

## FILLMORE CITY COUNCIL SPECIAL MEETING

**CITY HALL  
250 CENTRAL AV.  
FILLMORE, CA 93015  
TUESDAY, MARCH 17, 2009  
6:30 P.M.**

### AGENDA

**NO NEW BUSINESS WILL BE CONSIDERED BY THE CITY COUNCIL AFTER THE HOUR OF 11:30 P.M. UNLESS A MAJORITY OF THE CITY COUNCIL DETERMINES TO CONTINUE BEYOND THAT HOUR.**

#### ITEM

#### REFERENCE\*\*

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ORAL COMMUNICATIONS** - *This is time for citizen presentations or comments not related to items appearing on the agenda, but within responsibility of the City Council. (Please do not exceed 5 minutes per topic).*
- 4. CITY COUNCIL CONSENT CALENDAR – None.**
- 5. CITY COUNCIL BUSINESS ITEMS**
  - 5A. Council Consideration and Direction for Contract Transitional Pool Manager. **Copy**
  - 5B. Appropriate Additional Funds for the Community Pool Budget FY 08/09. **Memo**
  - 5C. Award of Contract for Fillmore High School Recycled Water. **Memo**
  - 5D. Fillmore Business Park Status Update. **Oral**
- 6. CITY COUNCIL REPORTS, DISCUSSION and APPOINTMENTS**
  - 6A. Information/Discussion to Staff on Legislative Matters and Emerging Issues. **Oral**
  - 6B. Request(s) for Approval of City Council Member Travel. **Oral**
  - 6C. Other Discussion/Information from Mayor, City Council and City Staff. **Oral**
- 7. EXECUTIVE SESSION**
  - 7A. Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: 1 Potential Case.
  - 7B. Public Employee Appointment – Title: Transitional City Manager.
- 8. ADJOURNMENT** - City Council adjourns to a Town Theatre walk through, on March 24, 2009 at 5:30 p.m., 338 Central Avenue, Fillmore, California.

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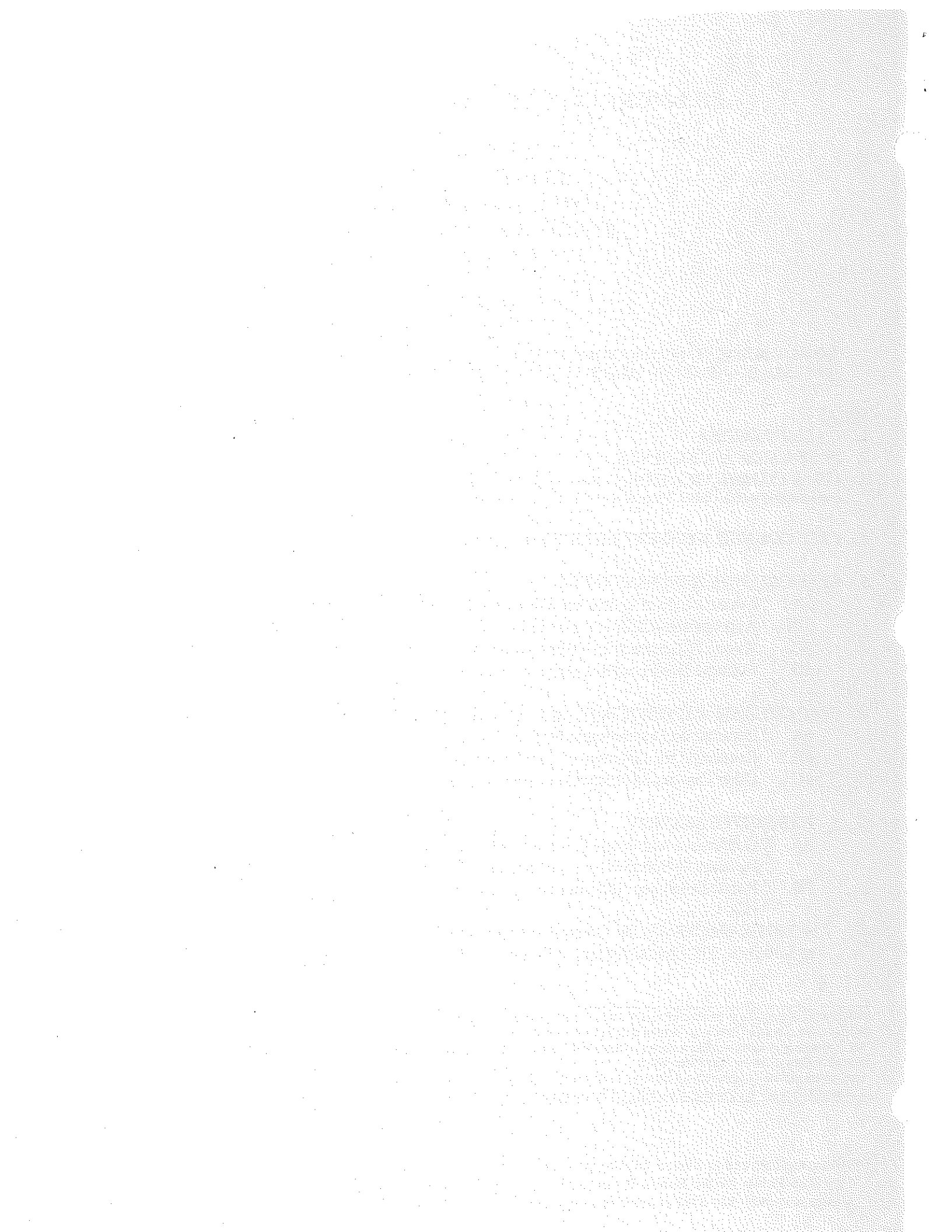
PLEASE NOTE: If you challenge the actions of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. (Calif. Gov't Code §65009)

