



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, MARCH 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: March 16, 2010

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

B. Communication:

1. 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).
 - a. Census Day Proclamation
 - b. United States Department of Agriculture (USDA) Summer Youth Food Program. Denise Rangel.
2. 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).

C. Ordinances & Other Items with Public Hearings:*

D. City Manager Reports: **

1. Sales tax update and related budget management actions. Charles E. Windwehen.
2. Executive Fire Officer Recognition to R. Tracy Fox. Vance Riley.
3. A report to consider 2010 second quarter appointments to a number of Boards. Scarlet Swoboda.
4. A report on the 2009 Street Inventory. Lynn Short.
5. Outside agency funding. Thomas A. Gwosdz.

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 regular meeting of March 2, 2010.
2. A resolution approving the terms and conditions of a tax abatement agreement between the City of Victoria, Texas and Vistar d/b/a Performance Foodservice-Victoria, providing for a commercial/industrial tax abatement for Vistar d/b/a Performance Foodservice-Victoria, for a period of 4 years; authorizing execution of the agreement by the City Manager. Dale Fowler.
3. Consider authorizing the City Manager to execute a contract with Chevron Energy Solutions Company, a Division of Chevron U.S.A., Inc., ("Chevron ES") to implement Energy Conservation Measures not to exceed \$605,700. The funding source to fund this contract will come from the Federal Stimulus Grant via the Department of Energy. Gilbert P. Reyna, Jr.
4. Consider authorizing the City Manager to execute an Interlocal Agreement for Use of Public Safety Radio System with Victoria County for use of the City of Victoria Digital 800MHz radio system. Jesse Turner.

F. Resolutions:

- 1. A resolution to award the Main Street and DeLeon Plaza Improvements project to SER Construction Partners, LTD, of Pasadena, Texas for its low bid of \$2,168,275.00 for the base bid items and Alternate B Items. 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.

Staff to be present: Thomas A. Gwosdz Scarlet Swoboda Gilbert P. Reyna, Jr. Vance Riley
 Jesse Turner 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.