



**MAYOR**  
**Will Armstrong**

**MAYOR PRO-TEM**  
**Tom Halepaska**  
District 6

**COUNCILMEMBERS**

District 1  
**Denise Rangel**

District 2  
**Gabriel Soliz**

District 3  
**Paul Polasek**

District 4  
**David Hagan**

District 5  
**Joe Truman**

City Manager  
**Charles E. Windwehen**

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**S P E C I A L M E E T I N G**

NOTICE IS GIVEN IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS LAW OF THE FOLLOWING MEETING OF A CITY GOVERNMENTAL BODY:

CITY COUNCIL  
OF THE  
CITY OF VICTORIA

107 WEST JUAN LINN STREET  
(COUNCIL CHAMBER)

TUESDAY, JANUARY 12, 2010

5:00 p.m.

THE SUBJECTS LISTED ON THE ATTACHED AGENDA WILL BE CONSIDERED AT THE MEETING:

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**SCARLET SWOBODA, City Secretary**

The City of Victoria does not discriminate on the basis of disability in the admission or access to its programs or activities. Scarlet Swoboda, City Secretary, P.O. Box 1758, Victoria, Texas 77902, has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Justice regulations implementing Title II of the Americans with Disabilities Act ("ADA"), including Section 35.107. Information concerning the provisions of the Americans with Disabilities Act and the rights provided thereunder are available from the above-named person. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 485-3040 or FAX (361) 485-3045 for further information.



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**THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS WILL MEET, CONSIDER, DELIBERATE AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:**

**A. Call to Order:**

Date: January 12, 2010

1. Pledge of Allegiance
2. Quorum Call
3. Welcome Citizens

**B. Communication:**

1. Citizen Communication: (At this time, the public is invited to address the City Council and speak on any matter not specifically listed for public hearing in the section titled: Ordinances & Other Items with Public Hearings, below).
2. Items from Council: (With respect to items not listed below, City Council Members may request specific factual information, a recitation of existing policy for placement of items on the City Council agenda for discussion at a following meeting).

**C. Ordinances & Other Items with Public Hearings:\***

**D. City Manager Reports: \*\***

**E. Consent Agenda:** All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

**F. Resolutions:**

1. Consider a resolution awarding a bid for the City of Victoria Fire Station No. 2 Project to Don Krueger Construction Company, of Victoria, Texas, in the amount of \$1,972,525.00. Vance Riley.

**G. Work Session:**

1. Capital Improvement Projects (CIP) and Community Development Block Grant (CDBG) projects and funding options. Staff.

**H. Executive Sessions:\*\*\***

**Staff to be present:** Scarlet Swoboda                      Thomas A. Gwosdz                      Vance Riley

\* In addition to the items listed under "Public Hearings" every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any subject mentioned in any word or phrase of any item listed on this agenda may be deliberated by City Council, and such words or phrases are hereby added as additional subjects to be considered. Resolutions, ordinances, and other actions concerning any word, phrase, or other subject may be voted, regardless of any language of limitation found in this agenda or any document referring to such action.

\*\* Any penal ordinance of the City of Victoria or item which is funded by the current or next proposed City of Victoria budget, including, without limitation, any park, street, water pipe, sewer, drainage structure, department, employee, contract, capital improvement project, or real property interest of the City of Victoria may be discussed and deliberated as a City Manager's Report, and the subject is hereby defined as such without further notice. In addition, the subjects of this meeting include the regulation of animals, construction, signs, unsafe buildings, floodplains, land development, nuisances, mowing, sanitation, food establishments, manufactured housing, itinerant vendors, outdoor sales, utility companies, sexually oriented businesses, oil & gas wells, amplified sound, land use, juvenile curfew, tobacco products, water wells, and water conservation practices and proposed changes to the City Charter. Any descriptions of property or amounts stated herein are descriptive and not restrictive, and property and amounts may be changed in the motions, actions or documents without further public notice.

\*\*\* Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether it is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions herein are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087 . Executive sessions may be held at 105 W. Juan Linn, Victoria, Texas or such other location as determined by the City Council. This agenda has been reviewed and approved by the City Attorney's office, and the presence of any subject in the Executive Session portion of this agenda constitutes a written interpretation of Chapter 551 of the Texas Local Government Code by the attorney for the governmental body indicating that said subject may be legally discussed in a closed meeting.

**Request for City Council Agenda Item for Meeting of 12 January 2009**

**From:** Vance L. Riley, Fire Chief

Report     Resolution     Ordinance     Public Hearing

This resolution will expend \$ 1,972,525.00 and I have verified with the Finance Dep't the availability of these funds in Account #0001-01FIR-970030 in the 01FIR Fund(s).

**Caption:**

Consider a resolution authorizing the City Manager to execute a contract between the City of Victoria and Don Krueger Construction Company of Victoria, Texas for the construction of City of Victoria Fire Station No. 2 project in the amount of \$1,972,525.00.

**Description:**

On November 8, and 17, 2009 we advertised for bids for the construction of Fire Station No. 2. Fire Station 2 will be located at 2708 Miori Lane and will be hardened to withstand a Category 4 hurricane. On November 18, 2009 a pre-proposal meeting open to anyone interested in bidding the project was held. Topics of the meeting included an overview of the project, the process for selections, how the scoring worked, and a question and answer session. At this meeting were members from the fire department, BRW Architects, Roth Construction, Don Krueger Construction, RBR Construction, H&H Door Company, K&T Construction, and A&A Construction.

