revenue and Taxation Code and any county ordinance adopted pursuant to it.

3.17.140. Refunds. A claim for refund of the tax imposed is governed by Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code of the state, beginning with Section 5096.

3.17.150 Audits and Oversight. This Ordinance shall be audited annually and the City shall establish a Citizen's Oversight Committee to monitor the application of the Ordinance and make recommendations to the City Council.

SECTION 2. Adoption and Effective Date. Consistent with the requirements of Elections Code Section 9217, if a majority of voters vote in favor of this ordinance on November 3, 2026, it shall become a valid and binding ordinance of the City. Upon the date the City Council declares the result of the vote: (a) this ordinance is deemed adopted, and (b) the Mayor is hereby authorized to sign where indicated below. This ordinance shall go into effect 10 days after the date of the City Council's declaration of the result of the vote.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 4. Codification. Section One of this Ordinance shall be codified in the City of Benicia Municipal Code. Sections Two Through Six shall not be codified in the City of Benicia Municipal Code.

SECTION 5. Termination Date. The City's authority to levy the tax imposed by this ordinance shall remain in effect until a majority vote of the qualified electors of the City terminate that authority.

SECTION 6. Execution. The Mayor of the City of Benicia is hereby authorized to attest to the adoption of this Ordinance by the voters of the City of Benicia by signing where indicated below.

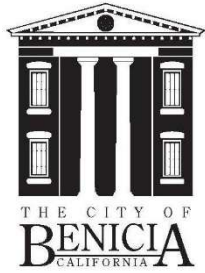
I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the people of the City of Benicia voting thereon the 3rd day of November, 2026.

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – July 21, 2026
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **APPROVAL TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON THE NOVEMBER 3, 2026 BALLOT**

EXECUTIVE SUMMARY:

With the objective of ensuring the City's ongoing fiscal stability, the City Council has discussed taking the steps necessary to become a limited charter city for the sole purpose of implementing a Real Property Transfer Tax (RPTT), which only charter cities are authorized to levy. To this end, the City would like to bring certain ballot measures before voters in the November 3, 2026 election, including one to establish Benicia as a limited charter city and one to subsequently implement an RPTT. As statutorily required, City Council has now held two public hearings on the proposed adoption of the limited city charter, during which the structure of the proposed RPTT has also been discussed. City Council has provided direction on how both the limited charter and RPTT should be structured and is now being asked to approve placing each measure on the November 3, 2026, ballot.

RECOMMENDATION:

There are two recommendations associated with this item:

1. Move to adopt a Resolution (Attachment 1) authorizing the placement of the limited city charter ballot measure with proposed Ordinance (Attachment 1 Exhibit A) on the November 3, 2026 General Election ballot; and
2. Move to adopt a Resolution (Attachment 2) authorizing the placement of the real property transfer tax ballot measure with proposed Ordinance (Attachment 2 Exhibit A) on the November 3, 2026 General Election ballot.

BUDGET INFORMATION:

The budgetary impact of placing the limited charter and RPTT ballot measures on the General Election Ballot on November 3, 2026, would be minimal because Benicia will already have Council and School Board elections happening concurrently. Staff estimates the cost to add these two items to the ballot would be \$9,688 per measure, or \$19,376 for both measures. The cost would be incurred in Fiscal Year 2026-27 (FY27) and there is sufficient budget for the cost of the election, including the placement of the two measures, in the FY27 City Clerk Election Services budget (0101200-7030).

BACKGROUND:

Over the past several years, City Council has discussed, on multiple occasions, the need to broaden and diversify the City's revenue streams to ensure the City has sustainable sources of revenue to maintain and enhance City services. One area of exploration is the ability for the City to enact a real property transfer tax (RPTT), which will require the City to become charter city under California state law.

