

BENICIA CITY COUNCIL CITY COUNCIL MEETING AGENDA

September 1, 2026
6:00 PM

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

COURTESY ZOOM PARTICIPATION

<https://us02web.zoom.us/j/88508047557?pwd=cHRsZlBrYlphU3pkODcycytmcFR2UT09>

Meeting ID: 885 0804 7557

Password: 449303

Phone: 1 669 900 9128

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

2. CONVENE OPEN SESSION

3. ROLL CALL

4. PLEDGE OF ALLEGIANCE

5. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia's Open Government Ordinance.

6. ANNOUNCEMENTS

6.A MAYOR'S OFFICE HOURS

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

7. PROCLAMATIONS

7.A PROCLAMATION - NATIONAL SUICIDE PREVENTION MONTH

[Proclamation - National Suicide Prevention Month](#)

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 SUPPORT FOR THE VISION FOR OUR WATER FUTURE AS A MEMBER AGENCY OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES

RECOMMENDED ACTION: Move to adopt a resolution (Attachment 1) supporting the Vision for Our Water Future (Attachment 2) as a member agency of ACWA; and authorizing the Public Works Director to do all things necessary to support ACWA's Vision for Our Water Future, including submitting a letter of support (Attachment 3).

[Staff Report - Support for the Vision for our Water Future as a Member Agency of ACWA](#)

[1. Resolution - Supporting the Vision for our Water Future as a Member Agency of ACWA](#)

[2. ACWA - Vision for Our Water Future](#)

[3. Letter of Support to the Association of California Water Agencies](#)

[4. ACWA Californians' Views on Water Quality and Supply Issues](#)

14.B APPROVAL OF AN INCREASED CONTINGENCY AND CONTRACT CHANGE ORDERS FOR 2026 CITYWIDE CURB RAMP IMPROVEMENTS PROJECT

RECOMMENDED ACTION: Adopt a resolution (Attachment 1) approving an increase in contingency by \$33,000 and approving Contract Change Orders No. 1 and 2 (Exhibit A), authorizing the Project Manager to sign the contract change orders on behalf of the City.

[Staff Report - Approval of an Increased Contingency and CCOs for 2026 Curb Ramp Improvement Project](#)

[Resolution - Approval of an Increased Contingency and CCOs for 2026 Curb Ramp Improvement Project](#)

14.C SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BENICIA MUNICIPAL CODE TO UPDATE FINANCE DIRECTOR REFERENCES, CLARIFY PROCUREMENT AND

CONTRACTING AUTHORITY, AND MAKE RELATED ADMINISTRATIVE
CLEANUP AMENDMENTS

RECOMMENDED ACTION: Adopt an Ordinance of the City Council of the City of Benicia (Attachment 1) amending various sections of the Benicia Municipal Code (BMC) to update references to the Director of Finance and Finance Director to Administrative Services Director, clarify procurement and contracting authority, and make related administrative cleanup amendments.

[Staff Report - BMC Finance Updates Second Reading and Adoption
Ordinance Amending Finance Director Title & Procurement Thresholds](#)

14.D AWARD OF CONSTRUCTION CONTRACT, AUTHORIZE A BUDGET
AMENDMENT, AND APPROVE A NOTICE OF EXEMPTION UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE SOUTHERN PACIFIC
RAILROAD DEPOT PRESERVATION AND MAINTENANCE PROJECT

RECOMMENDED ACTION: Adopt a resolution (Attachment 1) accepting the bids for the Southern Pacific Railroad Depot Preservation and Maintenance project, awarding the construction contract to Creative Property Renewal, Inc. of Stockton, CA, in the amount of \$192,559.65, 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 Administrative Services Director to make the necessary budget amendments, and approving a Notice of Exemption (Attachment 3) under the California Environmental Quality Act (CEQA) Guidelines.

[Staff Report - Award of Construction Contract S. P. Depot Preservation and
Maintenance Project](#)

[1. Resolution - Award of Construction Contract S. P. Depot Preservation and
Maintenance Project](#)

[2. Contract - Creative Property Renewal, Inc.](#)

[3. Notice of Exemption - S. P. Depot Preservation and Maintenance Project](#)

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

15. BUSINESS ITEMS

15.A CITYWIDE PARKS, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT
PROGRAM

RECOMMENDED ACTION: Receive a presentation by City staff on the PLLAD and move to adopt a resolution (Attachment 1) approving the creation of the PLLAD - Citywide Fund (Fund 324), approving a budget amendment to establish a revenue budget in Fiscal Year 2026/2027 (FY27) in the PLLAD - Citywide Fund (Fund 324), and authorizing the Administrative Services Director to make the necessary budget amendments.

[Staff Report - Citywide PLLAD Program](#)

[1. Resolution - PLLAD Fund Creation and Budget Amendment](#)

15.B VACATION OF A PORTION OF THE EAST N STREET RIGHT OF WAY

RECOMMENDED ACTION: After receiving public comments, adopt a resolution (Attachment 1) approving the vacation of right-of-way at 650 East N Street.

[Staff Report - Public Hearing to Vacate Right-of-Way at 650 East N Street](#)

[1. Resolution - Approval of Vacation of Right-of-Way 650 East N Street](#)

[2. Planning Commission Staff Report and Resolution](#)

[3. Area of Vacation](#)

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

Public Participation

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

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

Americans with Disabilities Acts

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

Meeting Procedures

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

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

Public Records and Writings Received After Agenda Posting

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

Contact Your Council Members

Voicemail for Mayor and Council Members: (707) 746-4213

Mayor Steve Young: SYoung@ci.benicia.ca.us

Vice Mayor Trevor Macenski: TMacenski@ci.benicia.ca.us

Council Member Kari Birdseye: KBirdseye@ci.benicia.ca.us

Council Member Lionel Largaespada: LLargaespada@ci.benicia.ca.us

Council Member Terry Scott: TScott@ci.benicia.ca.us



PROCLAMATION

IN RECOGNITION OF

National Suicide Prevention Month

September 2026

WHEREAS, September 2026 is National Suicide Prevention Month; and

WHEREAS, suicide is the 11th leading cause of death in the United States; on average, 133 people die by suicide each day, claiming nearly 50,000 lives annually. This translates to one suicide every 10.8 minutes. In addition, an estimated 2.2 million adults attempt suicide each year.; and

WHEREAS, after experiencing a decrease in suicides over the previous two years, Solano County recorded 26 suicide deaths during the first half of 2026, three more than during the same period in 2025, and the County's suicide rate remains higher than the statewide average, at 10.3 compared with 9.6, respectively; and

WHEREAS, LGBTQ+ youth are more than 4 times as likely to attempt suicide than their peers, according to The Trevor Project; and

WHEREAS, stigma and shame associated with behavioral health conditions, societal norms, and fear can undermine suicide prevention efforts by discouraging individuals at risk from seeking life-saving help and by further traumatizing those who have attempted suicide and those who have lost loved ones to suicide; and

WHEREAS, the community can promote awareness and support efforts to develop and implement strategies that increase access to quality mental health and substance use treatment and suicide prevention services; and

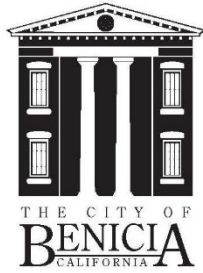
WHEREAS, the mission of the Kyle Hyland Foundation for Teen Support is to provide charitable and educational support to youth through mental health programs and other services, and to maintain a safe and supportive space where teens can receive emotional support through mentoring, counseling, music, and art; and

WHEREAS, the Kyle Hyland Foundation for Teen Support invites the community to join in the KHF Community Walk for Suicide Prevention and Resource Fair taking place on September 12, 2026 at 10:00 a.m. at the Benicia Chamber of Commerce.

NOW, THEREFORE, BE IT RESOLVED THAT I, Steve Young, Mayor of the City of Benicia, on behalf of the City Council of the City of Benicia, hereby proclaim September 2026 as National Suicide Prevention Month in Benicia and encourage all residents of Benicia to learn more about promoting mental health and wellness and the detection and prevention of suicide.

Steve Young, Mayor
September 1, 2026





**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **SUPPORT FOR THE VISION FOR OUR WATER FUTURE AS A MEMBER AGENCY OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES**

EXECUTIVE SUMMARY:

The Association of California Water Agencies (ACWA) has adopted Vision for Our Water Future (Vision), a statewide policy initiative intended to guide California's next Governor and state leadership beginning in 2027. The Vision establishes four priorities—leading on water, protecting affordability, delivering critical infrastructure, and modernizing water management—to ensure safe, reliable, affordable, and resilient water supplies for California's communities, economy, agriculture, and environment. Adoption of the proposed resolution demonstrates the City of Benicia's support for these statewide priorities and its continued commitment to collaborative water policy.

RECOMMENDATION:

Move to adopt a resolution (Attachment 1) supporting the Vision for Our Water Future (Attachment 2) as a member agency of ACWA; and authorizing the Public Works Director to do all things necessary to support ACWA's Vision for Our Water Future, including submitting a letter of support (Attachment 3).

BUDGET INFORMATION:

There is no fiscal impact associated with supporting of the Vision for Our Water Future. The City's annual membership dues to ACWA are funded by the Water Enterprise Fund.

BACKGROUND:

Water is foundational to California's communities, economy, agriculture, environment, and public health. ACWA's Vision for Our Water Future recognizes that reliable water supplies are essential to supporting housing, economic development, environmental stewardship, and climate resilience. The Vision was developed to provide a framework for the next gubernatorial administration to strengthen California's water system through coordinated leadership, long-term investment, and modernized water management. ACWA represents approximately 470 public water agencies that collectively deliver nearly 90 percent of the water used throughout California.

On March 20, 2026, ACWA's Board of Directors unanimously adopted the Vision for Our Water Future policy document to establish a unified set of recommendations for California's next Governor. The initiative emphasizes collaboration among state, regional, and local agencies to address increasingly complex challenges including climate change, aging infrastructure, regulatory complexity, drought, flooding, and affordability.

The Vision identifies four statewide priorities:

- **Lead on Water** by recognizing water as essential infrastructure and establishing coordinated statewide leadership.
- **Protect Affordability** through sustained investment and funding partnerships that help keep water service affordable while addressing infrastructure and regulatory costs.
- **Deliver Critical Infrastructure** by investing in resilient statewide and regional water systems that improve long-term reliability.
- **Modernize Water Management** by improving permitting, strengthening science and data, and increasing operational flexibility to respond to changing climate conditions.

Support of the Vision demonstrates the City of Benicia's support for collaborative, science-based water policy and reinforces the City's commitment to ensuring reliable, affordable, and resilient water supplies for its customers while working with ACWA and other public water agencies to address statewide water challenges.

Public opinion research commissioned by ACWA (Attachment 4) found broad bipartisan support for prioritizing California's water system, with 93 percent of likely voters agreeing that safe and reliable water supplies are critical to California's future and 88 percent supporting additional state investment in water infrastructure to address droughts, floods, and changing climate conditions. The survey also found strong support for modernizing California's water infrastructure and streamlining project delivery.

NEXT STEPS:

Following City Council adoption of the resolution, City staff will notify ACWA of the City's support for the Vision for Our Water Future initiative and continue participating with ACWA and regional partners in advancing policies and investments that promote reliable, affordable, and resilient water supplies throughout California.