We received 9 proposals for this project on December 9, 2009 for the construction of City of Victoria Fire Station No. 2. As detailed in the bid specifications, the 9 proposals were reviewed and scored by the architect, Brown Reynolds Watford Architects Inc. This was outlined in their professional services agreement for development and management of the project, and delegated to BRW by City Council in Resolution 2009 117R. Of these Don Krueger Construction Company was scored the highest with a total project budget of \$1,972,525.00, which includes a \$50,000.00 contingency fund. We therefore recommend awarding the contract to Don Krueger Construction Company.

The funding for this project will be the General Fund Fire Department. The total project cost with equipment, radios, and furniture is \$2,042,525.00. There is \$2,100,000.00 allocated in the Fiscal Year 2009-2010 budget.



2700 EARL RUDDER FWY. S.  
SUITE 4000  
COLLEGE STATION, TEXAS 77845  
979-694-1791  
FAX 694-8293  
WWW.BRWARCH.COM

## MEMORANDUM OF UNDERSTANDING

**DATE:** January 4, 2010  
**TO:** **Kevin Krueger**  
Don Krueger Construction Co.  
P.O. Box 3613  
Victoria, Texas 77903  
**FROM:** Ray Holliday, AIA  
Project Architect  
**RE:** Modifications to Project Scope and Time  
**PROJECT:** **VICTORIA FIRE STATION NO. 2**  
**BRW Project No.:** 26192.01  
**CC:** File

### MESSAGE:

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BRW Architects and Don Krueger Construction Co. have negotiated and have come to agreement on the following modifications to the Time and Scope of the above mentioned Project:

- Item No.1** Eliminate all non-electronic progress photography requirements; all photos will be provided in electronic format.
  - Item No.2** Delete allowance for Tap Modifications found in Civil Documents.
  - Item No.3** Substitute 6" trench drain in lieu of specified model.
  - Item No.4** Delete rubber stair treads and risers; finish stairs with industrial paint with non-slip additive.
  - Item No.5** Substitute G-Seal brand pre-made paving joint sealer for specified paving joint sealer in parking areas.
  - Item No.6** Substitute metal shelving manufacturer.
  - Item No.7** Modify specified Landscape and Sprinkler Plans, while maintaining the City of Victoria landscaping requirements.
  - Item No.8** Raise building finish floor elevation by 4" to eliminate 4" to 6" of site cut and all spoils haul off from site.
  - Item No.9** Delete material testing from proposed cost. Testing will be provided by Owner.
  - Item No.10** Allow concrete with strength of 3000 psi in lieu of 4000 psi in site work.
  - Item No.11** Allow flyash in site concrete.
  - Item No.12** Delete Ready Rack Bottle Cart from contractor's scope.
  - Item No.13** Modify liquidated damages clause to reduce dollar amount per calendar day.
-

**Item No.14** Reduce warranty on aluminum entrances and storefront from 10 years to 5 years on doors and hardware.

**Item No.15** Eliminate pager requirement for Project Superintendent; Superintendent will be given a personal cell phone.

**Item No.16** Eliminate requirement for meeting space on site consisting of 240 square feet with space for 16 people. Job-site trailer will have meeting room of 180 square feet with space to accommodate 8 people.

Pending City Council's approval, the above modifications will result in a cost reduction of \$45,475 from Don Krueger Construction Co.'s Proposal dated December 9, 2009, bringing the Project Cost to \$1,972,525. This Memorandum represents the best value and price to the City of Victoria for the above mentioned Project.

Brown Reynolds Watford Architects

Don Krueger Construction Co.

BY:



BY:

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Architect: Ray Holliday, AIA

Contractor: Kevin Krueger

**A resolution awarding a bid for the City of Victoria Fire Station No. 2 Project to Don Krueger Construction Company, of Victoria, Texas, in the amount of \$1,972,525.00; and declaring an effective date.**

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS THAT:

1.

The City Administration is authorized to accept the bid submitted for the City of Victoria Fire Station No. 2 Project by Don Krueger Construction Company, of Victoria, Texas, in the amount of \$1,972,525.00 (base bid of 1,922,525.00, plus \$50,000 contingency), and the City Manager is authorized to execute a contract with the aforementioned entity, in a form to be approved by the City Attorney.

2.

The Fire Chief is authorized to execute subsequent change orders to the aforementioned contract in a total amount that does not increase the initial contract price, plus the \$50,000 contingency amount stated above.

3.

This resolution shall become effective immediately upon adoption.

PASSED, this the 12<sup>th</sup> day of January, 2010.

AYES:

NAYS:

ABSTENTIONS:

APPROVED AND ADOPTED, this the 12<sup>th</sup> day of January, 2010.

\_\_\_\_\_  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
SCARLET SWOBODA, City Secretary

\_\_\_\_\_  
THOMAS A. GWOSDZ, City Attorney

Distribution:   Legal Department  
                  Fire Department  
                  Finance Department

Copies Sent:\_\_\_\_\_