



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
June 15, 2010
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Open Government Commission:
One full term to January 31, 2014

Finance, Audit and Budget Committee:
One unexpired term to January 31, 2013

Benicia Housing Authority Board of Commissioners: Two full terms to July 31, 2014

Human Services Board: Three full terms to July 31, 2014

Parks, Recreation and Cemetery Commission: One full term to July 31, 2014

Economic Development Board: Three full terms to July 31, 2014

Library Board of Trustees: Two full terms to July 31, 2013

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

B. APPOINTMENTS

1. Appointment of Vice Mayor Schwartzman and Council Member Ioakimedes to the Council Subcommittee to update the Garbage Franchise. (City Attorney)

Vice Mayor Schwartzman and Council Member Ioakimedes have been serving as the de facto subcommittee to assist staff with the crafting of a new garbage franchise. This action will correct the fact that the Mayor did not appoint them as an official subcommittee.

Recommendation: Confirm the appointment by the Mayor of a council subcommittee to assist with updating the garbage franchise.

C. PRESENTATIONS

D. PROCLAMATIONS

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council

on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT

B. PUBLIC COMMENT

VII. CONSENT CALENDAR (7:15 PM):

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.

A. Approval of Minutes of June 1, 2010. (City Clerk)

B. Update on Tourism Marketing Program. (Economic Development Manager)

With the approval of the contract with Wolf Communications for tourism marketing on October 17, the City Council indicated the desire to receive quarterly reports. This report summarizes the contractual work to date.

Recommendation: Receive quarterly update on progress of tourism marketing program.

C. Award of Chemical Contracts for Water Treatment – Fiscal Year 2010-2011. (Public Works and Community Development Director)

This action allows the City to purchase chemicals necessary for water treatment for Fiscal Year 2010-2011. In 1994, Benicia and ten other agencies in and around Solano County formed the North Bay Chemical Agency Pool to obtain the best possible pricing through bulk purchasing. Sufficient funds are available in the operations accounts of both the water treatment plant and wastewater treatment plant to cover the chemical costs.

Recommendation: Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for

water treatment for Fiscal Year 2010-2011 and authorizing the City Manager to sign the contracts on behalf of the City.

D. Approval of Change Orders for the Benicia High School Traffic Signal and Entrance Circulation Improvement Project. (Public Works and Community Development Director)

The Benicia High School Traffic Signal and Entrance Circulation Improvement Project is substantially complete. At this time staff is recommending approval of change orders to complete the resurfacing and striping improvements to Military West, which will be applied during summer break, and to install a solar power source for the lighted crosswalk that has been relocated from the high school to the intersection of East 2nd Street/Riverhill. The Traffic Mitigation Fund is paying for this project and there is sufficient funding in the approved project budget to cover the cost of the change orders.

Recommendation: Adopt the attached resolution approving 18 change orders in the amount of \$54,229 for the Benicia High School Traffic Signal and Entrance Circulation Improvement Project for a total change order amount to date of \$103,214.

E. Approval of a contract amendment for Citycentric Investments for professional services and consultation. (Public Works and Community Development Director)

On January 11, 2010, the City entered into an Agreement with Citycentric Investments for professional services and consultation for the Public Works and Community Development Department. Citycentric Investments is currently providing Land Use and Engineering Manager services. The contract amendment would allow Mark Rhoades of Citycentric to remain in a part-time capacity until a full-time Land Use and Engineering Manager begins work next month.

Recommendation: Adopt a resolution approving a contract amendment with Citycentric Investments for professional services and consultation and authorizing the City Manager to execute the contract amendment on behalf of the City.

F. City of Benicia Landscaping and Lighting District Fiscal Year 2010-2011. (Finance Director)

The City Council approved three resolutions on May 4, 2010 initiating the proceedings to levy and collect assessments in the Landscape and Lighting Districts. The information was not available at the time of the advertised public hearing date, so staff has changed the attached resolution to reflect the

rescheduled public hearing date of July 6, 2010. The City of Benicia Landscaping and Lighting District consists of five separate zones, with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis. The total budget costs for fiscal year 2010-2011 for all five zones is \$538,500. After the Reserve Fund credits are applied to the budgets, the balance to levy totals \$427,663, which is the same amount as prior years.

Recommendation: City Council adopt the attached resolution pertaining to the Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and therefore setting a Public Hearing on July 6, 2010 for the City of Benicia Landscaping and Lighting District, fiscal year 2010-2011.

G. Adoption of a Whistleblower Policy Statement. (City Attorney)

As part of the City's ongoing efforts to continually maintain modern policy documents in conformance with State of California laws and statutes, a Whistleblower Policy document has been drafted.

Recommendation: Adopt a whistleblower policy.

H. Approval of Tree Inventory / Master Plan Contract. (Parks and Community Services Director)

On March 2, 2010 City staff solicited proposals for the performance of a tree inventory and master plan. City staff convened an interview panel to evaluate the six respondents to the inventory request. The interview panel consisted of community members with education and/or experience with arboriculture, the chairperson of the Tree Committee, and two City staff persons, including the City Arborist. The interview panel selected West Coast Arborists as being the best equipped and most reasonably priced for the type of work requested. Following City Council approval of said contract, work will begin in late July.

Recommendation: Adopt the proposed Resolution approving the contract with West Coast Arborists, Inc. in an amount not to exceed \$75,000 for the purpose of performing a tree inventory, master plan and related public education and awareness campaign and authorizing the Director of Parks and Community Services to sign the contract on behalf of the City.

I. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. PUBLIC HEARINGS:

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

IX. ACTION ITEMS:

X. INFORMATIONAL ITEMS (7:30 PM):

A. City Manager Reports

- 1. Public involvement in budget process: Community Priorities Survey and Workshop. (City Manager)**

The purpose of this report is to update the City Council on the process and initiatives to both inform and solicit public participation regarding the City's challenging budget issues. On Tuesday, June 8th staff posted on the City web site an online community priorities survey. The survey will close on Tuesday, June 29th. On the same day a public workshop, hosted at the Benicia Senior Center, will serve as another forum to engage the public and solicit their thoughts and suggestions on City services, programs and facilities.

Recommendation: Informational report; no action required at this time.

B. Council Member Committee Reports

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: June 16, 2010**
- 2. Association of Bay Area Governments (ABAG).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: October 21, 2010**
- 3. Finance, Audit and Budget Committee.
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: June 25, 2010**

- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: July 29, 2010**
- 5. School Liaison Committee.
(Council Members Ioakimedes and Hughes)
Next Meeting Date: August 7, 2010**
- 6. Sky Valley Open Space Committee.
(Council Members Campbell and Hughes)
Next Meeting Date: June 16, 2010**
- 7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Campbell)
Next meeting date: July 22, 2010**
- 8. Solano Transportation Authority (STA).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: July 14, 2010**
- 9. Solano Water Authority-Solano County Water Agency and Delta
Committee.
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: July 8, 2010**
- 10. Traffic, Pedestrian and Bicycle Safety Committee.
(Council Members Hughes and Ioakimedes)
Next meeting Date: July 15, 2010**
- 11. Tri-City and County Regional Parks and Open Space.
(Council Members Campbell and Hughes)
Next Meeting Date: June 14, 2010**
- 12. Valero Community Advisory Panel (CAP).
(Council Member Hughes)
Next Meeting Date: July 15, 2010**
- 13. Youth Action Coalition.
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: June 23, 2010**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.
(Mayor Patterson)
Next Meeting Date: June 28, 2010**

XI. ADJOURNMENT (8:15 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

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

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

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
APPOINTMENTS**

DATE : June 8, 2010
TO : City Council
FROM : City Attorney
SUBJECT : **CONFIRMATION OF THE COUNCIL SUBCOMMITTEE TO
UPDATE THE GARBAGE FRANCHISE**

RECOMMENDATION:

Confirm the appointment by the Mayor of a council subcommittee to assist with updating the garbage franchise.

EXECUTIVE SUMMARY:

Vice Mayor Schwartzman and Council Member Ioakimedes have been serving as the de facto subcommittee to assist staff with the crafting of a new garbage franchise. This action will correct the fact that the Mayor did not appoint them as an official subcommittee.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

- ❑ Goal 2.4.2: Enhance the recycling of solid waste
 - Policy 2.42.1: Strive to accomplish the mandated objectives of the California Integrated Waste Management Act
- ❑ Goal 4.16: Require hazardous materials and hazardous waste management handling and disposal procedures that are protective of human health and the environment
 - Policy 4.16.1: Support Solano County Hazardous Waste Management Plan and its goals, policies and implementation guidelines for hazardous waste reduction, hazardous waste facility siting, hazardous waste handling and disposal, public education and involvement, and program coordination with regulatory requirements
 - Policy 4.16.2: Continue, promote and expand the City's Household Hazardous Waste Program
- ❑ Goal 4.16: Reduce health and safety hazards associated with hazardous materials users, hazardous waste generators, and hazardous waste disposal sites and toxic air contaminants

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

May 2010

- ❑ Goal 1.00: Protect Community Health and Safety
- ❑ Goal 4.00: Preserves and Enhance City Assets and Infrastructure

Relevant Benicia Climate Action Plan Strategies:

- ❑ Objective SW-1: Commit to a Waste Diversion Goal of 90% for City Government Operations
- ❑ Objective SW-2: Commit to Waste Diversion Goal of 75% for the Community
- ❑ Strategy T-8.1.1. Encourage local businesses to Use Alternative Fuel Vehicles

BUDGET INFORMATION:

It is anticipated that a new franchise agreement will bring additional revenue to the city in the form of increased franchise fees and other fees.

BACKGROUND:

The City of Benicia currently has a franchise agreement with Allied Waste Systems, Inc. (Allied) for the collection, transfer, transportation and disposal of solid waste, recyclables and other related services through February 28, 2012. As part of the direction given to staff at its January 6, 2009 meeting, the City Council considered the need for a state-of-the-art agreement that will allow the City to negotiate with its existing franchisee or go out to bid. Since then a consultant, R3 has been hired to assist in the process, a survey of the residents and businesses has been done, a comparison of neighboring jurisdictions has been completed, and a “model” agreement is being drafted. In order to increase the opportunity for public input and because several of the proposed items are within the purview of the Sustainability Commission, proposals for service improvements will be presented to the Commission at their July 18, 2010 meeting. The Commission will be asked to review and make a recommendation to the City Council.

Staff has meet with Vice Mayor Schwartzman and Council Member Ioakimedes to help guide the process. Previously, these council members had expressed interest in various aspects of the franchise process and subject matter. At this time, it is appropriate to recognize them as the official subcommittee of the Council.

May 2010

RESOLUTION NO. 2010 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR’S APPOINTMENT OF VICE MAYOR SCHWARTZMAN
AND COUNCIL MEMBER IOAKIMEDES TO THE GARBAGE FRANCHISE
SUBCOMMITTEE**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the Mayor’s appointment of Vice Mayor Schwartzman and Council Member Ioakimedes to the ad hoc council subcommittee on the garbage franchise is hereby confirmed.

The above resolution was approved by roll call vote by the City Council of the City of Benicia at the regular meeting of said Council held the 15th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

May 2010

IV.B.1.3

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 01, 2010

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL:

All Council Members were present.

B. PLEDGE OF ALLEGIANCE:

Various elementary school students led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC:

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS:

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One full term to January 31, 2014

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Two full term to July 31, 2014

Human Services Board:
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Parks, Recreation and Cemetery Commission:
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Economic Development Board:
Three full terms to July 31, 2014

Library Board of Trustees:
Two full terms to July 31, 2013

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

B. APPOINTMENTS:

Mayor Patterson asked Council Member Hughes about the interviews that would be set up for the applications that had been received. Vice Mayor Schwartzman stated he thought the Appointment Subcommittee was close to the point of changing members. Mayor Patterson and Vice Mayor Schwartzman asked Ms. Wolfe to verify the appointment dates for the members of the Appointment Subcommittee.

C. PRESENTATIONS:

1. Earth Day Coloring Contest Awards acknowledged and presented by the Mayor

Mayor Patterson presented the awards to the contest winners.

2. Benicia City Cemetery Committee Presentation

D. PROCLAMATIONS:

1. Cemetery Proclamation

Mayor Patterson presented a proclamation to each member of the City Cemetery Committee.

V. ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the agenda as presented, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Mayor Patterson noted the handouts that were presented tonight.

B. PUBLIC COMMENT:

1. Rick Ernst - Mr. Ernst endorsed Mike and Gayle's Restaurant. He encouraged citizens to stay in Benicia when they eat out, as there are many great restaurants available to choose from.

VII. CONSENT CALENDAR:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Consent Calendar as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

Council pulled items VII-B, VII-C, VII-D, and VII-G.

A. Approval of Minutes for May 18, 2010:

B. Expression Of Support For H.R. 4812 – Local Jobs For America Act:

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-66 - A RESOLUTION IN SUPPORT OF H.R.4812 - LOCAL JOBS FOR AMERICA ACT

Vice Mayor Schwartzman requested amending the language in the first whereas to reflect the County's 12.2% unemployment rate.

C. Amendment to Task Order No. 5 with the Pakpour Consulting Group for Engineering Staff Augmentation:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

RESOLUTION 10-67 - A RESOLUTION APPROVING AN AMENDMENT TO TASK ORDER NO. 5 WITH THE PAKPOUR CONSULTING GROUP TO CONTINUE ENGINEERING STAFF AUGMENTATION FOR A NOT-TO-EXCEED TOTAL AMOUNT OF \$95,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Vice Mayor Schwartzman discussed concerns regarding the costs. He and Staff discussed staffing availability for street resurfacing projects.

D. Community Sustainability Commission Recommendation to Oppose Proposition 16:

RESOLUTION 10-68 - A RESOLUTION OPPOSING PROPOSITION 16

Council Member Hughes noted he would recuse himself from discussion, as he had a conflict of interest.

Vice Mayor Schwartzman discussed his lack of support for both the resolution and the proposition.

Mayor Patterson discussed concerns regarding this item, lack of funding available to spend on this issue.

Public Comment:

1. Kathy Kerridge - Ms. Kerridge discussed concerns regarding Proposition 16.
2. Susan Street - Ms. Street expressed support for the proposed resolution.

Mayor Patterson urged citizens to read the mailers that were sent out. She read the list of supporters listed on the mailers, and the municipalities that have signed on to oppose Prop 16.

Council Member loakimedes discussed his lack of support for the proposition; however, he would support the proposed resolution.

Vice Mayor Schwartzman clarified that he was not in support of the proposition.

Council Member Campbell and Staff discussed how the proposition might affect the City's renewable energy projects.

