

AN ORDINANCE AMENDING THE 2002-2003 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$302,000.00 FROM THE WATER/WASTEWATER FUND TO THE WATER DEPARTMENT AND WASTEWATER DEPARTMENT MAINS & HYDRANTS LINE ITEM TO PROVIDE FUNDING FOR THE TXDOT NAVARRO UNDERPASS PROJECT; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The Fiscal Year 2002-2003 Budget of the City of Victoria is amended by transferring \$302,000.00 from the Water/Wastewater Fund fund balance (4041-300100), to the Water Department Mains & Hydrants line item (\$151,000 to 4041-41WAT-900240) and to the Wastewater Department Mains & Hydrants line item (\$151,000 to 4041-41WST-900240) to provide funding for the Texas Dep't of Transportation (TxDot) Navarro Underpass Project.

2.

If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

4.

In accordance with Article V, Section 5 of the Charter of the City of Victoria, the City Council finds a grave public necessity exists to amend the original budget to authorize the aforementioned expenditures to meet unusual and unforeseen conditions involving funding for the TxDot Navarro Underpass Project which could not by reasonable diligence, thought and attention have been included in the original budget.

5.

This ordinance shall take effect upon final approval and adoption by the City Council of the City of Victoria

PASSED FIRST READING, this the 21ST day of JANUARY, 2003.

AYES: 7
NAYS: 0
ABSTENTIONS: 0

PASSED SECOND READING, this the 4TH day of FEBRUARY, 2003.


AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 4TH day of FEBRUARY, 2003.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 4TH day of FEBRUARY, 2003.

ATTEST:


SCARLET SWOBODA, City Secretary
Distribution: Finance Department
Legal Department
Utilities Department




GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM


DAVID ATMAR SMITH, City Attorney
Copies Sent: FEBRUARY 4, 2003



Victoria Area Office / 11401 US 59 N / Victoria, Texas 77905
Ph. 512/ 573-9251 / Fax. 512/ 578-2895
December 19, 2002

Mr. Denny Arnold
City Manager, City of Victoria
P.O. Box 1758
Victoria, Texas 77902

Re: Railroad Underpass- US87 (Navarro)
Advance Funding Agreement

RECEIVED

City Manager's Office

12-23-02

DA

Dear Mr. Arnold:

Please accept my apology for misstating the intent of the Advance Funding Agreement for the Railroad Underpass Project that was sent to you on December 16, 2002. These agreements cover the relocation of public utilities within the project. The estimate for relocating the utilities during the construction project is \$302,000, which is the amount in the funding agreement. The agreements are independent from the work that the City completed toward the construction plans, right-of-way acquisition, and private utility relocation.

Once both originals of the agreement have been signed, please return them to me for further processing. Please note that this money will be due around March 1, 2003. Again, I am sorry for the confusion that this may have caused. As always, if you have any questions, please feel free to call me at 361-573-9251.

Sincerely,

Randy L. Bena, P.E.
Area Engineer