PORTERVILLE CITY COUNCIL ADJOURNED MEETING  
DECEMBER 23, 2003 - 4:00 P.M.  
CITY HALL CONFERENCE ROOM

Call To Order:  4:00 p.m.
Pledge of Allegiance Led by Council Member Cameron Hamilton  
Roll Call: West, Martinez, Hamilton  
Absent: Irish, Stadtherr

ORAL COMMUNICATIONS
   None

SCHEDULED MATTERS

1. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Darrel Pyle, Deputy City Manager, explained the first item was brought back from the previous meeting and one additional item was added.

Mr. Pyle stated the item to award a contract to remove and install new concrete stairs at the OHV was back due to a sizable discrepancy between the two contractors who submitted the job. He stated that Council requested confirmation that both contractors were bidding the same job. Staff put in writing in the bid the scope of work, including the funding sources, and the fact that it was a job that would require prevailing wage. Valley Oak has confirmed in writing they bid the job as stated. The second bidder, Tovar, has not confirmed, and it is staff’s belief they are closed thru the holidays. Staff’s position is that they need to issue a purchase order prior to December 31, 2003 or lose that component of the project. Mr. Pyle went on to state that if Tovar comes back with information the job was not bid as a prevailing wage job, staff would recommend the project not be done.

Council Member Hamilton asked if in the original bid it was stated as a prevailing wage job.

Jim Perrine, Parks & Leisure Services Director, advised it was not in writing, but it was generally discussed what the scope of the work was with the contractors. It has now been put in writing and sent to both contractors for them to confirm it was their understanding of a prevailing wage job. Tovar has not confirmed to staff at this point.

Council Member West asked if Tovar was aware they had to pay the prevailing wage and Mr. Perrine responded he believes so, but has not been able to confirm with Tovar as they are closed for the holiday.
Council Member Hamilton asked if they gave a bid based on materials and labor, and Mr. Perrine replied it was bid as a bottom line amount to do the complete project. Council Member Hamilton went on to state there should not be a $4,000 difference on a prevailing wage job.

Mayor Pro Tem Martinez asked if the funding would then be lost, and Mr. Pyle stated it was a small grant project. Mr. Perrine went on to explain that the grant was originally $6,800 for the steps and it was rescoped, and staff is determining the amount it was rescoped.

Council Member Hamilton asked if Council approves the project today and the amount goes up, were they allowed to use up to the $6,800 or do they go back to the grant and say it has been bid at $2,150.

Mr. Perrine said they are allowed to apply the money to any of the components that are within the scope of the work, and anything that is saved can go towards something else.

Council Member Hamilton asked if there is a time constraint on the project and Mr. Perrine advised December 31, 2003 was the extension.

COUNCIL ACTION

MOTION made by Council Member West and SECONDED by Council Member Hamilton that the City Council approve a purchase order be issued, but not submitted to Tovar Manufacturing until confirmation of the job being bid at prevailing wage.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved.

COUNCIL ACTION

MOTION made by Council Member Hamilton and SECONDED by Council Member West that item #2 on the Approval of Purchases be approved.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

2. AWARD OF CONTRACT - MUNICIPAL POOL COMPLEX RENOVATION PROJECT
Recommendation: That City Council:

1. Approve the reallocation of $86,900 from the CDEG Business Assistance Program to the CDBG Murry Park Improvement Project and the reallocation of $86,900 in Program Income from the CDBG First Time Low Income Homebuyer Program to the Business Assistance Program Income fund; and

2. Award the Municipal Pools Complex Renovation Project Base Bid and Alternative ‘A’ to Webb & Son in the amount of $1,194,246.00; and

3. Authorize progress payments up to 90% of the contract amount; and

4. Authorize a 9% contingency to cover unforeseen construction costs.

Darrel Pyle, Deputy City Manager introduced the item and Baldomero Rodriguez, Public Works Director, presented the staff report. He stated on May 4, 2003 Council rejected the low bid for the project and asked staff to review and research if a ‘B’ license contractor could be the primary contractor. With legal assistance, staff ascertained a ‘B’ license contractor could be primary as long as all other requirements were met. On December 16, 2003 staff received three bids with Webb & Son as the low bid. Mr. Rodriguez went on to explain the funding for this project.

Council Member Hamilton asked Denise Marchant, Development Associate, Community Development Department, if using the $86,900 is going to harm the Casas de Rio Project, and she stated it would not.

