

Approved 7/6/10

**WESLACO CITY COMMISSION**

**SPECIAL MEETING**

**JUNE 24, 2010**

On this 24<sup>th</sup> day of June, 2010 at 5:00 p.m., the City Commission of the City of Weslaco, Texas convened in a Special Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue.

**NOTE:** If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- |                |                         |
|----------------|-------------------------|
| Mayor          | Miguel D. Wise          |
| Mayor Pro-Tem  | J.F. "Johnny" Cuellar   |
| Commissioner   | Robert J. Garza         |
| Commissioner   | Rene Rodríguez, Jr.     |
| Commissioner   | Gerardo "Jerry" Tafolla |
| Commissioner   | Lupe V. Rivera          |
| Commissioner   | Joe A. Martinez         |
| City Manager   | Leonardo Olivares       |
| City Secretary | Amanda C. Elizondo      |
| City Attorney  | Ramon Vela              |

Also present: Gloria Sepulveda, Purchasing Director, Alex Acosta, Interim Finance Director, several staff members and citizens. Mayor Wise called the meeting to order, a quorum was established and the following proceedings were held.

**I. NEW BUSINESS**

- A. Discussion and consideration to create a new line item for PEG (Public Educational and Governmental) cable channel purposes in the City of Weslaco's 2009-2010 budget under Legislative to provide funds to pay for broadcasting services and approval of a budget amendment not to exceed \$2,000.00 from the General Fund.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to create a new line item for a public educational and governmental channel in the 2009-2010 Budget under the legislative budget to provide funds to pay for broadcasting services and

approve the budget amendment not to exceed \$2,000.00 from the General Fund. Motion carried unanimously. (6-0) "Mayor present not voting."

B. Discussion and consideration to award the contract for the Gravity Sewer Line and Force Main for Lift Station No. 27 to the lowest responsible bidder. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Rodriguez to award the contract for the Gravity Sewer Line and Force Main for Lift Station No. 27 to the lowest responsible bidder, DK III Hornback R.F.D., Inc. from Weslaco, Texas for a contract price of \$248,825.00, remove Addendum #2 and waive the experience provisions.

Commissioner Tafolla asked why were these items being removed from the specifications.

Mr. Leonardo Olivares, City Manager stated the first addendum was to change the date of the bid opening and the second one was for additional work. He added the reason these items were being removed was because not all bidders received the information.

Ramon Vela, City Attorney stated there was some exposure on behalf of the city from the contractor who did not receive complete information.

Mayor Wise asked if DK III Hornback R.F.D., Inc. was the lowest bidder and if Addendum #2 would require a change order in the future.

Mr. Vela responded that under the Betterment Fund specified in the specifications there could be sufficient funds to cover the change order.

Mayor Wise referred to the experience provision in the specifications.

Mr. Vela stated there was a special provision in the specifications that required contractors to have experience in at least ten projects of ½ million or more in this type of work. He pointed out that only one vendor had submitted this information.

Commissioner Tafolla asked how long had it been since the city had not asked for this requirement.

A brief discussion was held regarding whether or not the city had asked for this information before and Mr. Vela stated the City Commission had the right to waive any and all requirements.

Commissioner Tafolla stated it would be to the best interest of the city to select experienced contractors.

Commissioner Garza mentioned the biggest part of the job was the boring. He added the city had been waiting on this project to provide the services to the taxpayers.

Mr. Vela stated the City Engineer had checked with the other bidders and indicated they had experience in doing this kind of work, but the information had not been submitted to the city in their bid packets. He added to adhere to the technical aspect the city would have to disqualify everyone, but one bidder.

Mr. Olivares stated the city received the application for this subdivision in May, 2007 and the preliminary and final plat was approved in August, 2007. He mentioned the city needed to move forward with this project.

Commissioner Garza stated they could not use septic tanks because the lift station was a necessity.

Commissioner Tafolla asked if the project would be covered through some kind of a warranty.

Commissioner Garza stated the successful bidder was required to provide a payment and performance bond on every job.

Mr. Vela stated when the city accepted the project; the warranty and bond documents were part of the contract.

For the record, Commissioner Tafolla asked how many lift stations had DK III done in the past.

Commissioner Garza responded DK III Hornback R.F.D., Inc. was not doing a lift station; they were only doing the work on the boring.

Danny Reyna, Representative of DK III Hornback R.F.D., Inc. stated Valley Boring would be doing boring.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar and Commissioners: Garza, Rodriguez, Rivera and Martinez. AGAINST: Commissioner Tafolla. (Votes: 5-1) "Mayor present not voting."

Motion was made by Commissioner Garza and seconded by Commissioner Rivera to adjourn the meeting. Motion carried unanimously. (6-0) "Mayor present not voting."

## **CITY OF WESLACO**

\_\_\_\_\_  
**MAYOR**, Miguel D. Wise

**ATTEST:**

\_\_\_\_\_  
**CITY SECRETARY**, Amanda C. Elizondo

**MAYOR PRO-TEM, J.F. "Johnny" Cuellar**

---

**COMMISSIONER, Robert J. Garza**

---

**COMMISSIONER, Rene Rodríguez, Jr.**

---

**COMMISSIONER, Gerardo "Jerry" Tafolla**

---

**COMMISSIONER, Lupe V. Rivera**

---

**COMMISSIONER, Joe A. Martinez**