On motion of Council Member loakimedes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:
Ayes: Patterson, Campbell, loakimedes
Noes: Schwartzman

E. Inspection Services for the Valero Improvement Project:

RESOLUTION 10-64 - A RESOLUTION AMENDING THE NOT-TO-EXCEED AMOUNT FROM \$600,000 TO \$800,000 FOR INSPECTION AND PLAN REVIEW SERVICES WITH BUREAU VERITAS FOR THE VALERO IMPROVEMENT PROJECT

F. Approval of Fee Waiver Payment for the Rebuilding Together Benicia Projects:

RESOLUTION 10-65 - A RESOLUTION APPROVING A FEE WAIVER FOR THE REBUILDING TOGETHER SOLANO COUNTY PROJECTS LOCATED AT 410 WEST K STREET AND 600 EAST K STREET

G. Resolution in Support of California Air Resources Board efforts related to meeting greenhouse gas reduction targets and promoting emission reductions:

RESOLUTION 10-69 - A RESOLUTION SUPPORTING THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN DEVELOPING AND IMPLEMENTING STRATEGIES FOR MEETING CALIFORNIA'S GREENHOUSE GAS REDUCTION TARGETS, AND IN PROMOTING EMISSION REDUCTIONS FROM MOTOR VEHICLES

Vice Mayor Schwartzman discussed concerns regarding unintended consequences.

Public Comment:

1. Joey Porter - Mr. Porter spoke in opposition to the proposed resolution.
2. Mark Ackerman - Mr. Ackerman spoke in opposition to the proposed resolution.
3. Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution.

Mayor Patterson discussed support for the California Air Resources Board's efforts. She discussed concern regarding comments made by the public speakers.

Council Member Hughes discussed concern regarding unintended consequences of this item. He discussed concern regarding the impact it could have on jobs in California. He could not support the resolution at this time.

Council Member loakimedes discussed AB 32 statistics, and his support for this item. He discussed the importance of having air quality standards.

Vice Mayor Schwartzman discussed concern regarding the lack of information.

He would like to have more information prior to making a decision. He discussed concerns regarding costs.

Council Member Campbell discussed the chemical trends in air quality.

On motion of Council Member Campbell, seconded by Council Member loakimedes, Council approved the Resolution, on roll call by the following vote:
Ayes: Patterson, Campbell, loakimedes
Noes: Schwartzman, Hughes

H. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

A. Review of Municipal Budget Conditions and Proposed Mid-Cycle Budget Adjustments for Fiscal Years 2009-2011:

On motion of Council Member Hughes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

RESOLUTION 10-70 - A RESOLUTION APPROVING ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2009-2011

Rob Sousa, Finance Director, discussed the information presented in the handout provided to Council and the public tonight (copy on file).

Mayor Patterson and Staff discussed the rule regarding substantial information being submitted at a Council meeting, and whether the information presented tonight should be considered new and substantial information.

Council and Staff discussed the information presented in the handout. Much of what was presented had been presented to Council in previous staff reports. Council expressed support for allowing the information to be included in Staff's presentation.

Mr. Sousa reviewed a PowerPoint presentation (copy on file).

Council Member Campbell and Staff discussed what vote was needed for the action tonight. Mr. Sousa indicated Council could remove the 2010-2011 from the resolution, and just vote on the 2009-2010 portion.

Mr. Erickson discussed Staff's recommendation to adopt the adjustments as presented.

Council Member Hughes clarified the action Council was to take.

Ms. McLaughlin confirmed Council did not have to take action tonight, as Council was not going below the 20% reserve.

Council Member Hughes and Staff discussed other municipalities' reserve amounts.

Mayor Patterson discussed what the City of Santa Barbara did with their reserves. She would like Staff to present criteria with what other comparable cities did with their reserves.

Council Member Campbell thanked Staff for their efforts. He expressed concerns regarding dropping below the 20% reserve amount.

Vice Mayor Schwartzman discussed concern regarding going below the 20% reserve amount. He would like to maintain the 20% reserve as long as possible.

Council Member Ioakimedes requested Staff provide a breakdown on what makes up the 20% reserve. He would like to know what other cities are doing with their reserve policies.

Council Member Hughes clarified that he did not want to go below the 20% reserve. He just didn't want to make bad business decisions and get caught up in the 20% and sacrifice the safety of the City.

Mayor Patterson discussed the importance of making good business decisions, and the criteria that was established regarding the reserve policy.

Public Comment:

1. Rick Ernst - Mr. Ernst discussed concerns regarding the increasing health insurance rates, support for maintaining 20% reserve, and concerns regarding not funding equipment maintenance costs.

Vice Mayor Schwartzman clarified that Council was not piercing the 20% reserve, just putting it off for a few weeks. Staff confirmed that if the City were to go below the 20% reserve, it would have to come to Council for a vote prior to doing so.

X. INFORMATIONAL ITEMS:

A. City Manager Reports:

1. Budget Balancing Update:

Anne Cardwell, Administrative Services Director, reviewed the staff report and a PowerPoint presentation (copy on file).

Mayor Patterson and Staff discussed the process that would be used for the public participation meetings (interactive environment, small groups to get at pulling out the priorities, less formal setting).

Vice Mayor Schwartzman discussed the facilitated process being done by Staff, and the issue of having the Finance Audit and Budget Committee look into centralized purchasing.

Public Comment:

1. Susan Street - Ms. Street discussed the need to inform the public of the meeting setting and what information will be presented. Mayor Patterson clarified Staff would take comments and suggestions under consideration.

Council Member Hughes discussed the need for the City to be creative in its outreach efforts to the public.

Mr. Erickson discussed the survey that was conducted. Council Member Hughes clarified that the survey was limited to one per citizen.

Council Member Campbell and Staff discussed what approach would be taken with the budget choices that had to be made, and how to balance the real scenarios.

Mayor Patterson asked Staff to take comments and suggestions from Council and the public and report back to Council at the 6/15/10 Council meeting on the design of the workshop.

2. Overview of Costs, Funding and Plans for Bidding for the Benicia Community Center Project:

Mike Dotson, Assistant Director, Parks & Community Services, and Mike Alvarez, Parks & Community Development Director, reviewed the staff report.

Mayor Patterson and Staff suggested Staff look into acquiring State surplus equipment for the furniture and audio/video equipment. She also suggested Staff look into taking advantage businesses promoting their products for computers, etc.

Council Member Hughes and Staff discussed the savings for deferring the second parking lot (\$695,000), and the impact on the neighborhood

if the second parking lot is not built. He and Staff discussed the \$150,000 gap in funding.

Vice Mayor Schwartzman and Staff discussed the current project costs (currently approximately \$700,000 - total project cost - \$4.4 million), and the effect of operating the Community Center on the City's budget (\$317,000 - it would operate at a negative).

Council Member Campbell and Staff discussed the lease payments for the Community Center.

Public Comment:

1. Marilyn Bardet - Ms. Bardet discussed available funding through the Community Sustainability Commission (through the VIP Agreement).

3. Status of Benicia Business Park Application:

Mayor Patterson discussed her previous request to take action on this item.

Mr. Erickson stated Staff was looking for direction on what action Council wanted to take.

Vice Mayor Schwartzman clarified that he thought this item was to be brought back as an action item.

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Council Member Campbell discussed the date the initial application was submitted.

Public Comment:

1. Marilyn Bardet - Ms. Bardet discussed the work 'Benicia First' did on this issue. She discussed concern regarding clinging to the 2002 fees.
2. Susan Street - Ms. Street - Ms. Street asked Council to try and remember what direction it gave to Staff when the letter was written.
3. Steve Goetz - Mr. Goetz urged Council to initiate the specific plan process ASAP.

Vice Mayor Schwartzman and Staff discussed the deadline for filing for the grant (possibly September 2010), the letter the City sent to Seeno, and the need to recognize what could happen if everything Seeno

agreed to was scratched out and the process had to be started all over again.

Council Member Ioakimedes discussed his desire to have this as an action item, concern regarding the letter received from Discovery Builders, options Council could take at this point, and concerns regarding maintaining the fee amount for ten years.

Council Member Hughes discussed his disappointment in Discovery Builders' response letter. He discussed his desire not to lose the conditions the developer agreed to, and his desire for the City to apply for the grant.

Mayor Patterson discussed moving forward with the specific plan, not giving away a negotiating tool with Seeno, and the importance of having this on an agenda as an action item, not an informational item. She would like to see a motion to agendaize this item on the 6/15/10 Council agenda.

Mr. Erickson reminded Council of its ability to set terms (including fees, cost reimbursement, etc.) in the development agreement. He discussed the time and effort put into the consensus agreement, and the concern that has been raised about the letter received from Seeno. He discussed concern regarding throwing out the current agreement.

Council Member Campbell discussed the fact that Seeno had agreed to a specific plan, but not to a 'specific' specific plan.

Mayor Patterson and Council Member Campbell discussed the benefits of a specific plan.

Council Member Hughes discussed Seeno being in control of the property.

Mayor Patterson clarified that the motion would be to place this on an agenda as an action item to 1) continue getting 6-month updates, or 2) we ask for more definitive signature to the resolution, or 3) we close the application and say it is done and operate with a resolution.

Council Member Ioakimedes asked Staff to reach out to the applicant to give them an idea of where Council is. The applicant needs to come back with something that is more palatable. He acknowledged the hard work that went into the project.

Council Member Hughes requested the item not be brought back as an action item on 6/15/10, as he would not be able to attend that meeting.

Mayor Patterson suggested the item be brought back for action on 7/6/10. She clarified the motion was to take action on seeking some formal written agreement to the Resolution, so it goes forward, rather than being in the past tense, and a commitment to the specific plan, or just waiting for update reports, or ending the application, or anything else that Staff could put into the hopper that might make sense.

Council Member Campbell and Mayor Patterson clarified that there was a question whether the applicant agreed to the specific plan or there was a question to the agreement (the way the letter was written), so Staff was to look for a more formalized way to showing the applicant is committed to the resolution, and clarification on the specific plan, because the applicant hasn't actually agreed to participate in the specific plan, and the resolution does talk about participating in the specific plan.

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved placing this as an action item on the 6/15/10 agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

XI. COUNCIL MEMBERS REPORTS (9:30 PM):

A. Request to agendaize 127 First Street - The Tannery Building:

Council Member Campbell reviewed the Council report.

Staff discussed the issue of the trail, and the conditions of approval, and possibly having the developer go back to the HPRC for approval of a lesser project.

Council Member Hughes reminded Council this item was simply seeking approval to agendaize this.

Mayor Patterson suggested agendaizing this item for 7/6/10. She discussed possibly not agendaizing it (it could go to HPRC with lesser design, be appealed, etc.) She suggested Council simply wait, unless they want to seek policy definition.

After a lengthy discussion, Council Member Campbell withdrew his request.

Public Comment:

1. James Morgan - Mr. Morgan discussed the proposed project. The

building was now over-financed. They would like to be treated as other pre-existing businesses have been treated. It is not a new development.

B. Santa Rosa - Two Tier Pensions Article:

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:02 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR**

DATE : May 26, 2010
TO : City Council
FROM : Economic Development Manager
SUBJECT : **UPDATE ON TOURISM MARKETING PROGRAM**

RECOMMENDATION:

Receive quarterly update on progress of tourism marketing program.

EXECUTIVE SUMMARY:

With the approval of the contract with Wolf Communications for tourism marketing on October 17, the City Council indicated the desire to receive quarterly reports. This report summarizes the contractual work to date.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Strategy #1: Implement Tourism Plan
- Strategy #3: Retain and Attract Business

BUDGET INFORMATION:

No budget implications at this time; the tourism marketing contract with Wolf Communications is already approved and funded.

DISCUSSION:

The contract with Wolf Communications was approved on October 20, 2009, and the Council received its first quarterly update in February 2010. Since then, new accomplishments include an advertising plan with ads starting to appear in publications and on the radio in June (example attached), a website redesign (which should go live in June), press releases, a blog, and visitor-oriented videos posted online. These items and more are detailed in the required first full quarterly report (attached), which was submitted on time in March. To date, invoices through April have been submitted for a total of \$76,375 in payments. This amount is 27% of the total allocated, \$280,000. The EDB reviews the invoices and staff's payment tracking worksheet on a monthly basis. As of April 30, the contract schedule is 30% complete, which tracks with the 27% spent so far.

Tracking of sales tax downtown (as the area most affected by tourism) and transient occupancy tax (TOT) continues as a way to measure impact of the marketing campaign. Of course, neither of these measurements is wholly tourism dependent, so they must be taken as indicators rather than definitive answers. The data will be regularly updated as a way of tracking impact. The baseline chart below goes through calendar year 2009. Wolf Communications' contractual start date was October 21, 2009, mid- 4th quarter of 2009.



The chart shows a 19% drop in sales tax, from \$189,575 in 2008 to \$153,659 in 2009. Citywide, Benicia was down 12% (point of sale) from 2008 to 2009. Most of our larger generators downtown were not significantly down in 2009; however, a couple of factors were the loss of the downtown Starbucks, one business having a big order in 2008 that was missing in 2009, and many smaller generators being down. Interestingly, the East Side area (Military East and side streets) had an even larger drop spread over a fewer number of businesses, from \$204,606 in 2008 to \$153,659 in 2009.

The sales tax data gets readjusted quarterly as the State Board of Equalization receives late payments (or credits) and reassigns them to the correct quarter, so this may even out in upcoming quarters. TOT should start showing a jump in 2010 as the Holiday Inn Express will have been open for a full quarter; also, one smaller hotel's report is missing for fourth quarter 2009, so that number will be adjusted upward on the next report.

Meanwhile, staff, the Wolf team, and the Economic Development Board have been working on the issues the Council raised on October 20, at a subsequent discussion during the meeting of November 17, and at the first quarterly update on February 16.

→ **Phone Line:** The Council's direction was to think about the plan to answer phones at Wolf's office, and consider more potentially cost-effective alternatives, such as using a local organization instead. The responsibilities include any follow-up mail/e-mail fulfillment in addition to answering the phone. A stand-alone cost for this is not specified

VII.B.2

in the contract because it is rolled into the Client/Community/Public Liaison fee. There have been very few calls to the phone line (which highlights the importance of online information), thus very minimal costs.

- **Social Media:** The VisitBenicia Facebook page has over 800 fans. Twitter (short email blasts) seems to be less effective at engaging visitors and the local community, so is being placed on the back burner for now.
- **Advertising:** The advertising plan (attached) was due on February 28 and reviewed at the EDB's March meeting. The first radio ads will hit after the June election, and the first print ads will be appearing in June issues of *Sunset*, *Diablo*, and *San Francisco* magazines. Online ads on Facebook and Google AdWords have started running to promote specific events.
- **Community/Public/Client Liaison work:** This section in the contract is running high, as was noted at the February Council meeting. At this point, the allocation is at 48% of the total. The monthly billing in this category has dropped in recent months, so it seems to be evening out as the initial "getting-to-know-you" phase wraps up. It will continue to be closely monitored by staff.

