



**MAYOR**  
**Will Armstrong**

**MAYOR PRO-TEM**  
**Paul Polasek**  
District 3

District 1  
**Denise Rangel**

District 2  
**Gabriel Soliz**

**COUNCILMEMBERS**

District 4  
**David Hagan**

District 5  
**Joe Truman**

District 6  
**Tom Halepaska**

City Manager  
**Charmelle Garrett**

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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, MAY 3, 2011**

**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:**

Date: May 3, 2011

**A. Call to Order:**

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. Report on \$100,000 allocation to VEDC. David Hagan.
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:\***

1. An ordinance amending the 2010-2011 Fiscal Year Budget of the City of Victoria by transferring \$148,148.69 from the General Fund Non Departmental Transfer line item and transferring \$116,701.31 from the General Fund Street Department Transfer line item to the (1) General Fund Fire Department Machinery & Equipment Capital line item, (2) General Fund Library Department Building Improvements Capital line item, and (3) General Fund Parks Department Other Structures Capital line item, to provide funding for Fire Department, Library Department and Parks & Recreation Department projects, and transferring \$30,000.00 from the General Fund fund balance to the General Fund Non Departmental Professional Services line item, to provide funding for the Hotel Convention Center Feasibility Study, repealing all conflicting ordinances, providing for severability; and declaring an effective date. (First Reading, April 19, 2011); Second and Third Reading. Andrew Jacob.
2. An ordinance amending the 2010-2011 Fiscal Year Budget of the City of Victoria by transferring (1) \$100,345 from the Water/Wastewater Operating Fund fund balance to the Water/Wastewater Fund Water Department Capital Replacement line item, and (2) \$100,345 from the VES Fund fund balance to the VES Fund Vehicles Capital line item, to provide funding for the purchase of one backhoe loader 4 x 4 for the Public Works Department, and (3) transferring \$60,000 from the Water/Wastewater Fund fund balance to the Water/Wastewater Fund Surface Water Treatment Plant Department Professional Services line item, to provide funding for the water basin interconnectivity study, repealing all conflicting ordinances, providing for severability; and declaring an effective date. (First Reading, April 19, 2011); Second and Third Reading. Gilbert P. Reyna, Jr.
3. An ordinance amending the Victoria City Code by amending Article V of Chapter 13, "Prohibition of Pollution of the Municipal Separate Storm Sewer System (MS4): Illegal and Illicit Discharges" and further amending the City Code by adding Article VI, "Municipal Separate Storm Sewer System (MS4) Discharge Regulations For Construction, Post-Construction And Industrial Activities", repealing all conflicting ordinances, providing for severability, providing for a savings clause, providing for codification, providing for enforcement, providing a penalty upon conviction and publication, and declaring an effective date. (First Reading, April 19, 2011); Second and Third Reading. Lynn Short.
4. 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.

5. An ordinance amending the 2010-2011 Fiscal Year Budget of the City of Victoria by transferring \$56,000 from the Water/Wastewater Fund fund balance to the Water/Wastewater Fund Surface Water Treatment Plant Department Professional Services line item, to provide funding for a water quality study, repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Andrew Jacob.
6. An ordinance amending Chapter 13, "Municipal Utilities and Services," of the Victoria City Code to update and amend Division 3, "Drought Contingency Plan"; providing a penalty not to exceed \$500.00 upon conviction and publication; providing for enforcement; repealing parts of conflicting ordinances; providing for severability; providing for savings and codification; providing for publication; and declaring an effective date. First Reading. Lynn Short.

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

1. Convention and Visitors Bureau (CVB) Quarterly Report. Bridgette Bise.
2. FY 2010 Audit Presentation. Gilbert P. Reyna, Jr.
3. Report on mowing of ditches in the right-of-way. Doug Cochran.
4. Trends in economic development. Adrian Cannady.
5. Update on Redburn Storm Sewer Litigation. 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 April 19, 2011.
2. A resolution authorizing the purchase of two sets of hydraulic vehicle extrication rescue equipment, from Metro Fire Apparatus Specialists, Inc. of Houston, Texas through the Local Government Purchasing Cooperative (Buy Board), in an amount not to exceed \$70,372, contingent upon funding. Michael Belt.
3. A resolution appointing Sarah Hawkins to the Victoria Public Library Advisory Board. Scarlet Swoboda.
4. A resolution authorizing the City Manager to execute a five-year Professional Services Agreement between the City of Victoria and Siemens Industry, Inc., of Sarasota, Florida, for Supply of Equipment, Chemicals and Service, in an amount not to exceed \$38,840 for the first year. Lynn Short.
5. A resolution authorizing the purchase of playground equipment and associated pour-in-place fall zone surface for Brownson Park, from GameTime through Total Recreation Products, Inc. of Cypress, Texas, in the amount of \$29,149.29, via the U. S. Communities Government Purchasing Alliance. John Kaminski.
6. A resolution authorizing the City Manager to ratify the acceptance of a grant from the Cloyd and Ethel Lee Tracy Foundation, Inc., in the amount of \$150,000, for a portion of the design and construction of an amphitheater stage at Ethel Lee Tracy Park. Doug Cochran.
7. A resolution authorizing the City Manager to execute all documents necessary to accept a grant from M. G. and Lillie A. Johnson Foundation, Inc., in the amount of \$75,000, to assist in the funding for construction of an amphitheater stage at Ethel Lee Tracy Park. Doug Cochran.
8. A resolution awarding a bid for the Community Center Electrical Panel Replacement Project to Wendt Electrical Services, Inc., of Victoria, Texas, in the amount of \$30,874. Doug Cochran.
9. A resolution authorizing the purchase of shade structures for improvements to the Skatepark, in the total amount of \$26,123, including assembly and installation, from USA Shade & Fabric Structures, Inc. of Dallas, Texas, through the Local Government Purchasing Cooperative (Buy Board); contingent upon funding. Doug Cochran.
10. A resolution ratifying the City Manager's execution of an application for the Local Border Security Program FY 2010/2011 (LBSP-10/11) Grant funded through the Texas Ranger Division of the Texas Department of Public Safety, for the salary of participating police officers and mileage for vehicles used under the LBSP, in an amount not to exceed \$89,971.13, with no City matching funds required, and authorizing the City Manager to execute all documents necessary to accept said grant. Roy Boyd.

**F. Resolutions:**

1. A resolution establishing a Citizens Advisory Committee for redistricting and appointing the committee members. John Kaminski.

**G. Work Session:**

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

<b>Staff to be present:</b>	Thomas A. Gwosdz	Scarlet Swoboda	Gilbert P. Reyna, Jr.
	Andrew Jacob	Lynn Short	John Kaminski
	Doug Cochran	Roy Boyd	Michael Belt

\* 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.