ALTERNATIVE ACTIONS:

Council may choose not to adopt the resolution, but doing so would forgo the opportunity to influence water priorities that will inform and engage California's next Administration.

CEQA Analysis	This activity does not meet the definition of a project as described in Title 14 of the California Code of Regulations, §15378(a).
--------------------------	--

ATTACHMENTS:

1. Resolution - Supporting the Vision for Our Water Future as a Member Agency of ACWA
2. ACWA – Vision for Our Water Future
3. Letter of Support to the Association of California Water Agencies
4. ACWA – Californians' Views on Water Quality and Supply Issues

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 SUPPORTING
THE VISION OF OUR WATER FUTURE AS A MEMBER AGENCY OF THE
ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA)**

WHEREAS, ACWA is the largest statewide coalition of public water agencies in the United States and is a respected leader on California water issues; and

WHEREAS, the City of Benicia has been a member of the Association of California Water Agencies for four years; and

WHEREAS, Benicia Municipal Utility staff have been actively involved with the State Legislative Committee, Local Government Committee and various sub-committees and working groups; and

WHEREAS, Vision for Our Water Future is an initiative to elevate water as a top priority for California's next governor, legislative leadership, and state officials; and

WHEREAS, on March 20, 2026, ACWA's Board of Directors unanimously adopted the Vision for Our Water Future policy document that defines statewide water priorities to inform engagement with California's next gubernatorial administration; and

WHEREAS, the Vision for Our Water Future priorities establishes a set of recommendations for the next governor, emphasizing the importance of strong leadership, sustainable investment and coordinated action across all levels of government to secure California's water future; and

WHEREAS, supporting the Vision recommendations demonstrates a unified commitment to collaborative, science-based and practical policies that advance a secure and resilient water future for California.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby expresses support for ACWA's Vision for Our Water Future recommendations and affirms its commitment to working collaboratively to advance reliable, affordable and resilient water supplies.

BE IT FURTHER RESOLVED THAT the Public Works Director is hereby authorized to do all things necessary to support ACWA's Vision for Our Water Future, including submitting a letter of support.

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 1st day of September 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

VISION

FOR OUR WATER FUTURE



Setting the Vision

The Association of California Water Agencies (ACWA) represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water used by Californians — in their homes, on their farms, and for their businesses.

Water agencies are being proactive and are on the front lines of the state's most pressing challenges — from droughts, floods, and wildfires to aging infrastructure and the need for more housing. Meaningful progress requires state partnership with local water suppliers to achieve common goals. Bold leadership from the governor is critical to setting a unified direction, accelerating action, and delivering results to prepare California for the future. Action is needed now.

Why Water Matters

Water is the foundation upon which California is built. This State is the world's fourth-largest economy, the nation's breadbasket, a global technology leader, and home to extraordinary ecosystems. None of it functions without water.

Water is not a single-sector issue. It is the backbone every other sector depends on. It determines where homes can be built, whether farms can produce, how businesses operate and grow, and whether species can survive a changing climate. A safe, reliable, and affordable water supply is one of the most important investments California can make.

ACTION IS NEEDED NOW



**Lead
on Water**



**Protect
Affordability**



**Deliver Critical
Infrastructure**



**Modernize Water
Management**

California Thrives With Water

- › **Housing:** California must plan for 2.5 million new homes in the next decade. Every unit requires a reliable water supply.
- › **Agriculture:** California agriculture is 12% of the state's economy, contributing \$60 billion; employing over 400,000 people; and producing more than half of the nation's fruits, nuts, and vegetables. Both surface and groundwater are fundamental to California's agriculture sector.
- › **Economy:** California's \$4 trillion economy spans technology, innovation, manufacturing, trade, and tourism. Every dollar of it depends on a reliable water supply.
- › **Environment:** California's extraordinary ecosystems — its rivers, wetlands, and floodplains — depend on the same water system managed by local water suppliers. A thriving California requires managing water to sustain both communities and ecosystems.
- › **Public Health:** Water suppliers are California's first line of public health defense, delivering safe, clean drinking water to every community in the state.
- › **Climate Resilience:** Climate whiplash — the swing between extreme droughts and extreme floods — is increasing, snowpack is diminishing, and wildfires are growing more severe. Water suppliers are modernizing, but they cannot do it alone.

Building A Modern System

Securing California's water future requires more than incremental fixes. It demands a fundamental shift in how the State leads, invests, and operates. The Vision for Our Water Future provides an essential framework for ensuring a resilient and reliable water system.

Funded, built, and managed for extreme conditions, our modern water system is resilient, coordinated, and flexible — meeting the needs of California's communities, economy, and environment.

- › **Anchored by Backbone Infrastructure:** The State Water Project and Central Valley Project form the foundation of the statewide water system. These assets capture and manage California's highly variable hydrology and move water where and when it is needed.
- › **Strengthened by Regional Resiliency:** Regional and watershed-based partnerships strengthen local water reliability under changing hydrologic conditions and during emergencies through coordinated planning, interconnected infrastructure, diversified supplies, and shared responsibility.
- › **Delivered Locally:** Water is delivered by local suppliers, even when conveyed through or interconnected with statewide or regional systems. Local agencies set rates and policies — ratepayers fund approximately 85% of California's water system costs — while navigating structural constraints from Proposition 218, regulatory mandates, and permitting complexity.

Key Elements of A Modern Water System

- › Designed and upgraded for the future
- › Flexible and responsive to changing climate conditions
- › Supported by aligned state permitting, regulatory, and investment frameworks
- › Informed by technology, data, and science
- › Grounded in long-term affordability

A modern water system must be resilient, coordinated, and flexible to meet California's evolving needs.





LEAD ON WATER

Recognize water as an essential resource and the infrastructure that underpins California's economy, housing growth, food production, environmental health, and community resilience. Sustained executive leadership is needed to improve water supply reliability, accelerate climate resilience, and ensure coordinated action across state government.

- **Set a Bold Water Agenda (First 100 Days):** Establish a focused statewide water agenda aligned with this Vision for Our Water Future.

- **Appoint Leaders to Deliver Results:** Appoint and empower leaders to deliver measurable outcomes.
- **Unify State Agencies:** Direct state agencies to align under unified statewide water priorities and jointly advance implementation in partnership with local, regional, and federal water managers. Designate a cabinet-level water policy executive, reporting directly to the Governor, to align agencies and organize state resources to implement California's water priorities.



PROTECT AFFORDABILITY

Ensure safe and reliable water remains affordable by strengthening sustained state investment and funding partnerships with local, regional, and federal agencies to address rising infrastructure, climate, and regulatory costs. California's ratepayers fund more than 85% of the system. Without predictable investment, these costs will increasingly fall on households, businesses, and farmers.

- **Secure Sustainable Water Funding:** Create a reliable sustainable state funding source for water infrastructure that provides predictable, long-term investment. This funding should support critical water infrastructure projects, environmental needs, and California's Human Right to Water while leveraging federal, regional, and local investment.

- **Accelerate Funding:** Improve funding programs and coordination so investments reach projects faster — reducing administrative delays, lowering project costs, and accelerating infrastructure delivery.
- **Integrate Investments Across Sectors:** Align state investments and integrate water infrastructure funding across energy, housing, and climate and hazard mitigation to advance multi-benefit projects and maximize federal, state, and regional investment.





DELIVER CRITICAL INFRASTRUCTURE

Future-proof California's critical water infrastructure to ensure reliable supplies in the face of climate change, growing economic and community demands, and escalating emergency risks. This requires strengthening the statewide water system, including both built and natural infrastructure, while advancing regional resilience to maximize systemwide reliability.

- **Strengthen the State's Water Backbone:** Upgrade, repair, and optimize California's essential backbone infrastructure — the California State Water Project and Central Valley Project.
 - ◆ **Modernize and Protect Infrastructure:** Advance a durable Delta conveyance solution, strengthen Delta levees, safeguard critical infrastructure from subsidence and seismic risk, and upgrade system technologies — including Forecast Informed Reservoir Operations, snowpack measurement, and remote monitoring control.
 - ◆ **Improve Coordinated Operations:** Integrate operations of the California State Water Project and Central Valley Project to increase system flexibility, expand the storage and movement of water, and enhance water supply reliability.
- **Safeguard Colorado River Water Supplies:** Protect California's Colorado River allocation, consistent with the State's legal entitlements and the efforts of the Colorado River Board of California.
- **Empower Regional Water Solutions:** Champion regional and watershed-based solutions. State policy should empower regions with the tools, flexibility, and investment needed to advance regional planning, partnerships, and projects that diversify water supplies, strengthen system connectivity and operational efficiency, and restore ecosystem functions to ensure reliable water supplies.



MODERNIZE WATER MANAGEMENT

Improve California's regulatory and operational systems so water projects can move forward reliably and efficiently, infrastructure can be operated more flexibly, and agencies can respond more rapidly to changing conditions. California's regulatory framework should deliver clear, coordinated decisions grounded in the best available science, while maintaining environmental protections, public transparency, and California's existing water rights priority system.

- **Improve Permitting Performance:** Enhance the clarity, coordination, and efficiency of state permitting processes to accelerate infrastructure and operational improvements; eliminate avoidable costs; and ensure state and local agencies deliver timely, accountable results.
 - ◆ **Integrate Permit Requirements:** Integrate requirements and processes across regulatory agencies to eliminate redundancy and inconsistency.
 - ◆ **Enhance Regulatory Certainty:** Establish transparent procedures, clear criteria for permit approval, and accountable timelines for agency decisions — developed in direct partnership with water suppliers.
 - ◆ **Streamline Pathways:** Create efficient pathways to advance multi-benefit, climate-resilient water supply projects.
- **Modernize Water Operations:** Advance operational approaches that reflect changing climate realities to improve water supply reliability across environmental, agricultural, and urban sectors. This may include coordinated reservoir management, flexible diversion rules tied to real-time hydrology, accelerated groundwater recharge and conjunctive use, expanded water transfers, and other adaptive strategies.
- **Strengthen Water Data and Science:** Invest in integrated, science-based statewide data systems and technology that improve transparency, inform real-time decisions, and strengthen regulatory and operational performance to increase efficiency and better manage water resources.

VISION
FOR OUR WATER FUTURE



Vision for Our Water Future is an initiative of the Association of California Water Agencies, representing approximately 470 public water agencies in California.



CITY HALL • 250 EAST L STREET • BENICIA, CA 94510 • (707) 746-4200 • FAX (707) 747-8120

September 1, 2026

Mr. Ernie Avila, President
Association of California Water Agencies
980 Ninth Street, Suite 1000
Sacramento, CA 95814

Re: City of Benicia Support for Vision for Our Water Future

Dear President Avila:

On behalf of the City of Benicia, I am writing to express the City's support for the Association of California Water Agencies' Vision for Our Water Future initiative and its recommendations to help guide California's water priorities under the next Governor, taking office in January 2027.

Water is foundational to California's communities, economy, agriculture, environment and climate resilience. As California faces increasing challenges from climate extremes, aging infrastructure, regulatory complexity, and affordability pressures, strong statewide leadership and coordinated action on water have never been more important.

The City of Benicia supports the Vision for Our Water Future priorities, which call on state leaders to:

- Elevate water as a statewide priority through sustained leadership and coordinated action.
- Ensure safe and reliable water remains affordable through stable funding partnerships and streamlined investment delivery.
- Strengthen and modernize California's water infrastructure, including both built and natural systems.
- Improve regulatory, operational and scientific frameworks to support efficient project delivery and adaptive water management.

