



**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**

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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, NOVEMBER 16, 2010

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: November 16, 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).
  - a. Texas Main Street Program Report. 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:\***

1. 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.
2. An ordinance amending the 2010-2011 Fiscal Year Budget of the City of Victoria to provide for the funding of certain encumbrances outstanding at the end of the previous fiscal year, declaring an emergency, and declaring an effective date. Emergency Reading. Andrew Jacob.

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

1. Library Picture This Contest. Dayna Williams-Capone.
2. Mockingbird Sidewalk Update. Lynn Short.
3. Victoria Sales Tax Development Corporation Update. Andrew Jacob.
4. Hotel Occupancy Tax (HOT) funding for outside agencies. Gilbert P. Reyna, Jr.
5. Upcoming Board Appointments: VSTDC and the Victoria Housing Finance Corporation. Scarlet Swoboda.

**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 November 2, 2010.
2. Consider a resolution authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Fort Worth, Texas, for the purchase of self contained breathing apparatus and related accessories. Vance Riley.

3. Consider a resolution authorizing the purchase of 13 Self Contained Breathing Apparatus (SCBA), in the amount of \$55,647.80, 36 SCBA bottles in the amount of \$23,084.64, and 9 SCBA bottles at no cost, from Municipal Emergency Services, Inc. (MES), through the Interlocal Cooperative Purchasing Agreement with the City of Fort Worth, Texas, in the total amount of \$78,732.44. Vance Riley.
4. A resolution authorizing the City Manager to execute an Easement and Right of Way with AEP Texas Central Company to provide for the installation and electric delivery service for Fire Station No. 2, located at 2708 Miori Lane. Vance Riley.
5. Consider awarding a contract for the City's Health Plan Stop-Loss Insurance to Union Labor Life Insurance Company/Fidelity Security of Silver Springs, Maryland, in the amount of \$23.56 per employee per month and \$64.99 per dependent family per month, in an estimated total amount of \$292,957.56 with a \$150,000 deductible, and unlimited maximum lifetime reimbursement. Cheryl Marthiljohni.
6. Consider a resolution granting a variance from Section 5-153(a)(5) of the Victoria City Code, which requires a minimum setback of 10 feet from the property line for on-premise signs, to a freestanding sign to be located at 603 East Murray, which is owned by Victoria County Senior Citizens Association. John Kaminski.
7. Consider authorizing the Deputy City Manager to execute all documents necessary to submit, accept, and expend a 2010 Homeland Security Grant Program (HSGP)/State Homeland Security Program (SHSP) Grant from the Texas Division of Emergency Management (TDEM), in the amount of approximately \$82,796.73, with no City match required, to be expended for the purchase of mobile data computers to be utilized by the Police Department. Jesse Turner.

**F. Resolutions:**

1. A resolution authorizing the City Manager and other persons acting on behalf of the City Manager, including any entity administering the City's health plan (the "plan"), to execute all necessary documents to exclude the City of Victoria from the optional provisions of the Health Insurance Portability and Accountability Act ("HIPAA"). Cheryl Marthiljohni.
2. A resolution granting variances to Sections 14-52(a), 14-55(a), 14-56(a), and 14-60(a) of the Victoria City Code, which govern the City's requirements for Itinerant Vendors, Solicitors, and Outdoor Sales to vendors operating at the Lighted Christmas Parade on December 4, 2010. Scarlet Swoboda.
3. A resolution appointing a Municipal Court Clerk and authorizing other personnel actions to be performed by the Clerk of the Municipal Court. Thomas A. Gwosdz.
4. A resolution deciding an appeal of the decision of October 28, 2010 of the Building and Standards Commission pursuant to Section 5-180, Article XIV, Unsafe Buildings, of Chapter 5 of the Victoria City Code pertaining to a structure located at or adjacent to 208 Avenue C, Victoria, Texas, owned by Jimmy John Montgomery. John Kaminski.

**G. Work Session:**

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

<b>Staff to be present:</b>	Thomas A. Gwosdz	Scarlet Swoboda	Vance Riley	Andrew Jacob
	Cheryl Marthiljohni	John Kaminski	Jesse Turner	Dayna Williams-Capone
	Lynn Short	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.