



**BENICIA CITY COUNCIL
SPECIAL MEETING AGENDA**

**Council Chambers
August 03, 2010
6:00 PM**

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

I. CALL TO ORDER (6:00 PM):

II. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE 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.

III. 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

IV. ADOPTION OF AGENDA:

V. ACTION ITEMS (6:05 PM):

A. AWARD OF CONSTRUCTION CONTRACT FOR BENICIA COMMUNITY CENTER PROJECT. (Parks and Community Services Director)

On May 26, 2010 construction plans and specifications were made available for public bidding. Forty-five days later, on July 14, 2010 the bidding period closed and the City received and opened five (5) bids from D.L. Falk Construction Inc., Jeff Luchetti Construction Inc., John Plane Construction Inc., Alten Construction Inc., and BRCO Constructors Inc. The contractor, BRCO Constructors Inc., is well received in the area for their work and has successfully completed the required LEED certified projects, including the Santa Teresa Library and the Hillview Library.

Recommendation: Adopt the resolution accepting the bid for the Benicia Community Center Project, awarding the construction contract, to BRCO Constructors Inc. of Loomis, California, in the amount of \$2,684,000, and authorizing the City Manager to sign the contract on behalf of the City.

VI. CLOSED SESSION (7:00 PM):

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

**Name of cases: Brian Lewis v. City of Benicia
Robert Amatrone v. City of Benicia**

B. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Senior Management Group, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)

Title: City Manager

D. APPOINTMENT OF INTERIM CITY MANAGER
(Subdivision (b) of Government Code Section 54957)

VII. ADJOURNMENT (8:30 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 DATE - AUGUST 3, 2010
ACTION ITEM

DATE : July 22, 2010
TO : City Manager
FROM : Parks and Community Services Director
SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR BENICIA
COMMUNITY CENTER PROJECT**

RECOMMENDATION:

Adopt the resolution accepting the bid for the Benicia Community Center Project, awarding the construction contract, to BRCO Constructors, Inc. of Loomis, California, in the amount of \$2,684,000 and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

On May 26, 2010 construction plans and specification were made available for public bidding. Forty-five days later, on July 14, 2010 the bidding period closed and the City received and opened five (5) bids from D.L. Falk Construction Inc., Jeff Luchetti Construction Inc., John Plane Construction Inc., Alten Construction Inc., and BRCO Construction Inc. The contractor, BRCO Constructors, Inc., is well received in the area for their work and has successfully completed the required LEED certified projects, including the Santa Teresa Library and the Hillview Library.

BUDGET INFORMATION:

Staff has identified a combined fund balance of \$3,460,000 for this project. This combined fund balance consists of the following accounts:

Account No.	Account Name	Fund Balance
049-9049-7999	Capital Projects Budget	610,000
	Valero/Good Neighbor Steering Committee Agreement (Amendment)	\$2,850,000
Total		\$3,460,000

The total construction cost of the Community Center Project is \$3,460,000. This total consists of the construction contract bid of \$2,684,000, \$400,000 for furniture, landscaping, and A/V, \$40,000 for additional architecture and engineering costs and a 12.5% construction contingency of \$336,000.

The Finance Department has determined that \$3,460,000 is available to complete the project. Of the total amount available from the VIP, \$850,000 will be received in FY 2010-11, \$1 million will be received in FY 2011-12, and \$1 million will be received in FY 2012-13. In order to facilitate the construction of the project in FY 2010-11, the Finance Director recommends using General Fund Reserves of \$2.0 million, which will be offset with an Account Receivable from Valero.

Should the General Fund require access to the funds at any time, a short-term loan from one of the City's Enterprise Funds can be arranged. If that situation occurs, the loan term would be for two years or less and earn interest equivalent to the City's portfolio investment earnings rate, currently estimated to be 2%.

Several other financing options are available to the City, including an external lease arrangement with a financial institution. The current government interest rate is somewhere around 4.5%.