As a local water agency, the City of Benicia understands the importance of providing reliable and resilient water supplies to the people and businesses we serve. Local agencies are essential partners in implementing practical, science-based solutions that meet California's diverse water needs.

I appreciate ACWA's leadership in bringing together water agencies and stakeholders from across the state to advance a collaborative visions for California's water future. The City of Benicia looks forward to working with state leaders and regional partners to help implement policies and investments that support long-term water reliability, affordability, and resilience.

Sincerely,

Danielle Martinez
Public Works Director

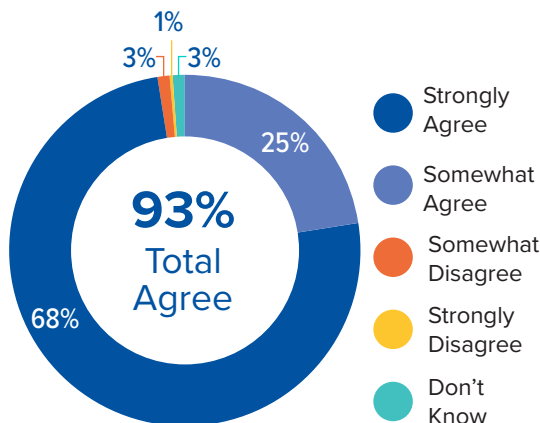
cc: ACWA Executive Director

Californians' Views on Water Quality & Supply Issues

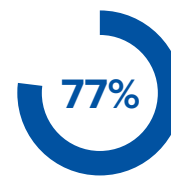
A new statewide survey conducted by the Association of California Water Agencies (ACWA) and FM3 Research found strong, broad-based and bipartisan support for prioritizing and addressing California's water issues. The polling results reinforce the timing of ACWA's Vision for Our Water Future initiative to elevate water as a top priority for California's next governor, legislators, and state officials.

Safe & Reliable Water is Critical to California's Future

"Safe and reliable water supplies are critical to addressing California's goals for our communities, the economy, the environment, and public health?"

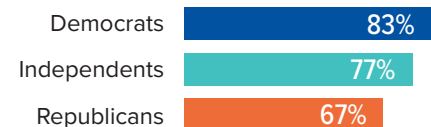


Support for a Gubernatorial Candidate Who Prioritizes Water



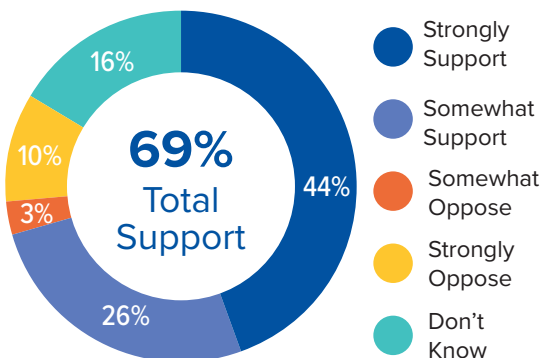
California voters say they are more likely to support a candidate for governor who prioritizes improving California's water reliability and affordability

Across party lines:



Support for State Investment in Water

Should California provide additional funding to improve water systems, prepare for drought and flooding, and help keep water rates affordable?



Support for Modernizing California's Water System

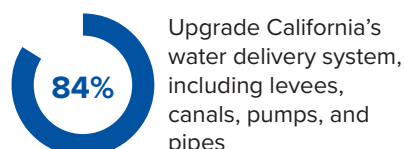
88% agree that **California's water system must be upgraded** to address droughts, floods, and changing climate conditions. (5% disagree)

87% agree that **California should accelerate construction of water infrastructure** to prepare for droughts, floods, and climate change. (8% disagree)

81% agree that **California should streamline water project approvals** to advance critical infrastructure more efficiently. (10% disagree)

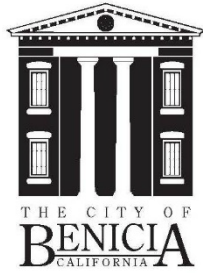
Where the Greatest Need for Water Investment

% saying California has a great or some need for additional funding



Methodology

From June 6-11, 2026, FM3 completed 623 online and telephone interviews with likely November 2026 voters in California. The margin of sampling error for the study is +/-4.0% at the 95% confidence level; margins of error for population subgroups within the sample will be higher. Due to rounding, not all totals will sum to 100%.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
CONSENT CALENDAR

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF AN INCREASED CONTINGENCY AND CONTRACT CHANGE ORDERS FOR 2026 CITYWIDE CURB RAMP IMPROVEMENTS PROJECT**

EXECUTIVE SUMMARY:

The 2026 Citywide Curb Ramp Improvements Project (Project) consists of replacing/installing 10 curb ramps and three driveways, hot mix asphalt, signing and striping at various locations throughout the City. Two Contract Change Orders (CCOs) and an increased contingency are necessary to complete the project.

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving an increase in contingency by \$33,000 and approving Contract Change Orders No. 1 and 2 (Exhibit A), authorizing the Project Manager to sign the contract change orders on behalf of the City.

BUDGET INFORMATION:

The original cost of the Project was \$219,540.75, which included construction and 15% contingency. Change orders in excess of the 15% contingency are required to complete the project. These change orders total \$61,578.26, or \$32,942.51 more than the original construction contingency amount. The required funds are available in fiscal year 2025/2026 (FY26) budget from account 3118095-7403, Project No. 811005 (RMRA). Approving an increase to the Project contingency is necessary to pay invoices for the work completed in FY26.

BACKGROUND:

The Project consists of replacing/installing 10 curb ramps and three driveways, hot mix asphalt, signing and striping at the intersection of Military West and West 10th Street (Site 1), intersection of Corrigan Court and Drolette Way (Site 2), intersection of Claverie Way and West J Street (Site 3), intersection of West 5th Street and West J Street, (Site 4), intersection of West 5th Street and West I Street alley (Site 5), intersection of Marina Place and West 4th Street (Site 6), and intersection of First Street and Peggy Martin Lane (Site 7).

The construction contract was awarded to Sposeto Engineering, Inc. of Livermore, CA for an amount of \$190,905.00 via Resolution No. 26-22. The Resolution authorized the Project Manager to sign contract change orders on behalf of the City up to 15% of the original construction contract value, or \$28,635.75. Due to unforeseen conditions, two contract change orders in excess of the 15% construction contingency are required to finish the project. The total cost of the change orders is \$61,578.26, which is \$32,942.51 more than the original construction contingency amount.

CCO No. 1 is for \$6,013.08 and consists of extending the asphalt concrete conform limits to accommodate the revised gutter elevations at Sites #1 and #2 (six curb ramps total). This change order includes Time-and-Materials (T&M) work for the additional asphalt grinding necessary to prepare the extended conform areas for the asphalt concrete overlay and to provide a smooth transition between the new gutter and existing pavement.

CCO No. 2 is for \$55,565.18 and is due to existing field conditions encountered during construction. Additional curb ramp conform work was required beyond the limits and quantities included in the original bid. The change order provides compensation at bid item prices for additional bid item quantities required to complete the extended conforms.

NEXT STEPS:

Approval of the change orders will allow Public Work to pay the remaining Project invoices.

ALTERNATIVE ACTIONS:

None.

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

ATTACHMENT:

1. Resolution – Approval of Contract Change Orders and increased contingency for 2026 Citywide Curb Ramp Improvements Project
Exhibit A – Summary of Contract Change Orders

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 APPROVING
OF AN INCREASED CONTINGENCY AND CONTRACT CHANGE ORDERS FOR
2026 CITYWIDE CURB RAMP IMPROVEMENTS PROJECT**

WHEREAS, the 2026 Citywide Curb Ramp Improvements Project (Project) consists of replacing/installing 10 curb ramps and three driveways, hot mix asphalt, signing and striping at the various areas in town; and

WHEREAS, the contract was awarded to Sposeto Engineering, Inc. of Livermore, CA for an amount of \$190,905.00 via Resolution No. 26-22; and

WHEREAS, Resolution No. 26-22 included 15% construction contingency of \$28,635.75, for a total project cost of \$219,540.75, and authorized the Project Manager to sign contract change orders up to the construction contingency amount; and

WHEREAS, two Contract Change Orders (CCOs) (Exhibit A) in excess of the 15% construction contingency are necessary to complete the project; and

WHEREAS, CCO No. 1 is for \$6,013.08 and includes Time-and-Materials work for the additional asphalt grinding necessary to prepare the extended conform areas for the asphalt concrete overlay and to provide a smooth transition between the new gutter and existing pavement; and

WHEREAS, CCO No. 2 is for \$55,565.18 and includes curb ramp conform work beyond the limits and quantities included in the original bid due to existing field conditions encountered during construction.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve an increase in contingency in the amount of \$33,000, approves Contract Change Orders No. 1 and 2 and authorizes the Project Manager to sign the contract change orders on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September 2026 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

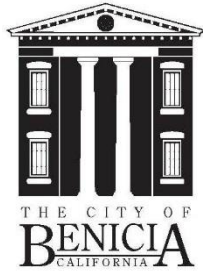
Lisa Wolfe, City Clerk

Date

Exhibit A
Summary of Contract Change Orders
[see next page]

EXHIBIT A—SUMMARY OF CONTRACT CHANGE ORDERS

Contract Change Order No.	Description	Amount
1	Grind asphalt conform for overlay at new ramps	\$ 6,013.08
2	Extension of curb ramps conform	\$55,565.18
Total Amount Approved by this Resolution:		\$61,578.26



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
CONSENT CALENDAR

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BENICIA MUNICIPAL CODE TO UPDATE FINANCE DIRECTOR REFERENCES, CLARIFY PROCUREMENT AND CONTRACTING AUTHORITY, AND MAKE RELATED ADMINISTRATIVE CLEANUP AMENDMENTS**

EXECUTIVE SUMMARY:

The proposed ordinance would amend various sections of the Benicia Municipal Code to update outdated references to the Director of Finance and Finance Director, align the Code with the City's current Administrative Services Director title, clarify procurement and contracting authority, and make related administrative cleanup amendments. The proposed amendments are intended to reflect the City's current organizational structure, improve consistency in financial and procurement-related provisions, and reduce ambiguity for staff administering purchasing, contracting, and related administrative processes. On August 18, 2026, the City Council waived the first reading, read by title only, and introduced the ordinance. The ordinance is now presented for second reading and adoption.

RECOMMENDATION:

Adopt an Ordinance of the City Council of the City of Benicia (Attachment 1) amending various sections of the Benicia Municipal Code (BMC) to update references to the Director of Finance and Finance Director to Administrative Services Director, clarify procurement and contracting authority, and make related administrative cleanup amendments.

BUDGET INFORMATION:

There is no direct fiscal impact associated with adoption of the ordinance. The proposed amendments are administrative and clarifying in nature and do not authorize any specific expenditure, purchase, contract, project, or program.

BACKGROUND:

The Benicia Municipal Code establishes the City's administrative structure, financial duties, purchasing requirements, and contracting authority. Over time, changes in the

City's organizational structure and position titles have resulted in outdated references in several sections of the Code.

The Code currently includes references to the Director of Finance and Finance Director in provisions related to financial administration, purchasing, contracting, surplus property, business licenses, fees, and related administrative functions. The City's current organizational structure uses the title Administrative Services Director for these functions. Updating the Code will align the Municipal Code with current City operations.