Wolf continues to make bimonthly presentations at the EDB, although tourism marketing is a regular agenda item. The next regular quarterly written report is due on June 30, 2010, and the next quarterly update to Council will be scheduled for a September meeting.

Attachments:

- ❑ March 2010 report from Wolf Communications
- ❑ Final Advertising Plan
- ❑ Advertising Sample (placed in *San Francisco* magazine)

ATTACHMENTS

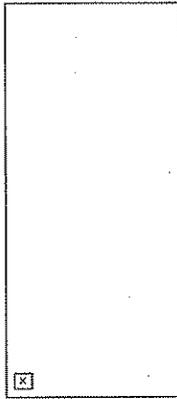


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Benicia Quarterly Marketing Report (January 1 through March 21, 2010) submitted by Wolf Communications on March 24, 2010

Summary

During the first quarter of 2010, Wolf Communications has concentrated on building and enhancing some of the basic infrastructure and tools for a comprehensive marketing effort. Among these are:

- **Social media:** Wolf Communications launched a Facebook page that now has almost 600 fans.
- **Advertising plan:** Wolf Communications has developed a comprehensive advertising plan that encompasses magazine, online, radio and billboard advertising and launches in the second quarter of 2010.
- **Media outreach:** Wolf Communications wrote a press release on the five new restaurants opening or about to open in Benicia and distributed it to approximately 150 media outlets, resulting in an article than ran in many of the Bay Area News Group newspapers, including Contra Costa Times, Oakland Tribune and San Jose Mercury News. Media follow up is continuing.
- **Newsletters:** Wolf Communications created and distributed a "stakeholders newsletter" containing an update on tourism efforts.
- **Web site redesign:** With approval from the Economic Development Board, Wolf Communications began redesign of the visitbenicia.org Web site to create a more informative, attractive version of the Web site.
- **Assistance to Visitor Centers:** Wolf Communications, in obtaining events for the Benicia Stakeholders group calendar, has had numerous contacts with representatives of the four visitor centers with opportunities to learn more about their promotional methods.
- **Tour operator outreach:** Wolf Communications began calling tour operators throughout the Bay Area to determine the level of interest in arranging tours to Benicia. Feedback gained on this initial outreach will assist in helping better target outreach efforts.
- **Visitor Phone Line:** As of March 21, the visitor phone line had received four phone calls for which Wolf Communications provided responses.
- **Stakeholder collaboration site:** In November of last year Wolf Communications set up a site on a platform called Wiggio on which stakeholders representing a wide range of sectors can post events. As of March 21, stakeholders and Wolf Communications staff had posted more than 126 unique events for the calendar year 2010. We have also used the site to collaborate with stakeholders and exchange information.

During the second quarter of 2010, Wolf Communications will continue its progress on all of the projects described above, plus create additional infrastructure and tools needed for the tourism effort including:

- Press kit
- General Visitors guide

Social Media

In December 2009, Wolf Communications launched a Visit Benicia Facebook page that has since grown to approximately 580 fans (as of March 21).

Fan Base Growth

Here is a summary of the rate at which the fan base for the page has increased:

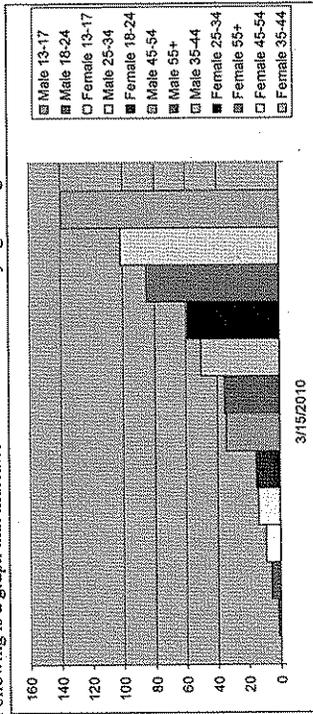
December 14	23
January 14	362
February 14	509
March 14	556

Content

Wolf Communications has posted a total of 89 times over the 16 weeks the page has been in existence, for an average of 5.5 posts per week. The posts have included event announcements, news about restaurant and other business openings, links to favorable articles about Benicia, special promotions at restaurants and shops, photos and videos (including one promoting FrankenBurger and another promoting the Benicia Historical Museum). Fan interaction was at its highest on the day of, and immediately following, an announcement about the opening of Lucca FR.

Fan Demographics

Following is a graph that indicates the number of fans by age and gender on March 15:



Top Cities Represented *

Pleasanton	125
San Francisco	101
Oakland	66
Fairfield	16
Santa Clara	16
Sacramento	15
Seattle	12

* Facebook does not report Benicia as among the top cities represented, while it is likely that Benicia residents constitute a large percentage of the Visit Benicia fan base. This failure to include Benicia is likely a bug within the Facebook demographic reporting.

Facebook Recommendations

Based on an evaluation of the progress so far with the Facebook page, we recommend the following enhancements:

- Run Facebook ads targeted at the largest current demographics (such as female 35 to 44) to obtain a greater following in under-represented geographic areas
- Educate individual businesses on the value of Facebook pages that can be linked through the following methods: administrators of each Benicia business Facebook page can become a fan of other pages, and also can list those as "favorites" on the pages they oversee
- Promote Sailor Jack's opening heavily since there was great fan interest in opening of Lucca FR
- Ask more open-ended questions to engage fans
- Create a contest, such as "best photograph depicting a Benicia visit"

Twitter

Because of budget and time limitations Wolf Communications has primarily concentrated on maintenance of the Facebook page, but created a link between the Facebook and the visit_benicia Twitter account so that any content posted on Facebook immediately becomes a "tweet." Here are the basic statistics for the Twitter account:

- 52 tweets
- 9 following
- 17 followers

Advertising

The flowchart depicting the recommended advertising plan is complete, and includes a mixture of radio, magazine and online venues. Radio is an excellent medium for increasing awareness of a product or service. We're recommending three stations: KCBS (news), KGO (news/talk) and KOIT (light music). Most of the radio budget is allocated to KCBS, which is the top station among adults 35 to 54. KCBS listeners have average household incomes above \$100,000. They tend to be highly educated, married professionals who are homeowners.

KOIT, the number two station (tied) in the Bay Area, reaches more than 1.6 million listeners each week, and is often played in offices. The schedule on KGO will focus on two programs particularly suited for people looking to enjoy a daytrip: Dining Around with Gene Burns, and On the Go with John Hamilton.

For magazines, we're recommending lifestyle publications such as Sunset, San Francisco, Diablo, Alameda/Oakland and Inside Benicia. Sunset magazine has a Northern California circulation of 350,000, with each copy read by approximately four people, for a total Northern California readership of about 1.35 million.

KCBS, KOIT, Sunset magazine, Diablo magazine and San Francisco magazine have online components that include items such as contests, e-mail blasts, Web site mentions, links to visitbenicia.com, etc. We also budgeted for Google and Facebook advertising, which is a highly targeted method of reaching certain demographics.

Benicia currently has three billboards that require no budget since they're part of a trade agreement. We'll oversee those and provide new artwork when appropriate.

Media Outreach/PR

Wolf Communications created a press release on the new restaurants opening or about to open in Benicia and distributed it to approximately 150 media outlets, resulting in an article that ran in many of the Bay Area News Group newspapers, including Contra Costa Times, Oakland Tribune and San Jose Mercury News. Media follow up is continuing.

We've researched and are in the process of writing the next press release about Arts Benicia's Open Studios event, to be distributed the first week of April.

Newsletters

Wolf Communications sent out one newsletter on February 5 to stakeholders updating them on marketing initiatives.

Stakeholder Newsletter Statistics:

- Total sent 1,637 (approximate)
- Number sent directly 37 (tracking statistics below based on this number)
- Number forwarded 1,600 (the city forwarded newsletter to about 100 people and Main Street forwarded to its list of 1,500)
- Open rate 64.9 percent (24)
- Click through rate 20.8 percent (5)

Industry standards, according to Constant Contact, call for an open rate for travel and tourism-related e-mails of 15.5 percent. This industry standard open rate does not directly apply to the audience for the stakeholder newsletter; the industry standard applies to open rates for a consumer audience.

Wolf Communications plans to create and distribute a newsletter for visitors by the second week of April. To help in collection of e-mail addresses for the newsletter, Wolf Communications has placed a form on the Visit Benicia Facebook page. A form for collecting e-mail addresses already exists on visitbenicia.org

Newsletter Recommendations:

To prepare for the first visitor newsletter, we plan to start heavily promoting signups for the newsletter on the Facebook page and visitbenicia.org Web site.

Visitbenicia.org Web site

During the first quarter of 2010, Wolf Communications began work on a redesign of visitbenicia.org to make the site more searchable, informative, attractive and technically manageable. We estimate the static jpeg pages will be ready for client review by April 13. As the pages are approved, the webmaster will begin back-end development.

We will create all pages, test functionality, then submit the new site (in the form of a URL link to a test server) for final review/approval by May 4 (estimated, based on the time required for the review process). The site will go live immediately upon client approval.

In the meantime, Wolf Communications has continued to update the store, restaurants, lodging and event listings on the current site to keep the content up to date.

We've also taken a close look at the current Web site's traffic statistics to help us learn more about what potential visitors are interested in (by virtue of the pages they visit), their degree of interest (measured in their length of time on the site), their geographic

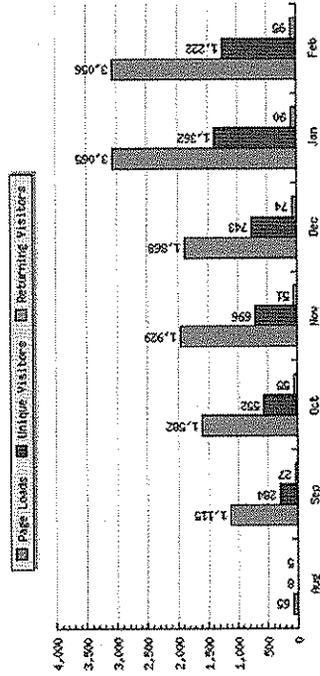
origin, and how they are finding the site (by search engine, keywords used, and sites from which they were referred).

In the future, Web data studied over time can be used to help show a relationship between targeted marketing campaigns and increased interest in specific content areas.

Increase in Web Traffic Since August 2009

Wolf Communications activated Google Analytics tracking in December. Prior to that, a utility called Statcounter tracked Web traffic. Unfortunately, because each tracking tool collects and defines data differently, comparing Google Analytics data with Statcounter data is like "comparing apples with oranges." We can draw a few conclusions, however, about the Web site's increase in traffic over the past seven months.

Statcounter shows definite growth in the number of fans visiting the site from August 2009 through February 2010:



As you can see, the number of unique visitors (each individual visitor is counted as a "unique" visitor) has grown significantly. The greatest one-month jump was from 743 in December 2009 to 1,362 in January 2010.

This growth in the site traffic between December and February can probably be attributed to:

- Addition of a link to visitbenicia.org on the City of Benicia's Web site (as you'll see in the section under "Traffic Sources," the City's site is the single largest referral source for visitbenicia.org).
- Addition of a link to the Chamber of Commerce's site (another large referral source)
- Creation of the Visit Benicia Facebook page in November (another referral source)
- Increased promotion and interest in the site because of publicity about tourism efforts and greater stakeholder engagement

A Deeper Look at Google Web Traffic Statistics (February 21 through March 21, 2010)

The following charts and graphs reflect data about visits to visitbenicia.org for a recent 30-day period.

Visit Quality Statistics

By looking at the statistics such as "page views," "pages per visit" and "time on site," you can start to gain insights in "visit quality." The more pages a visitor to the Web site views and the longer he remains on the site, the more interested he is in the site's content. "New visits" indicates the number of people who have come to the site for the first time.

Visits	1,063
Page Views	3,646
Pages per visit	3.43
Time on Site	2:54
Bounce Rate	39.04%
New Visits	78.83%

Traffic Sources

Traffic sources include referral sites (other Web sites that contain links to visitbenicia.org) and search engines. As you can see below, the City of Benicia's Web site is by far the greatest source of referrals to the visitbenicia.org site and the Benicia Chamber's Web site is the second largest source of referrals. Also listed, however, is Facebook.com. As the Visit Benicia Facebook page gains more fans, the number of referrals from this source will likely increase.

Source	Visits	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate
	Site Avg.	Site Avg.	Site Avg.	Site Avg.	Site Avg.
ci.benicia.ca.us / referral	435	3.78	00:03:20	91.26%	28.51%
google / organic	228	2.33	00:02:11	65.35%	51.32%
(direct) / (none)	130	4.88	00:03:26	83.08%	39.23%
beniciachamber.com / referral	98	3.76	00:02:47	80.81%	35.30%
yahoo / organic	72	2.14	00:00:50	77.76%	68.05%
facebook.com / referral	30	3.27	00:04:07	48.07%	36.87%
bing / organic	26	2.63	00:02:23	92.00%	40.00%
search / organic	10	4.90	00:03:32	94.00%	20.00%
ask / organic	8	3.25	00:05:13	67.50%	50.00%
benicia.govonline2.com / referral	5	4.60	00:04:45	100.00%	20.00%

Marketing Quarterly Report, Jan. through March 2010

Keyword Search

Below is a table indicating the top keywords used when a visitor arrived at visitbenicia.org via a search engine. Note that in several cases, the name of a specific business or specific event was used.

Search sent 345 total visits via 237 keywords

Keyword	Visits	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate
	Site Avg.	Site Avg.	Site Avg.	Site Avg.	Site Avg.
History of benicia's waterfront	16	2.72	00:03:11	0.00%	50.00%
the salon benicia	16	2.69	00:04:54	0.00%	6.25%
how to get to benicia	10	2.70	00:02:31	0.00%	20.00%
hissy (its benicia	9	1.33	00:00:04	0.00%	77.78%
benicia farmers market	8	1.50	00:05:12	0.00%	80.00%
benicia waterfront	6	1.83	00:02:22	100.00%	66.67%
benicia beach	5	2.60	00:01:58	100.00%	60.00%
city of benicia	5	5.60	00:01:37	100.00%	40.00%
visitbenicia.org	4	2.25	00:03:48	50.00%	0.00%
benicia	3	1.33	00:00:36	0.00%	66.67%
					1.10 p. 237

Most Popular Content

As evidenced in the table below, among the most popular pages for visitbenicia.org, (aside from the home page) are pages related to: restaurants, events, shopping, the waterfront, history, photos, and daytrip itineraries. The list of most popular pages will likely remain the same over time, with changes in order depending upon current marketing initiatives or creation of new pages.