Any legal action by an applicant seeking to obtain a judicial review of the City Council's decision on a Hearing listed on this Agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Assistant at (805) 524-3701. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangement to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

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**\*\*Memorandums and/or reports relating to agenda items are on file in the Administrative Assistant's Office and on the City Hall Public Notice Board. If you have questions regarding the above items you may call the Administrative Assistant at (805) 524-3701 or come into City Hall for further information.**



March 5, 2009

Proposal by Cindy Blatt and Erin McKeown to act as co-pool managers

We propose to perform as co-pool managers the following responsibilities:

- Design & develop an Aquatic Staff Orientation & Training Manual (similar to City of Ventura -- Aquatic Center) - This is an on-going process.
- Set up pool area, office, storage in conjunction with Community Services Director.
- Oversee Aquatic staff in fulfilling their job duties, delivering high quality Aquatic programs and customer service and complying with policies, procedures, codes and ordinances.
- Create Seasonal pool programs and schedules – We would like to implement at least two programs as soon as possible 1) adult lap swim and 2) water exercise.
- Oversee use and maintenance of facilities, equipment and supplies with Community Services Director.
- On call for and responds to emergencies.
- Coordinates all aspects of Pool Lifeguard service. Ensure delivery of outstanding lifeguard and customer service.
- Recruit and train staff. Ensures training and certification programs are consistent with industry standards.
- Oversee management duties such as Lifeguard and Office Aid schedules and meetings.
- Provides swim, water safety and aquatic instruction to patrons.
- Manages program budget and meet salary and expenditure targets with Community Services Director. Assists Community Services Director in meeting revenue targets.
- Provide appropriate record keeping.
- Ensure proper use and maintenance of City pool facility and resources.

Our hope is to work with the Community Services Director to provide outstanding, high quality aquatics programs and customer service at our new Fillmore Community Pool.

Cindy Blatt





**CITY OF FILLMORE**

CENTRAL PARK PLAZA

250 Central Avenue

Fillmore, California 93015-1907

(805) 524-3701 • FAX (805) 524-5707

AGENDA ITEM # 5B

March 17, 2009

TO: Mayor and City Council

FROM: Annette Cardona, Community Services Supervisor

SUBJECT: Community Pool Budget FY 08/09

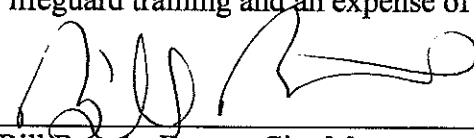
RECOMMENDED ACTION: City Council appropriate additional funds for the Community Pool Budget FY 08/09.

BACKGROUND: At the City Council meeting on March 10, 2009 the city council adopted a budget for the community pool however at that meeting there should have been an additional appropriation for \$11,000 for recreation management software. Staff has researched various software programs throughout the county for the pool and The Active Network would be the best software for the community pool. The Active Network software can be accessed at City Hall or at the pool site, you can access all the programs online, Active Network has membership setup, tracks of participates per class and age group, and also Active Network can be used for park, building and pool rentals.

In addition there needs to be an addition in revenue of \$2,500 for lifeguard training and expense of \$2,250 for lifeguard training.

FISCAL IMPACT: Budget appropriation in the amount of \$11,000 for the Active Network software and additional budget appropriation in the amount of \$2,500 for revenue for lifeguard training and an expense of \$2, 250 for lifeguard training.

CONCUR

  
\_\_\_\_\_  
Bill Bartels, Deputy City Manager



## ACTIVENET OVERVIEW

ActiveNet is a full-featured management solution, designed to give your team secure, on-demand access to your organization's data from any computer with an Internet connection. The Active Network (TAN) hosts and manages your data securely, off-premise, using the latest technology infrastructure. You avoid major upfront investments in computer hardware, software licenses, and web servers. There are no ongoing software maintenance or technical support fees. With our flexible transaction-based pricing model, your only upfront costs are for consulting services. ActiveNet helps organizations streamline operations through automated reports, financial integration, and scalability.

Some of the benefits of this solution include:

- Remote web-based access, anytime
- Low upfront costs
- No license or maintenance fees
- Infrastructure fully maintained
- Quick implementation updates
- Unlimited number of licenses and workstations that have access to the system.

### We can help

More than 3,000 community service organizations already trust us to help them make sound technology choices. ActiveNet targets the most inefficient areas of your operations first, so you immediately realize savings in the areas you need it most.

ActiveNet offers a choice of hosted Web-based solutions to meet the needs of growing organizations. Our technology's scalable deployment means you only pay for the functionality you use. Additional solutions can be seamlessly added in stages, according to your budget.