Staff also reviewed the City's procurement and contracting provisions and identified areas where clarification would improve consistency. Chapters 3.08 and 3.10 govern purchasing and contracting for supplies, equipment, services, and professional services. The proposed amendments clarify the approval authority and terminology used in those chapters while preserving City Council approval requirements where applicable.

The ordinance includes amendments to Chapter 2.16 and various related sections of the Municipal Code, including sections addressing financial administration, purchasing, contracting, surplus property, business licensing, fees, and other administrative provisions. The proposed amendments are intended to update terminology, clarify authority, and improve the readability and administration of the Code.

The ordinance does not create a new program or commit the City to any specific contract or expenditure. At its August 18, 2026 meeting, the City Council introduced the ordinance. Staff recommends adoption of the ordinance so the Municipal Code accurately reflects the City's current organizational structure and provides clearer direction for procurement, contracting, and financial administration.

NEXT STEPS:

If adopted, the ordinance will become effective in accordance with applicable law. Staff will update related purchasing and contracting materials, templates, and internal procedures as needed to reflect the amended Code language.

ALTERNATIVE ACTIONS:

The City Council may adopt the ordinance as introduced, provide direction to staff and continue the item to a future meeting, or decline to adopt the ordinance.

CEQA Analysis	The ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§15060, subds. (c)(2), (c)(3), 15061, subd. (b)(3)).
--------------------------	---

ATTACHMENT:

1. Ordinance Amending Finance Director Title & Procurement Thresholds

For more information contact: Jeff Tschudi, Administrative Services Director
Phone: 707-746-4222
E-mail: jtschudi@ci.benicia.ca.us

CITY OF BENICIA ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTERS IN TITLE 1 (GENERAL PROVISIONS), TITLE 2 (ADMINISTRATION AND PERSONNEL), TITLE 3 (REVENUE AND FINANCE), TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), TITLE 6 (ANIMAL CONTROL REGULATIONS), AND TITLE 8 (HEALTH AND SAFETY) TO REVISE DEFINITIONS AND PROCUREMENT THRESHOLDS.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 1.10.030 (Definitions) of Chapter 1.10 (Administrative Citations) of Title 1 (General Provisions) of the Benicia Municipal Code is hereby amended to modify the following:

"Director"

shall mean any department head in the city, including the following: city manager, assistant city manager, police chief, fire chief, development services director, public works director, administrative services director, parks and community services director, library director and any of their designated agents or representatives.

SECTION 2. Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

Chapter 2.16 ADMINISTRATIVE SERVICES DIRECTOR

SECTION 3. Section 2.16.010 (Office established.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.010. Office established.

There is established in the government of the city the office of the administrative services director. (Prior code § 2-241)

SECTION 4. Section 2.16.020 (Appointment.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.020. Appointment.

The administrative services director is appointed by the city manager and serves at the pleasure of the city manager. In the absence of an appointment by the city manager, the city manager serves as the administrative services director.
(Prior code § 2-246)

SECTION 5. Section 2.16.030 (Appointment of deputies.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.030. Appointment of deputies.

With the consent of the city manager the administrative services director may appoint one or more deputy administrative services director. Each deputy director shall perform the duties prescribed by the administrative services director and the city manager.
(Prior code § 2-247)

SECTION 6. Section 2.16.050 (Powers and duties generally.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.050. Powers and duties generally.

The administrative services director has the following duties and responsibilities:

- A. Maintain and operate the general accounting system of the city and of each of the respective divisions and services of the city;
- B. Perform such accounting functions and duties in accordance with the latest and most modern accounting methods as the science of accounting progresses;
- C. Maintain, or prescribe and require the maintaining of inventory records of municipal properties necessary in accordance with modern municipal accounting practices;
- D. Perform the functions and duties relating to the administration and collection of taxes, licenses and permit fees levied by the city;
- E. Perform the duties relating to preparing, auditing, presenting, and disbursing claims and demands against the city, including payrolls;
- F. Assist in the purchase of supplies, goods, wares, merchandise, equipment and materials required by the city;
- G. Assist in the preparation of the annual budget and in the administration of the budget; and
- H. Cooperate with the city treasurer and other officials of the city in establishing and maintaining sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments, divisions and services of the city in accordance with modern municipal accounting practice.
(Prior code § 2-242)

SECTION 7. Section 2.16.060 (Preparation of reports.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.060. Preparation of reports.

The administrative services director shall prepare and present to the council in sufficient detail to show the exact financial condition of the city, the following reports:

- A. Quarterly or more frequently as requested, a statement of all receipts, disbursements and balance of the city;
- B. An annual statement or report of the financial condition of the city; and
- C. Such other financial reports as the council or city manager directs. (Prior code § 2-243)

SECTION 8. Section 2.16.070 (Transfer of duties.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.070. Transfer of duties.

In accordance with Sections 40805.5 and 37209 of the Government Code, the financial and accounting duties imposed upon the city clerk by Sections 37201 through 37210 and Sections 40802 through 40805 of the Government Code are transferred to the administrative services director.

(Prior code § 2-245; Ord. 76-17 N.S. § 1, 1976)

SECTION 9. Section 2.16.080 (Additional duties.) of Chapter 2.16 (Director of Finance) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.16.080. Additional duties.

The administrative services director shall perform other additional duties and functions which the council or city manager prescribes.

(Prior code § 2-244)

SECTION 10. Section 2.48.010 (Powers and duties.) of Chapter 2.48 (City Treasurer) of Title 2 (Administration) of the Benicia Municipal Code is hereby amended to modify the following:

§ 2.48.010. Powers and duties.

All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the administrative services director, which are now performed by the city treasurer, are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to those duties required by law.

The city treasurer shall countersign warrants and serve on the local tax oversight board. (Ord. 11-09 § 1; Ord. 24-06 § 6)

SECTION 11. Section 3.08.080 (Bidding – Open market bidding.) of Chapter 3.08 (Purchasing Regulation) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.08.080. Bidding – Open market bidding.

If the estimated value of the purchase of supplies and equipment is equal to or greater than \$20,000 and less than \$50,000, the purchasing officer may make the purchase in the open market under the following procedures:

- A. Minimum Number of Bids. The purchasing officer shall obtain at least three informal or written bids.
- B. Notice Inviting Bids. The purchasing officer shall solicit bids by verbal or written request to prospective vendors, by telephone, electronic mail or by public notice posted on a public bulletin board in City Hall.
- C. Bid Award. The purchasing officer shall make the purchase from the lowest responsible bidder via purchase order or contract (if the aggregate amount of the procurement is \$10,000 or more) with documentation of the bids received submitted to the purchasing officer. The department making the purchase shall keep a written record of all open market orders (informal bids) for a period of not less than two years after the submission of bids or the placing of orders. This record is open to public inspection.
(Formerly 3.08.100; Ord. 03-4; Ord. 13-02 § 1; Ord. 21-02 § 1)

SECTION 12. Section 3.08.090 (Formal bidding – Procedure.) of Chapter 3.08 (Purchasing Regulation) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.08.090. Formal bidding – Procedure.

The purchase of supplies and equipment with an estimated value that is equal to or greater than \$50,000 shall be by written contract and purchase order with the lowest responsive and responsible bidder after following this procedure:

- A. Notice Inviting Bids. The purchasing officer shall prepare a notice inviting bids. The notice shall include a general description of the article to be purchased, shall state where bid blanks and specifications may be secured, the time and place for opening bids and the security required, if any.
 - 1. Published Notice. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids.

2. Bidders' List. The purchasing officer shall also solicit sealed bids from responsible prospective suppliers whose names are on the bidders' list or who have made written request that their names be added to it.
 3. Bulletin Board. The purchasing officer shall also advertise pending purchases by a notice posted on a public bulletin board in the City Hall or on the city website.
- B. Written Bids. For purchase of property with an estimated value that is equal to or greater than \$50,000, written bids shall be submitted to the administrative services director or designated representative, who shall require all bids to be sealed, in writing, identified as "bids" on the envelope, or as otherwise required by the electronic bidding platform being used for the purchase. The department making the purchase shall keep a written record of all bids received for a period of not less than two years after the submission of bids or the placing of orders. This record is open to public inspection.
- C. Bidder's Security. When the purchasing officer considers it necessary, he/she shall prescribe bidder's security and a statement of the security shall be included in the notice inviting bids. Each bidder is entitled to a return of the bid security. However, a successful bidder forfeits the bid security if he/she refuses or fails to execute the contract within 10 days after the notice of award of contract is mailed or notified on the electronic bidding platform if used for the purchase. If the successful bidder fails or refuses to execute the contract, the purchasing officer may award the contract to the next lowest responsible bidder or readvertise.
- If the purchasing officer awards the contract to the next lowest bidder, the city shall apply the amount of the lowest bidder's security to the contract price difference between the lowest bid and the second lowest bid. The surplus, if any, shall be returned to the lowest bidder. If the purchasing officer rejects all bids and readvertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder.
- D. Bid Opening Procedures. For purchase of supplies and equipment with an estimated value that is equal to or greater than \$50,000, the administrative services director or designated representative shall open the bids in public at the time and place stated in the public notice or on the electronic bidding platform if used for the purchase. The administrative services director or designated representative shall tabulate the bids received and shall keep the tabulation open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.
- E. Rejection of Bids. At his/her discretion, the purchasing officer may reject all bids presented and readvertise for bids.
- F. Award of Contracts. For purchase of supplies and equipment with an estimated value that is equal to or greater than \$100,000, the city council shall award the contract to the responsive bidder who is also the lowest responsible bidder. For purchase of supplies and

equipment with an estimated value that is less than \$100,000, the city manager and administrative services director shall award the contract to the responsive bidder who is also the lowest responsible bidder. For purchase of supplies and equipment with an estimated value that is equal to or greater than \$200,000 by the Public Works Department, the city council shall award the contract to the responsive bidder who is also the lowest responsible bidder. For purchase of supplies and equipment with an estimated value that is less than \$200,000 for the Public Works Department, the city manager and administrative services director shall award the contract to the responsive bidder who is also the lowest responsible bidder.

- G. Tie Bids. If two or more bids received are for the same total amount or unit price, quality being equal, and if the public interest will not permit the delay of readvertising for bids, the purchasing officer may accept the one he/she chooses or accept the lowest bid made after negotiation with the bidders at the time of the bid opening.
- H. Payment and Performance Bonds. For purchase of supplies and equipment with an estimated value equal to or greater than \$50,000, the city council may require a payment and/or performance bond before entering a contract in such amount as it finds reasonably necessary to protect the best interests of the city.
- I. Use of Vendors Selected by Another Governmental Agency. The city purchasing officer may purchase supplies and equipment for which the city would normally follow its own bid procedures from a vendor awarded a bid by another governmental agency if said agency used procedures substantially the same as those normally used by the city. The amount of said purchase shall be based on the price bid in the other agency.
- J. Joint Purchase with Other Governmental Agencies. Notwithstanding any other provision of this chapter, the city may enter into lawful agreements with other governmental agencies for the joint purchase of equipment and supplies.
(Formerly 3.08.110; Ord. 03-4; Ord. 13-02 § 1; Ord. 21-02 § 1; Ord. 22-09 § 2)

SECTION 13. Section 3.08.120 (Surplus supplies and equipment.) of Chapter 3.08 (Purchasing Regulation) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.08.120. Surplus supplies and equipment.