Marketing Quarterly Report, Jan. through March 2010

- Upscale senior communities that take residents on tours, such as Rossmoor in Walnut Creek
- Cruise operators
- Other groups that specialize in art, history or shopping tours

Tour Operator Outreach Recommendations

Based on initial discussions with tour operators, we plan to:

- Focus next on higher-end senior communities and other appropriate senior groups, as well as tour operators, and special interest groups
- Begin packaging “theme-oriented” types of tours
- Begin planning content for e-mail campaigns once we establish a list of interested groups

Visitor Center Assistance

Wolf Communications has interacted regularly with representatives from several of the visitor centers while obtaining information for event promotion. Recently, we asked for statistics reflecting the amount of foot traffic through the centers; two had responded as of March 22.

Benicia Main Street had 1,377 visitors during the month of February. Arts Benicia doesn't keep a monthly total, but instead records the total number of people viewing a specific exhibition, which is usually on display for a period of weeks. For the recent “Art of a Community” exhibit, Arts Benicia had a total of 946 visitors.

As a result of these interactions, Wolf Communications has identified the following areas where we might be of assistance:

Direct requests by Visitor Centers

- Make recommendations how visitor foot traffic can be measured consistently at the Benicia Historical Museum (requested specifically by the executive director)
- Offer advice on how to promote concerts by the Benicia Historical Museum (requested specifically by executive director)

Observations by Wolf Communications

- Explore opportunities for more extensive promotion of events and attractions, by identifying niche publications and Web sites
- Make recommendations on how to gain greater fan numbers for visitor center Facebook pages

Stakeholder Collaboration Site (Wiggio)

In November of last year, Wolf Communications set up a page for posting events on a site called Wiggio by stakeholders representing a wide range of sectors. The intended purposes of establishing a site where stakeholders could post events, were to:

- Help avoid scheduling conflicts
- Highlight opportunities for cross promotion
- Provide event information for posting to visitbenicia.org and the Visit Benicia Facebook page.

Member Constituency and Participation

As of March 15, 2010, the Wiggio Benicia Stakeholder Group had a total of 38 members. Another 13 individuals had been sent invitations, but had not yet joined. The group consists of some of the original members of the Ad-Hoc Tourism Marketing Committee, plus other individuals who requested to join.

Members represent all of the key tourism-related sectors: art, history, shopping and waterfront activities. Of those whose interest areas could be determined, the sectors were represented by the following number of members:

Sectors Represented

Sector	Number	Organizations
Retail	5	merchants, representatives of merchant organizations such as Benicia Main Street
Arts	4	individual artists, Arts and Culture Commission
History	4	Benicia Historical Society, Benicia Historical Museum
City Government	3	Economic Development Department, Public Library
Economic Development	2	Economic Development Board
Lodging	2	hotel
Real Estate	2	realtors
Non-profit Community Organization	2	Soroptimists, League of Women Voters
Restaurant	1	restaurant owner
City Council	1	City Council
Community Sustainability	1	Community Sustainability Commission
Outdoor Recreation/waterfront	1	Waterfront Park Plan, Benicia Bicycle Club, Benicia Yacht Club
Performing Arts	1	Old Town Theatre Group
Publication	1	Inside Benicia

Event Posting

As of March 15, more than 126 unique events (not including repetitions of same event, such as the Farmers Market or performances of the same theatrical production) had been posted on the Wiggio calendar for the entire calendar year 2010 either by Wolf

Communications staff or members of the Benicia Stakeholders group. The events posted represent a cross section of event types and event sponsors:

Event Type	Number
Community Issue Meeting	1
Dance/Banquet/Party	1
Waterfront Activities	2
Dining	5
Governmental Meeting	8
Community Fundraiser	9
Historical Event	9
Retail	14
Visual Arts	16
Performing Arts	18
Family-oriented Event	21

Wiggio Calendar Objectives

Provide event information for posting to visitbenicia.org and the Visit Benicia

Facebook page: Wolf Communications staff has used this calendar repeatedly as a source of information for posting appropriate (tourist-related) events on the Facebook page and updating the calendar on visitbenicia.org.

Help avoid scheduling conflicts: Given the number of events posted on the calendar, the idea was to have the Wiggio calendar serve as tool in event planning. To see whether or not the calendar was serving this purpose, we queried the group members with a posting on the wall. We received five responses (presented below) that seemed to indicate the calendar offers value, but not necessarily for the purposes of cross-promotion or event scheduling:

"We have found the calendar extremely helpful. We get a good look at what the event environment will be and can plan accordingly. Also, I have a very selfish appreciation for the calendar. I love getting the automatic reminders 24 hours in advance. It would be nice if one could sign up for such a reminder on the tourist site. I would love to get a heads up of what's going on everyday. Thank you for the Wiggio calendar."

Kerry Carney, Benicia Historical Society

"Yes, very helpful!"

Eldon Petersen, business owner

"I think our biggest challenge is getting all stakeholders using it."

Christina Strawbridge, business owner

"Since we have more or less scheduled all the events we will be having this year, we have not consulted the list. It would perhaps be helpful to forecast what we expect the outcome of an event to be."

Ann Hansen, Benicia Historical Museum

"In response to the question I think it's too early to tell how useful it is for event planning. Most groups plan months in advance. The calendar should help for future events, provided events are posted early on. I'm looking at the October calendar to plan for an event. I'm a little confused about how things listed on this calendar make it to the visitbenicia calendar. I want to say there is some expectation that if you're listed on one you're listed on the other. So clarification on that would help."

Belinda Smith, Benicia Old Town Theater Group

There were no comments about whether the calendar afforded an opportunity for cross-promotion, so it appears that this is either a purpose that needs to be re-emphasized, or a community calendar is not the best way to promote this type of collaboration.

Wiggio Benicia Stakeholders Recommendations

Based on an evaluation of the progress so far with the Wiggio calendar, we recommend the following measures:

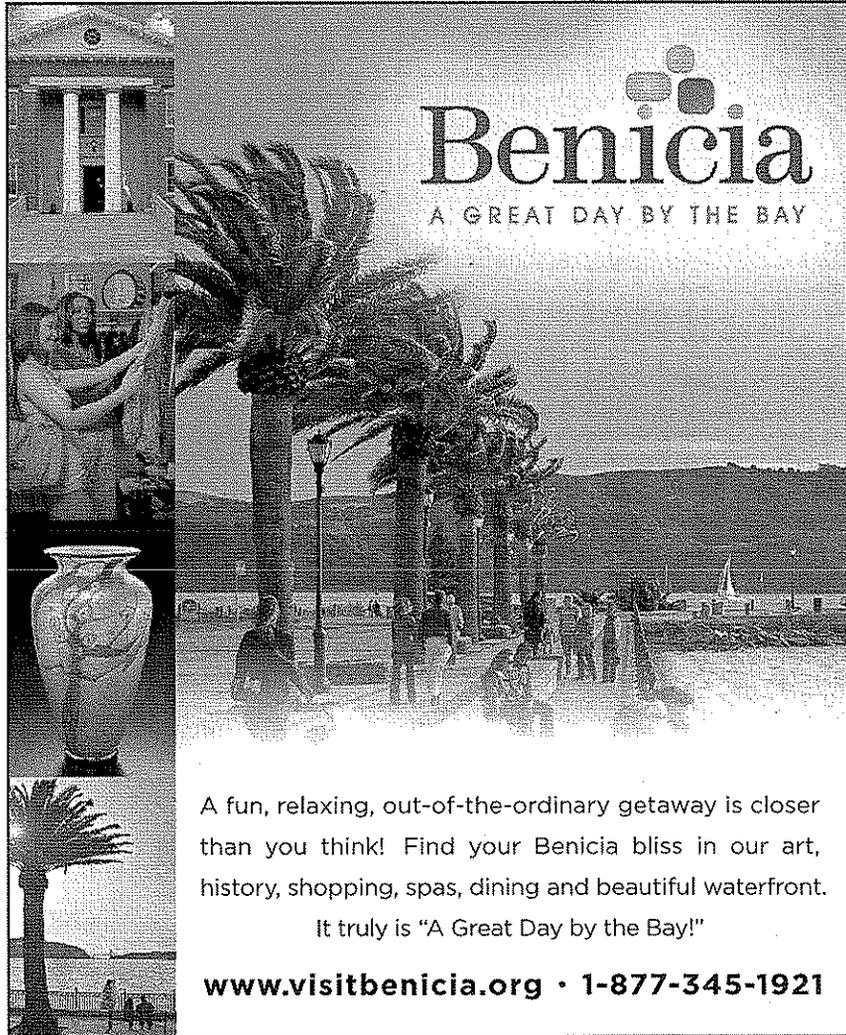
- Highlight opportunities for cross promotion between sectors (i.e., retail with non-profit, visual arts with educational, etc.)
- Increase the number of events in certain categories that coincide with areas of interest indicated via most often-visited pages on visitbenicia.org
- Increase representation in the following sectors: restaurants, B&B, Arts Benicia, Outdoor Recreation (Yacht Club)

**CITY OF BENICIA
Recommended Media Plan**

		2011												COST (000)			
		May	June	July	August	September	October	November	December	January	February	March	April		May	June	
MAGAZINES																	
Diablo Magazine (1/3 P4CB)		Summer Fun	Best of East Bay					Getaways				Spring Fashion	Women to Watch			7	\$12,635
Oakland/Alameda Magazines (1/3 P4CB)			Best of Oakland									Restaurants & Dining				3	\$4,335
San Francisco Magazine (1/4 P4CB)		Summer IULSF	Best of Bay Area	Dining Guide			Fall & Winter Travel									5	\$11,050
Sunset Magazine (3" 4C ad or 1/6 P4C) No. CA Edition - Travel Section							1/6 P4C ad No. CA Travel Planner									4	\$9,300
Sunset Summer Trips (1/6 P4C)																1	\$0
Inside Benicia (1/3 P4CB)																5	\$2,790
TOTAL MAGAZINES:																26	\$40,110
RADIO																	
KCBS-AM/FM (1:60s & :30s) 14x-15x per week AM Drive, MIDDAY, PM Drive, Evenings, Wednesday-Sunday		Weeks of 6/17, 6/21, 7/15, 7/19	X	X	X	X	X	X	X	X	X	X	X	X	X	6 wks.	\$23,010
KOIT-FM (1:60s & :30s) 14x-15x per week AM Drive, MIDDAY, PM Drive, Evenings, Weekends, Wednesday-Sunday		Weeks of 6/14, 6/28, 7/12, 7/26	X	X	X	X	X	X	X	X	X	X	X	X	X	4 wks.	\$13,100
KGO-AM (1:60s) 5x per week - Sat. AM programming; Gene Burns "Dining Around" (2x); John Hamilton "On the Go" (3x)		Weeks of 6/14, 7/12, 7/26	X	X	X	X	X	X	X	X	X	X	X	X	X	3 wks.	\$5,150
TOTAL RADIO:																15 wks.	\$41,260
ONLINE																	
KCBS.com Inclusion on Contest Page and in email blast - 1 week, 30K impressions		Date TBD														1 wk.	\$0
KOIT.com streaming spots (1:60s) - 25x/week		Weeks of 6/14, 6/28, 7/12, 7/26	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	4 wks.	\$500	
Diablo Magazine A-list E-newsletter - Sponsored 126K Impressions		Weeks of 6/14, 6/28, 7/12, 7/26	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	7x	\$0	
SanFranMag.com IT List: Sponsored Text (6x) Twitter - 4 tweets, Facebook postings (6x) Monthly Website Event Listing (6x) 60K Impressions+		Weeks of 6/14, 6/28, 7/12, 7/26	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	1x	6x	\$600	
Google AdWords + Facebook															4x-6x	\$0	
Sunsetgetaways.com - Hot Link + Listing															6x	\$0	
TOTAL ONLINE:															4x	\$2,730	
OUTDOOR																	
2 Rotating Clear Channel Billboard 1 CBS Billboard in Benicia																2 mos.	\$0
Media Planning/Buying Fee (based on time) Ad Production																	\$3,830
GRAND TOTAL:																	\$95,200

Costs are based upon recommended frequency levels indicated above. If cancellations occur, costs may increase and added-value opportunities will have to be re-negotiated.

Prepared by Wolf Communications



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**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR**

DATE : May 28, 2010
TO : City Manager
FROM : Public Works & Community Development Director
SUBJECT : **AWARD OF CHEMICAL CONTRACTS FOR WATER
TREATMENT – FISCAL YEAR 2010-2011**

RECOMMENDATION:

Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for water treatment for Fiscal Year 2010-2011 and authorizing the City Manager to sign the contracts on behalf of the City.

EXECUTIVE SUMMARY:

This action allows the City to purchase chemicals necessary for water treatment for Fiscal Year 2010-2011. In 1994, Benicia and ten other agencies in and around Solano County formed the North Bay Chemical Agency Pool to obtain the best possible pricing through bulk purchasing. Sufficient funds are available in the operations accounts of both the water treatment plant and wastewater treatment plant to cover the chemical costs.

GENERAL PLAN:

Relevant General Plan Goals:

- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses.
- Goal 2.38: Protect water quality

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #1: Protecting Community Health and Safety
 - Strategy #5: Promote community and personal health

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy: N/A

Purchasing chemicals for water treatment protects the health of our citizens and the environment.

BUDGET INFORMATION:

The City spends approximately \$400,000 annually for surface water treatment chemicals and approximately \$250,000 annually for wastewater treatment chemicals. Funding for the chemical purchases is budgeted and will be charged to plant chemical Account Nos. 090-8205-8771 (Water Treatment) and 014-8305-8772 (Wastewater Treatment).

SUMMARY:

A variety of chemicals are used in the treatment of water at the water and wastewater treatment plants. The City of Benicia, along with ten other agencies in and around Solano County, formed the North Bay Chemical Agency Pool or “Agency Pool” in 1994. The purpose of the “Agency Pool” is to obtain the best possible price through joint (bulk) purchasing. A bid summary, which lists all bidders and bids for each chemical, is attached. At the bottom of the bid summary is a historical overview of costs for each chemical since inception of the “Agency Pool.” Review of the summary will show that nearly all costs have decreased. These decreases are the result of lower transportation costs and greater stability in the energy market.

