CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 15, 2011, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Council Member Shelton, Council Member Ward, Mayor Irish
Absent: Vice Mayor Hamilton

The Council adjourned to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
FEBRUARY 15, 2011

Roll Call: Agency Member McCracken, Agency Member Hamilton (attended via teleconference) Agency Member Shelton, Agency Member Ward, Chairman Irish

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning dispute with County of Tulare regarding project area amendment.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

During Closed Session, the Joint Redevelopment/City Council Meeting adjourned to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
Parties: City of Porterville and Plano Properties. Under Negotiation: Terms and Price


5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four Cases concerning facts not known to potential Plaintiffs.

6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

7- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Brian Ward

Invocation – a moment of silence was observed.

PROCLAMATION

Linked Learning

PRESENTATIONS

Outstanding Business – Letsinger Realty

REPORTS

- Council Member Ward updated everyone on the Sesquicentennial Committee, indicating that the events are due to kick-off with a camp fire the day prior to the Jackass Mail Run.
- Council Member Shelton spoke of his attendance at First Friday Coffee and lauded Mr. McCracken’s catered cuisine; commented on the memorial service held at the Elk’s Lodge in honor of Jim Cone; and spoke of various upcoming events in the City.
- Council Member McCracken spoke of his attendance at the Southern California Gas Company event and lauded guest speaker Victor Davis Hanson.

ORAL COMMUNICATIONS

- John Halopoff, Halopoff & Sons, requested the opportunity to speak during the Council’s consideration of Item 23.
- Doug Clay, Specialty Construction, requested he be afforded the opportunity to speak on Item 23 during the Council’s consideration of the item.
- Michael Pollock, voiced concern with a lien placed by the Finance Department on his property due to alleged utility delinquencies, spoke of errors made by the City.
and expressed dissatisfaction with City staff’s handling of the matter.

- Tonya Newsom, Halopoff & Sons, requested that she be allowed to speak on Item 23.
- Curtis Rogers, requested that the Council Members speak directly into their microphones, noting the difficulty of audience members to hear their comments. Mayor Irish requested that if anyone had difficulty in hearing the Council Members to raise their hands.

**CONSENT CALENDAR**

Item Nos. 2, 5, 6, 7, 8, 9, 12, 13 and 16 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF JUNE 8, 2010 AND JANUARY 18, 2011**

   Recommendation: That the City Council approve the Minutes of June 8, 2010 and January 18, 2011.
   
   Documentation: Minute Order 01-021511
   
   Disposition: Approved.

3. **CLAIM – MERCURY INSURANCE AS SUBROGEE FOR NICHELE TAGHZOUT-WELLS**

   Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
   
   Documentation: Minute Order 02-021511
   
   Disposition: Approved.

4. **AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET IMPROVEMENTS PROJECT (EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)**

   Recommendation: That the City Council:
   1. Approve staff’s recommended Plans and Project Manual for the Jaye Street Improvements Project (easterly extension of Brown Avenue to Gibbons Avenue); and
   2. Authorize staff to advertise for bids on the project.
   
   Documentation: Minute Order 03-021511
   
   Disposition: Approved.

10. **COMMUNITY CLEAN UP EVENTS**

   Recommendation: That the City Council:
   1. Declare April 2, 2011, “Spring Clean Up Day”, and October 15, 2011,
“Fall Clean Up Day”;
2. Encourage all residents to clean up their properties and take advantage of the special opportunities offered by the City;
3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

Documentation: Minute Order 04-021511
Disposition: Approved.

11. APPROVAL OF THE UPDATED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Recommendation: That the City Council:
1. Approve the updated Disadvantaged Business Enterprise Program;
2. Authorize the Public Works Director to sign the updated Disadvantaged Business Enterprise Program; and
3. Approve the Resolution of Adoption.

Documentation: Resolution 05-2011
Disposition: Approved.

14. ISO RATING IMPLICATIONS FOR FIRE STATION #3

Recommendation: No action required. Report provided for informational purpose only.

Disposition: No action taken.

15. CONSIDERATION OF MODIFICATION TO THE HERITAGE COMMUNITY CENTER WALL OF FAME POLICY

Recommendation: That the City Council approve suggested modifications.

Documentation: Minute Order 05-021511
Disposition: Approved.

17. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2011-2012

Recommendation: That the City Council approve the proposed budget calendar for the 2011-2012 Fiscal Year.

Documentation: Minute Order 06-021511
Disposition: Approved.
18. REVIEW OF LOCAL EMERGENCY STATUS AND RE-SCHEDULING OF STUDY SESSION

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency;
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation; and
3. Schedule a study session for March 10, 2011, at 6:00 p.m. to review staff’s analysis of the response to the local emergency and discuss options for future mitigation of any identified issues.

Documentation: Minute Order 07-021511
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1, 3-4, 10, 11, 14-15, and 17-18.

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

2. CLAIM – GAYLA SEVERNS

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

City Manager John Lollis introduced the item, and indicated that the item had been pulled by Council Member Shelton. The staff report was waived at the Council’s request. Staff addressed questions from Council Member Shelton regarding whether or not the Galaxy 9 parking lot was considered private or public property.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

M.O. 08-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton
5. AUTHORIZATION TO ADVERTISE FOR BIDS – SCRANTON AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual for the Scranton Avenue and Indiana Street Reconstruction and Storm Drain Project; and
2. Authorize staff to advertise for bids on the project.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item, commended staff for making progress on a Measure R project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve staff’s recommended Plans and Project Manual for the Scranton Avenue and Indiana Street Reconstruction and Storm Drain Project; and authorize staff to advertise for bids on the project.

M.O. 09-021511
AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

6. AWARD OF CONTRACT – VETERAN’S PARK BOOSTER PUMP PROJECT

Recommendation: That the City Council:
1. Award the Veteran’s Park Booster Pump Project to the lowest responsive bidder HPS Mechanical in the amount of $282,480;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward inquired about the inclusion of the add alternate in determining the lowest bidder. Public Works Director Baldo Rodriguez clarified that language could be included in the bid document to allow for consideration of add alternates in determining the lowest bidder, but that in this particular bid document the language used indicated that the lowest base bid would be awarded.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council award the Veteran’s Park Booster Pump Project to HPS Mechanical in the amount of $282,480; authorize progress payments up to 90% of the contract amount; and authorize a 10%
contingency to cover unforeseen construction costs.

M.O. 10-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

7. ACCEPTANCE OF PROJECT – JAYE STREET IMPROVEMENTS PROJECT POPLAR DITCH CULVERT CROSSING

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton took a moment to laud staff for completing the Jaye Street Improvements Project (Poplar Ditch Culvert Crossing) and Fire Station No. 2 Parking Lot Expansion Project under budget and on schedule.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

M.O.11-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

8. ACCEPTANCE OF PROJECT – FIRE STATION #2 PARKING LOT EXPANSION

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council accept the project as complete;
authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

M.O.11-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

9. AUTHORIZATION TO ENTER INTO CONTRACTS WITH SCE FOR NEW METER AND SERVICE FOR THE SPORTS COMPLEX LIGHTING PROJECT

Recommendation: That the City Council:
1. Approve the costs associated with the installation of a new transformer; and
2. Authorize the City Engineer to sign the SCE application and issue a $13,017.74 payment.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward inquired about the sewer lift station eventually repaying the pro-rata share, and Public Works Director Rodriguez suggested that it could be memorialized.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton approve the costs associated with the installation of a new transformer; and authorize the City Engineer to sign the SCE application and issue a $13,017.74 payment.

M.O. 12-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

12. AUTHORIZATION TO RELEASE REQUEST FOR PROPOSAL FOR PREPARATION OF AN ECONOMIC DEVELOPMENT STRATEGIC PLAN

Recommendation: That the City Council authorize staff to distribute the Request for Proposal for preparation of an Economic Development Strategic Plan.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Staff indicated that the City had received $90,000 from HUD to pay for the consultant, but that the proposal amounts were unknown at that time.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council authorize staff to distribute the Request for Proposal for preparation of an Economic Development Strategic Plan.

