



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 17, 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.



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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: November 17, 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. Geographic Information System (GIS) Day proclamation. John Kaminski.

C. Ordinances & Other Items with Public Hearings:*

1. An ordinance adopting Victoria 2025, the Comprehensive Plan for the City of Victoria; providing for severability, and declaring an effective date. (First Reading, November 3, 2009); Second and Third Reading. John Kaminski.
2. 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, November 3, 2009); Second and Third Reading. Gilbert P. Reyna, Jr.
3. 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.
4. An ordinance amending the 2009-2010 Fiscal Year Budget of the City of Victoria by (1) transferring \$548,000 from the Motel Tax Fund fund balance to the Motel Tax Fund Victoria Chamber of Commerce-CVB line item, (2) transferring \$15,000 from the Motel Tax Fund Professional Services line item to the Motel Tax Fund fund balance, (3) transferring \$5,000 from the Motel Tax Fund Tournaments line item to the Motel Tax Fund fund balance, (4) transferring \$873,560 from the Motel Tax Fund Community Center Building line item to the Motel Tax Fund fund balance, and (5) decreasing funding to the Community Center Fund Transfer from Motel Tax Fund Revenue line item by \$873,560, which will decrease the Community Center Fund fund balance by \$873,560, to provide additional funding to the Victoria Chamber of Commerce (Convention & Visitors Bureau – CVB), repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Gilbert P. Reyna, Jr.
5. An ordinance amending the 2009-2010 Fiscal Year Budget of the City of Victoria by transferring \$375,000.00 from the Water/Wastewater Fund fund balance to the Water/Wastewater Fund Wastewater Treatment Plant Department Land capital line item, to provide funding for the purchase of land for the future site of a wastewater treatment plant, repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Gilbert P. Reyna, Jr.

6. Discuss and consider an ordinance by the City Council of the City of Victoria, Texas authorizing the issuance, sale and delivery of approximately \$25,490,000 of "City of Victoria, Texas Utility System Revenue Refunding Bonds, Series 2009"; approving and authorizing an official statement and the distribution thereof; a purchase contract, an escrow agreement, and a paying agent/registrar agreement; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date. Emergency Reading. Gilbert P. Reyna, Jr.
7. An ordinance amending the 2009-2010 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. Report on the feasibility of developing a beneficial end-use project for the landfill gas generated at the City of Victoria landfill. Jerry James.
2. Report from the Parks and Recreation Commission on naming of the trails in Riverside Park. Doug Cochran.
3. Sales tax update and management budget recommendations. Charles E. Windwehen.

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 28, 2009 and the regular meeting of November 3, 2009.
2. A resolution authorizing the City Manager to execute all documents necessary to purchase a 2010 Year Model Gradall XL-3100 Telescoping Boom Excavator with three options including a fixed thumb grapple, carrier A/C and 24" digging bucket through the Houston Galveston Area Council of Governments (HGAC) from Hi-Way Equipment Company, of Houston, Texas, in the amount of \$257,765.00. Darryl Lesak.
3. A resolution awarding a bid for the project named Remove & Replace Traffic Signal at Navarro Street (US 77)/Crestwood Drive Intersection to Traf-Tex, Inc. of Houston, Texas, in the amount of \$256,420.05. Lynn Short.
4. A resolution awarding the 2009-10 Rehabilitation/Overlay Project (Anaqua Ave., Industrial Dr., Circle St., Imperial Dr. and Cozzi Circle) to 4-Big Construction & Enterprises, LLC, of Zapata, Texas in the amount of \$878,275.00. Lynn Short.
5. A resolution (1) awarding a bid for the Laurent Street Reconstruction Phase II (Airline Road to Sam Houston Drive) project to Total Site, Inc. of Houston, Texas, in the amount of \$6,171,007.43, (2) authorizing the City's Director of Public Works to execute contracts for construction testing services with TSI Laboratories in a total amount not to exceed \$58,300, (3) authorizing the City's Director of Public Works to execute Contribution-in-Aid-of-Construction Agreements for Electric Distribution Service between the City of Victoria and American Electric Power (AEP) to install street lights in a total amount not to exceed \$250,000, (4) authorizing the City's Director of Public Works to execute agreements with private utility companies to provide for relocation of their utilities, in a total amount not exceed \$125,000, and (5) declaring the reservation of construction contingency funds to cover unanticipated project costs and changes related to the aforementioned Project, in an amount not to exceed \$492,700. Lynn Short.
6. A resolution accepting a 7.2413 acre drainage easement that extends from Mallette Drive to Spring Creek from Springtech, Inc. of San Antonio, Texas in exchange for the expectation of City maintenance activities and/or drainage improvements in the drainage easement. Lynn Short.
7. A resolution authorizing the City Manager and other persons acting on his behalf, 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"). Danette Respondek.
8. A resolution authorizing the City Manager to execute all documents necessary to purchase a Year Model 2010 F-550 Brush Truck from Metro Fire Apparatus Specialists, Inc. of Houston, Texas, via the Local Government Purchasing Cooperative (Buyboard), in the amount of \$119,802.35. Vance Riley.

9. A resolution authorizing the City Manager to execute all documents necessary to convey to the Texas Forest Service a 1987 Pierce Arrow Pumper and 4 Survivair Self Contained Breathing Apparatus (SCBA), to be further conveyed to the volunteer fire departments of Victoria County, who will agree to make such equipment available to the City of Victoria in emergencies. Vance Riley.
10. A resolution authorizing the City Manager to execute a Zoological Park Management Services Agreement with the South Texas Zoological Society, Inc., in the amount of \$150,000.00 and approving the budget and funded activities for the aforementioned entity for the 2009-2010 fiscal year. Gilbert P. Reyna, Jr.

F. Resolutions:

1. A resolution ratifying the City Manager’s execution of a contract between the City of Victoria & Mercer Construction Company, of Edna, Texas, for the Emergency Sanitary Sewerline Replacement @ 2702 Port Lavaca Highway, in the amount of \$68,261.00. Lynn Short.

G. Executive Sessions:***

Staff to be present:	Scarlet Swoboda	Thomas A. Gwosdz	John Kaminski	Jerry James
	Darryl Lesak	Gilbert P. Reyna, Jr.	Lynn Short	Doug Cochran
	Danette Respondek	Andrew Jacob	Vance Riley	

* 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.