



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, DECEMBER 1, 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: December 1, 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).

C. Ordinances & Other Items with Public Hearings:*

1. 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, November 17, 2009); Second and Third Reading. Gilbert P. Reyna, Jr.
2. 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.
3. 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 and/or other City facilities, repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Gilbert P. Reyna, Jr.
4. An ordinance amending Chapter 24 of the Victoria City Code to change miscellaneous fees therein, repealing conflicting parts of existing ordinances, providing for severability, providing for codification and savings, and declaring an effective date. First Reading. Lynn Short, Dayna Williams-Capone, Bain Cate, Doug Cochran and John Kaminski.
5. A resolution to consider issuance of Medical Transfer Services Permits to Marilyn D. Porter d/b/a MP Ambulance Service, Inc.; Charles Sargent d/b/a Quality Ambulance Service; ALS Ambulance Services, Inc. d/b/a Regional Ambulance Service; Clay Wiatrek d/b/a Sacred Heart Medical Service; and Craig LeBlanc d/b/a Southern Cross Ambulance, Inc. Scarlet Swoboda.
6. An ordinance amending Section 2-116(a) of the Victoria City Code to change the composition of the Building and Standards Commission; repealing all conflicting ordinances; providing for severability; providing a savings clause; providing for codification; and declaring an effective date. First Reading. John Kaminski.

D. City Manager Reports: **

- 1. Appointments to the Building and Standards Commission. 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 17, 2009.
- 2. A resolution to award the 2009-10 Sanitary Sewer Line Cleaning Project to CleanServe Inc. of Pearland, Texas for its low bid of \$57,947.50. Lynn Short.
- 3. A resolution to award the 2009-10 Crack Seal Project to SCR Construction Co, Inc., of Richmond, Texas, for its low bid of \$520,000.00 which includes the base bid and additive items 2 through 7. Lynn Short.
- 4. 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 Holiday Parade on December 5, 2009. Scarlet Swoboda.
- 5. A resolution authorizing the City Manager to execute a System Purchase Agreement and all other documents necessary to purchase a replacement 800 MHz digital radio system from Motorola, Inc. via the Houston-Galveston Area Council of Governments (HGAC) in the amount of \$6,100,484.00. Jesse Turner.
- 6. A resolution authorizing the City Manager to execute all documents necessary to apply for the Texas Department of Transportation 2009 Statewide Transportation Enhancement Program Call for Projects, in the approximate amounts of (1) \$888,322.00 with a 20% City match of \$177,665.00, which will be used for the Red River Corridor Enhancement Project, and (2) \$486,000.00 with a 20% City match of \$97,200.00, which will be used for the Jim Branch Outfall Trail Project. John Kaminski.

F. Resolutions:

- 1. A resolution authorizing the City Manager to accept deeds and execute contracts and other documents necessary for the purchase of 76.42 acres of real property, owned by Tony McGarrah, Sherri McGarrah and Amanda Mahurin, in a form acceptable to the City Attorney, for the location of a proposed Wastewater Treatment Plant and/or other City facilities, in an amount not to exceed \$4,500 per acre and related closing costs not to exceed \$20,000; contingent upon funding, an acceptable Environmental Assessment, Archaeological Assessment, title commitment, and resolution of any title objections. Lynn Short.

G. Work Session:

- 1. The location, development and funding of the proposed Wastewater Treatment Plant. Lynn Short.

H. Executive Sessions:***

Staff to be present: Scarlet Swoboda Thomas A. Gwosdz Jesse Turner Lynn Short
Dayna Williams-Capone Gilbert P. Reyna, Jr. John Kaminski Doug Cochran

* 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.