GENERAL PLAN:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy #3: Pursue and adopt sustainable practices

- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy #1: Provide community activity centers

BACKGROUND:

The scope of the proposed Community Center Project includes the following elements and is also designed to meet Leadership in Energy and Environmental Design (LEED) Certification:

- Interior renovations
 - Flooring
 - Paint
 - Window Treatments
 - Appliances
 - Cabinets and Countertops

- ❑ Bathrooms
- ❑ IT and A/V
- ❑ Furniture
- ❑ Kitchenettes
- ❑ Signage
- New parking area with lighting
- New ADA access ramps
- Exterior improvements
 - ❑ Entrance
 - ❑ Paint
 - ❑ Hardscape (walkways and seat walls)
 - ❑ Trash enclosure
- New landscape
 - ❑ Irrigation
 - ❑ Plant material
 - ❑ Fencing

On July 14, 2010 a total of five (5) bids were properly received and opened for the Benicia Community Center Project. The bid results are summarized in the table below:

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Total BASE BID
1	D.L Falk Construction Inc. Hayward, California (WITHDREW)	\$2,520,000.00
2	BRCO Constructors Inc. Loomis, California	\$2,684,000.00
3	Jeff Luchetti Construction Inc. Santa Rosa, California	\$2,804,967.00
4	Alten Construction Inc. Richmond, California	\$2,943,917.15
5	John Plane Construction Inc. Brisbane, California	\$3,223,082.00

The bid is based on the quantities estimated by Noll and Tam Architects and Cullen and Sherry Engineering. In accordance with the contract specifications, the construction contract should be awarded to the bidder submitting the lowest responsive responsible total construction costs. However, low bidder D.L. Falk has withdrawn their bid due to a clerical error. Staff recommends that the

City consent to the withdrawal of D.L. Falk's bid. The next qualified bidder is BRCO Constructors Inc. of Loomis, California.

Staff recommends that the construction contract be awarded to BRCO Constructors Inc. in the amount of \$2,684,000. In addition staff is asking for approval of \$336,000 in construction contingency, \$400,000 for landscaping, A/V, furniture, and \$40,000 for additional costs for architecture and engineering.

If the City Council awards the construction contract, construction should begin by early September 2010 and will be completed by June 2011.

Attachments:

- Proposed Resolution: Award Construction Contract
- Letter from D.L. Falk

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE BENICIA COMMUNITY CENTER PROJECT, CONSENTING TO THE WITHDRAWAL OF A BIDDER, AWARDING THE CONSTRUCTION CONTRACT BRCO CONSTRUCTION INC. OF LOOMIS, CALIFORNIA IN THE AMOUNT OF \$2,684,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia's Community Center Project was advertised for construction bids and five (5) sealed bids were properly received and opened on July 14, 2010; and

WHEREAS, D.L. Falk requested to withdraw their bid due to a clerical error; and

WHEREAS, BRCO Construction Inc., of Loomis, California was the lowest, responsive, responsible bidder; and

WHEREAS, this project is exempt from the California Environmental Quality Act under Article 19, Categorical Exemptions, Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction; and.

WHEREAS, sufficient funds are available in the project budget; and

WHEREAS, the City's General Fund will advance \$2,000,000 from Undesignated Reserves to facilitate the construction of the project in FY 2010-11 and be reimbursed in accordance with the Valero/Good Neighbor Steering Committee Agreement in FY 2011-12 and FY 2012-13; and

WHEREAS, the two-year plan for replacing the Undesignated Reserves is consistent with the City Council's Fund Balance Reserve Policy.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the plans and specification for the project, accepts the bids, consents to the withdrawal of D.L. Falk's bid, and awards the construction contract in the amount of \$2,684,000 to BRCO Construction Inc of Loomis, California for the Benicia Community Center Project.

BE IT FURTHER RESOLVED THAT the City Council approves expenditures of \$336,000 in construction contingency, \$400,000 for landscaping, audio/visual, furniture and \$40,000 for additional costs for architecture and engineering.

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

On motion of Council Member _____, and 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 3rd day of August, 2010, and adopted by the following vote.

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



D.L. FALK CONSTRUCTION INC.

3526 INVESTMENT BLVD., HAYWARD, CA 94545 WWW.DLFALK.COM
PHONE (510) 887-6500 • FAX (510) 887-6501

July 22, 2010

Rick Knight
Project Manager
City of Benicia
Dept. of Parks & Services
250 East "L" Street,
Benicia, CA 94510

**Subject: Benicia Community Center
Notice of Bid Withdrawal**

Dear Mr. Knight:

Due to the clerical error in the bid schedule, DL Falk Construction is withdrawing the bid for the subject project that was submitted last July 14, 2010.

Thank you and we apologize for any inconvenience that this may cause.

Sincerely,

A handwritten signature in black ink, appearing to read "Joey Gita", with a stylized flourish at the end.

Joey Gita
DL Falk Construction, Inc.

CC: Dave Falk
Janice Sutton