⇒ Quality Software

Active staff performs extensive quality assurance testing for each new release

⇒ Worry-Free Support

Unlimited access to a team of technical analysts trained to quickly resolve issues

⇒ Lifetime Value

"Evergreen" policy ensures your technology investment is protected



## MINIMUM REQUIREMENTS FOR ACTIVENET

Before you get started, you will need to make sure that your workstations meet the minimum hardware and software requirements for accessing *ActiveNet*.

Configuration Item	Requirements
Required Agency Software (for Windows OS)	<p>Microsoft Internet Explorer (6.0 or higher) or Netscape (6.0 or higher)</p> <p>Cookies must be permitted on all workstations</p> <p>JRE 1.4 is required to run applets such as POS and Membership is required to run applets such as POS and Membership</p>
Required Agency Software (for Mac OS)	<p>Microsoft Internet Explorer (6.0 or higher)</p> <p>OS X 10.2 Panther</p>
Certifications	<p><i>ActiveNet</i> is certified to operate on all name brand workstations, running all commonly installed Windows platforms</p>
Workstation / Desktop	<p>Windows 2000, ME or XP</p> <p>Pentium 133MHz</p>
Workstation RAM	<p>Must meet operating system requirements</p>
Workstation hard drive space	<p>100MB</p>
Workstation Video Monitor	<p>800x600 resolution or higher recommended</p>
Communication Links (WAN)	<p>Any Internet connection 56k dial-up modem or better</p>
3rd party Credit card interface	<p>All credit card verification processing handled by Active Merchant Services</p>



## PROPOSED OPERATIONAL NEEDS

### Activity Registration

ActiveNet Activity Registration streamlines your entire activity management process. Automation decreases transaction handling times, improves decision making, and enhances the overall customer experience.

Set up parameters that allow you to create minimum / maximum class sizes and waitlists. Track program attendance, create and assign customized discounts and corporate / group rates and much more.

### Public Access / Online Functionality

The flexibility and functionality of ActiveNet's Public Access provides a convenient world of options to all your key stakeholders including customers, instructors, coaches, staff and volunteers.

Deliver superior and timely customer service – reduce your administration time and costs for registration while maximizing community participation. ActiveNet's Public Access gives your customers around-the-clock, real-time access to your department.

Activity registration and facility reservations-- all can be managed and paid for from the comfort and convenience of home. Through personalized accounts, your customers can track their account status, change personal information, print-off their current and past receipts, view individual and family schedules, book facilities and more.

Instructors, coaches, staff and volunteers can be given online access to view rosters, attendance sheets, schedules and participant email address as you deem appropriate.

Online payments are set-up to work with your general ledger systems. This ensures that you can track your online revenue to the appropriate account without additional paperwork.

### Reporting

Make faster, better-informed decisions using a variety of automated reports. Easily monitor revenues and enrollments for specific activities, categories, customer types, facilities, sites and general ledger accounts. Support your programming decisions, analyze instructor and program efficiency, and track effectiveness of your marketing campaigns.

### Marketing

ActiveNet Marketing helps you execute effective marketing programs that encourage community participation, build dynamic relationships, and drive online registrations. The customer segmentation, email campaign, print label, and catalogue export tools help streamline your marketing activities.