In the coming decades, Benicia is expected to experience significant future growth and redevelopment, including the Rose Estates development that is planned for more than 1,600 residential units and the anticipated redevelopment of the more than 900-acre former Valero Benicia Refinery site. Planning for the refinery property contemplates a mix of industrial, commercial, retail, and residential uses, including the potential for approximately 3,500 residential units. These and other future development opportunities represent a substantial investment in the City's future and will increase demand for municipal services, public safety, transportation infrastructure, parks, and other community facilities. To help ensure that future growth contributes to maintaining the public services and infrastructure necessary to support that growth, the proposed Real Property Transfer Tax is intended to require newly constructed residential development and all commercial property transactions, which are often times higher-value real estate transactions, to contribute to the long-term sustainability of the municipal services and infrastructure from which they benefit.

City Charter Adoption Measure

While there are several authorities that a charter can grant a city, Benicia's proposed limited charter will be limited solely to the authority to enact an RPTT. No other charter city authorities will be granted by the charter. Accordingly, the proposed limited charter provides that the City will follow California general law in all areas except those stated in the charter; and specifically, that the charter authorizes the City to implement an RPTT, if separately approved by the voters, as the single and sole authority granted by the charter. Language in the attached ordinance and in the terms of the charter itself is clear that the authority granted is limited exclusively to the power to enact an RPTT. This includes the current form of government which is currently, and will remain, a Council-Manager form of government with an elected Mayor position and 4 elected City Council Member positions.

The California Constitution stipulates that for a city charter to be adopted, it must be approved by a simple majority vote of the City's voters at a statewide regular election (Gov. Code, §§34457 and 34458.). The attached draft ordinance (Attachment 1 Exhibit A) contains the terms of the proposed limited charter initially discussed by the City Council at the April 28, 2026, council meeting and in subsequent meetings, including two public hearings on May 19, 2026, and June 23, 2026.

Real Property Transfer Tax Measure

A real property transfer tax (RPTT) is a tax on the sale of property that is paid when real property is conveyed and is based on the sale value of the property. As noted above, only charter cities are authorized by state law to impose such a tax, which is why the City must also pass the measure to adopt the limited charter in order to implement the RPTT.

The City Council discussed the real property transfer tax model at the Council meetings held on April 28, 2026, May 19, 2026, and June 23, 2026.

The following table and accompanying bullet points outline the structure and applicable rates for the proposed RPTT that have been decided upon by City Council:

Property Sale Value	Rate (\$ per \$1000 in sale value)
< \$2,000,000	\$4
\$2,000,000 – \$9,999,999	\$6
\$10,000,000 <	\$8

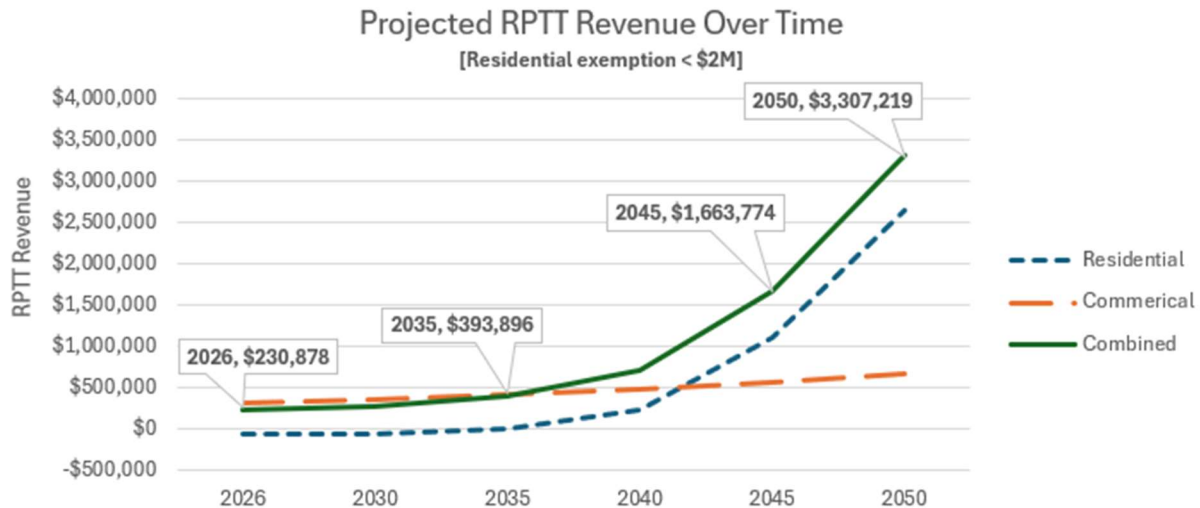
- Sales of residential properties built prior to January 1, 2027, that are sold for less than \$2M will be exempt from the RPTT.
- All sales of residential properties built on or after January 1, 2027, will be subject to the RPTT.
- All sales of commercial properties will be subject to the RPTT.

