PORTERVILLE CITY COUNCIL MINUTES  
ADJOURNED MEETING - MARCH 9, 2004  
COUNCIL CHAMBERS - 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

Mayor Martinez stated that the Closed Session would be conducted first, followed by the regular session.

CLOSED SESSION

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9(B) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: ONE CASE

Council adjourned to the closed session at 6:02 p.m.. The Council then reconvened at 6:40 p.m. No action was reported.

ORAL COMMUNICATIONS

• Kurt Zumwalt, Zumwalt Construction, 5520 E. Lamona Avenue, Fresno, spoke regarding their bid and stated that they would do a good job for the City.

SCHEDULED MATTER

1. AWARD OF CONTRACT – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve Option 1 and authorize Mayor to sign all necessary documents.

The Community Development Director presented the staff report with three options for consideration:

1. Upon close of escrow for the property, award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs, and authorize staff to work with the architect to process change orders as feasible to reduce the overall costs; or

2. Upon close of escrow for the property, award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs; or

3. Reject all bids and authorize the design of the Santa Fe School parking lot as a separate project while the architect revises plans to scale back the cost of the project.
Council Member Hamilton stated that he appreciated the contractors who had bid this project, and with the information that has been provided, he was satisfied with the bid proposed. He recommended that upon close of escrow for the property, they award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000. He read into the record that the irregularities were not substantial and did not provide an unfair advantage. Also, they found that the irregularities were clerical in nature and did not affect the amount of the bid and did not provide an advantage nor did they discourage competitive bidding, and also they found that the irregularities did not affect the City’s ability to compare the bids. Council Member West seconded the motion.

The Public Works Director clarified that the errors noted were of a minor nature that did not change the bottom line or the nature of the individual items of work to be done. He did state the Zumwalt bid proposal was process was the sloppy and they would have a discussion on that at a later time, but overall it was something they had dealt with in the past, and this was very consistent with that practice of dealing with irregularities that are without substance.

Council questioned the name of the architect and the timing of the project estimates.

The Acting City Attorney recommended that the Council make the additional finding that “The award was consistent with past practice.”

COUNCIL ACTION  
MOTION made by Council Member Hamilton, SECONDED by Council Member West that upon close of escrow for the property, the City M. O. 01-030904 Council award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs, and authorize staff to work with the architect to process change orders as feasible to reduce the overall costs; with the Council findings that the irregularities were not substantial and did not provide an unfair advantage, that Council found that the irregularities were clerical in nature and did not affect the amount of the bid and did not provide an advantage nor did they discourage competitive bidding, and Council found that the irregularities did not affect the City’s ability to compare the bids, and the award was consistent with past practice. The motion carried unanimously.

Disposition: Approved.

ADJOURNMENT

The Council adjourned at 6:50 p.m. until March 16, 2004 at 6:00 p.m.
SEAL

Pedro R. Martinez, Mayor

Georgia Hawley, Deputy City Clerk