M.O. 13-021511

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

13. AUTHORIZATION TO TRAVEL

Recommendation: That the City Council approve travel for Brad Dunlap to Fort Worth, Texas for attendance at the Annual Customer Advisory Board meeting on April 14 and 15, 2011.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton expressed concern with the Community Development Director being absent from work and the City paying him for his time in Texas. At the Council’s request, the City Manager spoke of the benefit of Mr. Dunlap’s attendance. Council Member Shelton then made a MOTION to deny the proposed travel, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve travel for Brad Dunlap to Fort Worth, Texas for attendance at the Annual Customer Advisory Board meeting on April 14 and 15, 2011.

M.O. 14-021511

AYES: Ward, McCracken, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved.

16. PUTNAM AVENUE AND HENRY STREET PROPERTY

Recommendation: None. Information only.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item for discussion, commended the Parks and Leisure Services Commission for their consideration regarding the future use of the property.

Disposition: No action required.
The Council took a ten minute recess.

**SCHEDULED MATTERS**

19. APPOINTMENTS TO THE ARTS COMMISSION

Recommendation: That the City Council appoint two individuals to serve three year terms as members of the Arts Commission; and one individual to serve a two year term.

City Manager John Lollis introduced the item, and the staff report was presented by Administrative Services Manager Patrice Hildreth. The Council agreed to utilize the McCracken ballot method, and vote to fill the two 3-year terms first.

Round 1:
- Joan Claire Givan – McCracken
- Rebecca Grayson – Shelton, Ward
- Carolyn Petermann Turner – McCracken, Irish
- Deana Worthington – Irish, Shelton, Ward (3-year term)

Round 2:
- Joan Claire Givan – McCracken, Irish
- Rebecca Grayson – Shelton, Ward

Round 3:
- Joan Claire Givan – McCracken, Irish
- Rebecca Grayson – Shelton, Ward

At the request of Council Member McCracken, Council Member Shelton voiced the reasons for his support of Rebecca Grayson.

Round 4:
- Rebecca Grayson – McCracken, Irish, Shelton, Ward (3-year term)

At the request of Council Member Shelton, Council Member McCracken shared why he believed Joan Claire Givan should be appointed.

Round 5:
- Joan Claire Givan – McCracken, Shelton, Ward (2-year term)
- Deana Worthington – Irish

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve the appointment of Deanna Worthington and Rebecca Grayson to 3-year terms on the Arts Commission; and the appointment of Joan Claire Givan to a 2-year term on the Arts Commission.
M.O. 16-021511

AYES:       Ward, Shelton, McCracken, Irish
NOES:       None
ABSTAIN:    None
ABSENT:     Hamilton

Disposition: Appointments made.

20. APPROVAL OF ZALUD CONCESSION BUILDING

Recommendation: That the City Council approve the Zalud Park Concession Building and Renewal of Murry Park Concession License Agreement.

City Manager John Lollis introduced the item, and notified the Council that written correspondence had been received from Mr. Khris Saleh on behalf of the Porterville Little League requesting the City Council delay their consideration. A brief discussion ensued regarding the request and it was questioned whether Porterville Little League was aware that the applicant would be paying for the necessary improvements to make the concession building possible. Council Member Shelton spoke of the applicant’s success at Murry Park.

Council Member Shelton MOVED to approve staff’s recommendation. The motion was SECONDED by Mayor Irish.

City Attorney Lew advised of an inadvertent omission in the modification of the agreement regarding the term, and requested that the Council allow her to amend the agreement language in Paragraph 7 and 8 accordingly. The Council discussed the term of the license agreement, and reimbursement for improvements. Council Member McCracken recommended that the item be continued to allow staff the opportunity to amend the language to address the concerns raised by the Council. Council Member Shelton then rescinded his original motion to approve staff’s recommendation.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward to continue the item to the next meeting.

M.O. 17-021511

AYES:       Ward, Shelton, McCracken, Irish
NOES:       None
ABSTAIN:    None
ABSENT:     Hamilton

Staff was directed to amend the language in Paragraph 7 and 8 of the agreement.

Disposition: Item continued, and direction given.

21. PROPOSED CHANGES TO PORTERVILLE MUNICIPAL CODE – ARTICLE II, FIREWORKS
Recommendation: That the City Council:
1. Allow the discharge time to be changed to the same time as sales, i.e. twelve o’clock (12:00) noon on June 28;
2. Adjust the fine from $100 to $1,500 for the possession or discharge of dangerous fireworks;
3. Require the minimum distance of a fireworks stand to be no closer than 250’ from a city boundary and or another stand;
4. Adjust the application due date to February 15 at 5:00 p.m. and lottery selection to occur at the end of February; and
5. Approve the proposed changes to Article II, give first reading to the draft ordinance approving the above, waive further reading, and order the ordinance to print.

