



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 15, 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 15, 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 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, December 1, 2009); Second and Third Reading. Lynn Short, Dayna Williams-Capone, Bain Cate, Doug Cochran and John Kaminski.
2. 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, December 1, 2009); Second and Third Reading. John Kaminski.
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. A public hearing on the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for the period from October 1, 2008 to September 30, 2009. John Kaminski.
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 and/or other City facilities, repealing all conflicting ordinances, providing for severability; and declaring an effective date. First Reading. Gilbert P. Reyna, Jr.

D. City Manager Reports: **

1. 2010 First Quarter Board Appointments. Scarlet Swoboda.
2. Report on TxDOT agreement for overpass funding.

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 December 1, 2009.

2. Consider adopting program guidelines for the Community Development Block Grant (CDBG) Exterior Paint Program; and declaring an effective date. John Kaminski.
3. A resolution authorizing the City Manager to execute the Loan Star Libraries Grant Agreement with the Texas State Library and Archives Commission, in the amount of \$30,346.00, with no City matching funds required. Dayna Williams-Capone.
4. Consider authorizing the City Manager to execute an Interlocal Agreement between the City of Victoria and Victoria County for the funding of the Emergency Management Services Program. Gilbert P. Reyna, Jr.
5. A resolution authorizing the City Manager to execute a Professional Services Agreement between the City of Victoria and Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) for Surveying, Preliminary Design, Final Design, Permitting, Bidding and Construction Phase Services for Phase I, Projects #5 and #6 of the Downtown Water and Sewer Line Replacement Project in the amount of \$425,000.00. Lynn Short.
6. A resolution awarding the Lift Station Rehabilitation Highway 77 & Magruder Dr. Lift Stations Project to Mercer Construction, Company of Edna, Texas for its low bid of \$380,976.00. Lynn Short.
7. Consider authorizing the City Manager to award a contract for the City of Victoria's Health Plan Stop-Loss Insurance to Union Labor Life Insurance Company/Fidelity Security of Silver Springs, Maryland, in the amount of \$20.69 per employee per month and \$56.60 per dependent family per month, in an estimated total amount of \$258,405, with a \$150,000 deductible. Danette Respondek.
8. Consider appointments to the Building and Standards Commission. Scarlet Swoboda.
9. A resolution authorizing the City Manager to execute all documents necessary to purchase 25 digital in car video camera units, including installation, hardware and software through the Houston Galveston Area Council of Governments (HGAC) from Coban Technologies, Inc., of Stafford, Texas, in the amount of \$229,919.00. Jesse Turner

F. Resolutions:

1. Consider accepting an application for designation of a Reinvestment Zone and a Tax Abatement Agreement from Vistar d/b/a Performance Foodservice - Victoria for the expansion and modernization of a warehouse and distribution facility located at 204 North Brownson in Victoria Texas and setting a public hearing for consideration of such application. Dale Fowler.
2. 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.
3. A resolution authorizing the City Administration to execute an Application for the American Recovery and Reinvestment Act of 2009: Edward Byrne Justice Assistance Formula Grant (JAG) Program for the purchase of portable 800MHz digital radios for the Police Department, in the total amount of \$409,925.00, with no City matching funds required, and authorizing the City Administration to execute all documents necessary to accept said grant and to satisfy all requirements of the Office of the Governor, Criminal Justice Division. Jesse Turner.

G. Work Session:

1. A status report on the design of the Downtown Streets and Sidewalks Improvement Project. Lynn Short.

H. Executive Sessions:***

1. Executive session in accordance with Texas Government Code § 551.071, consultation with attorney on matter involving legal and contractual matters 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, and 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 the efforts to acquire 76.42 acres of real property, located in the vicinity of Ben Jordan and Odem Street, and consider possible options for the acquisition of real property and legal issues related to this proposed purchase of property for a wastewater treatment plant. Thomas A. Gwosdz.
2. Executive session in accordance with Texas Government Code § 551.071, consultation with attorney regarding the interpretation of the City Charter and local ordinances related to the authority of the City Manager, 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. Thomas A. Gwosdz.

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

* 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.