All departments shall submit to the administrative services director or designee, at such times and in such forms as he/she shall prescribe, reports showing all supplies and equipment that are no longer used or which have become obsolete or worn out. The administrative services director or designee shall have authority to exchange for, or trade in on, new supplies and equipment all supplies and equipment that cannot be used by any department or which have become unsuitable for city use. Surplus supplies and equipment with no appreciable value may be discarded as junk.

Supplies and equipment with an estimated value of \$5,000 or less may be sold as surplus by the administrative services director. Supplies and equipment with an estimated value greater than

\$5,000 shall be placed with a duly licensed public auctioneer or reputable on-line auctioneer for disposal and sale on behalf of the city. Proceeds from such public auction sales shall be deposited into the city fund that was originally used to purchase the supplies or equipment.

Surplus supplies and equipment may be offered for sale to other public agencies without the use of a duly licensed public auctioneer or reputable on-line auctioneer. Sale of supplies and equipment with an estimated value of less than \$25,000 may be offered for sale by the city manager. Sale of supplies and equipment with an estimated value greater than \$25,000 shall be sold only upon city council approval.

All surplus or worn out supplies or equipment with an estimated value of \$25,000 or less may be transferred, donated or dedicated to, or may be permitted to be used by, community service or public benefit organizations, which, in the opinion of the purchasing officer, would use such supplies or equipment exclusively to promote the general municipal welfare or otherwise use the surplus supplies or equipment for purposes that clearly are to the public benefit.

All surplus or worn out supplies or equipment with an estimated value of \$25,000 or less may be transferred, donated or dedicated to, or may be permitted to be used by community service or public benefit organizations, which, in the opinion of the city manager, would use such supplies or equipment exclusively to promote the general municipal welfare or otherwise use the surplus supplies or equipment for purposes that clearly are to the public benefit.

All surplus or worn out supplies or equipment with an estimated value greater than \$25,000 may be transferred, donated, or dedicated to, or may be permitted to be used by, community service or public benefit organizations upon city council approval. (Formerly 3.08.140; Ord. 03-4; Ord. 13-02 § 1; Ord. 21-02 § 1)

SECTION 14. Section 3.08.140 (Purchase card usage.) of Chapter 3.08 (Purchasing Regulation) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.08.140. Purchase card usage.

The city utilizes purchase cards as part of its purchasing process. The use of purchase cards is intended to reduce the use of petty cash and small open purchase orders and to streamline the purchasing process and payment procedures. Use of purchase cards is not intended to circumvent the city purchasing regulations.

Purchase cards may be available to city employees for the conduct of official city business. Department heads may submit a request for purchase cards for their employees to the administrative services director. A listing of current authorized purchase cardholders is maintained in the city's administrative services department. A purchase card manual has been established and each authorized cardholder has access to this manual. Under no circumstances shall a personal charge be made on a city purchase card.
(Ord. 13-02 § 1; Ord. 16-08 § 1; Ord. 21-02 § 1)

SECTION 15. Section 3.09.040 (Award of contracts.) of Chapter 3.09 (Uniform Public Construction Cost Accounting) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.09.040. Award of contracts.

The city manager, administrative services director and the director of public works are each authorized to award informal contracts pursuant to this chapter.
(Ord. 03-5)

SECTION 16. Section 3.10.030 (Procurement of services.) of Chapter 3.10 (Contracting For Services) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.10.030. Procurement of services.

- A. For procurement of services with an estimated value equal to or greater than \$50,000, a request for proposal (RFP) shall be solicited from at least three (3) firms from the bidders' list of consultants maintained for that particular type of work. The RFP shall include, at a minimum, (1) proposal submittal requirements, (2) scope of work, (3) selection criteria, and (4) contract documents, such as the contract agreement and insurance certificates. Contracts for services less than \$100,000 may be awarded by the city manager or administrative services director, or by the city attorney if for legal services. The city council shall award such contracts for work equal to or greater than \$100,000.

Contracts for services less than \$200,000 for the public works department may be awarded by the city manager or administrative services director, or by the city attorney if for legal services. The city council shall award such contracts for work equal to or greater than \$200,000 for the public works department.

- B. For procurement of services less than \$50,000, the city manager or the administrative services director may award such contracts after verbal or written proposals have been received from at least two firms from the bidders' list of consultants maintained for that particular type of work. The city attorney may award contracts for legal consultants less than \$50,000.
- C. Contracts for services from a sole source provider equal to or greater than \$100,000 shall be awarded by the city council. Contracts for services less than \$100,000 may be awarded by the city manager or administrative services director or by the city attorney if for legal services.

Contracts for services from a sole source provider equal to or greater than \$200,000 for the public works department shall be awarded by the city council. Contracts for services less than \$200,000 for the public works department may be awarded by the city manager or administrative services director or by the city attorney if for legal services.
(Ord. 03-6; Ord. 21-03 § 1)

SECTION 17. Section 3.10.060 (Use of consultants selected by another agency.) of Chapter 3.10 (Contracting For Services) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.10.060. Use of consultants selected by another agency.

The city manager or administrative services director may enter into an agreement for services from a bidder awarded a bid by another agency if said agency used procedures substantially the same as those normally used by the city, provided said agreement is less than \$100,000 and funds are appropriated in the city's budget for such purpose.

For an agreement for services from a bidder awarded a bid by another agency in an amount equal to or greater than \$100,000, the city council may award said agreement.

The city manager or administrative services director may enter into an agreement on behalf of the public works department for services from a bidder awarded a bid by another agency if said agency used procedures substantially the same as those normally used by the city, provided said agreement is less than \$200,000 and funds are appropriated in the city's budget for such purpose.

For an agreement on behalf of the public works department for services from a bidder awarded a bid by another agency in an amount equal to or greater than \$200,000, the city council may award said agreement.

(Ord. 03-6; Ord. 21-03 § 1)

SECTION 18. Section 3.10.070 (Award of professional service agreement.) of Chapter 3.10 (Contracting For Services) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.10.070. Award of professional service agreement.

For professional service agreements less than \$100,000, the administrative services director or city manager may award an agreement for services to a responsible/responsive bidder who did not submit the lowest bid price but is, in the city manager's or administrative services director's judgment, most capable in all material aspects to perform full contract requirements. For legal consultant agreements less than \$100,000, the city attorney may award an agreement for services to a responsible/responsive bidder who did not submit the lowest bid price but is, in the city attorney's judgment, most capable in all material aspects to perform full contract requirements. For agreements equal to or greater than \$100,000, the city council may award an agreement for services to a responsible/responsive bidder who did not submit the lowest bid price but is, in the city council's judgment, most capable in all material aspects to perform full contract requirements.

For professional service agreements on behalf of the public works department less than \$200,000, the administrative services director or city manager may award an agreement for services to a responsible/responsive bidder who did not submit the lowest bid price but is, in the city manager's or administrative services director's judgment, most capable in all material aspects

to perform full contract requirements. For agreements on behalf of the public works department equal to or greater than \$200,000, the city council may award an agreement for services to a responsible/responsive bidder who did not submit the lowest bid price but is, in the city council's judgment, most capable in all material aspects to perform full contract requirements.
(Ord. 03-6; Ord. 21-03 § 1)

SECTION 19. Section 3.25.030 (Definitions.) of Chapter 3.25 (Utility Users Excise Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.25.030. Definitions.

F. "Tax administrator" means the administrative services director of the city.

SECTION 20. Section 3.26.030 (Definitions.) of Chapter 3.26 (Communication Users Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.26.030. Definitions.

"Tax administrator" means the administrative services director of the city or his or her designee.

SECTION 21. Section 3.33.040 (Definitions.) of Chapter 3.33 (Cannabis Business Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code is hereby amended to modify the following:

§ 3.33.040. Definitions.

"Tax administrator" shall mean the city administrative services director. (Ord. 18-22 § 1)

SECTION 22. Section 5.04.020 (Definitions.) of Chapter 5.04 (Business Licenses) of Title 5 (Business Taxes, Licenses and Regulations) of the Benicia Municipal Code is hereby amended to modify the following:

§ 5.04.020. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning.

- A. "Administrator" means the administrative services director, his or her designee, or another city officer or employee charged by the city manager with the administration of this chapter.

SECTION 23. Section 6.12.010 (Administration.) of Chapter 6.12 (Licensing of Dogs) of Title 6 (Animal Control Regulations) of the Benicia Municipal Code is hereby amended to modify the following:

§ 6.12.010. Administration.

- A. The administrative services director or county shall be the issuing authority for dog licenses. Upon payment of the license fee provided in this chapter, and upon presentation of a valid vaccination certificate, as provided in this chapter, the issuing authority shall issue a license certificate stating the year for which such license fee is paid, the date of payment, the name and resident address to whom such license is issued, the name, breed and sex of the dog licensed, and the serial number of the license tag issued. Such certificate shall be delivered to the person paying such license fee, and one copy shall be retained by the issuing authority.

SECTION 24. Section 8.04.110 (Request for hardship waiver of appeal fee.) of Chapter 8.04 (Property Maintenance – Nuisance Abatement) of Title 8 (Health and Safety) of the Benicia Municipal Code is hereby amended to modify the following:

§ 8.04.110. Request for hardship waiver of appeal fee.

Any owner who requests a hearing to appeal a notice and order to abate and is financially unable to pay the appeal fee may file a request for a hardship waiver as follows:

- B. The city manager or designee shall issue a written decision sent by first class mail specifying the reasons for issuing or not issuing the waiver within 10 days of the receipt of the request. The decision of the administrative services director shall be final.

SECTION 25. Section 8.08.100 (Lien for costs.) of Chapter 8.08 (Weeds and Rubbish) of Title 8 (Health and Safety) of the Benicia Municipal Code is hereby amended to modify the following:

§ 8.08.100. Lien for costs.

At the expiration of the time for appeal provided for in BMC § 8.08.080 or upon the determination of the council upon appeal and on compliance with the requirements of any determination so made, such amounts so expended and charges therewith shall become a lien against the respective property and the fire chief shall deliver to the administrative services director an abstract of the entries in the record books herein provided to be kept by him/her for said costs, showing the property affected and the amount charged against the same.
(Ord. 88-5 N.S. § 1, 1988)

SECTION 26. Section 8.08.110 (Collection of city costs.) of Chapter 8.08 (Weeds and Rubbish) of Title 8 (Health and Safety) of the Benicia Municipal Code is hereby amended to modify the following:

§ 8.08.110. Collection of city costs.

The city administrative services director shall thereupon note the amounts of each such charge on the assessment books of the city after the amount of taxes assessed against the respective lots to

the county auditor. Thereafter the amount of each such charge shall be collected in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now or may hereafter be added to delinquent taxes, and thereafter the property upon which it is a lien shall be sold and be subject to redemption in the same manner as property, land or lot, the charge against which has been paid prior to the delivery to the city administrative services director of said abstract, but in such case an appropriate entry shall be made in said record book by said fire marshal showing that such charge has been paid.
(Ord. 88-5 N.S. § 1, 1988)

SECTION 27. CEQA. The City of Benicia finds that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) because the ordinance does not qualify as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§15060, subds. (c)(2), (c)(3), 15061, subd. (b)(3).)