City Manager John Lollis introduced the item, and Fire Marshal Loran Blasdell presented the staff report. Following the report, the Council discussed the proposed media blitz, various means of notifying the public, costs for advertisement, the proposed fine amount, and limiting the number of booths. Staff clarified that certain aspects of the proposed ordinance would go into effect this year, and those relative to the application process would be effective next year.

Council Member McCracken MOVED to continue the item, which died for lack of a second.

City Attorney Lew recommended that the Council refrain from amending the application process, which could be brought back for consideration at a future meeting.

Council Member Shelton MOVED to approve staff’s recommendation, as amended to adjust the fine from $100 to $500. The motion was SECONDED by Council Member Ward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish to amend the motion by adjusting $500 to $1,500.

AYES: McCracken, Irish
NOES: Ward, Shelton
ABSTAIN: None
ABSENT: Hamilton

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Council Member McCracken to amend the motion by adjusting $500 and to $1,000.

AYES: McCracken, Irish
NOES: Ward, Shelton
ABSTAIN: None
ABSENT: Hamilton

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Council Member McCracken that the City Council continue the item to the next meeting.
M.O. 18-021511

AYES: Shelton, McCracken, Irish
NOES: Ward
ABSTAIN: None
ABSENT: Hamilton

Disposition: Item continued.

The Council took a ten minute recess.

Following the recess, Mayor Irish stated that Vice Mayor Hamilton was present via teleconference.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the Council reconsider Item 21.

M.O. 19-021511

AYES: Ward, McCracken, Hamilton, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

21. PROPOSED CHANGES TO PORTERVILLE MUNICIPAL CODE – ARTICLE II, FIREWORKS

Council Member McCracken MOVED to approve staff’s recommendation. The motion was then SECONDED by Vice Mayor Hamilton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the motion be amended to strike $1,500 and insert $500.

AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council allow the discharge time to be changed to the same time as sales, i.e. twelve o’clock (12:00) noon on June 28; adjust the fine from $100 to $1500 for the possession or discharge of dangerous fireworks; require the minimum distance of a fireworks stand to be no closer than 250’ from a city boundary and or another stand; adjust the application due date to February 15 at 5:00 p.m. and lottery selection to occur at the end of February; and approve the proposed changes to Article II, give first reading to the draft ordinance approving the above,
waive further reading, and order the ordinance to print, being AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING CHAPTER 12, ARTICLE II,
FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE.

Ordinance 1776
M.O. 20-021511

AYES: McCracken, Hamilton, Irish
NOES: Ward, Shelton
ABSTAIN: None
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved.

City Attorney Lew noted for the record that although he was participating via teleconference,
Vice Mayor Hamilton was in the building, and therefore the City was in compliance with the Brown
Act.

22. RE-VISIT REQUEST FOR WATER SERVICE OUTSIDE THE CITY (SCHMID
FAMILY DESCENDENT TRUST – LOT 11 OF TRACT NO. 467)

Recommendation: That the City Council:
1. Approve the request of the facts presented herein; and
2. Require the requesting party to comply with all herein stated MSP
requirements and pay all applicable fees.

City Manager John Lollis introduced the item, and Public Works Director Rodriguez
presented the staff report.

City Attorney Lew advised that the incremental risk was minimal, and addressed Council
questions regarding prevailing wage triggers, conditions required per the City’s Municipal Services
Policy and the City’s obligation to supply the service.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council
Member Ward that the City Council approve the request of the fact
presented herein; and require the requesting party to comply with all
herein stated MSP requirements and pay all applicable fees. The motion
carried unanimously.

M.O. 21-021511

AYES: Ward, Shelton, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved.
Recommendation: That City Council:
1. Award the Martin Hill & Rocky Hill Water Reservoirs Project to the lowest responsive bidder, Specialty Construction, in the amount of $3,602,763.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Following presentation of the staff report Mr. Rodriguez indicated that there were a couple of contractors in the audience that wished to comment. Without objection, the Mayor allowed public comment.

