



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
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, OCTOBER 19, 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:

Date: October 19, 2010

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).
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 Section 5-5 of the Victoria City Code to establish regulations delaying the demolition of historic structures, repealing conflicting ordinances, providing for severability, providing for codification and savings, providing for enforcement, providing a penalty not to exceed \$500 upon conviction and publication, and declaring an effective date. (First Reading, October 5, 2010); Second and Third Reading. John Kaminski.

D. City Manager Reports:**

1. City of Victoria - Electric Supply Agreement. Gilbert P. Reyna, Jr.
2. San Antonio Bay Partnership update. Jerry James.
3. Report on the rumor watch page on the web site. O.C. Garza.

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 October 5, 2010 and the regular meeting of October 5, 2010.
2. Consider a resolution granting a variance from Section 14-10(b) of the Victoria City Code, which prohibits the sale of Alcoholic Beverages within 300 feet of a church, school, or public hospital, to the convenience store located at 3702 N. Laurent Street, which is owned by Arya, Inc. Scarlet Swoboda.
3. Consider a resolution approving the Victoria Sales Tax Development Corporation (VSTDC) programs and expenditures for the Fiscal Year 2010-2011. Andrew K. Jacob.
4. Consider a resolution to award the 2010-11 Grounds Maintenance and Mowing Contracts of City of Victoria Properties to Kevin Brown d/b/a The Edge Landscaping of Victoria, Texas in the amount of \$71,641.70, George McGrand d/b/a Martin Cleaning Service of Victoria, Texas in the amount of \$33,040.00 and Scott Bauer d/b/a Scott Bauer's Lawn Service of Victoria, Texas in the amount of \$69,715.00. Lynn Short.

5. Consider a resolution authorizing the City Manager to execute all documents necessary to purchase various computers, computer software, computer peripheral equipment, maintenance contracts, security equipment, supplies, and phones for FY 2010-2011 from/through the Texas Department of Information Resources (DIR), in an amount not to exceed \$422,739.00. Rick Henrichs.
6. Consider a resolution authorizing the purchase of two 2011 Ford 150 ½ ton Regular Cab Pickups, in the amount of \$35,461.88 (\$17,730.94 each) and one 2011 Ford 250 ¾ ton Regular Cab Pickup, in the amount of \$25,013.12, and administration fees of \$400.00, from Philpott Motors, Ltd. of Nederland, Texas, through the Local Government Purchasing Cooperative (Buy Board Contract #281-07), in the total amount of \$60,875.00. Darryl Lesak.
7. Consider a resolution awarding the bid for minor refurbishing to the 2000 Pierce Dash Pumper (Fire Engine 2) to Siddons Fire Apparatus, Inc. of Houston, Texas, in the amount of \$25,706 and authorizing the execution of the contract by the City Manager. Darryl Lesak.
8. Consider a resolution authorizing the purchase of six 2011 Freightliner Tandem Axle Dump Trucks, in the amount of \$566,580.00 (\$94,430.00 each), and one 2011 Freightliner Knuckle Boom Loader, in the amount of \$125,333.15, and administration fees of \$400.00, from Freightliner of San Antonio, Ltd. of San Antonio, Texas, through the Local Government Purchasing Cooperative (Buy Board Contract #281-07), in the total amount of \$692,313.15. Darryl Lesak.
9. Consider a resolution authorizing the City Manager to execute a Letter of Agreement with the Houston Metro Internet Crimes Against Children (ICAC) Task Force. Bruce Ure.
10. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with the Golden Crescent Regional Planning Commission (GCRPC) for operation of a Transit System in the City of Victoria for 2010-2011 and providing City funding in the amount of \$164,542. John Kaminski.
11. Consider a resolution authorizing the City Manager to execute First Renewal and Amendment No. 2 to the FY-2010 Mowing of Drainage Ditches and Outfalls Contract between the City of Victoria and Winston Wilson d/b/a W. W. Services for FY-2011, which will provide for an increase in the scope and/or quantity of work, increasing Amendment No. 1 to the original contract amount by \$38,999.48, bringing the total contract amount to \$246,899.48. Doug Cochran.
12. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement between the University of Texas at Austin and the City of Victoria for Air Quality Research Activities, in the amount of \$263,370, funded entirely by the Texas Commission on Environmental Quality (TCEQ) Grant 582-11-1125 – 2010-11 Biennium Work Plan. Jerry James.

F. Resolutions:

1. A resolution abandoning all of City of Victoria's right, title and interest, in and to the property and appurtenances located at 403 S. East Street, Victoria, Texas 77901, which may have been acquired by the City through an implied donative transfer from the owner of the underlying fee estate. Thomas A. Gwosdz/Lynn Short.
2. Consider a resolution authorizing the City Manager to execute all documents necessary to accept the 2010 Community Oriented Policing Services (COPS) Hiring Recovery Program Grant, for the salary of 5 full time police officers for up to 3 years, in an amount of approximately \$941,215.00 from the state, with no City matching funds for the 3 years. Jesse Turner.
3. A resolution authorizing the Deputy City Manager and/or Assistant City Manager, to perform all duties of the City Manager as Chief Executive Officer, as provided in Article III, Sections 1 and 2 of the City Charter, during the absence of the City Manager. Thomas A. Gwosdz.
4. A resolution authorizing the City Manager to execute all documents necessary to terminate the Tax Abatement Agreement between the City of Victoria, Victoria County, and StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC. Thomas A. Gwosdz.

G. Work Session:

H. Executive Sessions:***

1. 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 property for proposed business park) . Thomas A. Gwosdz.
2. 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 (including, but not limited to the termination of the Tax Abatement Agreement with StarTek USA, Inc.). Thomas A. Gwosdz.

Staff to be present:	Thomas A. Gwosdz	Scarlet Swoboda	John Kaminski	Andrew K. Jacob
	Lynn Short	Rick Henrichs	Jesse Turner	Darryl Lesak
	Bruce Ure	Doug Cochran	Jerry James	Gilbert P. Reyna, Jr.

* 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.