After review of the bids, it is recommended to award contract(s) to the following lowest responsible bidders for the chemicals listed and at the prices indicated:

<u>Apparent Low Bidder</u>	<u>Item</u>	<u>Unit Cost</u>
General Chemical Company	Aluminum Sulfate	\$319.00/dry ton
Brenntag Pacific	Sodium Hydroxide (25%)	\$383.80/dry ton
Brenntag Pacific	Sodium Hydroxide (50%)	\$358.80/dry ton
Sierra Chemical Company	Chlorine – Ton Container	\$510.00 each (1-3/delivery) \$505.00 each (4+/delivery)
Kemira Water Solutions	Ferric Chloride (43%)	\$640.00/dry ton
Brenntag Pacific	Hydrofluosilicic Acid (24%)	\$647.98/dry ton
Brenntag Pacific	Sodium Bisulfite (25%)	\$0.739/gallon

Sierra Chemical Company	Sodium Hypochlorite (12.5%)	\$0.6152/gallon (1000-3999 gal/delivery) \$0.5995/gallon (4000+ gal/delivery)
Nalco Company	Cationic Polymer	\$0.500/pound
CalChem	Polyaluminum Chloride (PAX)	\$0.307/pound

There are provisions in the chemical agreements that allow a one-year extension if deemed advantageous to the City.

cc: City Attorney
Assistant Director of Public Works
Water Treatment Plant Superintendent
Wastewater Treatment Plant Superintendent

Attachments:

- Proposed Resolution
- Bid Summary

Proposed Resolution

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2010-2011 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

WHEREAS, sealed bids to furnish various chemicals were opened and read aloud; and

WHEREAS, the responsible bidders submitting the lowest responsive bids for the various chemicals were determined to be:

- a) General Chemical Company for Aluminum Sulfate
- b) Brenntag Pacific for Sodium Hydroxide (25% caustic)
- c) Brenntag Pacific for Sodium Hydroxide (50% caustic)
- d) Sierra Chemical Company for Chlorine
- e) Kemira Water Solutions for Ferric Chloride
- f) Brenntag Pacific for Hydrofluosilicic Acid
- g) Brenntag Pacific for Sodium Bisulfite
- h) Sierra Chemical Company for Sodium Hypochlorite
- i) Nalco Company for Cationic Polymer
- j) CalChem for Polyaluminum Chloride

NOW, THEREFORE, BE IT RESOLVED THAT the bids for chemicals listed above are hereby accepted.

BE IT FURTHER RESOLVED THAT the following suppliers are awarded the contracts to furnish specified chemicals to the City of Benicia:

- a) General Chemical Company is awarded the contract for Aluminum Sulfate for a unit price of \$319.00/dry ton.
- b) Brenntag Pacific is awarded the contract for Sodium Hydroxide (25% caustic) for a unit price of \$383.80/dry ton.

- c) Brenntag Pacific is awarded the contract for Sodium Hydroxide (50% caustic) for a unit price of \$358.80/dry ton.
- d) Sierra Chemical Company is awarded the contract for Chlorine (ton container) for a unit price of \$510.00 each (1-3 delivery) and \$505.00 (4+/delivery).
- e) Kemira Water Solutions is awarded the contract for Ferric Chloride for a unit price of \$640.00/dry ton.
- f) Brenntag Pacific is awarded the contract for Hydrofluosilicic Acid for a unit price of \$647.98/dry ton.
- g) Brenntag Pacific is awarded the contract for Sodium Bisulfite for a unit price of \$0.739/gallon.
- h) Sierra Chemical Company is awarded the contract for Sodium Hypochlorite for a unit price of \$0.6152/gallon (1000-3999 gal/delivery) and \$0.5995/gallon (4000+ gal/delivery).
- i) Nalco Company is awarded the contract for Cationic Polymer for a unit price of \$0.500/pound.
- j) CalChem is awarded the contract for Polyaluminum Chloride for a unit price of \$0.307/pound.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to sign the contracts on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Bid Summary

North Bay Chemical Agency Pool Bid Summary FY 2010-2011

Chemical Vendor	Alum	Caustic	Caustic	Liquid CL2 Gas	Ferric Cl	Fluoride	Bisulfite	12.5% NaOCl	Cationic	PAX
	(dry ton)	(dry ton)	(dry ton)	1 ton Cylinder	(dry ton)	(dry ton)	(gallon)	(Gal)	(pound)	(pound)
Air Products										
Pam Derr										
Basic Chemical Solutions										
Mary Rose Gambler		\$441.34	\$393.46				\$0.870	\$1.0200	\$0.9130	
BOC Gases										
Clarence Gaten										
Brenntag Pacific										
Brian Liotta		\$333.80	\$358.80			\$647.98	\$0.739			
CalChem										\$0.307
Scott Williams										
Chemurgic										
Davis Johnson							\$0.787			
Ciba Specialty Chemicals										
Gary Barber										
General Chemical Company										\$0.345
Christine Amato	\$319.00									
HASA, Inc										
David Valeron								\$0.8210	\$0.7210	
Kemira Water Solutions										
Shelly Robinson					\$640.00					
Lucier Chemical Industries (L-CI)										
Betty Kendall-Jones					\$	652.17				
Nalco Company										
Kerry Hong									\$0.500	
Olin Chlor Alkali Products										
John L McIntosh		\$429.90	\$379.90					\$0.7940	\$0.6640	
Pennacco, Inc										
R. L. Horne										
Polydyne										
Randal Vickery										
Praxair, Inc										
Michael Kerr										
Rhodia, Inc										
Kurt Bittig	\$490.00									
Sierra Chemical Company										
Stanley Kinder		\$451.72	\$426.59	\$510.00	\$819.00			\$0.6152	\$0.5995	
Summit Research										
Richard Rosen										\$0.336
JCI Jones Chemicals Inc										
Colleen DuBoise										
Previous Fiscal Year Prices										
FY09-10	\$358.00	\$494.89	\$449.90	\$669.90	\$720.00	\$657.99	\$0.947	\$0.8590	\$0.470	\$0.325
FY08-09	\$389.00	\$599.90	\$649.90	\$455.00	\$660.21	\$615.00	\$0.825	\$0.8990	\$0.490	\$0.337
FY07-08	\$249.00	\$391.90	\$349.90	\$408.49	\$480.00	\$534.00	\$0.597	\$0.6849	\$0.410	\$0.317
FY06-07	\$236.00	\$389.92	\$362.48		\$454.40	\$319.00	\$0.579	\$0.7690	\$0.397	\$0.380
FY05-06	\$186.00	\$512.33	\$455.94		\$352.00	\$198.00	\$0.500	\$0.7900	\$0.360	\$0.320
FY04-05	\$156.00	\$256.90	\$228.00		\$338.00	\$183.00	\$0.333	\$0.5290		
FY03-04	\$136.00	\$258.00	\$238.00		\$339.50	\$201.00	\$0.345	\$0.5040		
FY02-03	\$134.00	\$189.53	\$156.67		\$339.50	\$215.00	\$0.465	\$0.4045		
FY01-02	\$132.00	\$447.96	\$405.90		\$329.50	\$224.35	\$0.485	\$0.4880		
FY00-01	\$128.00	\$233.00	\$190.00		\$282.00	\$193.44	\$0.485	\$0.3390		
FY99-00	\$103.97	\$185.75	\$148.00		\$360.00	\$211.92	\$0.550	\$0.2700		
FY98-99	\$104.47	\$340.50	\$297.50		\$288.00	\$212.00		\$0.3790		
FY97-98	\$104.48	\$214.50	\$180.50		\$330.00	\$212.00		\$0.3790		
FY96-97	\$97.09	\$312.50	\$272.50		\$331.50	\$224.50		\$0.2800		
FY95-96	\$95.37	\$312.50	\$210.00		\$386.00	\$319.00		\$0.2800		
FY94-95	\$96.20	\$365.00	\$295.00		\$335.91	\$319.00		\$0.2800		
Lowest, responsible bid										

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR**

DATE : June 4, 2010
TO : City Manager
FROM : Public Works & Community Development Director
SUBJECT : **APPROVAL OF CHANGE ORDERS FOR THE BENICIA HIGH SCHOOL TRAFFIC SIGNAL AND ENTRANCE CIRCULATION IMPROVEMENT PROJECT**

RECOMMENDATION:

Adopt the attached resolution approving 18 change orders in the amount of \$54,229 for the Benicia High School Traffic Signal and Entrance Circulation Improvement Project for a total change order amount to date of \$103,214.

EXECUTIVE SUMMARY:

The Benicia High School Traffic Signal and Entrance Circulation Improvement Project is substantially complete. At this time staff is recommending approval of change orders to complete the resurfacing and striping improvements to Military West, which will be applied during summer break, and to install a solar power source for the lighted crosswalk that has been relocated from the high school to the intersection of East 2nd Street/Riverhill. The Traffic Mitigation Fund is paying for this project and there is sufficient funding in the approved project budget to cover the cost of the change orders.

BUDGET INFORMATION:

The projected final budget is as follows:

PROJECT REVENUES

Adopted FY 2007–2009 Budget (Traffic Mitigation Fund).....	\$400,000
Adopted FY 2009–2011 Budget (Traffic Mitigation Fund).....	800,000
<u>Total Budget.....</u>	<u>\$1,200,000</u>

ESTIMATED FINAL PROJECT EXPENDITURES

Conceptual, Prelim., Final Design Services (Fehr & Peers, Task Orders No. 1–3).....	\$218,815
Summer 2008 Improvements (radar speed signs, benches, crosswalk)	35,000
Construction Support (Fehr & Peers)	
Task Order 4–Engineering Services.....	17,870
Task Order 5–Construction Management/Inspection Services.....	175,651

Construction Contract	
Base Bid (traffic signal, curb extensions, road diet)	377,617
Bid Alternate A (mid-block tree wells/hardscaping)	63,845
Bid Alternate B (slurry seal)	33,250
Bid Alternate C (trees and irrigation).....	65,130
Bid Alternate D (relocate lighted crosswalk).....	15,000
Bid Alternate E (bus shelter).....	20,000
Change Orders Nos. 4, 7, 12, 13, 15, 17-19, 21 (<i>Staff Approved</i>)	48,985
Change Orders Nos. 1-3, 5-6, 8-11, 14, 16, 20, 22-27 (<i>This Request</i>)	54,229
Crossing Guards	10,000
Water Meter Connection Fee (Irrigation).....	8,000
<hr/>	
Total Estimated Expenditures	\$1,143,392

It is anticipated that remaining \$56,608 of the project budget will not be expended and will be returned to the Traffic Mitigation Fund.

GENERAL PLAN:

Relevant General Plan Goals include:

- ❑ Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations
- ❑ Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies include:

- ❑ Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy: Provide safe, functional and complete streets
 - Strategy: Provide adequate funding for ongoing infrastructure needs

BACKGROUND:

The Benicia High School Traffic Signal and Entrance Circulation Improvement Project is substantially complete. This project has greatly enhanced safety for school children, reduced traffic congestion during student drop-off and pick-up times, and created an attractive gateway for the high school along Military West. During construction, safety was emphasized at all times, and disruption to the traveling public was kept to a minimum.

Staff previously approved Change Order Nos. 4, 7, 12, 13, 15, 17-19, and 21 in the amount of \$48,985 to compensate the contractor, Prism Engineering, for extra work performed on the project (Attachment “A”). At this time staff is recommending the City Council approve Change Order Nos. 1-3, 5, 6, 8-11, 14, 16, 20, and 22-27 in the amount of \$54,229 for a total approved change order amount of \$103,214.

Change Order Nos. 1-3, 5, 6, 8-11, 14, 16, 20, and 22-24 in the total amount of \$6,229 will compensate the contractor for all extra work performed to date.

The last contractual items of work to be performed on Military West, slurry sealing and installing the final striping, will be completed during the summer when school is out on break. To obtain the full service life of the slurry seal, it is recommended that Military West first be crack sealed and patched. Staff has negotiated Change Order Nos. 25 and 26 in the amounts of \$31,500 and \$6,500 respectively for Prism to perform this additional work.

Change Order No. 27 will install a solar power source for the pedestrian activated, in-street lighted crosswalk that is being relocated from in front of the high school to the intersection of East 2nd /Riverhill. Staff estimates this change order will cost approximately \$10,000 and is requesting approval of this expenditure in advance.

Once the project has been completed later this summer, it will be brought back to the City Council for final acceptance.

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING 18 CHANGE ORDERS IN THE AMOUNT OF \$54,229 FOR THE BENICIA HIGH SCHOOL TRAFFIC SIGNAL AND ENTRANCE CIRCULATION IMPROVEMENT PROJECT FOR A TOTAL CHANGE ORDER AMOUNT TO DATE OF \$103,214 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDERS ON BEHALF OF THE CITY

WHEREAS, the Benicia High School Traffic Signal and Entrance Circulation Improvement project is substantially complete; and

WHEREAS, during the completion of this work Change Order Nos. 4, 7, 12, 13, 15, 17-19, and 21 totaling \$48,985 as shown on Attachment "A" were approved by staff to allow timely compensation to be made to Prism Engineering, the contractor on the project, for extra work performed; and

WHEREAS, Change Order Nos. 1-3, 5-6, 8-11, 14, 16, 20, 22-27 totaling \$54,229 will fund cost effective, life-extending improvements to Military West when the slurry seal is applied over summer break and the installation of a solar power source for the lighted crosswalk that is being installed at East 2nd Street/Riverhill.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves Change Order Nos. 1-3, 5-6, 8-11, 14, 16, 20, 22-27 totaling \$54,229 for the Benicia High School Traffic Signal and Entrance Circulation Improvement project for a total change order amount to date of \$103,214 as shown on Attachment "A" and authorizes the City Manager to sign the change orders on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

ATTACHMENT “A”