TRANS	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
FUND OBJ LINE DESCRIPTION	FY 04-05	FY 05-06	FY 06-07	FY07-08	FY 08-09
<b>301</b>	<b>SEWER FUND</b>				
1 311 224 Bond Proceeds	0	0	67,000,000	53,425,000	0
301 306 050 Interest Earnings	0	4,000	0	0	63,000
301 309 186 Current Service Charges	1,545,800	1,545,800	2,318,700	4,200,000	4,634,475
301 311 125 Other Rev-Griffin	0	0	0	36,400	0
301 311 125 Other Misc Revenues	22,000	22,000	25,000	25,000	65,000
<b>**TOTAL SEWER FUND</b>	<b>1,567,800</b>	<b>1,571,800</b>	<b>69,343,700</b>	<b>57,686,400</b>	<b>4,762,475</b>
<b>302</b>	<b>WATER FUND</b>				
302 306 050 Interest Earnings	5,000	2,000	5,000	5,000	25,000
302 309 186 Current Service Charges	1,975,000	2,468,750	2,714,800	2,796,244	2,880,131
302 311 125 Other Misc Revenues	5,700	5,700	5,700	5,700	5,700
302 311 125 Other Misc Revenues	45,000	45,000	45,000	45,000	55,000
<b>**TOTAL WATER FUND</b>	<b>2,030,700</b>	<b>2,521,450</b>	<b>2,770,500</b>	<b>2,851,944</b>	<b>2,965,831</b>
<b>303</b>	<b>TOWNE THEATRE</b>				
303 306 Fly Away Screen Fund Raiser	0	0	0	0	0
303 309 100 Box Office Revenue	113,150	103,000	75,000	80,000	55,000
303 309 101 Gift Certificates	1,000	750	750	750	200
303 309 109 Rent- Live Performance	0	2,000	2,000	0	0
303 309 102 Concessions	49,000	45,000	34,000	35,000	22,000
303 309 103 Rental of Theatre	5,000	8,000	5,000	5,000	4,000
303 309 104 Rental Income - Sublease Walk In Closet	1,800	1,800	1,800	1,800	1,800
303 309 105 Rental Income - Sublease Apothocary	3,180	3,180	3,180	3,275	3,275
303 309 126 Spanish Movie Sponsorship	5,500	0	0	0	0
303 309 107 Special Event	2,500	5,000	10,000	4,000	13,000
303 309 106 Sales Tax Revenue	3,000	3,000	2,500	2,500	1,595
303 311 125 Other Misc Revenues	100	100	100	0	0
<b>**TOTAL TOWNE THEATRE</b>	<b>184,230</b>	<b>171,830</b>	<b>134,330</b>	<b>132,325</b>	<b>100,870</b>
<b>304</b>	<b>RECREATION FUND</b>				
304 310 414 Park Rental Fees	19,175	20,000	16,000	18,000	18,000
304 310 419 Park Jumper Permit	2,000	2,000	2,000	500	900
304 310 401 Basketball Program	1,800	0	0	1,500	600
304 310 402 Softball Program	5,200	5,040	5,040	6,000	7,000
304 310 405 First Aid Class	3,000	3,500	3,500	3,000	4,000
304 310 Wrestling	0	0	0	0	0
304 310 407 Other Recreation Programs	4,000	1,000	1,000	1,000	1,000
304 310 363 Park Concession Revenues	4,500	4,000	4,000	4,000	2,200
304 310 411 Yoga	1,000	1,000	0	0	0
304 310 412 Self Defense	4,000	3,000	0	0	0
304 310 418 Arts & Crafts	2,000	1,000	0	0	0
304 310 403 Gymnastics	4,000	4,000	0	0	3,000
304 310 413 Cake Decorating	0	0	0	0	0
304 310 406 Tole Painting	0	0	0	0	0
304 310 408 Alcohol Permits	3,650	3,000	3,000	3,000	1,800
304 310 404 Youth Basketball	15,000	13,000	13,000	14,500	15,000
304 310 415 Rents - EQ Center	14,400	7,500	15,300	15,759	16,232
304 310 410 Concessions-Bar	8,700	5,000	5,000	5,000	5,000
304 310 409 Bartender Fees	3,500	3,000	3,000	3,000	2,500
304 306 419 Dance Class	4,000	4,000	4,000	800	4,000
304 310 416 Rent- Boys & Girls Club	13,800	14,000	14,000	14,000	14,000
304 310 417 Rents-Com Ctr	26,000	21,000	20,000	21,000	15,000
<b>**TOTAL RECREATION FUND</b>	<b>139,725</b>	<b>115,040</b>	<b>108,840</b>	<b>111,059</b>	<b>110,232</b>
<b>305</b>	<b>SWIMMING POOL MAINTENANCE</b>				
305 Open Swim	0	0	0	0	2,500
305 Pool Rental/Club Swim	0	0	0	0	1,500
305 Swim Lessons	0	0	0	0	2,500
305 Lap Swim	0	0	0	0	500
305 Tennis Court Light Revenue	0	0	0	0	250
305 Training	0	0	0	0	2,500
305 Swim Team Rental	0	0	0	0	750
305 School Dist Exp	0	0	0	0	500
305 303 230 Special Taxes	0	0	61,000	63,690	64,000
305 306 050 Interest Earnings	0	0	0	2,000	2,000
<b>**TOTAL SWIMMING POOL MTNC F</b>	<b>0</b>	<b>0</b>	<b>61,000</b>	<b>65,690</b>	<b>77,000</b>



DIV Swimming Pool Mtnc

FUND	DIV	ACCT LINE	DESCRIPTION	ADOPTED FY 05-06	ADOPTED FY 06-07	ADOPTED FY 07-08	ACTUAL FY 07-08	PROJECTED FY 08-09
305	4745	11 112	Parttime Salaries					18,560
			<b>*Sub-Total Base Pay</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18,560</b>
305	4745	13 122	FICA Social Security					1,420
305	4745	13 123	Worker Comp Insur					974
305	4745	13 124	Unemployment Insurance					278
			<b>*Sub-Total Othr Overhead</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,672</b>
			<b>**TOTAL PERSONNEL COSTS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21,232</b>
305	4745	21 261	Fire Extinguisher Mtnc	0	0	0	0	0
305	4745	21 261	Grounds Mtnc	0	0	0	0	750
305	4745	21 208	Pest Control	0	0	0	0	250
305	4745	21 285	Admin Fees	0	500	500	515	550
305	4745	21	KNORR Pool Mtnc	0	0	0	0	8,000
305	4745	21	Training/Personell Expense	0	0	0	0	2,250
305	4745	21 267	HVAC	0	0	0	0	300
			<b>**TOTAL CONTRACT SERVICE</b>	<b>0</b>	<b>500</b>	<b>500</b>	<b>515</b>	<b>11,100</b>
305	4745	31 301	Telephone	0	0	0	0	
305	4745	31 302	Utilities	0	0	0	0	4,000
305	4745	31 307	Office Supplies	0	0	0	0	500
305	4745	31 312	Building Mtnc	0	0	0	0	3,700
305	4745	31 308	Equipment Mtnc	0	0	0	0	0
305	4745	31 309	Supplies and Materials	0	0	0	0	500
305	4745	31	Chemicals					8,000
305	4745	31	Office Set-up(Onetime Cost)	0	0	0	0	27,500
305	4745	31	Robotic Vacuum(Onetime Cost)	0	0	0	0	8,000
305	4745	31	Start-up Pool Equipment					16,500
			<b>**TOTAL OTHER OPER EXP</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>68,700</b>
			<b>**DIVISION GRAND TOTAL</b>	<b>0</b>	<b>500</b>	<b>500</b>	<b>515</b>	<b>101,032</b>