All of the exemptions that currently exist for the documentary transfer tax will apply to the RPTT as well, plus the above-mentioned exemption specific residential properties as well as exemptions for sales between immediate family members and deed-restricted affordable housing units. The full list of exemptions is summarized below.

- Security agreement
- Public agencies
- Conveyances
- Order of the S.E.C.
- Partnership interest
- Instrument of foreclosure
- Sales between immediate family members
- Transfer of restricted affordable units
- Residential property built prior to January 1, 2027, sold for less than \$2M

The graph below shows how the RPTT's revenue is projected to grow over time, based on the growth of property values¹. It is important to note that the revenue projections are based on recent historical sales data for residential and commercial properties and the projected annual rates of growth in the sale value for each property type. New development is not factored into these projections due to the inherent uncertainty of the timing and volume of such development over the timeframe of the projections. That said, the known, currently planned Rose Estates development would reasonably be expected to contribute significantly to the RPTT's projected revenue over the near term. Based on what is currently known, the development's anticipated 1,620 units, reported to average \$900,000 in sale value, would represent an estimated \$5,832,000 of potential RPTT revenue, although the timing of that revenue cannot be precisely determined at the time of this report.

¹ Projected revenue based on historical property sales data and projected annual growth rates of 5% and 3% for residential and commercial property values, respectively



For both measures, the ordinance itself is subject to voter approval; and, if there is majority voter approval, the ordinance is “adopted” upon the date the Council declares the results of the election, with an effective date 10 days thereafter.

NEXT STEPS:

Below is the planned timeline for next steps to place the limited charter and RPTT measures on the November 3, 2026 ballot:

1. July 21st Council Meeting – Public Hearing #3, Placement of Two Measures on November 2026 Ballot, Introduction of Ordinance for RPTT Structure, and Introduction of Ordinance for Limited City Charter
2. Aug 7th Deadline for City Clerk to Submit Resolutions to Registrar of Voters to Place Measures on the November 2026 Ballot

For both measures, the ordinance itself is subject to voter approval; and, if there is majority voter approval, the ordinance is “adopted” upon the date the Council declares the results of the election, with an effective date 10 days thereafter.

ALTERNATIVE ACTIONS:

Instruct staff to exclude the limited charter and RPTT ballot measures from the November 3, 2026 ballot or provide additional guidance on the measures’ contents.

CEQA Analysis	The project is categorically exempt from further review of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061(b)(3) which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
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ATTACHMENTS:

1. Resolution - Limited charter resolution with ballot question language
Exhibit A - Draft ordinance for limited charter
2. Resolution - RPTT resolution with ballot question language
Exhibit A - Draft ordinance for RPTT

For more information contact: Mario Giuliani, City Manager

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

From: [Christopher Shenfield](#)
To: [Ben Stock](#); [Lisa Wolfe](#)
Cc: TPFlanagan@solanocounty.com
Subject: Notice of Errors in Ballot Titles and Ballot Labels for Charter Measure Y and Transfer Tax Measure Z (Elections Code §13314)
Date: Wednesday, July 22, 2026 4:06:45 PM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ben Stock, Esq., Benicia City Attorney
Lisa Wolfe, Benicia City Clerk

Dear Mr. Stock and Ms. Wolfe,

This office represents Lawrence Paul Morsen and other registered Benicia voters. Pursuant to Elections Code section 13314, this email provides formal notice of errors and omissions in the ballot titles and ballot labels (also known as “ballot questions”) passed and adopted by the Benicia City Council on July 21, 2026 for Charter Measure Y and Real Property Transfer Tax Measure Z.

