



MAYOR
Will Armstrong

MAYOR PRO-TEM
Tom Halepaska
District 6

District 1
Denise Rangel

District 2
Gabriel Soliz

COUNCILMEMBERS

District 3
Paul Polasek

District 4
David Hagan

District 5
Joe Truman

City Manager
Charles E. Windwehen

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, FEBRUARY 2, 2010

5:00 p.m.

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

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: February 2, 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:*

1. Public Hearings: At this time, the City Council shall call all public hearings on the following items listed below in this Section. Any person wishing to address the City Council and speak on any agenda item listed in this section, please come forward.
2. An ordinance revising Chapter 22 of the Victoria City Code to update and clarify such sections pertaining to a presumption that the registered owner parked a vehicle at the time of a parking offense; providing for the repeal of all ordinances or parts of ordinances in conflict herewith; providing for severability; providing for savings; providing for codification and publication; and declaring an effective date. First Reading. Thomas A. Gwosdz.
3. An emergency ordinance calling for a Joint General Election with the City of Victoria, Victoria Independent School District, Victoria College, Bloomington Water Control and Improvement District, Placedo Water Control and Improvement District, and Quail Creek Municipal Utility District (MUD) on Saturday May 8, 2010 for the City Council Mayor, and City Council Super District 5 and Super District 6. Emergency Reading. Scarlet Swoboda.

Una ordenanza de emergencia que llama una Elección General Conjunta con la Ciudad de Victoria, el Distrito Escolar Independiente de Victoria, el Colegio de Victoria, el Distrito de Mejoramiento de Controlar Agua de Bloomington el Distrito de Mejoramiento de Controlar Agua de Placedo, y el Distrito Municipal de Utilidades de Quail Creek el Sábado 8 de Mayo de 2010, para el Alcalde del Consejo de la Ciudad y para el Consejo de la Ciudad Súper Distrito 5 y Súper Distrito 6.

D. City Manager Reports: **

1. Certificate of Achievement for Excellence in Financial Reporting. Charles E. Windwehen.
2. Victoria Convention and Visitors Bureau Quarterly Report. Bridgette Bise.
3. Report regarding Community Development Block Grant for graffiti abatement funding. John Kaminski.
4. City's participation in and funding of TxDOT Overpass Project and other CIP projects. Charles E. Windwehen.

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.

1. Approval of minutes of the special meeting of January 12, 2010 and the regular meeting of January 19, 2010.
2. A resolution authorizing the purchase of two Year Model 2010 four-door police package patrol sedans from Sam Pack's Five Star Ford of Carrollton, Texas through the State of Texas Purchasing Cooperative contract number 071-A2, in the amount of \$22,398.35 each including administration fees, for a total amount of \$44,796.70 (Ford Crown Victoria Police Interceptors). Jesse Turner.
3. A resolution authorizing the purchase of a Year Model 2010 Crafcro Magnum Trailer Mount Spray Injection Patcher with three options including an arrow board and control, electric throttle, and water/fuel separator, and freight, from Crafcro Texas, Inc. of San Antonio, Texas through the Local Government Purchasing Cooperative (Buy Board), in the amount of \$63,463.33. Darryl Lesak.
4. A resolution authorizing the City Manager to execute all documents necessary to apply for a grant from the Golden Crescent Regional Planning Commission Regional Environmental Resource Advisory Committee (RERAC) to provide funding for services and supplies related to the Victoria Kids Recycle Program in the amount of \$8,888, with matching funds required in the amount of \$3,080 (City match of \$580 and Corporate Sponsors match of \$2,500). Jerry James.
5. A resolution authorizing the City Manager to execute a First Responders Organization Agreement between the City of Victoria and Inez Fire Company, Inc. as Volunteer Fire Department. Vance Riley.
6. A resolution authorizing the City Manager to execute a First Responders Organization Agreement between the City of Victoria and Lone Tree Community Volunteer Fire Department. Vance Riley.
7. A resolution authorizing the City Manager to execute a First Responders Organization Agreement between the City of Victoria and Mission Valley Volunteer F.D. as Volunteer Fire Department. Vance Riley.

F. Resolutions:

1. A resolution authorizing the removal of a portion of the median on North Laurent Street near the intersection of North Laurent Street and the Houston Highway to provide additional means of ingress and egress to the Wienerschnitzel restaurant. Lynn Short.

G. Work Session:

H. Executive Sessions:***

1. Executive Session in accordance with Texas Government Code § 551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (to include, but not limited to *James Wayne vs. City of Victoria*). Thomas A. Gwosdz.
2. Executive session in accordance with Texas Government Code § 551.074 with regard to personnel matters (including, but not limited to, Municipal Court staffing). Thomas A. Gwosdz.
3. Executive Session in accordance with Texas Government Code § 551.072, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, the proposed purchase of property for the Sam Houston Drive Reconstruction Project). Thomas A. Gwosdz.

Staff to be present:

Thomas A. Gwosdz	Scarlet Swoboda	Jesse Turner	Darryl Lesak
Jerry James	Lynn Short	Vance Riley	John Kaminski

* 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.