**Benicia High School Traffic Signal and Entrance Improvements Project
Change Order Summary**

<u>No.</u>	<u>Change Order</u>	<u>Amount</u>
1.	Relocate Signal Foundation Southeast Corner of Intersection <i>(This Request)</i>	\$ 1,563.22
2.	Hand Excavate to Expose Utilities for Northwest Signal Foundations <i>(This Request)</i>	\$ 793.83
3.	Pull-Box and Conduit for Signal Point of Connection <i>(This Request)</i>	\$ 793.55
4.	Repair Street Light Conduit at 11th, Install Irrigation Sleeve at 10th, Adjust Signal Mast Arm <i>(Staff Approved)</i>	\$ 7,786.88
5.	Repair Street Light Conduit between 10 th & 11 th <i>(This Request)</i>	\$ 412.82
6.	Relocate Street Light Pull Box at Military/W. 11 th Street <i>(This Request)</i>	\$ 520.15
7.	Repair Street Light Conduit at 10 th Street <i>(Staff Approved)</i>	\$ 987.60
8.	Relocate Signal Foundation at Northeast Corner of Intersection <i>(This Request)</i>	\$ 537.43
9.	Adjust Drop Inlet of Storm Drain to avoid Gas Line <i>(This Request)</i>	\$ 671.79
10.	Additional Road Signs for Lane Modification at Plaza De Oro <i>(This Request)</i>	\$ 530.20
11.	Additional Road Signs for Lane Modification at Plaza De Oro <i>(This Request)</i>	\$ 2,136.56
12.	Installation of additional aggregate base under ADA Ramps <i>(Staff Approved)</i>	\$ 2,533.99
13.	Grinding and Installing Asphalt at Crosswalks <i>(Staff Approved)</i>	\$ 9,689.67
14.	Install Weep Holes in AC Dyke at 10 th Street <i>(This Request)</i>	\$ 242.91
15.	Adjustment to Signal Head for Final Lane Configuration <i>(Staff Approved)</i>	\$ 181.58
16.	Additional Pot-holing for Water Line at 11 th Street <i>(This Request)</i>	\$ 572.89
17.	Replace Existing LED Lights for Crosswalk <i>(Staff Approved)</i>	\$ 3,730.60
18.	Install Bus Shelter Pad <i>(Staff Approved)</i>	\$ 6,500.00
19.	Provide new service cabinet for E. 2 nd Street Crossing <i>(Staff Approved)</i>	\$10,000.00
20.	Install conduit for E. 2 nd Street Crossing <i>(This Request)</i>	\$ 5,500.00
21.	Relocate Irrigation Point of Connection to Plaza De Oro <i>(Staff Approved)</i>	\$ 7,575.00
22.	Temporary Road Striping <i>(This Request)</i>	\$15,000.00
23.	Delete Bid Items 35, 36, Bid Alt.E from Contract <i>(This Request)</i>	(\$24,010.00)
24.	Irrigation Back Flow Enclosure Upgrade <i>(This Request)</i>	\$ 963.62
25.	Crack Seal Military West Prior to Slurry Sealing <i>(This Request)</i>	\$31,500.00
26.	Repair Asphalt on Military West Prior to Slurry Sealing <i>(This Request)</i>	\$ 6,500.00
27.	Provide Solar Power at E. 2 nd Street Crossing <i>(This Request)</i>	<u>\$10,000.00</u>
	TOTAL	\$103,214.29

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR

DATE : June 3, 2010

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **APPROVAL OF A CONTRACT AMENDMENT FOR CITYCENTRIC INVESTMENTS FOR PROFESSIONAL SERVICES AND CONSULTATION**

RECOMMENDATION:

Adopt a resolution approving a contract amendment with Citycentric Investments for professional services and consultation and authorizing the City Manager to execute the contract amendment on behalf of the City.

EXECUTIVE SUMMARY:

On January 11, 2010, the City entered into an Agreement with Citycentric Investments for professional services and consultation for the Public Works and Community Development Department. Citycentric Investments is currently providing Land Use and Engineering Manager services. The contract amendment would allow Mark Rhoades of Citycentric to remain in a part-time capacity until a full-time Land Use and Engineering Manager begins work next month.

BUDGET INFORMATION:

Agreement #1 was in the amount of \$25,000, which has been expended. That amount was increased by \$14,250 when like funds were deposited from Gas City Fuels for reimbursement to the City for preparation of environmental documentation for the Rose Center parking reduction review. This amendment provides for up to an additional \$55,000 in Land Use and Engineering Manager services using Planning Division Professional Services Account No. 010-4105-8106. The Agreement provides for a not-to-exceed amount of \$94,250.00.

SUMMARY:

Citycentric Investments has been providing professional services since January 2010. The work performed by Citycentric Investments to date has demonstrated expertise necessary to provide the required professional services for the division.

Attachments:

- Proposed Resolution
- Contract Amendment

PROPOSED RESOLUTION

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$94,250 WITH CITYCENTRIC INVESTMENTS FOR PROFESSIONAL SERVICES AND CONSULTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, a professional consulting firm is needed to continue to provide Land Use and Engineering Manager functions as assigned by the Public Works & Community Development Director; and

WHEREAS, Citycentric Investments has demonstrated the expertise necessary to provide the required professional services for the department, primarily for Land Use and Engineering Manager services.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount of \$55,000, bringing the not-to-exceed amount to \$94,250 with Citycentric Investments for professional services and consultation for the Public Works & Community Development Department and authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

CONTRACT AMENDMENT

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of June, 2010, by and between the City of Benicia, a municipal corporation ("CITY") and Mark Rhoades, Citycentric Investments, a California corporation with its primary office located at 5715 Claremont Avenue, Oakland, CA 94618 (herein "CONSULTANT"), is made with reference to the following:

RECITALS:

A. On January 11, 2010, an agreement was entered into by and between CITY and Citycentric Investments. ("Agreement").

B. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. Paragraph 3 (d) of the Agreement is modified to read as follows: Compensation and reimbursement pursuant to this Agreement shall not exceed \$94,250.00 at the rates set forth in Exhibit B.
2. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

Citycentric Investments

City of Benicia,
A Municipal Corporation

By _____
Mark Rhoades

By _____ Date: _____
Jim Erickson, City Manager

RECOMMENDED FOR APPROVAL:

Charlie Knox, Community Development Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

EXHIBIT B
Consultant Fees

Mark Rhoades, AICP\$125.00/hr.
Citycentric Investments

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR**

DATE : June 7, 2010

TO : Jim Erickson, City Manager

FROM : Rob Sousa, Finance Director
Michael Alvarez, Director of Parks and Community Services

SUBJECT : **CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2010-2011**

RECOMMENDATION:

City Council adopt the attached Resolution pertaining to the Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and Therefore Setting a Public Hearing on July 6, 2010 for the City of Benicia Landscaping and Lighting District, fiscal year 2010-2011.

EXECUTIVE SUMMARY:

The City Council approved three resolutions on May 4, 2010 initiating the proceedings to levy and collect assessments in the Landscape and Lighting Districts. The information was not available at the time of the advertised public hearing date, so staff has changed the attached resolution to reflect the rescheduled public hearing date of July 6, 2010. The City of Benicia Landscaping and Lighting District consists of five separate zones, with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis. The total budget costs for fiscal year 2010-2011 for all five zones is \$538,500. After the Reserve Fund credits are applied to the budgets, the balance to levy totals \$427,663, which is the same amount as prior years.

BUDGET INFORMATION:

The total budget costs for fiscal year 2010-2011 for all five zones of the District is \$538,500. After the Reserve Fund credits are applied to the budgets the balance to levy is \$427,663. There will be no increase in the assessment rates this year.

BACKGROUND:

The City of Benicia Landscaping and Lighting District consists of five separate zones with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis.

The attached Resolution sets a public hearing for July 6, 2010 for consideration of a Resolution to order the levy and collection of assessments for fiscal year 2010-2011. The conclusion of the public hearing and adoption of the Resolution ordering the levy and collection of assessments for fiscal year 2010-2011 on July 6, 2010 will complete the process for the coming fiscal year.

All costs for street lighting and for maintaining landscaping and irrigation systems, including administration expenses and incidental expenses associated with preparation of the annual report, are paid for by assessments levied against parcels within the District. Therefore, there are no budget impacts to the General Fund.

Copies of the Landscaping and Lighting District Preliminary Engineer's Report and authorizing resolutions are available at the City Clerk's office of the City of Benicia, 250 East L Street, Benicia, CA 94510.

Attachment:

- Resolution Ordering the Levy and Setting the Public Hearing Date on July 6, 2010

RESOLUTION

RESOLUTION NO. 10-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JULY 06, 2010 FISCAL YEAR 2010-2011 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

WHEREAS, pursuant to the previous Resolution, describing improvements and directing preparation of Engineer's Report for Fiscal Year 2010-2011 for City of Benicia Landscaping and Lighting District ("District"), adopted on May 4, 2010, by the City Council of said City pursuant to the Landscaping and Lighting Act of 1972, the City Engineer of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by previous Resolution, which said report has been submitted and preliminarily approved by this Council in accordance with said Act.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

1. In its opinion the public interest and convenience require, and it is the intention of the City Council to order, the levy and collection of assessments for fiscal year 2010-2011 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are:
 - a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.
 - b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.
2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the District, the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Director of Public Works of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said District.
3. Said Engineer's Report prepared by the City Engineer of said City, preliminarily approved by the City Council by previous Resolution and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and

parcels of land within District.

4. Notice is hereby given that Tuesday, the 6th day of July 2010, at 7:30 p.m. in the regular meeting place of the City Council, City Hall, 250 East "L" Street, Benicia, California, be and the same is hereby appointed and fixed as the time and place for a hearing by the City Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written comments made or filed by any interested person at or before the conclusion of said hearing against any proposed assessment upon an assessable lot or parcel of land within the District, and when and where it will consider and finally act upon the Engineer's Report.

5. Prior to the conclusion of the hearing, any interested person may file a written protest with the Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the Benicia Herald, a newspaper published and circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The Public Works Department is hereby designated as the office to answer inquiries regarding any proceedings to be had herein, and may be contacted during regular office hours at City Hall, 250 East "L" Street, Benicia, California 94510, or by calling (707) 746-4240.

On motion of _____, seconded by _____, the above Resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 15th day of June, 2010 and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR**

DATE : June 1, 2010
TO : City Council
FROM : City Attorney 
SUBJECT : **ADOPTION OF A WHISTLEBLOWER POLICY STATEMENT**

RECOMMENDATION:

Adopt a whistleblower policy.

EXECUTIVE SUMMARY:

As part of the City's ongoing efforts to continually maintain modern policy documents in conformance with State of California laws and statutes, a Whistleblower Policy document has been drafted.

STRATEGIC PLAN:

Relevant Strategic Plan Goal: N/A

BUDGET INFORMATION:

There is no budget impact.

BACKGROUND:

The California Whistleblower Protection Act (Government Code Section 8547 - 8547.12) governs the application, protections and reporting provisions for whistleblowers. Attached for reference is the California Division of Labor Standards Enforcement public policy document for this act. This document is posted at City work locations. Adopting the Whistleblower Policy will help to publicize the policy, to reinforce the City of Benicia's mission to provide Excellent Service, and to implement the City's values of Integrity, Inclusiveness and Collaboration, Respect, and Responsiveness. In addition, adoption of the policy should help reduce potential claims and losses due to waste or theft. The Civil Service Commission and the Open Government Commission have reviewed this policy. The Open Government Commission requested the Resolution indicate that non-employees may also "blow the whistle."

Attachments:

- Proposed Resolution
- California Division of Labor Standards Enforcement Posting Regarding Whistleblowers

RESOLUTION

RESOLUTION NO. 10-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING THE BENICIA WHISTLEBLOWER POLICY**

WHEREAS, the City of Benicia strives to conduct all its activities in a responsible, legal, and accountable manner; and

WHEREAS, in furtherance of these goals, the City Council wishes to adopt a policy encouraging all employees of the City of Benicia; and any elected officials, commissioners, citizens, contractors or any others to report activities that may be fraudulent, unethical, dangerous to City employees or the public, or conducted in violation of the law, and to ensure that anyone who reports such activities under this policy will be protected from retaliation.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby adopt the Benicia Whistleblower Policy attached hereto as Exhibit A.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 15th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Exhibit A

WHISTLEBLOWER POLICY

The City of Benicia strives to conduct all its activities in a responsible, legal and accountable manner. In furtherance of this goal, all City of Benicia employees are encouraged to report either orally or in writing to their immediate supervisor, or alternate line of authority as hereafter described, all information of activity by a City of Benicia department or employee that may constitute:

- A violation of federal or state law or city ordinance
- Financial fraud
- Substantial or specific danger to the employee's or public's health and safety
- Unethical business conduct and practices

Any City of Benicia employee who, in good faith, reports such incidents as described above will be protected from threats or retaliation, discharge, or other types of discrimination, including but not limited to, compensation or terms and conditions of employment that are directly related to the disclosure of such reports. In addition, no employee may be adversely affected because the employee refused to carry out a directive, which in fact, constitutes fraud or is a violation of federal or state law.

Insofar as possible, the identity of the whistleblower will remain confidential. However, the City of Benicia reserves the right to disclose the identity of the whistleblower if, in the City of Benicia's absolute discretion, the identity may have to be disclosed to conduct a thorough investigation, to comply with applicable laws and/or to provide accused individuals their legal rights of defense.

Any employee who wants to report information of alleged improper activity or unlawful activity as described above should contact his or her immediate supervisor, or the supervisor's manager. If the employee is uncomfortable for any reason addressing such concerns to their supervisor or the manager of such supervisor, the employee may contact the City Manager, Administrative Services Director or City Attorney. The contact information is provided below. Employees are encouraged to provide as much specific information as possible including names, dates, places, and events that took place, the employee's perception of why the incident(s) may be a violation, and what action the employee recommends be taken. Employees will receive a reply to their report within twenty business days or as soon as practicable thereafter.

Elected officials, commissioners, citizens, contractors or any others are also encouraged to report such alleged improper activity or unlawful activity in accordance with this policy.

Contacts:

City Manager, Administrative Services Director and City Attorney
250 East L Street, Benicia, California 94510
707-746-4200 (City Manager & Administrative Services Director) 707-746-4216 (City Attorney)

**CALIFORNIA
DIVISION OF LABOR STANDARDS
ENFORCEMENT POSTING REGARDING
WHISTLEBLOWERS**

The Division of Labor Standards Enforcement believes that the sample posting below meets the requirements of Labor Code Section 1102.8(a). This document must be printed to 8.5 x 11 inch paper with margins no larger than one-half inch in order to conform to the statutory requirement that the lettering be larger than size 14 point type.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 98.6, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
CONSENT CALENDAR

DATE : June 3, 2010
TO : City Manager
FROM : Director of Parks & Community Services
SUBJECT : **APPROVAL OF TREE INVENTORY / MASTER PLAN CONTRACT**

RECOMMENDATION:

Adopt the proposed Resolution approving the contract with West Coast Arborists, Inc. in an amount not to exceed \$75,000 for the purpose of performing a tree inventory, master plan and related public education and awareness campaign and authorizing the Director of Parks and Community Services to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

On March 2, 2010 City staff solicited proposals for the performance of a tree inventory and master plan. City staff convened an interview panel to evaluate the six respondents to the inventory request. The interview panel consisted of community members with education and/or experience with arboriculture, the chairperson of the Tree Committee, and two City staff persons, including the City Arborist. The interview panel selected West Coast Arborists as being the best equipped and most reasonably priced for the type of work requested. Following City Council approval of said contract, work will begin in late July.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 1: Protecting Community Health and Safety
 - Strategy Issue 5: Promote community and personal health
- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy 1: Reduce greenhouse gas emissions and energy consumption
 - Strategy 3: Pursue and adopt sustainable practices
 - Strategy 4: Protect air quality

BUDGET INFORMATION:

The cost of the contract to perform a tree inventory and master plan has an approximate value of \$65,000 and will be drawn from the Tree Program Tree Inventory Fund, Account No. 217-9405-8140. There are sufficient funds in this account to pay for this work. The reason for the approximation in cost is simply that there is only an estimate on number of trees on City property, and the cost to perform the inventory is based on the number of trees inventoried. To accommodate the possibility that there are more trees unaccounted than estimated staff is recommending the contract be valued at a not to exceed amount of \$75,000.

