

**BENICIA CITY COUNCIL  
CITY COUNCIL MEETING AGENDA**

**April 28, 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**

**7. PROCLAMATIONS**

7.A PROCLAMATION - SEXUAL ASSAULT AWARENESS MONTH - APRIL 2026  
[Proclamation - Sexual Assault Awareness 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](mailto:lwolfe@ci.benicia.ca.us). Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates to. Specific information follows:

- Comments received by 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.

**12. WRITTEN COMMENT**

**13. PUBLIC COMMENT**

**14. CONSENT CALENDAR**

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

14.A MINUTES FROM THE APRIL 7, 2026 SPECIAL AND REGULAR MEETINGS

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

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

**15. BUSINESS ITEMS**

15.A BUSINESS LICENSE TAX MODERNIZATION - INFORMATIONAL WORKSHOP

RECOMMENDED ACTION: Receive a presentation and provide feedback and policy direction on Business License Tax Modernization.

[Staff Report - Business License Tax Modernization Informational Workshop](#)

15.B CONSIDERATION TO PROCEED WITH STEPS TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON NOVEMBER 2026 BALLOT

RECOMMENDED ACTION: Direct staff, by motion of the City Council, to proceed with the necessary steps, pursuant to Gov. Code Section 34458 and the California Elections Code, to place the two ballot measures on the November 2026 ballot and provide feedback and direction on the contents of the city charter and structure of the RPTT, as necessary.

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

[1. Draft Ordinance - Proposed Limited City Charter](#)

**16. ADJOURNMENT (8:00 P.M.)**

### **Public Participation**

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

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

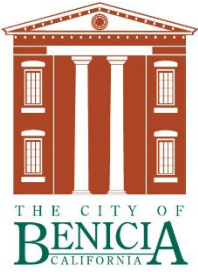
The decision of the CBCC is final as of the date of its decision unless judicial review is initiated pursuant to Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of Code of Civil Procedure Section 1094.6

### **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](http://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](http://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](mailto:SYoung@ci.benicia.ca.us)  
Vice Mayor Trevor Macenski: [TMacenski@ci.benicia.ca.us](mailto:TMacenski@ci.benicia.ca.us)  
Council Member Kari Birdseye: [KBirdseye@ci.benicia.ca.us](mailto:KBirdseye@ci.benicia.ca.us)  
Council Member Lionel Largaespada: [LLargaespada@ci.benicia.ca.us](mailto:LLargaespada@ci.benicia.ca.us)  
Council Member Terry Scott: [TScott@ci.benicia.ca.us](mailto:TScott@ci.benicia.ca.us)



# PROCLAMATION

IN RECOGNITION OF

## Sexual Assault Awareness Month April 2026

**WHEREAS**, Sexual Assault Awareness Month is observed each April to increase understanding of sexual assault and to affirm the community's commitment to prevention, support, and accountability; and

**WHEREAS**, sexual assault affects people of every age, gender, and background, remains widely underreported due to fear, stigma, and barriers to seeking help, and often begins early in life, with many survivors experiencing harm before the age of 25; and

**WHEREAS**, data from the Centers for Disease Control and Prevention indicates that nearly half of women and more than 1 in 6 men in the United States have experienced some form of contact sexual violence in their lifetime, reflecting the widespread nature of this issue; and

**WHEREAS**, in Benicia and throughout Solano County, individuals continue to seek support through crisis lines, forensic exams, advocacy services, and legal systems, demonstrating both the ongoing need for services and the importance of timely, responsive care; and

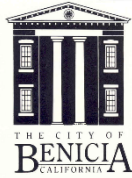
**WHEREAS**, survivors in Solano County are supported through the collaboration of SafeQuest Solano, SANE-SART, the Solano Family Justice Center, Solano Advocates for Victims of Violence, Victims Empowerment Support Team, and partners at Travis Air Force Base including the Family Advocacy Program and the Sexual Assault Prevention and Response Program, providing confidential, trauma-informed care including advocacy, forensic medical services, counseling, legal support, and prevention education.

**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 April 2026 as Sexual Assault Awareness Month and acknowledges the real and ongoing impact of sexual assault within the community, affirming its commitment to supporting survivors, strengthening prevention efforts, and ensuring that individuals have access to services, resources, and pathways to safety.