As adopted, the ballot titles and ballot labels for both measures do not comply with Elections Code sections 13119(a), 13119(b), 13119(c), and longstanding judicial standards of accuracy, impartiality, and non-argumentativeness. In addition, the Charter ballot label fails to enumerate the new city powers conferred by the proposed Charter, as required by Government Code section 34458.5. The following language is defective:

Charter Ballot:

- *“Protecting Benicia’s Future—Part 1”*
- *“has a single purpose”*
- *“while everything else about how the City is governed stays the same”*

Transfer Tax Ballot:

- *“To primarily ensure newly constructed property sales contribute to maintaining city services and infrastructure”*
- *“Protecting Benicia’s Future – Part 2 –”*
- *“existing”*

This language for one or both ballot titles and ballot labels (1) fails to comply with the above-referenced statutory formulation requirements; (2) fails to comply with the above-referenced longstanding judicial standards; (3) includes inaccurate or misleading statements about the Charter and Transfer Tax ordinances; (4) affirmatively conceals material legal consequences of the Charter; (5) includes language causing prejudice in favor of the measures; and (6) fails to provide all disclosures required under Elections Code section 13119(b). These defects constitute material errors and omissions within the meaning of Elections Code section 13314.

My clients request that the City voluntarily remove the noncompliant ballot language for both measures and add necessary ballot language so that the ballot titles and ballot labels comply with Elections Code sections 13119(a), 13119(b), 13119(c), Government Code section 34458.5, and established judicial standards, before submitting them to the Solano County Registrar of Voters.

Please confirm by July 27, 2026 whether the City will correct the ballot titles and ballot labels for both measures as indicated above.

Nothing in this email waives any rights or remedies, including attorneys' fees. A copy of this email is being sent to Tim Flanagan, Solano County Registrar of Voters, at TPFlanagan@solanocounty.com.

Sincerely,

Christopher Shenfield, Esq.

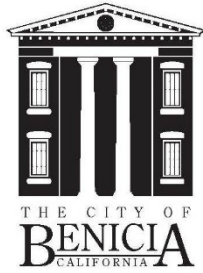
LAW OFFICES OF CHRISTOPHER SHENFIELD

t 650.373.2054 | f 650.381.9022 | m 650.218.8647

533 Airport Blvd, Suite 400, Burlingame, CA 94010

chris@shenfieldlaw.com | www.shenfieldlaw.com

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received. Thank you.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – AUGUST 4, 2026
BUSINESS ITEM**

TO : City Council

FROM : City Manager

SUBJECT : **AWARD OF CONSTRUCTION CONTRACT, AUTHORIZE A BUDGET AMENDMENT, AND APPROVE A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE PUBLIC WORKS CORPORATION YARD BATHROOM REMODEL**

EXECUTIVE SUMMARY:

The Public Works Corporation Yard Bathroom Remodel Project (Project) will consist of renovation and reconfiguration of an existing restroom area within the Public Works Corporation Yard. The Project includes the demolition and construction necessary to provide upgraded restroom facilities, new locker room and shower areas, revised plumbing systems, and associated improvements.

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving the construction plans and specifications, accepting the bids and awarding the construction contract in the amount of \$241,249.49 to Atkinson Builders, Inc. of Sonoma, CA for the Public Works Corporation Yard Bathroom Remodel Project, authorizing the Project Manager to sign Contract Change Orders up to the 15% contingency, authorizing the City Manager to sign the contract (Attachment 2) on behalf of the City, subject to approval by the City Attorney, authorizing the necessary budget amendments, and approving a Notice of Exemption (NOE) (Attachment 3) under the California Environmental Quality Act (CEQA) Guidelines.