BACKGROUND:

The taking of a tree inventory and commission of a related master plan was one of five major goals identified in the tree program plan, which was adopted by the City Council on September 15, 2009. This contract will be Benicia’s first step in developing a concerted, preventative, and comprehensive tree maintenance effort.

The scope of this project consists of an inventory of existing trees on City managed properties. Included with this inventory is an internet based data set that can be accessed by staff and the public, and updated by City staff. Additionally, a Master Tree Plan report, detailing the findings and assessment of the tree inventory will be produced. The report will identify the species makeup of various neighborhoods, including both City owned and privately owned residential and commercial property. The report will make specific recommendations for upgrading and increasing the tree population of these areas, prioritizing locations and feasibility for tree planting projects. The Master Plan process will include public outreach, including public meetings and educational materials.

Following a formal request for proposals the City received six responses. City staff convened an interview panel to help evaluate the respondents. The selection criteria was based on a variety of factors, including cost but also past experience in both the execution of a tree inventory, the accessibility and ease of the internet based management system and the drafting and dissemination of a master plan report. The interview panel unanimously selected West Coast Arborist Inc. as the best firm equipped to meet the needs of the City and represented the best value.

Bid Results:

Rank	Company Name and Address	Total Approx. Bid
1	West Coast Arborists, Anaheim, CA	\$65,000
2	A-Plus Tree Service, Vallejo, CA	\$31,620
3	Arbor Pro, Yorba Linda, CA	\$32,480
4	Davey Tree Service, Kent, OH	\$72,190
5	MIG, Berkeley CA	\$99,567
6	Bellecci & Assoc. Inc, San Mateo, CA	\$171,969

Staff requests and recommends approval of the proposed resolution authorizing the execution of a tree inventory and master plan contract with West Coast Arborist, Inc.

Attachment:

- Proposed Resolution
- Consultant Contract

Proposed Resolution

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT WITH WEST COAST ARBORISTS, INC. IN AN AMOUNT NOT TO EXCEED \$75,000 FOR PURPOSE OF PERFORMING A TREE INVENTORY AND MASTER PLAN, ALLOCATED FROM THE TREE PROGRAM FUND AND AUTHORIZING THE DIRECTOR OF PARKS AND COMMUNITY SERVICES TO SIGN THE TREE SERVICE CONTRACT ON BEHALF OF THE CITY

WHEREAS, City Council, on September 15, 2009, adopted a tree program that prioritizes a tree inventory and master plan; and

WHEREAS, City staff, Tree Committee members and community members through the Tree Program Steering Group have established the major goals and objectives of a tree inventory and master plan; and

WHEREAS, City staff solicited requests for proposals, receiving six proposals; and

WHEREAS, an interview panel consisting of City staff, the Chairperson of the Tree Committee, and distinguished arboriculture professionals interviewed the responding firms; and

WHEREAS, West Coast Arborist being the preferred firm due to its level of experience and services offered and one of the lowest bidders was selected by the interview panel; and

WHEREAS, West Coast Arborist of Anaheim California is a responsible bidder, having performed work for the dozens of local municipalities; and

WHEREAS, the City of Benicia has been awarded a CAL Fire matching grant totaling \$75,000 to perform a tree inventory; and

WHEREAS, there are sufficient funds available in the Tree Program Fund for the award of this tree inventory and master plan contract.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the contract with West Coast Arborist of Anaheim California for the performance of a tree inventory and master plan in an amount not to exceed \$75,000 appropriated from the Tree Program Fund.

BE IT FURTHER RESOLVED that the Director of Parks and Community Services is hereby authorized to sign the tree service contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____ seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of June, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Consultant Contract

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into June _____, 2010, is between the City of Benicia, a municipal corporation ("CITY"), and WEST COAST ARBORISTS, INC. (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain technical and professional services for the Tree Inventory / Master Plan Project. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference; and

WHEREAS, CONSULTANT represents it is qualified and willing to provide such services pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, IT IS AGREED by and between CITY and CONSULTANT as follows:

AGREEMENT

1. INCORPORATION OF RECITALS. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. SCOPE OF SERVICE.

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Task Order labeled Exhibit A, which is attached hereto and incorporated herein by reference.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit A and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in Exhibit A represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in Exhibit A unless a written waiver is granted by the CITY'S project manager.

(ii) CONSULTANT shall not be responsible for performance delays caused by others, or delays beyond CONSULTANT'S reasonable control, and such delays shall extend

the times for performance of the work by CONSULTANT.

(c) Standard of Quality. Consultant shall use due professional care so that all work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT'S field of expertise. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT'S activities under this Agreement shall be performed to the reasonable satisfaction and approval of the Director of Parks and Community Services.

(d) Compliance With Laws. CONSULTANT shall use due professional care to comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT'S failure to comply with any or all of the requirements contained in this paragraph.

3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on lump sum per task basis based upon the rate schedule in Exhibit A attached hereto and hereby incorporated by reference. The rate schedule in Exhibit A itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY'S prior written approval from the Director of Parks and Community Services, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project.

(b) Additional Services. CITY shall make no payment to CONSULTANT for any additional services unless such services and payment have been mutually agreed to and this Agreement has been formally amended in accordance with Section 7.

(i) Only the City Council can act on behalf of CITY to authorize CONSULTANT to perform additional services.

(ii) CONSULTANT shall not commence any work or services exceeding the Scope of Services in Section 2 without prior written authorization from CITY in accordance with Section 7. CONSULTANT'S failure to obtain a formal amendment to this Agreement authorizing additional services shall constitute a waiver of any and all right to compensation for such work or services.

(iii) If CONSULTANT believes that any work CITY has directed CONSULTANT to perform is beyond the scope of this Agreement and constitutes additional services, CONSULTANT shall promptly notify CITY of this fact before commencing the work. CITY shall make a determination as to whether such work is beyond the scope of this Agreement and constitutes additional services. If CITY finds that such work does constitute additional services, CITY and CONSULTANT shall execute a formal amendment to this Agreement, in accordance with Section 7, authorizing the additional services and stating the amount of any additional compensation to be paid.

(c) Invoicing and Payment. CONSULTANT shall submit monthly invoices for the services performed under this Agreement during the preceding period. Invoices or billings must be submitted in duplicate and must indicate the hours actually worked by each classification and employee name, as well as all other directly related costs by line item in accordance with Exhibit B. CITY shall approve or disapprove said invoice or billing within thirty (30) days following receipt thereof and shall pay all approved invoices and billings within thirty (30) days. Interest at the rate of one and one-half (1.5) percent per month will be charged on all past due amounts starting thirty (30) days after the invoice date, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will be credited first to interest, and then to principal.

4. PRODUCT REVIEW AND COMMENT. CONSULTANT shall provide CITY with at least two (2) copies of each product described in Exhibit A. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until completed, amended pursuant to Section 7, or terminated pursuant to Section 6.

TERMINATION:

(a) CITY shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon CONSULTANT written notice of termination. The Agreement shall terminate three (3) business days after notice of termination is given. The notice shall be deemed given on the date it is deposited in the U.S. mail, certified, postage prepaid, addressed to CONSULTANT at the address indicated in Section 11.

(b) If CITY issues a notice of termination,

(i) CONSULTANT shall immediately cease rendering services pursuant to this Agreement;

(ii) CONSULTANT shall deliver to CITY copies of all writings, whether or not

completed, which were prepared by CONSULTANT, its employees, or its subcontractors, if any, pursuant to this Agreement. For purposes of this Agreement, the term "writings" shall include, but not be limited to, handwriting, typewriting, computer files and records, drawings, blueprints, printing, photo-setting, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof;

(iii) CITY shall pay CONSULTANT for work actually performed up to the effective date of the notice of termination, subject to the limitations prescribed by Section 3 of this Agreement, less any compensation to CITY for damages suffered as a result of CONSULTANT'S failure to comply with the terms of this Agreement. Such payment shall be in accordance with Exhibit B. However, if this Agreement is terminated for fault of CONSULTANT, CITY shall be obligated to compensate CONSULTANT only for that portion of CONSULTANT'S services which are of benefit to CITY.

7. AMENDMENTS. Modifications or amendments to the terms of this Agreement shall be in writing and executed by both Parties.

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION. CONSULTANT shall not, either during or after the term of this Agreement, disclose to any third party any confidential information relative to the work of CITY without the prior written consent of CITY.

9. INSPECTION. CITY representatives shall, with reasonable notice, have access to the work and work records, including time records, for purposes of inspecting same and determining that the work is being performed in accordance with the terms of this Agreement. Inspections by CITY do not in any way relieve or minimize the responsibility of CONSULTANT to comply with this Agreement and all applicable laws.

10. INDEPENDENT CONTRACTOR. In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting CONSULTANT in the performance of said service hereunder. CONSULTANT shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax withholding, workers' compensation insurance, and all other regulations governing such matters.

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be

deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

CITY	CITY OF BENICIA 250 East "L" Street Benicia, California 94510 ATTENTION: Mario Giuliani Office of the Director, Parks & Community Services
CONSULTANT	West Coast Arborist Inc. Attn: Victor Gonzalez, Vice President 2200 E. Via Burton Street Anaheim, CA 92806

12. OWNERSHIP OF MATERIALS. On completion or termination of contract and payment of all fees due the CONSULTANT, CITY shall be entitled to immediate possession of, and CONSULTANT shall furnish, on request, all computations, plans, correspondence and other pertinent data gathered or computed by CONSULTANT for this particular project prior to termination. Neither the designs nor any of the documents prepared pursuant to this contract or any modifications thereof shall be copywrited by CONSULTANT. CONSULTANT may retain copies of said original documents for CONSULTANT'S files. Any substantive modification of the documents by the CITY or any use of the completed documents for other projects or any use of uncompleted documents without specific written verification by CONSULTANT, will be at CITY'S sole risk and without liability or legal exposure to CONSULTANT.

CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY'S consent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

(a) Employees. CONSULTANT shall provide properly skilled professional and technical personnel to perform all services required by this Agreement. CONSULTANT shall not engage the services of any person(s) now employed by CITY without CITY'S prior express written consent.

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY. Any attempted assignment without such approval shall be void and, at CITY'S option, shall terminate this Agreement and any license or privilege granted herein.

(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT'S hiring of subcontractors, CONSULTANT shall provide to CITY copies of each and every subcontract prior to its execution. All subcontractors are deemed to be employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

14. BINDING AGREEMENT. This Agreement shall bind the successors in interest, legal representatives, and permitted assigns of CITY and CONSULTANT in the same manner as if they were expressly named herein.

15. WAIVER.

(a) Effect of Waiver. Waiver by either party of any default, breach, or condition precedent shall not be construed as a waiver of any other default, breach, or condition precedent or any other right under this Agreement.

(b) No Implied Waivers. The failure of either party at any time to require performance by the other party of any provision hereof shall not affect in any way the right to require such performance at a later time.

16. NONDISCRIMINATION.

(a) CONSULTANT shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer because of race, color, creed, religion, national origin, sex, age, marital status, medical condition, physical or mental disability or other prohibited bases.

(b) CONSULTANT shall comply with all federal and state anti-discrimination and civil rights laws.

(c) CONSULTANT agrees to post in conspicuous places, available to all employees and applicants for employment, notices that CONSULTANT shall provide an atmosphere free from sexual harassment for employees, clients, and volunteers.

17. INDEMNITY. CONSULTANT specifically agrees to indemnify, and hold harmless CITY, its officers and employees from and against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of or in any way connected with the performance of this Agreement, to the extent that any of the above are caused by negligent acts, errors or omissions, regardless of any comparative negligence of the CITY, whether active or passive, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the CITY or of any third party. The CONSULTANT shall pay all costs that may be incurred by CITY in

enforcing this indemnity, including reasonable attorneys' fees.

18. INSURANCE.

(a) Required Coverage. CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of workers' compensation, errors and omissions, and employer's liability insurance, shall name as additional insured CITY, its officers, agents, employees, and volunteers, and each of them:

<u>Policy</u>	<u>Minimum Limits of Coverage</u>
(i) Workers' Compensation	Statutory
(ii) Comprehensive Automobile Insurance Services Office, form #CA 0001 (Ed 1/87 covering auto liability code 1 (any auto)	Bodily Injury/Property Damage \$1,000,000 each accident
(iii) General Liability Insurance Services Office Commercial General Liability coverage on an occurrence basis (occurrence form CG 0001)	\$1,000,000 per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit shall apply separately to this Project/location, the general aggregate limit shall be twice the required occurrence limit
(iv) Errors and Omissions/ Professionals' Liability, errors and omissions liability insurance appropriate to the CONSULTANT'S profession.	Generally \$1,000,000 per claim and aggregate

(b) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions exceeding \$15,000 must be declared to and approved by CITY.

(c) Required Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) For any claims related to this Project, the CONSULTANT'S insurance

coverage shall be primary insurance as respects CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it;

(ii) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, or volunteers;

(iii) The CONSULTANT'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(iv) Each insurance policy required by this Section shall be provide that coverage shall not be canceled by either party, except after giving CITY 30 days' prior written notice by mail.

(d) Acceptability of Insurers. CONSULTANT shall place insurance with insurers with a current A.M. Best's rating of no less than [A:VII] unless CONSULTANT requests and obtains CITY'S express written consent to the contrary.

(e) Verification of Coverage. CONSULTANT must provide complete, certified copies of all required insurance policies, including original endorsements affecting the coverage required by these specifications. The endorsements are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. All endorsements are to be received and approved by CITY before work commences.

19. WORKERS' COMPENSATION.

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT'S insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials, agents, and employees for losses paid under CONSULTANT'S workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS. CONSULTANT shall retain all financial records, including but not limited to documents, reports, books, and accounting records which pertain to any work or transaction performed pursuant to this Agreement for four (4) years after the expiration of this Agreement. CITY or any of its duly authorized representatives shall, with reasonable notice,

have access to and the right to examine, audit, and copy such records.