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Steve Young, Mayor  
April 28, 2026





MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
APRIL 7, 2026  
4:30 P.M.

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

**1) CALL SPECIAL MEETING TO ORDER**

Mayor Young called the Special Meeting to order at 4:30 p.m.

**2) CONVENE OPEN SESSION**

**3) ROLL CALL**

All Council Members were present.

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

**5) PUBLIC COMMENT FOR CLOSED SESSION**

None.

**6) ADJOURN TO CLOSED SESSION**

Mayor Young adjourned the meeting to Closed Session at 4:31 p.m.

**6.A CONFERENCE WITH LABOR NEGOTIATORS**

**6.B CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

**7) RECONVENE OPEN SESSION**

Mayor Young reconvened the Open Session at 6:04 p.m.

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

Mary Wagner, Assistant City Attorney, reported that Council met in Closed Session and took no reportable actions.

**9) ADJOURNMENT**

Mayor Young adjourned the Special Meeting at 6:05 p.m.

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City Clerk

# DRAFT



## MINUTES OF THE REGULAR MEETING – CITY COUNCIL APRIL 7, 2026 6:00 P.M.

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

### **COURTESY ZOOM PARTICIPATION**

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

Mayor Young called the Regular Meeting to order at 6:05 p.m.

#### **2) CONVENE OPEN SESSION**

#### **3) ROLL CALL**

All Council Members were present.

#### **4) PLEDGE OF ALLEGIANCE**

#### **5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC**

#### **6) ANNOUNCEMENTS**

##### **6.A MAYOR'S OFFICE HOURS**

#### **7) PROCLAMATIONS**

#### **8) APPOINTMENTS**

#### **9) PRESENTATIONS**

#### **10) ADOPTION OF AGENDA**

Mario Giuliani, City Manager, stated that Consent Calendar Item 14.E contained an error in the information and would be pulled from tonight's agenda and brought back at a future meeting.

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

# DRAFT

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

Noes: (None)

## 11) OPPORTUNITY FOR PUBLIC COMMENTS

## 12) WRITTEN COMMENT

## 13) PUBLIC COMMENT

1. Mike Tufu - Mr. Tufu discussed Net Zero 360 Sustainable Waste Solutions. They are seeking a \$15 million catalyst grant over 5 years. He looked forward to the possibility of working with the City.
2. Maggie Kolk - Ms. Kolk shared the funding summary for the Community Service Commission.
3. Nicole Newell - Ms. Newell discussed Sustainable Solano's upcoming events they are hosting.

## 14) CONSENT CALENDAR

Item 14.E was pulled during Adoption of the Agenda and will be at a future meeting.

Council pulled Item 14.D for discussion.

### 14.A **MINUTES FROM THE FEBRUARY 19, 2026 AND MARCH 17, 2026, SPECIAL AND REGULAR MEETINGS**

[February 19, 2026 Special Meeting - Goal Setting Workshop Minutes](#) 

[March 17, 2026 Special City Council Meeting Minutes](#) 

[March 17, 2026 Regular City Council Meeting Minutes](#) 

### 14.B **ACCEPTANCE OF THE INDUSTRIAL WAY SEWER REPLACEMENT PROJECT**

[Staff Report - Acceptance of Industrial Way Sewer Replacement Project](#) 

[1. Resolution - Acceptance of Industrial Way Sewer Replacement Project](#) 

[2. Notice of Completion](#) 

**RESOLUTION NO. 26- 17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE INDUSTRIAL WAY SEWER REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE**

# DRAFT

## 14.C ACCEPTANCE OF THE I-80/WATT COURT WATER LINE REPAIR PROJECT

[Staff Report - Acceptance of I-80 Watt Court Water Line Repair Project](#) 

1. [Resolution - Acceptance of I-80 Watt Court Water Line Repair Project](#) 

2. [Notice of Completion](#) 

**RESOLUTION NO. 26- 18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE I-80/WATT COURT WATER LINE REPAIR PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE**

## 14.D APPROVAL OF AGREEMENT WITH OPTERRA ENERGY SERVICES, LLC FOR SOLAR PREVENTATIVE MAINTENANCE, REPAIRS AND UPGRADES AND APPROVING BUDGET AMENDMENTS

[Staff Report - Approval of Solar Agreement](#) 

Council and Staff discussed how it is decided on which items will be on the consent calendar, concern regarding the approval of the contract, concern regarding the cost of the 'additional services', the 5% annual escalator, and the 15% markup on equipment and materials, how this became a single-source provider, how much electricity will be produced over the lifetime of the contract, and if there was an exit penalty if the City could not afford the contract.