Due to Council Member Irish being absent, Council Member Hamilton stated Council Member Irish had concerns with the granite we have underneath the pool, and that we have had some shifting problems, and would like to know if we have any assurance from construction that it can’t possibly happen again. Mr. Rodriguez advised in the geo-technical report (BSK Report) there are specifics, in detail, as to how they are to stabilize and work around the rocks to avoid shifting. Mr Rodriguez stated there is quite a bit of excavation required to be sure there is a stable sub-grade and Webb & Son are aware of the requirement.

Council Member Hamilton stated for confirmation that “Alternate B” and “C” are the only items not being able to be completed. Mr. Perrine added that this project is likely to extend over to the next fiscal year and there may be the possibility of identifying some additional funding next fiscal year and would like to come back to Council to request applying the funds to the missing components of this project.

Council Member Hamilton asked if the project Council would be approving tonight would include the plumbing for the slide and concrete footings and Mr. Rodriguez advised that was correct.

Mr. Rodriguez did state there would be quite a bit of hardware, but staff would request to come back if money became available as Mr. Perrine stated. Mr. Rodriguez added he would like to ask Council to augment for that particular amount without having to take a separate action. Julia
Lew, City Attorney commented the request might be for a Change Order to the contract itself, rather than a separate contract. She added we would have to look at the extent of the amount of work.

Council Member West asked with all the switching of funds if there was any co-mingling of funds, and Denise Marchant advised they are all CDBG funds and they are within programs and staying within the rules for allocation. Council Member West asked if this is being held up time wise for opening day.

Mr. Rodriguez advised it was, and staff would request a timeline from the contractor. Mr. Rodriguez added the pool would probably not be ready in June, and it would most likely extend beyond June.

Mayor Pro Tern Martinez requested clarification on programs that would be affected with the switching of funds.

Denise Marchant explained the money is being taken from the CDBG funds of the First Time Home Buyers Program income funds. Since there have been a number of refinancings there has been a significant amount of program income. These are CDBG loans and the City has a number of Home Grants and Cal-Home Grants which have to be spent to meet specific requirements and milestones. At present there are funds available to move to another program to be utilized for the pool project.

COUNCIL ACTION

MOTION made by Council Member Hamilton and SECONDED by Council Member West to award the contract of the Municipal Pools M.O. 03-122303 Complex to Webb & Son.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

3. ADDENDUM TO M.O.U. BETWEEN CITY/PORTERVILLE POLICE OFFICERS ASSOCIATION, AND AMENDMENT TO CITY COUNCIL RESOLUTION NO. 134-2002

Recommendation: That the City Council accept Addendum No. 1 to the M.O.U. with the P.P.O.A., dated August 20, 2002; and adopt the attached Draft Resolution amending Resolution No. 134-2002.

COUNCIL ACTION

MOTION made by Council Member Hamilton and SECONDED by Council Member West to accept Addendum No. 1 to the M.O.U. with the

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

4. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN AND EMPLOYEE HEALTH PLAN DOCUMENT

Recommendation: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Year 2003-04, and the Employee Health Plan Document, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

COUNCIL ACTION

MOTION made by Council Member Hamilton and SECONDED by Council Member West to adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Year 2003-04, and the Employee Health Plan Document, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

5. LEASING A PORTION OF THE CITY’S PIONEER WATER COMPANY SHARES

Recommendation: That City Council allow staff to contact over-allocated share holders of the Pioneer Water Company and negotiate the lease of the City’s unused shares for the prior year.

Darrel Pyle, Deputy City Manager introduced Bryan Styles, Field Services Manager who gave Council the staff report.
COUNCIL ACTION

MOTION made by Council Member West and SECONDED by Council Member Hamilton to allow staff to contact over-allocated share holders of the Pioneer Water Company and negotiate the lease of the City’s unused shares for the prior year.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

6. CLOSED SESSIONS PURSUANT TO 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: BRAD MAPLES AND STEVE ALLEN V. CITY OF PORTERVILLE, ET AL

ADJOURNMENT

The Council adjourned at 4:34 p.m. until the Adjourned Meeting of the City Council on January 13, 2004 at 5:00 p.m.

Georgia Hawley, Deputy City Clerk
Prepared by: Carol Bodine,
Secretary to City Manager

Pedro R. Martinez, Mayor Pro Tem