BUDGET INFORMATION:

The total construction cost of the Project is \$277,436.91, which includes the bid amount of \$241,249.49 and 15% construction contingency of \$36,187.42. Funding for the Project was originally budgeted in FY26 in the amount of \$229,000 and split between Water Maintenance in the Water Operations Fund for \$67,000 (7508021-7052), Wastewater Maintenance in the Wastewater Operations Fund for \$67,000 (7108031-7052), Streets in the General Fund for \$25,000 (0108050-7052), and Fleet in the Internal Service Fund for Equipment Service for \$70,000 (6208040-7008). Of the original budget of \$229,000, \$190,061 was available in FY26. Use of the original budget was needed for operations. As such, Finance and Public Works staff are recommending a budget amendment in FY27 to re-establish the original appropriations for the Project

in the new fiscal year. The variance between the construction cost and the original budget is \$48,437 and can be proportionately absorbed by the same funds.

BACKGROUND:

The existing restroom within the Public Works Corporation Yard is more than 50 years old and has exceeded its intended service life. The facility contains outdated fixtures, finishes, and plumbing systems. This Project aims to provide a modern facility that supports the essential staff and work performed at the Corporation Yard. Continued maintenance of the aging infrastructure has become increasingly difficult and cost inefficient.

The Project includes the demolition and complete reconfiguration of the existing restroom area to provide upgraded restroom facilities, new locker room and shower areas, revised plumbing systems, and associated Americans with Disabilities Act (ADA) accessibility improvements required by applicable codes. Work also includes new finishes, partitions, accessories, and related modifications necessary to create a modern, and functional facility within the existing building footprint. Construction is anticipated to begin on August 24, 2026.

On June 30, 2026, a total of 10 responsive bids and one incomplete bid were received for the Project. Bid results are summarized in the table below:

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Total BID
*1	Atkinson Builders, Inc., Sonoma CA	\$241,249.49
2	Greentech Industry Inc., Pleasant Hill CA	\$259,085.90
3	K&K JL Services, Inc., Fairfield CA	\$340,040.04
4	N G Builder Company, Santa Rosa CA	\$346,533.00
5	Cestarollo Construction Inc., San Rafael CA	\$352,711.37
6	SDM Construction, Concord CA	\$359,170.00
7	Alex Kushner General Inc., San Francisco CA	\$451,920.00
8	Eric F. Anderson, Inc., San Leandro CA	\$486,367.00
9	FRC, Inc., Windsor CA	\$525,024.00
10	CWS Construction Group Inc., Novato CA	\$597,733.95

11	Pacific Luxury Services Inc., Vallejo CA	Incomplete Bid \$212,351.39
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In accordance with the contract specifications, the construction contract must be awarded to the bidder submitting the lowest responsive responsible total base bid, which is Atkinson Builders, Inc.

A lower bid was received from Pacific Luxury Services Inc.; however, the bid was rejected because it did not comply with the bid format requirements specified in Document 00 2113 – Instructions to Bidders of the Project Manual and was therefore deemed non-responsive.

Staff recommend that the construction contract be awarded to Atkinson Builders, Inc. in the amount of \$241,249.49, plus a 15% contingency for a total construction cost of \$277,436.91.

CEQA Exemption

Article 19 of the State CEQA Guidelines includes, as required by Public Resources Code Section 21084, a list of classes of projects that have been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This Project demonstrates that the proposed Project qualifies for a Categorical Exemption as an Existing Facility (Class 1), consistent with the provisions of State CEQA Guidelines Sections 15301 and provides information for the City as the Lead Agency regarding a finding that the proposed Project is exempt under CEQA.

NEXT STEPS:

Staff recommend awarding this contract to Atkinson Builders, Inc. The renovation is anticipated to begin in late August and is scheduled to be completed in approximately 90 working days.