### Public Comment:

None

After a discussion, Council Member Largaespada moved to direct Staff to renegotiate the contract terms so that there is only a 5% markup on equipment, no markup on materials, only a 3% annual escalator for labor, and leave the set-aside at \$150,000.

In the event the agreement is renegotiated to meet Council's direction, it will be assigned resolution number 26-19.

1. [Resolution - Approval of Solar Agreement](#) 

2. [Agreement Opterra Energy Services](#) 

On motion of Council Member Largaespada, seconded by Council Member Scott, Council gave direction to Staff to renegotiate the contract terms so that there is only a 5% markup on equipment, no markup on materials, only a 3%



# DRAFT

annual escalator for labor, and leave the set-aside at \$150,000, on a roll call by the following vote:




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

Noes: (None)

## **14.E APPROVAL OF PUBLICLY AVAILABLE SALARY SCHEDULES AND POSITION ALLOCATION CHANGE FOR THE FINANCE DEPARTMENT**

[Staff Report - Salary Schedules and Position Allocation Change](#)   
[1. Resolution - Salary Schedules and Position Allocation Change](#) 

## **14.F AUTHORIZING THE CITY MANAGER TO ENTER THE CITY INTO A PUBLIC SAFETY COMMUNICATIONS SYSTEM LICENSING AGREEMENT WITH SOLANO COUNTY**

[Staff Report - P25 radio system with Solano County](#)   
[Resolution - P25 radio system with Solano County](#)   
[2. Solano County P25 Radio contract](#) 

**RESOLUTION NO. 26- 20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO ENTER THE CITY INTO A PUBLIC SAFETY COMMUNICATIONS SYSTEM LICENSING AGREEMENT WITH SOLANO COUNTY AT A FIXED SERVICE FEE FOR AN INITIAL TERM OF 5 YEARS**

## **14.G PUBLIC REVIEW OF ANNUAL REPORT OF MILITARY EQUIPMENT USE BY THE BENICIA POLICE DEPARTMENT**

[Staff Report - AB481 2025 Annual Report](#)   
[AB481 2025 Annual Report](#) 

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

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

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

Noes: (None)

## **15) BUSINESS ITEMS**

# DRAFT

## 15.A STATUS UPDATE ON DELIVERABLES 3 (DECARBONIZATION AND RESILIENCY PATHWAYS) AND 4 (CIP AND YARD EXPANSION FEASIBILITY ANALYSIS) FOR THE PORT OF BENICIA FACILITIES AND INFRASTRUCTURE MODERNIZATION PLAN

Staff Report - Port of Benicia Facilities and Infrastructure Modernization Plan Status Update 

Sarah Shawky, Deputy City Manager, and Michael Vanderbeek, Maritime & Coastal Planning Lead, GHD Engineering, reviewed the staff report and a PowerPoint presentation.

Council and Staff discussed the presentation and staff report.

### Public Comment:

1. Ben Hammond, General Manager, Amports - Mr. Hammond said he looked forward to a working relationship with the City of Benicia and Amports.

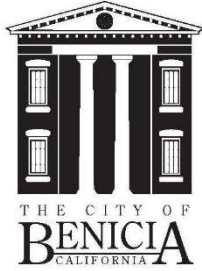
1. Port of Benicia Deliverable 3 - Decarbonization and Resiliency Pathways 
2. Port of Benicia Deliverable 4 - CIP and Yard Expansion Feasibility Analysis

## 16) ADJOURNMENT (8:00 P.M.)

Mayor Young adjourned the meeting at 8:28 p.m.

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City Clerk



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE – APRIL 28, 2026**  
**BUSINESS ITEM**

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **BUSINESS LICENSE TAX MODERNIZATION - INFORMATIONAL WORKSHOP**

**EXECUTIVE SUMMARY:**

This report provides information for a City Council workshop on potential updates to the City’s Business License Tax Program. The workshop is intended to provide Council with a clear, high-level overview of the current business license tax structure, key findings from a recent tax study, and what types of approaches could be considered in the future.

