

CITY OF WILLIAMS

Council Special Meeting Minutes

810 E Street / P.O. Box 310, Williams, CA 95987

CITY COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, APRIL 29, 2015

CALL TO ORDER:

At 2:00 pm, Mayor Troughton called the Special Meeting of the Council to order.

ROLL CALL:

Council Members Present: John Troughton, Jr., Alfred Sellers, Jr., Kent Boes, Santos Jauregui, Charles Bergson.

PLEDGE OF ALLEGIANCE: Mayor Troughton Jr. invited everyone to join in the Pledge of Allegiance.

PUBLIC COMMENT: None.

NEW BUSINESS

Authorize the City Administrator to execute a contract between California Engineering Company (CEC) and the City of Williams for Construction Management and Inspection Services on the Margurite Street Extension Project.

DISCUSSION: City Administrator Frank explained that this item was one on the things the City will have to pay during the construction of Margurite Street. This will help the City get this project done efficiently and look out for the City's best interest.

ACTION: Council Member Boes made a motion, seconded by Council Member Bergson and carried unanimously to authorize the City Administrator to execute a Contract between the California Engineering Company and the City of Williams for Construction Management and Inspection Services on the Margurite Street Extension Project. Motion passed 5-0.

Waive Immaterial Bid Error in Knife River Construction's Bid on Margurite Street Extension Project; Reject Bid Protest Submitted by Teichert Construction; and Award and Authorize the City Administrator to Execute a Contract between Knife River Construction and the City of Williams for Construction of the Margurite Street Extension Project, contingent on receipt of all necessary contract documents including bonds and insurance, within the time provided in the project specifications.

DISCUSSION: City Administrator Kennedy explained to the City Council that this was the second time this project had gone out to bid. He said the two bids that had been received by the City had come in relatively close. Looking at the bid analysis they were only twenty-two thousand dollars off and Knife River was the lowest bidder coming in at five million twelve thousand two hundred dollars.

City Administrator said that the City had received a protest from Teichert Construction based on the fact that Knife River's subcontractors list did not have the contractor's license numbers listed. Mr. Kennedy explained that the license numbers had been determined to be valid with the State of California and staff is recommending that Council reject Teichert Construction's protest.

Attorney at Law Scott D. McElhern said he was here today representing Teichert Construction. He explained that Teichert Construction had responded fully to the bid specifications and is the lowest responsive responsible bidder, with this said Teichert should be awarded the contract opposed to Knife River who did not respond to the bid specifications. Mr. McElhern stated that the law is clear in this specifications and the license number for the contractors need to listed. He said this is giving Knife River an unfair competitive advantage furthermore he drafted a letter which in his letter he cites the law. Mr. McElhern said that bid specifications should be looked at very closely. Once again he states that Teichert Construction should be awarded the contract because they were they lowest responsive responsible bidder.

City Attorney Ann Siprelle explained the City had submitted a letter to Teichert Construction and said we stand by that opinion because this was an immaterial error and omission that can be waived. She explained that the City Council has the discretion to waive it and does not believe we gave Knife River a competitive advantage and so the Council has the authority to first waive the immaterial omission and secondly award the contract to Knife River Construction.

City Engineer David Swartz said they are both good companies and he believes the error is immaterial. He also said that he doesn't see how the City would be giving Knife River a competitive advantage by waiving the omission because in order for the subcontractors to be listed they have to be licensed or they cannot work on the project. Mr. Swartz did state this was interpretation.

Council Member Bergson asked when all the licenses were confirmed and City Attorney Siprelle said April 27, 2015.

Council Member Boes asked if the council would be waiving subcontractor having licenses and City Attorney said no the only thin g would be waiving is the omission. She stated the Attorney General has issued an opinion saying that public agencies have the right to reject an error that does not affect the price of the bid.

ACTION: Council Member Bergson made a motion, seconded by Council Member Sellers Jr. and carried unanimously to Waive Immaterial Bid Error in Knife River Construction's Bid on Margurite Street Extension Project; Reject Bid Protest Submitted by Teichert Construction; and Award and Authorize the City Administrator to Execute a Contract between Knife River Construction and the City of Williams for Construction of the Margurite Street Extension Project, contingent on receipt of all necessary contract documents including bonds and insurance, within the time provided in the project specifications. Motion passed 5-0.

Authorize the Acting City Administrator to Execute a Contract between Holdrege and Kull and the City of Williams for Geotechnical Engineering and Testing services for the Margurite Street Extension Project.

DISCUSSION: City Administrator said there will be some need to have Geotechnical servoces out at the Margurite Street Project and H&K already has an agreement with the City. The proposed amount is not to exceed eighty- five thousand dollars.

ACTION: Council Member Bergson made a motion, seconded by Council Member Jauregui and carried unanimously to authorize the Acting City Administrator to Execute a Contract between Holdrege and Kull and the City of Williams for Geotechnical Engineering and Testing services for the Margurite Street Extension Project. Motion 5-0.

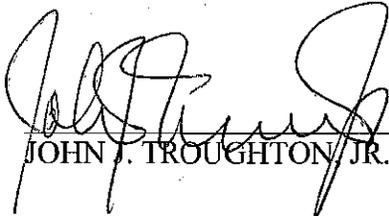
Adopt an Urgency Ordinance Amending Chapter 13.04.180 Waste Water Prohibited.

DISCUSSION: City Administrator Kennedy explained all the State of California is in a severe drought. The State will be passing an executive order to conserve water. Mr. Kennedy says he believes that the City needs an actual Ordinance in order to conserve water and so we can also enforce these new regulations.

ACTION: Council member Boes made a motion, and seconded by Council Member Sellers Jr. and carried unanimously to adopt an Urgency Ordinance Amending Chapter 13.04.180 Waste Water Prohibited. Motion passed 5-0.

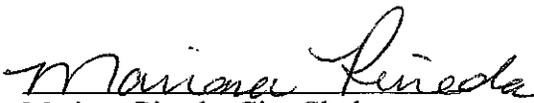
ADJOURNMENT: At 2:39 pm, Mayor Troughton Jr. adjourned the meeting.

APPROVED:



JOHN J. TROUGHTON, JR., MAYOR

ATTEST:


Mariana Pineda, City Clerk