- John Halopoff, Halopoff and Sons, acknowledged a mathematical error on their part, alleged that Specialty Construction did not property complete proper forms, and requested that the Council re-bid the project.

- Doug Clauge, Specialty Construction, spoke about his company’s ability to meet the time constraints of the project; commended the City’s prequalification process; and stated that his company looked forward to working with the City on the project.

Council Member McCracken noted the time, and without objection, the meeting was extended to 10:30 p.m.

- Tonya Newson, of Halopoff and Sons, cited Code Section 20162, noted that other bidders had mathematical errors, and questioned their exclusion.

At the Council’s request, the Public Works Director identified the subcontractor’s list as the main issue with the bids received, and stated that in some instances staff was able to determine, based on the information provided if the bid was responsive, while some did not provide enough information.

City Manager Lollis noted that a component of the project was weather sensitive, and added that funding for the project needed to be expended by April 2012. City Attorney Lew advised that she was in support of staff’s recommendation and their actions relative to the evaluation of the bids received.

A discussion ensued regarding the funding requirements and the possibility of having to reimburse the CIEDB funds drawn in the event the project was not completed in time.

Council Member Shelton MOVED to reject all bids and re-bid the project, which died for lack of a second.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council award the Martin Hill & Rocky Hill Water Reservoirs Project to the lowest responsive bidder, Specialty Construction, in the amount of $3,602,763.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs.

M.O. 22-021511

AYES: Ward, McCracken, Hamilton, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

The Council took a ten minute recess.

Without objection, the Council continued Item Nos. 25 and 26 to the next regular meeting.

24. CONSIDERATION OF CITY TRANSIT PROGRAM ADMINISTRATION AND MANAGEMENT

Recommendation: That the City Council consider the identification of Mr. Richard Tree to provide administrative services for the City’s Transit Program.

City Manager John Lollis introduced the item and presented the staff report.

The Council discussed concerns regarding the amount of work hours the City would receive for the compensation paid to a contracted employee versus a full time City employee.

- Steve Tree, President of Sierra Management, provided clarification regarding the scope of work and Sierra Management’s obligation to fulfill the contract.

- Linda Clark, Administrative Analyst, spoke of the importance of a smooth transaction after her departure and her confidence in Richard Tree’s abilities. She also voiced support for going out to bid for the services come 2012.

Council Member Shelton spoke in opposition of a no-bid contract for transit management.

Mayor Irish lauded the dedication of Linda Clark during her years of managing transit, and spoke of the weight that her recommendation carried.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council authorize the development of a contract for transit management services, separate from operations contract, to include a scope of work to be brought back to the Council for approval.
M.O. 23-021511

AYES: Ward, Shelton, McCracken, Hamilton, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Direction given.

Item Nos. 25 and 26 were continued to the next Agenda.

25. SCHEDULING OF ADJOURNED CITY COUNCIL MEETING FOR ANNUAL SETTING OF GOALS AND OBJECTIVES

Recommendation: That the City Council consider utilizing the “strategic planning “ process for establishing its goals and priorities for the coming fiscal year, and schedule and adjourned meeting for establishing such goals and priorities on a Saturday morning during the month of March.

Disposition: Item continued to meeting of March 2nd, 2011.

26. CONSIDERATION OF NAMING CITY CONFERENCE ROOMS

Recommendation: That the City Council consider the suggestions made in the naming of City conference rooms.

Disposition: Item continued to meeting of March 2nd, 2011.

ORAL COMMUNICATIONS

None

OTHER MATTERS

• City Manager John Lollis, spoke of the Public Works Department’s success in securing $1.5 million in CMAQ funds.
• Council Member Ward offered condolences to Vice Mayor Hamilton on the recent passing of his beloved wife Darlene.
• Council Member McCracken offered condolences to Vice Mayor Hamilton.
• Council Member Shelton commented on various upcoming events including the Burton School District’s ground breaking and the Flip the Switch event at Edison’s solar field.

The Council recessed for ten minutes at 10:55 and reconvened in Closed Session.

CLOSED SESSION

It was reported that no reportable action took place.

ADJOURNMENT
The Council adjourned at 11:25 p.m. to the meeting of March 1, 2011 at 5:30 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Ronald L. Irish, Mayor