ALTERNATIVE ACTIONS:

Council could choose not to award the contract. Under this alternative, the Public Works Corporation Yard Bathroom Remodel would not proceed, leaving the existing restroom facilities non-compliant with current ADA accessibility requirements.

CEQA Analysis	This Project is categorically exempt from CEQA per Section 15301 (a), which exempts interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances 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 – Award of Construction Contract Public Works Corporation Yard Bathroom Remodel
2. Construction Contract – Atkinson Builders, Inc.
3. Notice of Exemption – Award of Construction Contract Public Works Corporation Yard Bathroom Remodel

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 ACCEPTING THE BIDS FOR THE PUBLIC WORKS CORPORATION YARD BATHROOM REMODEL, AWARDING THE CONSTRUCTION CONTRACT TO ATKINSON BUILDERS, INC. OF SONOMA, CA, IN THE AMOUNT OF \$241,249.49, AUTHORIZING A BUDGET AMENDMENT, APPROVE A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, on June 2, 2026, the Public Works Department made the construction plans and specifications for the Public Works Corporation Yard Bathroom Remodel (Project) available for public bidding and advertised for construction bids and 11 sealed bids were properly received and opened on June 30, 2026; and

WHEREAS, Atkinson Builders, Inc. of Sonoma, CA was the lowest, responsive, responsible bidder; and

WHEREAS, a lower bid was received from Pacific Luxury Services, Inc. that was rejected due to failure to submit all required documents; and

WHEREAS, the total cost of the Project is \$277,436.91, which includes the bid amount of \$241,249.49 and 15% construction contingency of \$36,187.42; and

WHEREAS, funding for the Project was originally budgeted in FY26 in the amount of \$229,000 and split between Water Maintenance in the Water Operations Fund for \$67,000 (7508021-7052), Wastewater Maintenance in the Wastewater Operations Fund for \$67,000 (7108031-7052), Streets in the General Fund for \$25,000 (0108050-7052), and Fleet in the Internal Service Fund for Equipment Service for \$70,000 (6208040-7008); and

WHEREAS, of the original budget of \$229,000, \$190,061 is available in FY26. Use of the original budget was needed for operations. As such, Finance and Public Works staff are recommending a budget amendment in FY27 to re-establish the original appropriations for the Project in the new fiscal year. The variance between the construction cost and the original budget is \$48,437 and can be proportionately absorbed by the same funds; and

WHEREAS, this Project is categorically exempt under CEQA pursuant to Section 15301(a) of the CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the construction plans and specifications, accepting the bids and awarding the construction contract in the amount of \$241,249.49 to Atkinson Builders, Inc. of Sonoma, CA for the Public Works Corporation Yard Bathroom Remodel Project

BE IT FURTHER RESOLVED THAT the Project Manager is authorized to sign Contract Change Orders up to the 15% contingency, authorizing the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney, and authorizing the necessary budget amendments.

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 4th day of August 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

DOCUMENT 00 5200

AGREEMENT

THIS AGREEMENT, dated this **4th** day of **August, 2026**, by and between **Atkinson Builder, Inc.** whose place of business is located at **18220 Barrett Ave, Sonoma, CA 95476 (Contractor)**, and **CITY OF BENICIA**, a political subdivision of the State of California (**Owner**), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

WHEREAS, Owner, by its Resolution No. **[Insert Number]** adopted on the **4th** day of **August, 2026** awarded to Contractor the following Contract:

**City of Benicia
Corporation Yard
Bathroom Remodel**

PROJECT NUMBER 25-04

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and Owner agree as follows:

ARTICLE 1 SCOPE OF WORK OF THE CONTRACT

1.01 Work of the Contract

- A. Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents (**Work**).