21. CONFLICT OF INTEREST. CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation.

22. TIME OF THE ESSENCE. The CONSULTANT shall prepare and submit for City approval a schedule for the performance of the CONSULTANT'S services. This schedule shall include reasonable allowances for review and approval times required by the City, performance of services by the City's Consultant, and review and approval times required by Public Authorities (i.e., the Department of Boating and Waterways) having jurisdiction over the project. The schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project, requested by the City or for delays or other causes beyond the CONSULTANT'S reasonable control.

23. SEVERABILITY. If any court of competent jurisdiction or subsequent preemptive legislation holds or renders any of the provisions of this Agreement unenforceable or invalid, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected.

24. GOVERNING LAW AND CHOICE OF FORUM. This Agreement shall be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement shall be brought in the Superior Court of Solano County.

25. COSTS AND ATTORNEYS' FEES. If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees. In any action seeking recovery of monetary damages, the plaintiff shall not be considered to be the prevailing party unless it recovers at least 66% of the dollar amount requested in the complaint's prayer for relief.

26. INTEGRATION. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7.

Executed by CITY and CONSULTANT on the date shown next to their respective signatures. The effective date of this Agreement shall be the date of execution by the CITY as shown below.

CITY OF BENICIA
A municipal corporation
of the State of California

WEST COAST ARBORISTS, INC.

By: _____
James R. Erickson Date Name Date
City Manager

RECOMMENDED FOR APPROVAL:

Department Head Date

APPROVED AS TO FORM:

City Attorney Date

EXHIBIT A

CITY OF BENICIA

TREE INVENTORY AND MASTER PLAN PROJECT

Scope of Work

West Coast Arborists, Inc. agrees to provide the following:

- Inventory of existing trees on City-managed properties.
- Provide an internet-based data set that can be accessed by staff and the public, and updated by City staff.
- Estimate canopy coverage Citywide.
- Collaboration with Parks and Community Services Department staff on data download.
- Unlimited training and instruction to City staff on program use for twelve month period.
- Prepare a Master Tree Plan, detailing the findings and assessment of the tree inventory. Areas will be separated as follows: 1) Industrial area, 2) South Hampton, 3) Downtown, and 4) Old Arsenal.
- Areas where no trees exist will be inventoried by segments for the purpose of completing the Master Tree Plan.
- Collaborate with Benicia Tree Foundation to assist with Master Tree Plan process.
- Administer four (4) public meetings (one for each area listed above) to discuss the Master Tree Plan.

Tree Inventory Program

“ArborAccess On-Line”

WCA's technological innovation has allowed us to remain one step ahead in the tree industry. We have achieved a significant competitive advantage through effective management of information, including our experience in tree inventories, tree reports & recommendations, and software development. We strongly believe the success of any urban forest management program will depend on information management.

As you know, many industries have quickly become technology-intensive, and the need to combine technology with typical functions of any firm or agency has become predominant. We are certain that by this new development, we can better serve customers and provide information more quickly and accurately.

Over the last several years, we have made significant upgrades to our tree inventory software program called ArborAccess. Specifically, we have upgraded **an on-line program** that is very similar to today's web-based programs. The program is offered to every one of our customers. The program has the following benefits and functions:

- Same color scheme as found on your City's official website
- Ability to access program via the Internet from any workstation
- Unlimited number of users with multiple access levels for security purposes including limitation for some users to viewing capabilities only
- Utilize basic internet functions and commands to operate the system
- Because the program is stored on our own server, the City does not require additional computer hardware, software, memory, etc.
- Faster response to different queries, reporting capabilities, etc.
- On-line customer support site is easy to use and catered to the needs to the personal/or end user who is looking for basic support information
- Automatic updating of work histories (no need for cd's)
- Automatic updating of software program for all customers
- Display all attribute information regarding an individual tree on one screen
- The ability to enter unlimited work history and/or text entries per tree site
- The ability to enter unlimited photo entries per tree site
- Capability to validate data on all fields including look-up or table values, ensuring that only correct data is entered
- Context sensitive on-screen help system
- Ability to generate user specific reports on multiple functions on a routine basis
- Update and calculate total tree numbers and values for a user specific area

Tree Inventory

We expect the inventory data collection to take no more than 20 working days to complete. We are prepared to commence within 10-15 days from Notice to Proceed. No subcontractors will be utilized for this project. WCA will provide the following:

- Conduct a Pre-Job Meeting exclusive to the tree inventory process. Discuss the basis for evaluating the City's Urban Forest.
- Have one Inventory Specialist/Certified Arborist conduct a complete inventory based on the City's approved criteria including all publicly owned trees on street rights-of-way, parks, and City facilities.
- Provide the City with Global Positioning Satellite (GPS) coordinates for each tree inventoried including creating an ESRI ArcView/ArcGIS compatible shp.file. Using a handheld computer and a backpack GPS receiver, the inventory collector will identify the trees by their global coordinates of longitude and latitude, within one meter.

- Attributes to be collected by field personnel include the following:
 - Tree identification number
 - GPS location
 - Property address
 - Street name
 - Location (Median, Park, Facility, Beach, etc.)
 - Existing overhead utilities
 - Parkway width size
 - Tree vacant sites
 - Tree specie identification (Botanical and Common name)
 - Diameter measurement: diameter at breast height (dbh) to the nearest inch
 - Height class measurement: to the nearest five feet.
 - Estimated canopy spread suitable for use in i-Tree.
 - Tree Condition ratings for each tree & recommended maintenance requirements (See Below.)
 - Special Tree Designation (Heritage or Memorial Tree)
 - Sidewalk damage - Displacement of 3/4" or greater caused by adjacent tree (optional)
 - Value of each tree inventoried based on ISA formula
- The total cost shall include ownership of the data and unlimited software & computer support for twelve month period.

Software Updates/Technical Support

WCA will provide the following:

- Unlimited telephone and/or e-mail support to answer questions and aid City staff in the use of the software system.
- Provide initial training to City staff and additional training as needed
- Provide routine maintenance, archive, backup, restore, and disaster recovery procedures upon request from the City.
- Provide upgrades upon release from WCA.

Deliverables

WCA will provide the following:

- Collected tree inventory data file on disc
- Prepare website called ArborAccess.
- Print and deliver tree inventory in paper format (3 copies).
- Provide use of tree inventory software program called ArborAccess.
- Provide shp. file of tree inventory compatible with ArcView software.
- Unlimited training of software program to City staff.

Master Tree Plan

At West Coast Arborists, Inc. (WCA), we have developed a complex, yet user-friendly, master tree plan program. The program entails incorporating the existing specie and establishing a theme, or pattern, based on the conditions exclusive to that site. Once a pattern is recommended and then accepted by the City, it becomes the plan for that street segment.

Listed below is a brief outline of the proposed Master Street Tree Planting Plan along with a tentative schedule, and cost estimate. Once we receive a Notice to Proceed we will begin with the following steps.

Step 1 - Set Goals and Establish Guidelines

This important step will help to determine the City's objectives in regards to tree planting and tree selection for City streets within each of the City's four districts (Industrial, South Hampton, Downtown and Old Arsenal). Together with the City's assigned tree committee and/or City staff, we can interactively establish goals such as increasing tree canopy size, filling vacant sites, fostering community pride, reducing potential tree hazards and identifying possible tree removals.

Step 2 - Create a Tree Specie Palette

Based on the City's goals, growth-space requirements, tree specie characteristics, and incorporating the existing tree palette, WCA can assist the City's tree committee and/or City staff to decide on a tree specie palette exclusive for City streets within each district. We will require a copy of the existing tree palette for these specific streets.

Step 3 - Collect Data

WCA will collect information pertaining to tree site conditions including growth space, overhead utilities and primary tree specie by block. We will also break down streets into units based on similar site conditions. This will be gathered with the tree inventory data collection.

Step 4 - Specie Recommendation & Selection

With the data and a defined tree palette, WCA will assist the City's tree committee and City staff, to determine the recommended specie for each corridor based on similar site conditions. From the recommendations and open discussion, the goal is to select a tree pattern for each street segment. Additionally, we will make recommendations for upgrading and increasing the tree population of each district, prioritizing locations and feasibility of planting projects. Here we are prepared to administer one meeting for each district to discuss these recommendations. In an effort to encourage and solicit public input, we can assist the City in a public outreach program with education materials that can be placed on the City website or public cable television channel.

Step 5 - Compile Draft of Master Tree Plan

WCA will present the final draft of the tree palette along with a full color photo of each specie chosen to the tree committee and/or City Council. The Plan will include a planting plan spreadsheet, a community outreach program to businesses along the corridors and specie frequency reports. The plan will also include options for a tree maintenance program based on the established tree inventory.

Step 6 - City Council Approval

WCA is prepared to make a presentation to the City's tree committee and/or City Council in an attempt to receive final approval based on the revisions made from the community and City.

Step 7 – Deliverables

WCA will deliver fifty (50) color hard copies of the Master Tree Plan as well as a color pdf scan.

CITY OF BENICIA

TREE INVENTORY AND MASTER TREE PLAN
SCHEDULE OF COMPENSATION

West Coast Arborists, Inc.

<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>
1) Physical Tree Inventory and Assessment Includes: <ul style="list-style-type: none">- Tree inventory data collection- Website development- Training and instruction for 12-month period- Software support for 12-month period	Tree Site	\$5.00
2) Tree Management Database - Initial 12-month period is at no cost. - Fee is charged beginning in year 2 and covers years 2-5 (4 years).	Lump Sum	\$8,600.00
3) Master Tree Plan Includes all items described in Steps 1-7 <ul style="list-style-type: none">- Five (5) workshops/meetings.- Fifty (50) color hard copies.	Lump Sum	\$25,000.00

OPTIONAL SERVICES

1) Additional public workshops/presentations	Each	\$700.00
2) Consulting Arborist services (Specific tree evaluation and report writing)	Hour	\$125.00
3) Additional paper copies of the tree inventory	Each	\$25.00

CITY OF BENICIA

TREE INVENTORY AND MASTER TREE PLAN

TENTATIVE SCHEDULE

Contract approved by City Council	June 15, 2009
Notice to Proceed	June 16, 2010
Scope Refinement Meeting (SRM)	Within 10 days from Notice to Proceed
Tree Inventory Data Collection	Within 15 days from SRM
Complete Data Collection	Within 30 days from start date
Meet City staff and/or Committee regarding Master Plan to establish goals & discuss specie palette	August 2010
Make specie recommendation	August/September 2010
Develop and present tree inventory program for the City (ArborAccess)	September 2010
Conduct presentations to four communities	September/October 2010
Present a draft of Master Tree Plan to City staff and/or Committee	November 2010
City Council Approval	December 2010
Deliverables	December 2010

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 15, 2010
INFORMATIONAL ITEM

DATE : June 7, 2010

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **PUBLIC INVOLVEMENT IN BUDGET PROCESS: COMMUNITY PRIORITIES SURVEY AND WORKSHOP**

RECOMMENDATION:

Informational report; no action required at this time.

EXECUTIVE SUMMARY:

The purpose of this report is to update the City Council on the process and initiatives to both inform and solicit public participation regarding the City's challenging budget issues. On Tuesday, June 8th staff posted on the City web site an online community priorities survey. The survey will close on Tuesday, June 29th. On the same day a public workshop, hosted at the Benicia Senior Center, will serve as another forum to engage the public and solicit their thoughts and suggestions on City services, programs and facilities.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 8.00: Build Organizational Quality and Capacity
 - Strategy 8.20: Measure and track service (i.e. financial) performance

BACKGROUND:

It is important to preface that the public outreach campaign, in the form of the survey and workshop, is just one piece of a more comprehensive approach to address the City's fiscal challenges. Other forums and venues such as budget workshops, employee workshops and discussions at City boards and commissions are all a part of the City's effort to inform and engage stakeholders.

The survey and public workshop is specifically designed to identify economies and efficiencies in City operations; thus, the focus of this public outreach campaign is to identify citizen priorities on City services. This is not to say that economies and efficiencies in City operations is the only budget solution, but rather just the focus of this particular campaign.

The City's effort to identify economies and efficiencies in City operations is a key component of "Smart Sizing". As was discussed at the previous City Council meeting, the "Smart Sizing" process began with City departments developing a comprehensive list of programs and services. That list was then ranked based on a variety of factors, including how each program and service related to the City's five strategic issues. Once there was a consensus of the identified services and programs, staff then used that list as a framework to develop a survey and public workshop.

Community Priorities Survey:

The community priorities survey is available on the City website: <http://www.ci.benicia.ca.us/>. Additionally e-mails encouraging participation were sent to various stakeholder groups, including the business community, board & commission members, GovDelivery subscribers and City employees. The survey asks eight questions, the first informing the reader on the City's current budget issues and inquiring if one was aware of the City's current budget difficulties. The next six questions ask the respondents to evaluate various program and services in specific areas, such as library services, parks and recreation, police, fire, public works and administration in levels of importance. This method of evaluation was mirrored from surveys of other local municipalities, most recently a public survey performed by the City of Concord. The final question inquires how one would like to see the budget deficits addressed, using new taxes, reducing services or a combination of both. In addition to the online survey, hard copies will be available at the City Manager's office for those persons wishing to take the survey who do not have internet access.

Community Workshop: "Build Your Own City"

Building on the momentum of the public survey, staff will host a public workshop on Tuesday, June 29th at the Benicia Senior Center. The workshop will have three progressive sessions or waves, with three steps beginning in late afternoon or early evening, each session will begin approximately 45 minutes after the previous session. Step 1 will be a public information/input section. Step 2 will be a prioritization of the City's five strategic issues. Step 3, the final step, will be the prioritization of programs and services.

Step 1 will begin with a brief education component where staff will advise attendees on the current budget situation. Following the budget presentation, staff situated by department, will be dispersed throughout the room and attendees will be encouraged to visit with staff to ask questions and/or provide feedback. After a set period of time, that wave will be moved to the second step, which will be in another room, where they will be asked to prioritize the City's five strategic issues. At this time the second session will begin where a new group of people will be welcomed to Step 1.

In Step 2 each attendee will be given a set number of stickers, each charged to place their stickers on their preferred strategic issue. Following Step 2 the wave will be moved to the third and final room, where they will be tasked with appropriating stickers to specific programs. The idea behind this prioritization process is to force respondents to think globally, holistically, in order to build your own city. The specifics of the workshop, such as length of time, the staff assigned to each wave, and specific rules are still being developed.

These three waves provide a lot of positive benefits, first it allows for multiple start times, thus maximizing the number of residents that may participate. Next, because there will be essentially three separate workshops, those participating in each “wave” will have a more intimate setting to interact with staff. Finally, by having three waves, it limits the influence of any one particular group from dominating discussion and/or priorities.

Following the workshop staff will gather the results including the survey then report back to the City Council at a subsequent meeting.