CITY OF FILLMORE  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

AGENDA ITEM # 50

March 17, 2009

TO: MAYOR AND CITY COUNCIL

FROM: BERT J. RAPP, P.E., PUBLIC WORKS DIRECTOR 

SUBJECT: AWARD OF CONTRACT  
EFFLUENT DISPOSAL AND REUSE SYSTEM FOR FILLMORE HIGH  
SCHOOL SPECIFICATION NO. 08-06

**RECOMMENDED ACTION:**

The Public Works Director recommends the City Council award the Effluent Disposal and Reuse System for Fillmore High School to PIMA Corporation dba Advance Construction in the amount of \$950,157.00 and authorize the City Manager to approve change orders to a combined maximum of \$95,000.

**BACKGROUND INFORMATION**

On March 6<sup>th</sup> the City received two bid protest letters on the High School Effluent Disposal project. The protest letters were forwarded to the low bidders Pima and Viola. Staff is currently reviewing the responses and will have a bid award recommendation for the City Council on March 17<sup>th</sup>. The bid protest letters and responses are attached.

This project consists of the following general categories of work:

- Installation of approximately 1.8 acres sub-surface drip irrigation system (SDI).
- Retrofit of existing spray irrigation systems for recycled water at various sites.
- Third Street improvements and construction of a control/filter building that houses drip system filters, control and instrumentation for SDI system.
- Work also includes construction of landscaping improvements with the conventional irrigation systems for the areas located near the new control building adjacent to Third Street.

The work includes installation of new sod and SDI under the varsity baseball field north of the community pool and south of Second Street. The conversion of existing spray irrigation systems north of Second Street to recycled water will be completed under a separate contract, after the effluent disposal pipeline is energized. In the future if additional disposal capacity is needed, the upper baseball field at Third Street and Shiells Drive may be converted to SDI.

This project is a component of the City's Recycled Water Program critical to complying with the Los Angeles Regional Water Quality Control Board's stringent limitations on wastewater



discharged by the City. The Los Angeles RWQCB has issued a Time Schedule Order to the City requiring that wastewater discharges from the WWTP comply with all new requirements by September 10, 2009.

**Project Schedule**

The following milestone dates are proposed for construction:

Open Bids	March 4, 2008
Award Contract	March 10, 2009
Start Construction	April 1, 2009
Complete Construction	October 6, 2009

The anticipated schedule (attached) is being coordinated with the Fillmore School District.

**ANALYSIS**

Staff has coordinated this project with the School District. The District has reviewed the plans and specifications. The baseball field (north of the pool) will not be taken out of service until after the majority of the Middle School playgrounds (Phase 1) are placed back into service.

On March 4, 2009, sealed bids from six (6) contractors were received and opened for the Effluent Disposal and Reuse System for Fillmore High School Project. **Table 1** summarizes the bid results.

<b>Contractor</b>	<b>Total</b>
PIMA Corporation dbs Advance Construction	\$ 950,157.00
VIOLA	\$ 1,264,632.00
Lash Construction	\$ 1,343,471.00
Blois Construction	\$ 1,492,249.00
C.S Legacy	\$ 1,606,678.00
Harbor	\$ 1,828,000.75

The low bid contractor is a contractor in good standing with the State Contractor Licensing Board as seen on the attached print out from their website.

**CONSISTENCY WITH 2008 CITY COUNCIL GOALS**

This item helps complete City Council Goal #13:

- 13. Complete WRP:** Complete the water recycling program and bring it on line by September 2009, under budget.



**CONSISTENCY WITH VISION 2020 GOALS**

This Item does not involve a Vision 2020 goal.

**FISCAL IMPACT**

The bid amount of \$ 950,157.00 for the Effluent Disposal and Reuse System for Fillmore High School Project is within the amount of funds budgeted for this project. Funds for this work are budgeted in the Water Recycling Program account # 463 6916 46 678.

Concur: \_\_\_\_\_  
Tom Ristau, City Manager





General Engineering Contractor

Office: 721 Carpinteria Street  
Mailing Address: P.O. Box 4640  
Santa Barbara, California 93140  
(805) 963-3553 FAX 965-8189

March 6, 2009

City of Fillmore  
250 Central Ave.  
Fillmore, CA 93015

Attn: Bert J. Rapp  
Public Works Director

RE: Bids for Effluent Disposal and Reuse System at Fillmore High School

Dear Mr. Rapp,

We are writing concerning the bids opened on March 4, 2009 for the Fillmore High School Effluent Disposal and Reuse System. As you know, six bids were turned in and the apparent low bidder was that of Pima Corporation.