SECTION 28. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 29. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

SECTION 30. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

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

Ayes:

Noes:

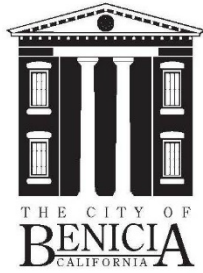
Absent:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **AWARD OF CONSTRUCTION CONTRACT, AUTHORIZE A BUDGET AMENDMENT, AND APPROVE A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE SOUTHERN PACIFIC RAILROAD DEPOT PRESERVATION AND MAINTENANCE PROJECT**

EXECUTIVE SUMMARY:

The Southern Pacific Railroad Depot (S.P. Depot) Preservation and Maintenance Project (Project) will restore and preserve the exterior of the historic Depot through necessary roof, window, siding, trim, signage, gutter, and painting improvements. The work will protect the building from further deterioration while maintaining its historic character through the use of historically appropriate colors, materials, and finishes.

RECOMMENDATION:

Adopt a resolution (Attachment 1) accepting the bids for the Southern Pacific Railroad Depot Preservation and Maintenance project, awarding the construction contract to Creative Property Renewal, Inc. of Stockton, CA, in the amount of \$192,559.65, 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 Administrative Services Director to make the necessary budget amendments, and approving a Notice of Exemption (Attachment 3) under the California Environmental Quality Act (CEQA) Guidelines.

BUDGET INFORMATION:

Funding for the Project was originally budgeted in FY2025/2026 in the amount of \$350,000 in the SP Depot Capital Project Fund (Fund 520). . A budget amendment is needed to re-establish the original appropriations of \$350,000 for the Project. The total cost for construction of the Project is \$221,443.60, which includes the bid amount of \$192,559.65 and 15% construction contingency of \$28,883.95. Construction Management cost is estimated at \$90,500 and the remaining project budget will be used for materials testing if needed.

BACKGROUND:

In 2019, the City received \$800,000 from a settlement with AMPORTS, Inc.

to be used to rehabilitate City-owned historic structures. Council approved the use of all settlement funds for use on the Southern Pacific Railroad Depot.

On December 16, 2025, Council adopted Resolution No. 25-138 approving use of the funds to rehabilitate the building.

The S.P. Depot is a historic building and needs historically accurate exterior cosmetic maintenance work to restore, protect, and preserve the building.

The Project consists of reroofing to include minor nonstructural roof deck and fascia/trim repair as needed, rain gutter replacement, reseal/putty glazing in windows as needed; remove, repair and reinstall building signage, power wash the exterior, repair and preserve damaged wood siding and associated trim. Prep and prime all exterior surfaces for painting and repainting the exterior of building; use historically correct colors and sheens is required. The Project is anticipated to begin in early October 2026.

On August 13, 2026, a total of five (5) responsive bids were received for the Project with the results summarized in the table below:

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	TOTAL BID
*1	Creative Property Renewal, Stockton, CA	\$192,559.65
2	K&K JL Services, Inc., Fairfield, CA	\$221,772.50
3	Cestarollo Construction Inc., San Rafael, CA	\$235,400.00
4	PRO-EX Construction, Inc., Rancho Cordova, CA	\$261,870.00
5	Polychrome Construction Inc., Northridge, CA	\$385,000.00

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 Creative Property Renewal, Inc.

Staff recommends that the construction contract be awarded to Creative Property Renewal, Inc. in the amount of \$192,559.65, plus a 15% contingency for a total construction cost of \$221,443.60.

Construction Management:

The City solicited a proposal for construction management services from Unico Engineering, one of the City's on-call construction management consultants. Unico provided a proposal for full construction management services in the amount of \$90,500. Staff reviewed the proposal and determined the cost to be reasonable for the

45-working-day construction project, particularly given Unico's experience with historic preservation-type projects. Upon approval of the associated budget amendment, the City will issue a task order to Unico under its existing Master On-Call Agreement. The City Manager is authorized to approve and execute task orders under the agreement in amounts less than \$200,000.

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 recommends awarding this contract to Creative Property Renewal, Inc. The renovation is anticipated to begin in early October and is scheduled to be completed in approximately 45 working days. A task order will be issued to Unico Engineering for CM services.

ALTERNATIVE ACTIONS:

Council could choose to not award this contract, which would prevent the completion of the Project.

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.
--------------------------	--

ATTACHMENTS:

1. Resolution – Award of S.P. Depot Preservation and Maintenance Project
2. Contract – Creative Property Renewal, Inc.
3. Notice of Exemption – S.P. Depot Preservation and Maintenance Project

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 SOUTHERN PACIFIC RAILROAD DEPOT PRESERVATION AND MAINTENANCE PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO CREATIVE PROPERTY RENEWAL, INC. OF STOCKTON, CA, IN THE AMOUNT OF \$192,559.65, AUTHORIZING A BUDGET AMENDMENT, APPROVING 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 July 24, 2026, the Public Works Department made the construction plans and specifications for the Southern Pacific Railroad Depot Preservation and Maintenance Project (Project) available for public bidding and advertised for construction bids and five (5) sealed bids were properly received and opened on August 13, 2026; and

WHEREAS, Creative Property Renewal, Inc. of Stockton, CA was the lowest, responsive, responsible bidder; and

WHEREAS, the total cost of construction for the Project is \$221,443.60, which includes the bid amount of \$192,559.65 and 15% construction contingency of \$28,883.95; and

WHEREAS, Unico Engineering has provided a proposal for Construction Management Services for the Project in the amount of \$90,500, and staff has determined the proposed fee to be reasonable and Unico Engineering's proposed team to be qualified to provide these services; and

WHEREAS, funding for the Project was originally budgeted in FY2025/2026 (FY26) in the amount of \$350,000 in the SP Depot Capital Project Fund (Fund 520); and

WHEREAS, a budget amendment is needed to re-establish the original appropriations for the Project to fund the construction of the Project is \$221,443.60, which includes the bid amount of \$192,559.65 and 15% construction contingency of \$28,883.95, Construction Management which is estimated at \$90,500, and materials testing which be use the remaining project budget if needed; 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, accepts the bids and awards the construction contract in the amount of \$192,559.65 to Creative Property Renewal, Inc. of Stockton, CA for the Southern Pacific Railroad Depot Preservation and Maintenance Project, and approves a Notice of Exemption (NOE) under the California Environmental Quality Act (CEQA) Guidelines.

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 construction contract and task order for construction management services on behalf of the City, subject to approval by the City Attorney, and authorizing Administrative Services Director to make 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 1st day of September 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 **1st** day of **September 2026**, by and between **Creative Property Renewal, Inc.** whose place of business is located at **35 E Rose St., Stockton, CA 95202 (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 **1st** day of **September 2026** awarded to Contractor the following Contract:

**BENICIA TRAIN DEPOT PRESERVATION & MAINTENANCE PROJECT.
AT CITY OF BENICIA**

CITY PROJECT NO. 26-02

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 **\$192,559.65** 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 **45** Working Days from the Commencement Date.

ARTICLE 2 PROJECT REPRESENTATIVES

2.01 Owner's Project Manager

- A. Owner has designated **Chester Gatlula**, 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>
_____	_____
_____	_____
_____	_____

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 **Two Thousand Dollars (\$2,000.00)** 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
	Project Manual and Appendices
	City of Benicia Engineering Design Standards and the 2025 California Building Code.

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:

APPROVED AS TO CONTENT:

By: _____
City Engineer

APPROVED AS TO FORM:

By: _____
City Attorney

APPROVED AS TO ADMINISTRATION:

By: _____
City Manager

CONTRACTOR:

Name: _____

By: _____
(Signature)

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

1099 INFORMATION:

Contractor Taxpayer I.D. No.: _____

Incorporated: ☐ Yes ☐ No

END OF DOCUMENT

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Solano
675 Texas Street, Suite 6500

Fairfield, CA 94533

From: (Public Agency): City of Benicia

250 East L Street

Benicia, CA 94510

(Address)

Project Title: Benicia Train Depot Preservation and Maintenance Project

Project Applicant: City of Benicia

Project Location - Specific:

90 First Street, Benicia, CA 94510. APN 0080200070

Project Location - City: Benicia

Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

Historic exterior maintenance and preservation of the Benicia Southern Pacific Railroad Passenger Depot, including reroofing and minor roof repairs, gutter/downspout work, window glazing repairs, signage repair, exterior cleaning, wood siding/trim repairs, and exterior painting using historically accurate colors and sheens.

Name of Public Agency Approving Project: City of Benicia

Name of Person or Agency Carrying Out Project: City of Benicia

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));
- ☒ Categorical Exemption. State type and section number: Class 1 (Cal. Code Regs. § 15301(a))
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project involves repair, maintenance, restoration, and minor exterior alterations to the existing historic train depot, including roofing, gutters, windows, siding, trim, signage, and exterior painting. No building expansion, increased capacity, or change in use is proposed. The project therefore involves negligible or no expansion of existing use and qualifies for the Class 1 exemption under CEQA Guidelines § 15301(a).

Lead Agency

Contact Person: Neil Leary

Area Code/Telephone/Extension: 707-746-4203

If filed by applicant:

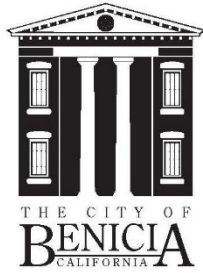
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Date: 8/19/2026 Title: City Engineer

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **CITYWIDE PARKS, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT PROGRAM**

EXECUTIVE SUMMARY:

This item provides an update to the City Council on the newly formed Citywide Parks, Landscape and Lighting Assessment District (PLLAD) and recommends the approval to create a new fund along with a revenue budget amendment.

RECOMMENDATION:

Receive a presentation by City staff on the PLLAD and move to adopt a resolution (Attachment 1) approving the creation of the PLLAD – Citywide Fund (Fund 324), approving a budget amendment to establish a revenue budget in Fiscal Year 2026/2027 (FY27) in the PLLAD – Citywide Fund (Fund 324), and authorizing the Administrative Services Director to make the necessary budget amendments.

BUDGET INFORMATION:

The proposed budget amendment will establish a FY27 revenue budget of \$1,891,400 which is aligned with the Engineer's Report revenue for the PLLAD assessments in the PLLAD – Citywide Fund (Org/obj. 3248070-4201). No expense budgets or budget amendments are currently proposed.

BACKGROUND:

The City of Benicia Citywide PLLAD was approved by voters and adopted by Council on November 4, 2025, to maintain the improvements that provide special benefits to properties within the District. The District consists of three zones. Properties within each zone are assessed annually to pay the cost to maintain parks, landscaping along street rights-of-way, maintenance of open space areas and maintenance and energy costs of streetlights.

The PLLAD assessments became effective in August 2026 as part of the current year property tax roll, and assessment revenue will begin to be received by the City at the end of December. It is necessary to account for the PLLAD revenue separately.

ALTERNATIVE ACTIONS:

None.

CEQA Analysis	This activity does not meet the definitions of a project as described in Title 14 of the California Code of Regulations, §15378(a).
--------------------------	---

ATTACHMENT:

1. Resolution – PLLAD Fund Creation and Budget Amendment

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 APPROVING THE CREATION OF THE PLLAD – CITYWIDE FUND (FUND 324), APPROVING A BUDGET AMENDMENT TO ESTABLISH A REVENUE BUDGET IN FISCAL YEAR 2026/2027 (FY27) IN THE PLLAD – CITYWIDE FUND (FUND 324), AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO MAKE THE NECESSARY BUDGET AMENDMENTS.