1.02 Price for Completion of the Work

- A. Owner shall pay Contractor the following Contract Sum \$241,249.49 for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.
- B. The Contract Sum includes all allowances (if any).
- C. The Contract Sum is all inclusive and includes all Work; all federal, state, and local taxes on materials and equipment, and labor furnished by Contractor, its subcontractors, subconsultants, architects, engineers, and" vendors or otherwise arising out of Contractor's performance of the Work, including any increases in any such taxes during the term of this Agreement; and any duties, fees, and royalties imposed with respect to any materials and equipment, labor or services. The taxes covered hereby include (but are not limited' to) occupational, sales, use, excise, unemployment, FICA, and income taxes, customs, duties, and any and all other taxes on any item or service that is part of the Work, whether such taxes are normally included in the price of such item or service or are normally stated separately. Notwithstanding the foregoing, each party shall bear such state or local inventory, real property, personal property or fixtures taxes as may be properly assessed against it by applicable taxing authorities.

COMMENCEMENT AND COMPLETION OF WORK

1.03 Contract Payment – Retention

- A. All payments made pursuant to the terms of this Agreement and Contract Documents shall be subject to a withhold of 5% retention per Public Contract Code Section 7201. Payment of the retention will be paid after the work is completed, City Council has accepted the Project as complete, and the Notice of Completion has been filed with the Solano County Recorder's Office.

1.04 Commencement of Work

- A. Contractor shall commence Work on the date established in the Notice to Proceed

- B. Owner reserves the right to modify or alter the Commencement Date.

1.05 Completion of Work

- A. Contractor shall achieve Final Completion of the entire Work 90 Working Days from the Commencement Date.

ARTICLE 2 PROJECT REPRESENTATIVES

2.01 Owner's Project Manager

- A. Owner has designated **Chester Gatdula, Associate Civil Engineer**, as its Project Manager to act as Owner's Representative in all matters relating to the Contract Documents. If Project Manager is an employee of Owner, Project Manager is the beneficiary of all Contractor obligations to Owner including, without limitation, all releases and indemnities.
- B. Project Manager shall have final authority over all matters pertaining to the Contract Documents and shall have sole authority to modify the Contract Documents on behalf of Owner, to accept work, and to make decisions or actions binding on Owner, and shall have sole signature authority on behalf of Owner.
- C. Owner may assign all or part of the Project Manager's rights, responsibilities and duties to a Construction Manager, or other Owner Representative.

2.02 Contractor's Project Manager and Other Key Personnel

- A. Contractor has designated **(Insert Name)** as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.
- B. Contractor has designated the following other Key Personnel for the Project:

<u>Name</u>	<u>Position</u>
Nathan Atkinson	President

ARTICLE 3 LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

3.01 Liquidated Damage Amounts

- A. As liquidated damages for delay Contractor shall pay Owner Five Hundred dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

3.02 Scope of Liquidated Damages

- A. Measures of liquidated damages shall apply cumulatively.
- B. Limitations and stipulations regarding liquidated damages are set forth in Document 00 7200 (General Conditions).

ARTICLE 4 LIQUIDATED DAMAGES FOR UNAUTHORIZED CHANGES OF KEY PERSONNEL

4.01 Liquidated Damage Amounts

- A. No liquidated damages for UNAUTHORIZED CHANGES OF KEY PERSONNEL will be assessed.

ARTICLE 5 CONTRACT DOCUMENTS

5.01 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

Document 00 5100	Notice of Award
Document 00 5200	Agreement
Document 00 5500	Notice to Proceed
Document 00 6113.13	Construction Performance Bond
Document 00 6113.16	Construction Labor and Material Payment Bond
Document 00 6290	Escrow Agreement for Security Deposits
Document 00 6325	Substitution Request Form
Document 00 6530	Release of Claims
Document 00 6536	Guaranty
Document 00 7200	General Conditions
Document 00 7301	Supplemental General Conditions
Document 00 7316	Supplementary Conditions – Insurance & Indemnification
Document 00 7380	Apprenticeship Program
Document 00 9113	Addenda
Document 00 0115	Drawings and Technical Specifications as listed

5.02 There are no Contract Documents other than those listed above. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

ARTICLE 6 MISCELLANEOUS

6.01 Terms and abbreviations used in this Agreement are defined in Document 00 7200 (General Conditions) and Section 01 4200 (References and Definitions) and will have the meaning indicated therein.