It is our understanding that the bid from Pima will be determined as non-responsive, due to a qualification issue. The qualification requirements for the sub-surface drip irrigation as listed in Section 328421 1.03B of the specifications are very detailed; Pima Corporation did not list a subcontractor for that portion of the work, and we do not believe they are qualified to self-perform.

Lash Construction would further like to formally protest the bid of Viola, Inc., the apparent second low bidder. We do not believe that Viola will be performing at least 50% of the contract work with its own organization per Section 2-3.2 of the standard specifications for the project. The exceptions to this requirement are if the project is designated for a "B" contractors license, or if some of the bid items are designated as "specialty" items within the bid documents. Neither of these exceptions apply in this case.

Lash Construction listed subcontractors in our bid totaling approximately \$500,000.00 of work, or 42% of our total bid. This includes landscaping and irrigation, electrical, fencing, masonry, roofing, painting, plastering, rebar and surveying. Lash intends to self-perform the grading and earthwork, AC paving, site and building concrete, all framing and finish carpentry on the building, potable/ recycled water piping and associated conduits, and all drain, supply and building piping. Viola Inc. listed subcontractors for all these portions of the work in addition to the subcontracted work listed by Lash. We, therefore, do not believe there is sufficient work remaining in the project to amount to 50% of the bid.

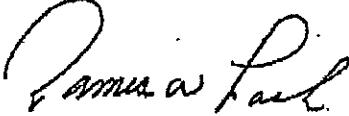


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March 6, 2009

We are requesting the City of Fillmore to investigate this situation and determine that Viola, Inc. is in conformance with the requirements of the specifications before awarding the contract to them. If not, their bid must be rejected and awarded to the next lowest responsive contractor - Lash Construction.

Thank you for your consideration of this matter. Please feel free to call me for further discussion if you so desire.

Sincerely,



James W. Lash  
Vice-president

cc: Boyle Engineering - Robert Stein





March 6, 2009

Tom Scott  
City of Fillmore  
250 Central Avenue  
fillmore, CA 93015

RE: Fillmore High School Effluent Disposal & Reuse System  
*Bid Protest*

Dear Mr. Scott:

On March 4, 2009 Viola Incorporated submitted a bid for the above referenced project, as did five (5) other bidders including the apparent low bidder Pima Corporation dba Advance Construction. Upon review of Pima Corporation's bid documents, Viola, Incorporated observed that there were no subcontract listings for the following trades:

Demo & Earthwork  
Asphalt Paving  
Cast in Place Concrete  
Masonry  
Rough Framing  
Lath and Plaster  
Painting

Per the General Provisions, Article 2-3.1 of the bid documents and the Public Contracting Code, the prime contractor shall list the name and location of business of each subcontractor that is in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater. If the prime contractor fails to list a subcontractor in accordance with these provisions, the prime contractor must self perform the work.

Viola, Incorporated alleges that Pima Corporation will not be self-performing the above referenced trades, but rather "shop" or "buyout" the work, which is an unfair advantage and in violation of the General Provisions and the Public Contracting Code. In addition, Viola, Incorporated would like to point out to the City that Pima's bids is 33% less then the second bidder, where as the difference between the second and third bidder is 6% and between the third and forth bidder is 11 %.

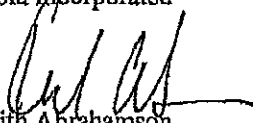
In consideration of the subcontractor listing deficiencies and value of their bid in relation to all other bids, the City of Fillmore should consider the bid from Pima Corporation as non-responsive and the Project should be awarded to the next responsible bidder Viola, Incorporated.



Page 2  
Tom Scott  
March 6, 2009

We have attached bids that we received for these trades to allow the City to have a rough order of magnitude of the value of the work. These bids are proprietary information of Viola and we request that the bids be treated as such. Viola, Incorporated appreciates in advance that the City of Fillmore will review and rule on this bid protest.

Sincerely,  
Viola Incorporated



Keith Abrahamson  
Project Management Director

CC: Michael T. Viola  
Pat Waid  
Lorraine Ortega





**CITY OF FILLMORE**

CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

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Mr. Bijan Pironz  
**PIMA CORPORATION**  
2001 S. Barrington Ave., Suite 312  
Los Angeles, CA 90025

March 9, 2009

Overnight Mail and E-mail

Dear Mr. Pironz,

**Subject: City of Fillmore  
Effluent Disposal and Reuse System for Fillmore High School  
Bid Proposal**

In review of the bid proposal submitted by Pima Corporation for the subject project, the City is requesting the following information relative to the bid:

- Within 24 hours, provide documentation for the qualifications and responsibilities for subsurface drip irrigation system.

Please see the attached letter from Lash Construction, Inc. The City of Fillmore is requesting that Pima respond to the letter and provide confirmation that Pima's bid is in compliance with the contract documents.

Very Truly Yours,

CITY OF FILLMORE

Bert J. Rapp, P.E. Public Works Director

Enclosure





**CITY OF FILLMORE**

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Mr. Bijan Pironz  
**PIMA CORPORATION**  
2001 S. Barrington Ave., Suite 312  
Los Angeles, CA 90025

March 9, 2009

Overnight Mail and E-mail

Dear Mr. Pironz,

**Subject: City of Fillmore  
Effluent Disposal and Reuse System for Fillmore High School  
Bid Proposal**

Please see the attached letter from Viola Constructors, Inc. The City of Fillmore is requesting that Pima Corporation respond to the letter and confirm that Pima's bid is in compliance with the contract documents. Please respond within 24 hours.