The presentation includes background information, comparisons to other cities, and an overview of different tax models reviewed to date. These models are presented for discussion purposes only. The workshop will also include a discussion of a possible marine terminal tax option as part of the overall conversation.

**RECOMMENDATION:**

Receive a presentation and provide feedback and policy direction on Business License Tax Modernization.

**BUDGET INFORMATION:**

There is no fiscal impact associated with this item. No appropriation of funds is requested, and no changes to the City’s existing Business License Tax structure are proposed at this time.

**BACKGROUND:**

Since 2023, the City has proposed an update to the business license tax as part of its Resiliency Plan, aimed at diversifying revenue streams and enhancing long-term fiscal stability.

The City’s current business license tax structure reflects decisions made over many years and under different economic conditions. It is common for cities to periodically review their tax programs to confirm they still meet policy goals, reflect today’s business environment, and can be administered effectively.

To support this review, a tax study was prepared. The study looks at local business activity, compares Benicia’s approach to those used by similar cities, and outlines

different types of tax structures that could be considered if the City chooses to modernize its program. The study and presentation are intended to inform discussion and do not recommend adoption of any specific approach.

As part of this effort, staff reviewed several business scenarios and tax concepts to highlight key policy tradeoffs. The presentation also includes a marine terminal tax option as part of the overall discussion.

**NEXT STEPS:**

After the workshop, staff will use Council’s feedback and policy direction to determine whether to:

- Perform additional technical or policy analysis; and
- Refine or expand the concepts discussed in the presentation, including the development of additional model options; and/or
- Return to Council at a future date with more specific recommendations for consideration.

If Council directs staff to pursue an amendment to the City’s existing business license tax structure that requires voter approval, staff will return to Council in accordance with the timeline outlined below.

- |                   |  |
|-------------------|--|
| 1. April 28, 2026 | City Council Study Session Workshop: Discussion of business license tax models   |
| 2. June 2, 2026   | City Council Meeting – Selection of preferred business license tax model and direction to prepare a proposed Ballot Measure and Ordinance Amendment                          |
| 3. July 21, 2026  | City Council Meeting – Adoption of Resolution authorizing placement of the business license tax Ballot Measure with proposed Ordinance Amendment on the November 2026 ballot |
| 4. August 7, 2026 | Deadline for the City Clerk to submit materials to the Registrar of Voters for placement on the November 2026 ballot   |

Future actions will be brought forward in separate staff reports as needed to comply with statutory requirements and election deadlines.

**ALTERNATIVE ACTIONS:**

In addition to the recommended action, Council may:

- Take no action at this time, or
- Request additional information or analysis before providing policy direction.

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

None.

For more information contact: Mario Giuliani, City Manager

Phone: (707) 746-4228

E-mail: [MGiuliani@ci.benicia.ca.us](mailto:MGiuliani@ci.benicia.ca.us)



**AGENDA ITEM  
CITY COUNCIL MEETING DATE – APRIL 28, 2026  
BUSINESS ITEM**

**TO** : City Manager

**FROM** : Deputy City Manager

**SUBJECT** : **CONSIDERATION TO PROCEED WITH STEPS TO PLACE LIMITED CITY CHARTER AND REAL PROPERTY TRANSFER TAX BALLOT MEASURES ON NOVEMBER 2026 BALLOT**

**EXECUTIVE SUMMARY:**

Beginning in 2023, with objective of ensuring the City's on-going fiscal stability, the City Council has discussed taking the steps necessary to become a "limited charter city" for the sole purpose of implementing a Real Property Transfer Tax (RPTT), which only charter cities are authorized to levy. In November 2024, two separate ballot measures were presented to voters, one to establish Benicia as a charter city and one to subsequently implement an RPTT. Neither ballot measure was approved by voters. The City would like to bring two similar ballot measures to voters again in the upcoming November 2026 election. This staff report summarizes the process necessary to place these items on the November 2026 ballot as well as the direction that the City Manager's office seeks from City Council.

**RECOMMENDATION:**

Receive information and provide direction, by motion of Council, to proceed with the necessary steps, pursuant to Gov. Code, § 34458 and the California Elections Code, to place two ballot measures on the November 2026 ballot, and provide feedback and direction on the Proposed Limited City Charter draft ordinance (Attachment 1) and the structure of the Real Property Transfer Tax, as necessary.

