



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 16, 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 16, 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. 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, February 2, 2010); Second and Third Reading. Thomas A. Gwosdz.

D. City Manager Reports: **

1. 2009 Partial Exemption Racial Profiling Report. Bruce Ure.
2. Consider nominating an individual for possible appointment to the Victoria County Appraisal District Board of Directors. Scarlet Swoboda.
3. Banner permitting provisions of the sign ordinance. John Kaminski.

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 27, 2010 and the regular meeting of February 2, 2010.
2. Consider authorizing the City Manager to execute all documents necessary to apply for and accept a supplemental Automobile Burglary and Theft Prevention Authority Grant from the Texas Department of Transportation Auto Theft Prevention Authority in an amount of approximately \$ 10,500 from the State of Texas, which will require no City matching funds or contributions. Bruce Ure.
3. Consider authorizing the City Manager to execute all documents necessary to purchase (8) VHF mobile radios for the Fire Department and (2) VHF portable radios for the Communications Department to include spare battery and rapid charger from Victoria Communications Services, for a total cost of \$28,545.00. This will be an HGAC purchasing contract RA01-08. Darryl Lesak.
4. A resolution approving and adopting the current City of Victoria Investment Policy and list of qualified brokers that are authorized to engage in investment transactions with the City of Victoria. Andrew K. Jacob.

5. A resolution accepting the dedication of a 5.43 acre tract of land situated in the S.A. & M.G. RR Company Survey, Abstract No. 322, for the future extension of Ball Airport Road, from RHP Family Partnership, Ltd. John Kaminski.
6. A resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Victoria and Victoria County for participation in the Zac Lentz Parkway Improvements Project, establishing Victoria County's local participation of \$3.3 million, and establishing a repayment schedule. Thomas A. Gwosdz.
7. A resolution authorizing the City Manager to execute a Pass-Through Financing Agreement between the City of Victoria and the Texas Department of Transportation for the Zac Lentz Parkway Improvements Project. Thomas A. Gwosdz.
8. A resolution to award the 2009-10 Gate Valve and Fire Hydrant Maintenance Project to HydroTec Utility Maintenance, Inc. of Bridge City, Texas, for their low bid of \$34,075.00. Lynn Short.

F. Resolutions:

1. A resolution approving the creation of a second Assistant City Attorney position. Thomas A. Gwosdz.

G. Work Session:

1. Discuss Goals and Objectives for the CDBG 2010-2015 Consolidated Plan. John Kaminski.

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.

Staff to be present:	Thomas A. Gwosdz	Scarlet Swoboda	Bruce Ure	Darryl Lesak
	Andrew K. Jacob	John Kaminski	Lynn Short	

* 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.