Very Truly Yours,

CITY OF FILLMORE

Bert J. Rapp, P.E. Public Works Director

Enclosure





**CITY OF FILLMORE**

CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

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Mr. Keith Abrahamson  
**VIOLA INC.**  
1144 Commercial Avenue  
Oxnard, CA 93030

March 9, 2009

Overnight Mail and E-mail

Dear Mr. Abrahamson,

**Subject: City of Fillmore  
Effluent Disposal and Reuse System for Fillmore High School  
Bid Proposal**

Please see the attached letter from Lash Construction. The City of Fillmore is requesting that Viola Inc. respond to the letter and confirm that Viola's bid is in compliance with the contract documents. Please respond within 24 hours.

Very Truly Yours,

CITY OF FILLMORE

Bert J. Rapp, P.E. Public Works Director

Enclosure





March 9, 2009

Bert Rapp, PE  
Public Works Director  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015-1907

RE: Effluent Disposal and Reuse System for Fillmore High School  
Bid Proposal

Dear Mr. Rapp

With Regard to the letter of March 6, 2009 from Lash Construction concerning the proposal submitted by Viola Incorporated, the following is presented for your consideration.

Viola Incorporated will itself and through its affiliate, M&T Incorporated, provide all necessary labor, material and equipment to perform the majority of the work except for those Specialty Items designated to be performed by listed subcontractors possessing a type 'C' Specialty License.

Ninety-five percent of Viola Incorporated and one hundred percent of M&T Incorporated are owned by a common stockholder, share the same office and do therefore constitute an organization.

Sincerely,

Viola Incorporated

Michael T. Viola  
Chief Executive Officer



**PIMA CORPORATION**

**Lic. # 698859**

2001 S. Barrington Ave., Ste. 312, Los Angeles, CA. 90025  
Ph: 310-231-7060 Fax: 310-231-0411  
E-mail: pimacorp@msn.com

**FAX TRANSMITTAL**

Total pages: 8

March 10, 2009

**Mr. Bert J. Rapp**  
Public Work Director  
City of Fillmore  
250 Central Avenue  
Fillmore, CA 93015  
Tel: (805) 524-3701  
Fax: (805) 524-5707

**Project: Effluent Disposal & Reuse for Fillmore High School**

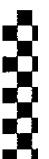
Dear Mr. Rapp;

Attached, please find the following;

1. Letter of qualification and compliance – 1 page
2. List of some sub-surface irrigation performed by Pima Corporation – 2 pages
3. Response letter to 2<sup>nd</sup> low bidder – 1 page
4. List of works that Pima will perform by its own work force – 3 pages

Sincerely,

  
Bijan Pirouz  
President





**Pima Corporation**

**License No. 698859**

2001 S. Barrington Ave. Suite No. 312  
Los Angeles, CA 90025  
Tel: 310-231-7060 Fax: 310-231-0234

**By Fax Transmission & Certified Mail**

March 10, 2009

**Mr. Bert J. Rapp**  
**Public Work Director**  
City of Fillmore  
250 Central Ave.  
Fillmore, CA 93015

RE: City of Fillmore  
Effluent Disposal and Reuse System for Fillmore High School

No. of pages in transmittal including this sheet: 1 page(s)

Dear Mr. Rapp:

As per you request, attached please find the details related to Pima Corporation's qualification.

I would like to mention that Pima Corporation, during the last twenty five years, has successfully performed more than one hundred fifty irrigation and landscaping projects using its own workforce in Southern California with almost one hundred percent satisfaction by the project owners. Many of these projects were subsurface irrigation including SDI systems.

Pima Corporation's Irrigation Supervisors have approximately twenty years experience with the company. Considering the high qualification of our company, the protest by third low bidder, Lash Construction Inc., is baseless.

I hereby confirm that Pima's bid is in compliance with the contract document requirements.

If you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

  
Bijan Pirouz  
President

Letter to City of Fillmore 03.10.09



**PIMA CORPORATION**

License No.698859

2001 S. Barrington Ave. Suite 312, Los Angeles, CA. 90025

Phone: 310 231 7060 Fax: 310 231 0411

E-mail: pimacorp@msn.com

March 10, 2009

**Project: Effluent Disposal & Reuse for Fillmore High School  
Re: Projects with Sub-surface Irrigation System Performed by Pima Corporation**

**Project Name:** Thousand Oaks Boulevard Streetscape  
**Location:** City of Thousand Oaks, CA  
**Project Description:** Street improvements including SDI irrigation and Netafim drip tubing system  
**Project Size:** 3 acres  
**Project Value:** \$ 1,450,000.00  
**Owner:** City of Thousand Oaks  
**Contact Person:** Haider Alawami  
**Telephone No:** (805) 449-2332

**Project Name:** Ponderosa Street Improvements  
**Location:** Camarillo, CA  
**Project Description:** Irrigation and landscape including SDI irrigation and Netafim drip tubing system  
**Project Size:** 1 acre  
**Project Value:** \$ 600,000.00  
**Owner:** Department of Parks and Recreation, County of Los Angeles  
**Contact Person:** Sony  
**Telephone No:** (805) 388-5300