WHEREAS, on August 1, 2026, the Parks, Landscape, and Lighting Assessment District (PLLAD) assessments in Benicia became effective, following approval by property owners in a Proposition 218 weighted ballot measure as part of the November 4, 2025, election results; and

WHEREAS, the new PLLAD replaces the City's prior Landscape and Lighting Assessment District (LLAD), under which only 25% of property owners contributed to the maintenance of five of Benicia's 28 parks; and

WHEREAS, the Citywide PLLAD establishes three zones to ensure equitable contributions across the community, supporting maintenance of all city parks and playgrounds, landscaping along street rights-of-way and medians, upkeep of citywide trails, operation of streetlights, and capital improvements within the district; and

WHEREAS, the revenue estimate from the initial Engineer's Report was approximately \$1,891,400; and

WHEREAS, a separate accounting of the new PLLAD revenue is necessary through the creation of a new fund PLLAD – Citywide (Fund 324); and

WHEREAS, a budget amendment is necessary to establish a revenue budget in FY 2026/2027 (FY27) in the PLLAD – Citywide Fund (Org/Obj. 3248070-4201) for \$1,891,400, and no expense budget amendments are currently proposed.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the creation of the PLLAD – Citywide Fund (Fund 324), approving a budget amendment to establish a revenue budget in Fiscal Year 2026/2027 (FY27) in the PLLAD – Citywide Fund (Fund 324), and authorizing the Administrative Services Director to make 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 1st day of September 2026 by the following vote:

Ayes:

Noes:

Absent:

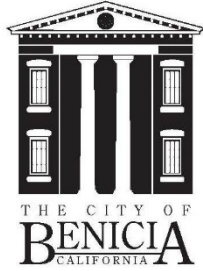
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 1, 2026
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **VACATION OF A PORTION OF THE EAST N STREET RIGHT OF WAY**

EXECUTIVE SUMMARY:

Applicant, JN Properties CA, LLC, has requested that the City vacate the unimproved right-of-way adjoining 650 East N Street. The requested area is approximately 250 square feet of East N Street right-of-way adjoining the front property line. The area is approximately 50 linear feet along the front property line and 5 feet in depth (APN: 0088-133-150).

RECOMMENDATION:

After receiving public comments, adopt a resolution (Attachment 1) approving the vacation of right-of-way at 650 East N Street.

BUDGET INFORMATION:

Budget impacts include staff time and filing fees to County and revenue generated from sale of right-of-way. The fair market value of the vacated right-of-way will be determined via an appraisal.

BACKGROUND:

JN Properties CA, LLC, requested that the City vacate unimproved right-of-way adjoining 650 East N Street. The requested area is approximately 250 square feet of East N Street right-of-way adjoining the front property line. The area is approximately 50 linear feet along the front property line and 5 feet in depth.

At their August 18, 2026 meeting, the City Council adopted a Resolution of Intent to Vacate, No. 26-84, which set the public hearing for this meeting.

The City owns the East N Street fee interest as referenced on Parcel Map 88-13. This action will include no modification to the street or utilities or any other infrastructure changes to East N Street. Utility providers were notified that the City is proposing to vacate a portion of the East N Street right-of-way.

The right-of-way vacation is requested in order to facilitate development of 650 East N Street with two detached accessory dwelling units. The 6,250 square foot residential lot is zoned RS (Single Family Residential). If the property is vacated, it will be offered for sale at fair market value and may be combined with the existing residential lot to increase the lot area by approximately 250 square feet and would provide an expanded yard area in which to locate the accessory structure.

Staff has determined that the right-of-way that is proposed to be vacated is not necessary for present or future use. This action will include no modification to the street or utilities or any other infrastructure changes to East N Street.

In accordance with Government Code Section 65402, the Planning Commission must determine conformance to the General Plan regarding any street vacation, abandonment or acquisition of real property for any purpose. This item was presented and approved by the Planning Commission on June 11, 2026, Resolution No. 26-3 (PC) (Attachment 2).

All street and alley vacations are processed in accordance with the California Streets and Highways Code Sections 8300-8363. Pursuant to Streets and Highways Code, Division 9, Part 3, Chapter 3, General Vacation Procedure, Section 8324(b), the legislative body may adopt a resolution vacating a street, highway, or public service easement if, based on the evidence submitted, it finds that the area proposed to be vacated is unnecessary for present or prospective public use.

NEXT STEPS:

Upon approval of the right-of-way vacation, the adjacent property owner will continue the process for acquiring the land rights including an appraisal, preparation of a grant deed, legal description and plat map that will be reviewed by the City Engineer, City Attorney, and City Manager and filed with the Solano County Assessor's Office.

ALTERNATIVE ACTIONS:

If Council does not adopt the resolution, the right-of-way will not be vacated.

CEQA Analysis	The proposed right-of-way vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 12) which states the right-of-way is surplus property not located in an area of critical concern. Furthermore, the right-of-way is not necessary for present or future use. This action is Categorically Exempt per CEQA Section 2180(b)(9);15300 which applies to any project that has been determined not to have significant effect on the environment and exempt from this division.
--------------------------	---

ATTACHMENTS:

1. Resolution - Approval of Vacation of Right-of-Way 650 East N Street
2. Planning Commission Staff Report and Resolution
3. Area of Vacation

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 ORDERING THE VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 650 EAST N STREET

WHEREAS, JN Properties CA, LLC, has requested that the City of Benicia vacate unimproved right-of-way fronting the property located at 650 East N Street (APN: 0088-133-150); and

WHEREAS, the request includes vacation of approximately 250 square feet of East N Street right-of-way in order to facilitate development of two ADU Accessory Dwelling Units); and

WHEREAS, Staff determined that the vacated right-of-way is not necessary for present or future use; and

WHEREAS, the Government Code of the State of California, Section 65402, provides that no street shall be vacated or abandoned until such street vacation or abandonment has been submitted to and reported upon by the planning agency as to the conformity with the adopted General Plan; and

WHEREAS, the Planning Commission on June 11, 2026 adopted Resolution 26-3 (PC), establishing that the proposed street vacation is consistent with the General Plan; and

WHEREAS, the proposed vacation of right-of-way is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 12) which states the right-of-way is surplus property not located in an area of critical concern; and

WHEREAS, at their August 18, 2026 meeting, the City Council adopted a Resolution of Intent to Vacate, No. 26-84, which set the public hearing for this meeting; and

WHEREAS, a duly noticed public hearing was held in accordance with Streets and Highways Code, Section 8324, on September 1, 2026; and

WHEREAS, from all the evidence submitted, this portion of the street right-of-way is unnecessary for present or future right-of-way purposes.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby vacates 250 square feet of right-of-way along the front property line of 650 East N Street for right-of-way purposes only and contingent upon the vacated property being sold to the adjacent property owner at the appraised value.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to execute the deed incorporating the provisions of this Resolution on behalf of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to record a certified copy of this Resolution with the Solano County Recorder.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September 2026 by the following vote:

Ayes:

Noes:

Absent:

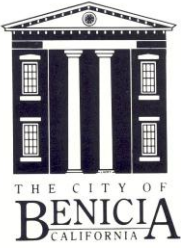
Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



Planning Commission Staff Report

June 11, 2026

Project: General plan conformance determination for request to vacate a portion of right-of-way at 650 East N Street
Application: SUB-25-1
Location: 650 East N Street
APN: (APN: 0088-133-150)

Owner/Applicant

JN Properties CA, LLC
4300 Arthur Rd.
Fairfield, CA 94533

Staff Recommendation

Adopt the resolution finding the proposed vacation of right-of-way to be consistent with the Benicia General Plan based on the findings listed in the proposed resolution and determination that the project is exempt from CEQA.

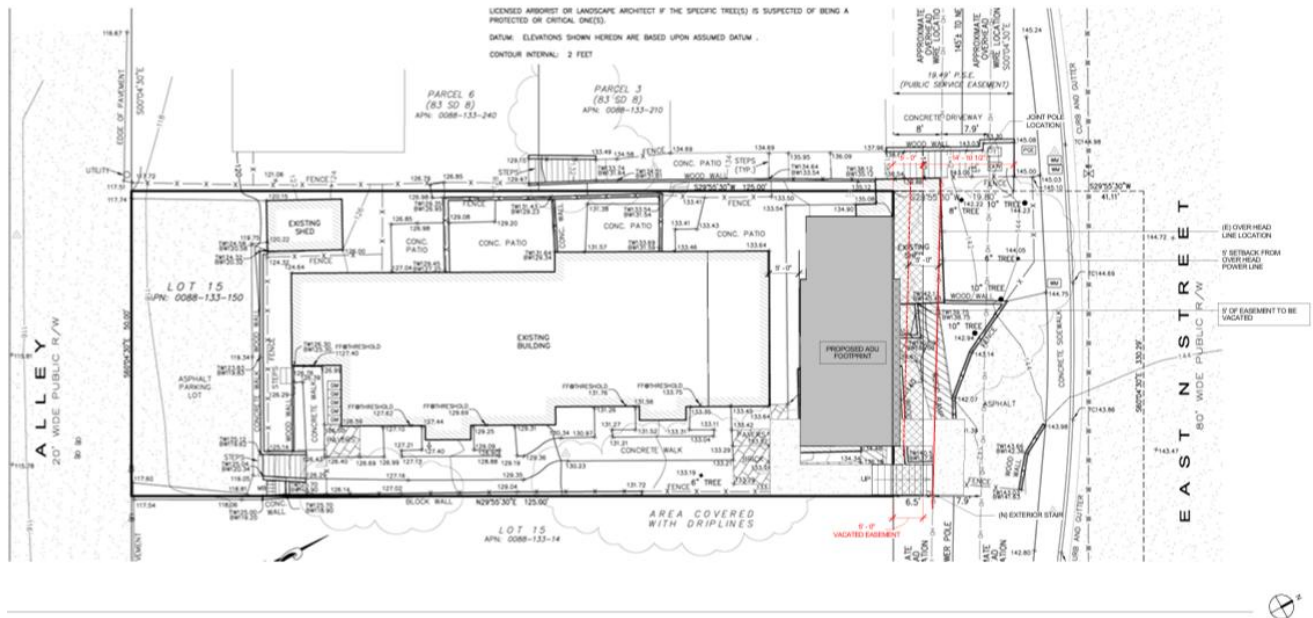
Project Description

The applicants, JN Properties CA, LLC, request that the city vacate the following unimproved right-of-way adjoining 650 East N Street:

Approximately 250 square feet of East N Street right-of-way adjoining the front property line (approximately 50 lineal feet along the front property line and 5 feet in depth as shown in Figure 1).

The proposed right-of-way vacation is requested in order to facilitate development of 650 East N Street with two detached accessory dwelling units. The 6,250 square foot residential lot is zoned RS (Single Family Residential). If the property is vacated, it will be offered for sale at fair market value and may be combined with the existing residential lot to increase the lot area by approximately 250 square feet and would provide an expanded yard area in which to locate the accessory structure.

Figure 1 – Proposed ROW Vacation



Project Setting

The subject property is a 125' x 50' parcel located at 650 East N St., midblock between East Sixth St. and East Seventh St., and north of Military East. The property is adjacent to the I-780 highway and bounded by both single and multi-family homes.