**BUDGET INFORMATION:**

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

**BACKGROUND:**

Over the past several years, City Council has discussed, on multiple occasions, the need to broaden and diversify our revenue streams so the City has sustainable sources of revenue to maintain and enhance City services. One area of exploration is the ability

for the City to enact a Real Property Transfer Tax. In California, only charter cities can enact RPTTs, therefore, for Benicia to enact such a tax, it would need to first become a charter city.

### City Charter Basics

In California, there are two types of cities: general law cities and charter cities. General law cities get their corporate powers from the general laws passed by the State legislature. Charter cities, on the other hand, get their corporate powers from the California Constitution's home rule provision, which allows them to preside over all "municipal affairs," limited only by their own charters and State law on "matters of statewide concern."

Generally, a matter is of "statewide concern," as opposed to a "municipal affair," when its impact is "primarily regional," even if its impacts are not truly statewide. The following is a list of matters determined by the courts to be matters of "statewide concern" and hence not amenable to modification by charter:

- Educational school systems
- Traffic and vehicle regulations
- Tort claims against a governmental entity
- The Ralph M. Brown Act open meetings law
- The Meyers-Milias-Brown Act regarding employee organization
- The California Environmental Quality Act
- The exercise of the eminent domain power

### Process to Become a Limited Charter City

To become a charter city, a city must adopt a charter. The California Constitution authorizes the voters to adopt a city charter. There are two ways to draft a charter:

1. The City Council drafts the charter (Gov. Code, § 34458); or
2. The City's voters elect a charter commission to draft the charter. (Gov. Code, §§ 34451, 34458.)

In either case, the charter is not adopted by the City until it is ratified by a simple majority vote of the City's voters at a statewide regular election (Gov. Code, §§34457, 34458.) Because the charter, being limited in nature, will be simple and straightforward, and because it will simplify the process, staff has drafted a proposed charter (Attachment 1), and requests that the City Council direct staff to move forward with this draft for consideration and approval by the City Council, which would then be placed before the voters at the November 2026 election. Under this option, there is no need to create a charter commission. After the proposed charter has been finalized by the City Council, it may be sent to the voters for ratification at the next established statewide general election, provided there are at least 88 days remaining before the election. (Gov't Code § 34458.)

Before a proposal to adopt a charter is submitted to the voters, the City Council must hold at least two public hearings on the proposal of a charter and the content of the proposed charter. Notice of the public hearings shall be given by publication twice in a newspaper designated by the City Council and circulated throughout the city, and by

posting notice in three public places within the city at least 21 calendar days prior to the date of each public hearing. The second public hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The City Council shall not conduct a vote on whether to submit the proposal to adopt a charter to the voters until 21 days after the second public hearing. (Gov. Code, § 34458.) A simple majority of voters must vote in favor of the proposed charter for the charter to be adopted. (Gov. Code, § 34459.)

While there are many abilities that a charter can provide a city, staff is recommending that Benicia’s “limited charter” be limited solely to the ability to enact an RPTT. Accordingly, staff recommends a charter that generally provides that the City will follow California law in all areas except those stated in the charter; and specifically, that the charter should authorize the City to implement an RPTT if approved by the voters as the single and sole ability granted by the charter.

Real Property Transfer Tax Basics

A Real Property Transfer Tax is a tax on the sale of property that is paid when real property is conveyed and is based on the sale value of the property. As noted above, only charter cities are authorized by state law to impose such a tax. This tax is distinguished from the similarly named documentary transfer tax that the county has adopted, and which all cities thereby became authorized to impose by ordinance. The City’s documentary transfer tax is codified in Municipal Code section 3.16 – Real Property Transfer Tax, which since at least since 1980, has imposed the tax at the rate of \$0.275 for each five hundred dollars (\$500) of value or fractional part of \$500, which is the maximum allowable rate pursuant to California Revenue and Taxation Code Section 11911(b). The County documentary tax rate is \$0.55 for each five hundred dollars (\$500), the maximum allowable rate pursuant to California Revenue and Taxation Code Section 11911(a). The County shall grant a credit against the County tax in the amount of the city tax per Revenue and Taxation Code 11931.

Charter cities, in enacting their own laws, may enact an RPTT in place of a documentary transfer tax, at any rate(s) approved by voters, and may provide exemptions of certain property sales. Payment of the tax could be negotiated between buyer and seller. The tax would be owed at the time of sale of the real property. The tax would be collected by the City.

