



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 27, 2014**

On this 27th day of May 2014 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Juan Salas, IT Department; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Sergio Ramirez, Police Department; David Salinas, Public Utilities Director; Bret Mann, Finance Director; Chief Santiago Cuellar, Fire Department, and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, May 23, 2014.

B. Pledge of Allegiance.

Mayor Suarez recited the Pledge of Allegiance and recited the Texas flag.

C. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Pro-Tem Cuellar at the time of roll and his arrival at 5:33 p.m.

V. EXECUTIVE SESSION

Commissioner Tafolla, seconded by Commissioner Rivera, moved to withdraw from its posted sequence items III. A. and B. and IV. A. for immediate consideration in Executive Session. The City Attorney opined that he does not believe that III. A. qualifies as Executive Session.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to withdraw from its posted sequence item IV. A. for immediate consideration in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Noriega stated that at her personal expense, shared by the Mayor and Commissioner Pena, this meeting is being filmed. Mayor Pro-Tem Cuellar and Commissioner Tafolla requested an agenda item on the next Commission meeting to consider televising special meetings; Commissioner Fox additionally requested the exploration of livestream internet broadcasting of the meetings.

At 5:39 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:14 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

II. PUBLIC COMMENTS

There were no comments received.

III. OLD BUSINESS

- A. Discussion and consideration to select the best qualified, most advantageous bidder for the roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border Avenue (Mile 5 1/2 West) and authorize the Mayor to execute related documents. Possible action. (This item was tabled May 20, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to remove the item from table. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Commissioner Rivera, then moved to discuss and consider to select the best qualified and most advantageous bidder for the roadway improvements on Sugarcane Road.

The City Manager listed all of the general contractors who submitted bids for this project, including:

- Texas Cordia Construction LLC, \$724,000
- M5 Texas Enterprises LLC, \$985,530
- 2GS, \$1,112,000
- Saenz Brothers LLC, \$1,250,000
- Salinas \$1,254,000

Each contractor was invited to give a presentation to introduce their company and explain their plans for completing the project. Yara Corbitt, president of Texas Cordia Construction LLC, stated her company has the required experience and personnel to do the best work within the ninety days as specified at the lowest responsible bid. In response to Mayor Pro-Tem Cuellar, she said she was able to identify all possible cost-saving measures to arrive at her low bid. She does not expect any change orders.

Oscar Cancino of M5 Texas Enterprises LLC, Berto Garcia of 2GS, and Rafael Chavira of Saenz Brothers LLC each presented the qualifications of their respective firms. In response to the Mayor Pro-Tem, who asked each to explain potential reason for disparity in bid amounts, each cited the ninety-day time constraint when this is typically a 120-day project, meaning additional crews and resources would have to be secured to meet deadline; also, the cost of unforeseen circumstances were included.

Mr. Armando Martinez, owner of M5 Texas Enterprises LLC, stated it unfair to call for presentations when the lowest bidder is present and withdrew the bid from his firm.

Commissioner Tafolla commented, "this is an important road to me, and this project is dear to my heart;" he added he believes you pay for experience. He will base his motion on the work product he has seen for himself on other projects. Commissioner Noriega stated she will rely on the expert evaluation of the bid responses; Mayor Pro-Tem stated he is persuaded by the presentations themselves and the responses he received to his own questions. The City Manager stated there is a duty to disclose any conflicts of interest, after statements of a marital relationship between the owner of Cordia Construction and TEDSI employee; the City Attorney stated it does not constitute a conflict of the Commission.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to select 2GS as the best qualified, most advantageous bidder. By roll call vote, the failed with the Mayor, Mayor Pro-Tem Cuellar, and Commissioners Noriega, Fox, and Pena opposed (2-5).

Commissioner Pena, seconded by Commissioner Noriega, moved to select Texas Cordia Construction LLC as the best qualified, most advantageous bidder. By roll call vote, the motion carried with Commissioners Tafolla and Rivera opposed (5-2); Mayor Suarez was present and voting.

B. Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of a maximum of eight (8) tracts of land as described:

Tract 1

A tract of land containing 160.58 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172, 115 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 2

A tract of land containing 151.78 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 128, 141, 172, 207, 208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 3

The west 4.37 acres of Tejas Cuatro Subdivision, a subdivision containing 10.00 acres out of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, and Tejas Cuatro Phase 2 Unit A Subdivision, being a 13.78 acre subdivision out of Farm Tract 172, Block 161, West Tract Subdivision as recorded in Volume 2, Pg 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas

Tract 4

A tract of land containing 494.00 acres situated in the County of Hidalgo, Texas, being part or potions of Farm Tracts 201, 202, 203, 204, 205, 206, 207, 226, 227,

228, 229, 285 and 286 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 5

A tract of land containing 55.79 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tract 280, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 6

A tract of land containing 147.01 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 83, 84, 85, and 86, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 7

A tract of land containing 169.90 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 281, 282, and 333, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 8

A tract of land containing 70.31 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 103 and 104, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager stated this cleans up lollipops; staff recommends approval to initiate the annexation process. Mayor Pro-Tem Cuellar, stated the City of Donna made assertions that it is not annexing, but may have proceeded; this would protect Weslaco growth on its western boundary; these tracts do not include those as protested in the last annexation effort. In response to the Mayor, Mr. Hinojosa stated these tracts are within the thirty percent annual cap even when accounting for all territories presently being mediated.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize the preparation of service plans for the involuntary annexation of all eight tracts of land as presented. The motion carried with Commissioners Noriega opposed (6-1); Mayor Suarez was present and voting.

IV. NEW BUSINESS

- A. Discussion and consideration to acquire surplus property from the Texas Department of Transportation located on the 1400 Block of Westgate Drive also being a 0.9426 acre tract of land out of Farm Tract 146, Block 179, West and Adams Tract Subdivision through the TxDOT Turnback Program. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

There was no action taken on this item.

VI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action taken on this item.

VII. ADJOURNMENT

With no other business before the Commission, at 8:05 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the May 27, 2014 special meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III