**Project Name:** Las Posas Avenue Improvements  
**Location:** Camarillo, CA  
**Project Description:** Irrigation and landscape alongside Las Posas Avenue including SDI irrigation and Netafim drip tubing system  
**Project Size:** 1.5 acres  
**Project Value:** \$ 1,100,000.00  
**Owner:** Department of Parks and Recreation, County of Los Angeles  
**Contact Person:** Sony  
**Telephone No:** (805) 388-5300

**Project Name:** Santa Monica Police Department Landscape and Irrigation  
**Location:** Santa Monica, CA  
**Project Description:** Irrigation and landscape including SDI irrigation and Netafim drip tubing system  
**Project Size:** 1 acre  
**Project Value:** \$ 300,000.00  
**Owner:** City of Santa Monica  
**Contact Person:** Bill Zane  
**Telephone No:** (310) 458-8721



**Project Name:** F.E. Weymouth Treatment Plant Landscape Project Phase II  
**Location:** City of La Verne, CA  
**Project Description:** Irrigation and landscape inside the water treatment plant area including SDI irrigation installation  
**Project Size:** 4 acres

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**Pima Corporation**

**License No. 698859**

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Los Angeles, CA 90025  
Tel: 310-231-7060 Fax: 310-231-0234

March 10, 2009

**Mr. Bert J. Rapp**  
**Public Work Director**  
City of Fillmore  
250 Central Ave.  
Fillmore, CA 93015

**RE: City of Fillmore**  
**Effluent Disposal and Reuse System for Fillmore High School**

**Dear Mr. Rapp:**

As per you request, attached please find the details related to Pima Corporation's qualification.

I would like to mention that Pima Corporation, during the last twenty five years, has successfully performed more than one hundred fifty irrigation and landscaping projects using its own workforce in Southern California with almost one hundred percent satisfaction by the project owners. Many of these projects were subsurface irrigation including SDI systems.

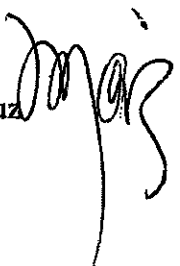
Pima Corporation's Irrigation Supervisors have approximately twenty years experience with the company. Considering the high qualification of our company, the protest by third low bidder, Lash Construction Inc., is baseless.

I hereby confirm that Pima's bid is in compliance with the contract document requirements.

If you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

Bijan Pirouz  
President



Letter to City of Fillmore 03.10.09



**PIMA CORPORATION**

License No.698859

2001 S. Barrington Ave. Suite 312, Los Angeles, CA. 90025  
 Phone: 310 231 7060 Fax: 310 231 0411  
 E-mail: pimacorp@msn.com

March 10, 2009

**Project Effluent Disposal & Reuse for Fillmore High School**  
**Re: Projects Performed by Pima Corporation's Own Workforce**

**Demolition and Earthworks**

Pima has equipment and crew to perform demo and earthwork. Below are some of the jobs that Pima has completed.

**Project Name:** Tennis Courts Replacement Project  
**Owner:** Cal. State Long Beach  
**Location:** Long Beach, CA  
**Description:** Remove and replace 12 tennis courts  
**Quantity:** Removal: 120,000 Sf concrete removal: Earthwork: 5,000 Cy  
**Contact Person:** Mark Zakhour, Senior Construction Manager  
**Telephone No:** (562) 577-2289

**Project Name:** Myrtle Avenue Old Town Improvements  
**Owner:** City of Monrovia  
**Location:** Monrovia, CA  
**Description:** Street Improvements  
**Quantity:** Removal: 60,000 Sf concrete/AC removal: Earthwork/grading: 60,000 Sf  
**Contact Person:** Jed Rizk  
**Telephone No:** (626) 932-5567

**Asphalt Concrete Paving**

**Project Name:** Myrtle Avenue Old Town Improvements  
**Owner:** City of Monrovia  
**Location:** Monrovia, CA  
**Description:** Street Improvements  
**Quantity:** 2,000 Sf  
**Contact Person:** Jed Rizk  
**Telephone No:** (626) 932-5567

**Project Name:** Tennis Courts Replacement Project  
**Owner:** Cal. State Long Beach  
**Location:** Long Beach, CA  
**Description:** Remove and replace 12 tennis courts  
**Quantity:** 5,000 Sf  
**Contact Person:** Mark Zakhour, Senior Construction Manager  
**Telephone No:** (562) 577-2289



## **Cast-in-place Concrete**

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**Project Name:** Heritage Park  
**Owner:** City of San Fernando  
**Location:** San Fernando, CA  
**Contact Person:** Daniel Wall  
**Telephone No:** (818) 898-1225

### **Lathe and Plaster/Painting**

**Project Name:** Bradford Avenue Pedestrian Overcrossing Phase II  
**Owner:** City of Placentia  
**Location:** Placentia, CA  
**Contact Person:** Wolford Brown  
**Telephone No:** (760) 403-6504

**Project Name:** USAR Warehouse  
**Owner:** Los Angeles County Fire Department  
**Location:** Pacoima, CA  
**Contact Person:** Paul Pelasky  
**Telephone No:** (323) 881-6106