Proposed Real Property Transfer Tax Structure

Charter cities in California have RPTTs that vary in their rates and the structure of those rates (i.e., uniform or tiered). City staff are currently proposing the following RPTT structure and applicable rates:

<b>Property Sale Value</b>	<b>Rate</b> (\$ per \$1,000 in sale value)
< \$2,000,000	\$4
\$2,000,000 – \$9,999,999	\$6
\$10,000,000 <	\$8

- All commercial property sales will be subject to the RPTT upon its enactment
- For the sale of residential properties built prior to January 1, 2027, the RPTT will apply only to properties with a sale value of \$1.5 million or greater
- For the sale of residential properties built on or after January 1, 2027, the RPTT will apply to all properties sold

Based on the proposed Real Property Transfer Tax structure, the City estimates annual revenue generation of approximately \$400,000, assuming typical real estate transaction activity. Actual revenues may vary from year to year depending on fluctuations in the housing market, including changes in sales volume, property values, and broader economic conditions.

It is important to note that property transfer tax revenue is an elastic revenue source in that it is highly influenced by economic shifts that affect the real estate market (e.g. interest rates, inflation, recessions, economic growth cycles, consumer confidence, local construction activity, etc.).

**NEXT STEPS:**

The next steps to put the limited charter and RPTT ballot measures before voters for the November 2026 election will require a concerted, nearly non-stop review and action by the City Council to meet the statutory notice and hearing requirements. Below is the projected timeline for next steps:

1. April 26<sup>th</sup> & 28<sup>th</sup> Notice of Public Hearing #1 in Benicia Herald & Vallejo Times
2. April 28<sup>th</sup> City Council Workshop Session: Discussion of RPTT Rate Models and Limited Charter Terms
3. May 19<sup>th</sup> City Council Meeting - Limited Charter Public Hearing #1 and Review RPTT Structure
4. May 31<sup>st</sup> & June 2<sup>nd</sup> Notice of Public Hearing #2 in Benicia Herald & Vallejo Times
5. June 23<sup>rd</sup> Council Meeting - Limited Charter Public Hearing #2 and Review RPTT Structure
6. July 21<sup>st</sup> Council Meeting – Public Hearing #3, Placement of Two Measures on November 2026 Ballot, Introduction of Ordinance for RPTT Structure, and Introduction of Ordinance for Limited City Charter
7. Aug 7<sup>th</sup> Deadline for City Clerk to Submit Resolutions to Registrar of Voters to Place Measures on the November 2026 Ballot

**ALTERNATIVE ACTIONS:**

Decline to proceed with pursuing adoption of limited charter, eliminating the City’s ability to enact a real property transfer tax.

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

1. Draft Ordinance - Proposed Limited City Charter

For more information contact: Sarah Shawky, Deputy City Manager

Phone: (707) 746-4334

E-mail: [SShawky@ci.benicia.ca.us](mailto:SShawky@ci.benicia.ca.us)

DRAFT  
ORDINANCE NO. 26-\_\_

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

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

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

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

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

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

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

**WHEREAS**, the anticipated revenue generation from those measures still leaves the City well short of what is required to fund services and maintain important infrastructure needs such as roads, repairing potholes, storm drains, sidewalks, and public facilities such as the City Pool, Community Center, Library, Marina, parks, and essential services such as police, fire, library, youth and senior programs, engineering and community development (planning and building) and other unrestricted general government purposes; and

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

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

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

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

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

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

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

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

## **CITY OF BENICIA CHARTER**

### **ARTICLE I**

#### **NAME AND BOUNDARIES**

##### **100. Name and Boundaries**

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

### **ARTICLE II**

#### **POWERS OF CITY**

##### **200. Exercise of Constitutional Power of Taxation**

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

##### **201. Subject to General Laws**

**Except as provided in this Charter stated in Section 200, the powers of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as**

now and hereafter existing relating to cities organized under said general laws.

**202. Severability**

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

**203. Amendment**

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

**ARTICLE III**  
**SUCCESSION**

**300. Rights and Liabilities**

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

**301. Ordinances, Codes, and Other Regulations**

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

**302. Pending Actions And Proceedings**

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

**ARTICLE IV**  
**FORM OF GOVERNMENT**

**400. Form of Government**

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