



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, NOVEMBER 3, 2009

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.



MAYOR
Will Armstrong

MAYOR PRO-TEM
Tom Halepaska
District 6

COUNCILMEMBERS

District 1
Denise Rangel

District 2
Gabriel Soliz

District 3
Paul Polasek

District 4
David Hagan

District 5
Joe Truman

City Manager
Charles E. Windwehen

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: November 3, 2009

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).
 - a. Lone Tree Hike & Bike Trail safety issues. David Hagan.
 - b. Youth and Adult Sports Complex policies. David Hagan.
 - c. Discussion of rumble strips on Airline. Mayor Armstrong.
 - d. Paddling Trail. Tom Halepaska.

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 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 adopting Victoria 2025, the Comprehensive Plan for the City of Victoria; providing for severability, and declaring an effective date. First Reading. John Kaminski.
3. An ordinance amending the 2009-2010 Fiscal Year Budget of the City of Victoria by increasing the Environmental Services Closure & Post Closure Fund fund balance by \$56,351 and increasing the Environmental Services Yard Waste Operations Fund fund balance by \$158,951, to provide funding to continue the Yard Waste Pickup Program, repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Gilbert P. Reyna, Jr.

D. City Manager Reports: **

1. Victoria Central Appraisal District report. John Haliburton.
2. Discussion of Hotel Occupancy Tax funds usage.

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 October 6, 2009 and the regular meeting of October 20, 2009.
2. A resolution awarding the Repairing and Repainting the Interior and Exterior of One 1,000,000 Gallon Steel Elevated Tank, "Tower No.1," Victoria, Texas Project (located at 500 N. West Street) to Blastco Texas, Inc. of Houston, Texas for their low bid of \$537,950, including Additive Bid Items No. 9-15. Lynn Short.

3. A resolution awarding a bid for Brush Grinding Services at the Victoria Brush Site to Thelin Recycling Company, LP of Fort Worth, Texas, in the amount of \$.80 per cubic yard for approximately 88,000 cubic yards, for a total of approximately \$70,400. Darryl Lesak.
4. A resolution granting variances to Section 21-55(1) of City Code, which requires each platted lot to have frontage on a public street and Section 21-82(i)(3), which establishes a minimum lot width for the frontage, for Hobbs Subdivision No. 2, owned by Edward Hobbs. John Kaminski.
5. A resolution authorizing the City Manager to execute a Beautification Services Agreement with Keep Victoria Beautiful in the amount of \$35,000.00 and approving the budget and funded activities for the aforementioned entity for the 2009-2010 Fiscal Year. Jerry James.

F. Resolutions:

1. A resolution authorizing the City Manager to execute an Amendment to Lease Agreement between the City of Victoria & Keep Victoria Beautiful for the Historic Building at 3003 N. Vine Street. Doug Cochran.
2. A resolution providing for reimbursement of legal fees incurred in the defense of the prosecution of indicted former City employee. Thomas A. Gwosdz.
3. Consider a resolution authorizing the City Manager to execute a Tourism/Convention Promotion Services Agreement with the Victoria Chamber of Commerce in the amount of \$_____. Gilbert P. Reyna, Jr.

G. Work Session:

1. City Council operating procedures. Thomas A. Gwosdz

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, legal issues related to the proposed purchase of property for a wastewater treatment plant. Thomas A. Gwosdz.
2. 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, legal issues related to the proposed sale/lease of the old water pump house located on West Stayton Avenue, adjacent to Riverside Park. Thomas A. Gwosdz.

I. Action Items:

1. The City Council will reconvene its open session and may discuss, consider and take appropriate action, if any, related to the proposed purchase of property for a wastewater treatment plant.

Staff to be present: Scarlet Swoboda George E. Hyde Thomas A. Gwosdz Lynn Short
 John Kaminski Doug Cochran Darryl Lesak 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.