6.02 Contractor and Owner understand and agree that in no instance are the persons signing this Agreement for or on behalf of Owner or acting as an employee, agent, or representative of Owner, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise. Contractor and Owner further understand and agree that liability of Owner is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.

6.03 Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.

6.04 In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2 (commencing with § 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time Owner tenders final payment to Contractor, without further acknowledgment by the parties.

6.05 Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are on file at the Owner's Facilities Development and Management Division, may be obtained from the California Department of Industrial Relations website [<http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>] and are deemed included in the Contract Documents, and shall be made available to any interested party on request. Pursuant to Labor Code Sections 1860 and 1861, in accordance with Labor Code Section 3700, every contractor will be required to secure the payment of compensation to his employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in

accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.

6.06 This Agreement and the Contract Documents shall be deemed to have been entered into in the City of Benicia, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Solano, California.

IN WITNESS WHEREOF the parties have executed this Agreement in quadruplicate the day and year first above written.

CITY OF BENICIA:

CONTRACTOR:

Name: _____

By: _____
(Signature)

Its: _____
Title (If Corporation: Chairman, President
or Vice President)

APPROVED AS TO CONTENT:

1099 INFORMATION:

By: _____
City Engineer

Contractor Taxpayer I.D. No.: _____
Incorporated: ☐ Yes ☐ No

APPROVED AS TO FORM:

By: _____
City Attorney

APPROVED AS TO ADMINISTRATION:

By: _____
City Manager

END OF DOCUMENT

CITY OF BENICIA
NOTICE OF EXEMPTION

TO: Clerk to the Board of Supervisors
Solano County
675 Texas Street, Ste. 6500
Fairfield, CA 94533

FROM: City of Benicia
Engineering Division
250 East "L" Street
Benicia, CA 94510

Project Title: City of Benicia Corporation Yard Bathroom Remodel, Project No. 25-04

Project Location: 2400 East Second St, Benicia, CA 94510

Description of Nature, Purpose, and Beneficiaries of Project: The purpose of this project is to renovate and modernize the existing restroom area within the City of Benicia Public Works Corporation Yard. The work includes reconfiguring the interior layout to provide upgraded restrooms, locker rooms, and shower facilities, along with associated plumbing, mechanical, electrical, and architectural improvements. The project will improve accessibility, functionality, and code compliance, providing safe and efficient facilities that support the daily operations of the City's Public Works staff.

Name of Public Agency Approving Project: City of Benicia

Name of Applicant: City of Benicia Public Works Department

Exempt Status: (Check One)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ X Categorical Exemption (Class 1) (Sec. 15301(a))
- ☐ Project Not Subject to CEQA (Sec. 15061(b)(3))
- ☐ Project Not Approved by Agency (Sec. 21080(b)(5); 15270(a))

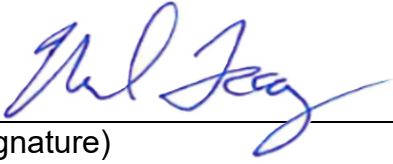
Reasons Why Project is Exempt:

The project consists of the interior renovation and reconfiguration of an existing restroom area within the City's existing Public Works Corporation Yard building. The work includes demolition and replacement of interior finishes, plumbing fixtures, partitions, locker room and shower improvements, accessibility upgrades, and associated mechanical, electrical, and plumbing modifications. The project does not increase the building footprint, expand the existing use, or result in a significant increase in capacity. All work will occur within an existing facility on previously developed property. Therefore, the project qualifies for the Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines Section 15301 because it involves minor alterations to an existing public facility with negligible or no expansion of the existing use.

\$50.00 Filing Fee

Contact Person: Neil Leary

Telephone Number: (707) 746-4203



(Signature)

City Engineer
Title

07-07-26
Date