Adjacent Land Uses and Designations

North

Use: I-780
Zoning: N/A
General Plan: N/A

East

Use: Residential
Zoning: High Density Residential
General Plan: High Density Residential

South

Use: Residential
Zoning: Medium Density Residential
General Plan: High Density Residential

West

Use: Residential
Zoning: Planned Development
General Plan: Medium Density Residential

Background

Location and Site Characteristics

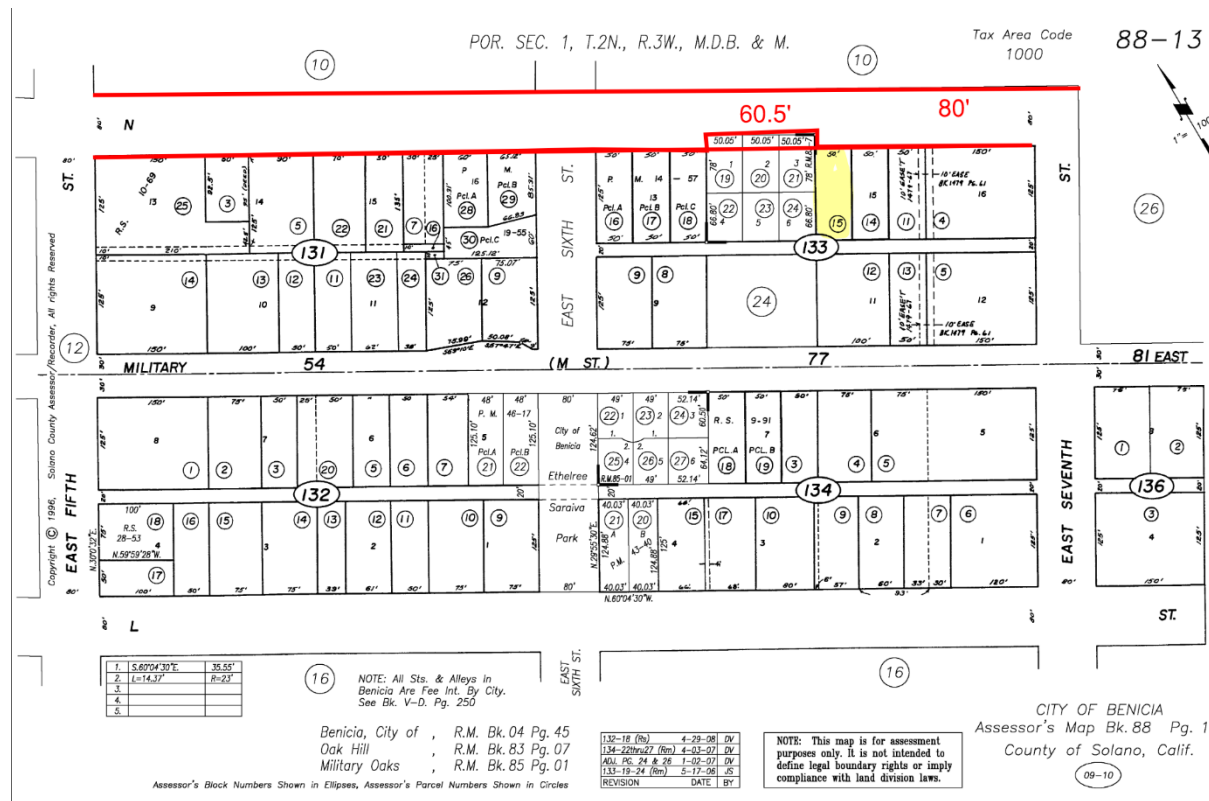
The subject property consists of unimproved right-of-way fronting the property lines of 650 East N Street. Land to the south, east and west are zoned for single-family residential use; land to the north is CalTrans right-of-way/Highway 1780.

The width of East N Street right-of-way in the location of the subject property is 80 feet; immediately to the west, fronting parcels 19 through 21, it is reduced to 60.5 as part of the right of way was previously vacated (See Figure 2).

In accordance with Government Code Section 65402, the Planning Commission must determine conformance to the General Plan regarding any street vacation, abandonment or acquisition of real property for any purpose.

After the Planning Commission's determination, the City Council will conduct a public hearing and make a decision to approve or deny the proposed right-of-way vacation. The City Council's procedures will follow the statutory requirements of the California Streets and Highways Code Sections 8300-8363.

Figure 2 – Existing Parcels and Right-of Way



Project Analysis

The city owns the East N Street fee interest as referenced on P.M. 88-13 and also maintains a 6" water line located within the street. PG&E, Comcast and AT&T operate and maintain utility facilities within the proposed vacation area and have requested dedication of a public utility easement.

The proposed vacation of right-of-way conforms to the General Plan. Staff notes the following considerations related to the proposal:

1. Appropriate easements will be needed due to existing public utility infrastructure in the East N Street right-of-way.
2. The existing drainage on the property should be evaluated, regardless of the requested right-of-way vacation. Considerations such as maintenance and repair of drainage infrastructure need to be addressed by the city and property owner.
3. Pursuant to State statute, the city may offer vacated land for sale equitably to adjoining property owners. The owners of 650 East N Street anticipate that they will purchase the entire 50 feet of unimproved right-of-way that adjoins their property

Consistency with the General Plan

East N Street is designated as a local street. The Benicia General Plan says that the function of local streets is to provide access directly to abutting property. Local streets play an important secondary role as locations for utilities, easements, open space for light and air, and firebreaks between buildings. The proposed right-of-way vacation would not interfere with the intended function of the local street designation. The General Plan does not specify a minimum right-of-way width for local streets but does establish a program to re-examine City standards to allow development of local streets with the minimum pavement width needed in residential areas (Program 2.14A).

The General Plan does not establish policies or considerations for decisions regarding right-of-way vacation. The City has not codified procedures or adopted any policies related to right-of-way vacation. Thus, staff concludes that there are no General Plan policies that would preclude the proposed right-of-way vacation.

The proposed right-of-way vacation would facilitate the development of 650 East N Street for residential use, which is consistent with the Land Use Diagram of the General Plan.

Goal 2.1 Preserve Benicia as a small-sized city.

- Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small-town qualities and historic heritage.

Goal 2.14 Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods.

- Policy 2.14.1: Give priority to pedestrian safety, access, and transit over automobile speed and volume.
 - Program 2.14.A: Reexamine City standards to allow the development of local streets with the minimum pavement width needed in residential areas, at the same time assuring that emergency access is maintained and that pedestrian and vehicular safety are preserved.

Goal 2.20 Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations.

- Policy 2.20.2: Seek alternatives to road widenings.

Goal 4.12 Accommodate runoff from existing and future development.

- Policy 4.12.2: Upgrade existing drainage facilities as necessary to correct localized drainage problems.

Policy 4.12.4: Where practicable, discourage the use of storm drain systems, and promote stormwater management strategies which maximize opportunities for absorption of rainfall, overland conveyance of runoff, non-reservoir surface storage, and other measures that reduce development-induced impacts on peak flow rates.

Findings of Approval

All street and alley vacations are processed in accordance with the California Streets and Highways Code Sections 8300-8363. The first step in this process is the requirement that the City make a finding that the proposed vacation is consistent with the General Plan. This is the only action that the City requests the Planning Commission to take. The recommendation of the Commission is based solely on the General Plan consistency.

Per Streets and Highway, Division 9, Part 3, Chapter 3- General Vacation Procedure Section 8324 (b):

If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide

that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

California Environmental Quality Act

The proposed right-of-way vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 12) which states the right-of-way is surplus property not located in an area of critical concern. Furthermore, the right-of-way is not necessary for present or future use.

Public Noticing

No statutory notice is required for the Planning Commission's determination that the proposed vacation is consistent with the City's General Plan. Notice of the public hearing to be held by the City Council on the proposed vacation will be given in accordance with California Streets and Highways Code Sections 8320-8323 which requires at least two weeks published and posted notice.

The applicant notified adjoining property owners and utility providers of the request; no objections were received.

Next Steps

The first step in this process is the requirement that the City make a finding that the proposed vacation is consistent with the General Plan. This is the only action that the City requests the Planning Commission to take. The recommendation of the Commission is based solely on the General Plan consistency and nothing more.

Following the Planning Commission's determination of General Plan conformance, the City Council will conduct a public hearing and make a decision to approve or deny the proposed right-of-way vacation in accordance with California Streets and Highways Code Sections 8300-8363.

Attachments:

1. Draft Resolution

*For more information contact: Neil Leary, Deputy Public Works Director- City Engineer
Phone: 707.746.4203*

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

RESOLUTION NO. 26-3 (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DETERMINING THAT THE VACATION OF A PORTION OF RIGHT-OF-WAY AT 650 EAST N STREET CONFORMS TO THE CITY'S GENERAL PLAN (SUB-25-1)

WHEREAS, the applicants, JN Properties CA, LLC, have requested that the City of Benicia vacate unimproved right-of-way fronting the property located at 650 East N Street (APN: 0088-133-150); and

WHEREAS, the subject request includes vacation of approximately 250 square feet of East N Street right-of-way in order to facilitate development of an ADU (accessory dwelling unit); and

WHEREAS, the Government Code of the State of California, Section 65402, provides that no street shall be vacated or abandoned such street vacation or abandonment has been submitted to and reported upon by the planning agency as to the conformity with the adopted General Plan; and

WHEREAS, the Planning Commission at a regular meeting on June 11, 2026 reviewed the proposed project in order to make a determination regarding conformance of the requested vacation with the Benicia General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby finds that the proposed vacation of a portion of the East N Street right-of-way at 650 East N Street is in conformance with the goals, policies and programs of the General Plan. Specifically:

- a) Goal 2.1 Preserve Benicia as a small-sized city.
 - Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small-town qualities and historic heritage.
- b) Goal 2.14 Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods.
 - Policy 2.14.1: Give priority to pedestrian safety, access, and transit over automobile speed and volume.
 - Program 2.14.A: Reexamine City standards to allow the development of local streets with the minimum pavement width needed in residential areas, at the same time assuring that emergency access is maintained and that pedestrian and vehicular safety are preserved.

- c) Goal 2.20 Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations.
 - Policy 2.20.2: Seek alternatives to road widenings.
- d) Goal 4.12 Accommodate runoff from existing and future development.
 - Policy 4.12.2: Upgrade existing drainage facilities as necessary to correct localized drainage problems.
 - Policy 4.12.4: Where practicable, discourage the use of storm drain systems, and promote stormwater management strategies which maximize opportunities for absorption of rainfall, overland conveyance of runoff, non-reservoir surface storage, and other measures that reduce development-induced impacts on peak flow rates.

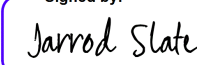
BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia does hereby find that the proposed vacation of right-of-way is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 12) which states the right-of-way is surplus property not located in an area of critical concern. Furthermore, the right-of-way is not necessary for present or future use.

On motion of Commissioner Jessen and seconded by Commissioner Lyle, the above Resolution is introduced and adopted by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 11th day of June 2026 and adopted by the following vote:

Ayes: Commissioners Gilpin-Hayes, Gorman, Jessen, Lyle, and Chair Slate

Noes: (None)

Absent: Commissioners Donaghue and Marshall

Signed by:

 889640AFC3144C2...

 Jarrod Slate, Chair
 6/24/2026

 Date

IF THE SPECIFIC TREE(S) IS SUSPECTED OF BEING A

D UPON ASSUMED DATUM .

