



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

S P E C I A L M E E T I N G

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)

MONDAY, DECEMBER 28, 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 28, 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 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, December 15, 2009); Second Reading, Gilbert P. Reyna, Jr.

D. City Manager Reports: **

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.

F. Resolutions:

1. A resolution authorizing the City Manager to expend excess proceeds from the Utility System Revenue and Refunding Bonds, Series 2007 and the Utility System Revenue Bonds, Series 2008 to provide funding for the purchase of land for the future site of a wastewater treatment plant and/or other City facilities. Gilbert P. Reyna, Jr.

G. Executive Sessions:***

1. Executive Session in accordance with Texas Government Code § 551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter 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 (to include, but not limited to *James Wayne vs. City of Victoria*). Thomas A. Gwosdz.

Staff to be present: Scarlet Swoboda Thomas A. Gwosdz 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.

ORDINANCE NO. 2009-2010-E

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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The Fiscal Year 2009-2010 Budget of the City of Victoria is amended by transferring \$375,000.00 from the Water/Wastewater Fund fund balance (4041-300100) to the Water/Wastewater Fund Wastewater Treatment Plant Department Land capital line item (4041-41WWP-900130), to provide funding for the purchase of land for the future site of a wastewater treatment plant and/or other City facilities.

2.

If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

In accordance with Article V, Section 5 of the Charter of the City of Victoria, the City Council finds a grave public necessity exists to amend the original budget to authorize the aforementioned expenditures to meet unusual and unforeseen conditions involving funding for unbudgeted purchases, which could not by reasonable diligence, thought and attention have been included in the original budget.

5.

This ordinance shall take effect upon final approval and adoption by the City Council of the City of Victoria.

PASSED FIRST READING, this the 15th day of December, 2009.

- AYES:
NAYS:
ABSTENTIONS:

PASSED SECOND READING, this the ____ day of _____, 2009.

- AYES:
NAYS:
ABSTENTIONS:

PASSED THIRD READING, this the ____ day of _____, 2009.

- AYES:
NAYS:
ABSTENTIONS:

APPROVED AND ADOPTED, this the ____ day of _____, 2009.

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

ATTEST:

THOMAS A. GWOSDZ, City Attorney

SCARLET SWOBODA, City Secretary

Copies Sent: _____

- Distribution: Finance Department
Legal Department
Public Works Department

RESOLUTION NO. 2009- _____ R

A resolution authorizing the City Manager to expend excess proceeds from the Utility System Revenue and Refunding Bonds, Series 2007 and the Utility System Revenue Bonds, Series 2008 to provide funding for the purchase of land for the future site of a wastewater treatment plant and/or other City facilities; and declaring an effective date.

WHEREAS the City Council of the City of Victoria, by and through Resolution No. 2009-210R, has authorized the City Manager to accept deeds and execute contracts and other documents necessary for the purchase of real property for the location of a proposed Wastewater Treatment Plant and/or other City facilities, and

WHEREAS the City Council of the City of Victoria desires that such purchase of real estate should not increase the total expenditures authorized by Council through its approval of the City’s annual budget in Ordinance No. 2009-2010, and

WHEREAS the two separate ordinances authorizing the City’s *Utility System Revenue and Refunding Bonds, Series 2007*, and *Utility System Revenue Bonds, Series 2008* both included as a stated purpose of their respective series of bonds: “acquiring, purchasing, constructing, improving, enlarging, or equipping the City’s combined utility system,” and

WHEREAS the City has completed the original projects for which the bonds were issued, and

WHEREAS the language included in the bonds, stating the purpose of the bonds as “acquiring, purchasing, constructing, improving, enlarging, or equipping the City’s combined utility system,” allows for the use of excess proceeds from the bonds to pay for all capitalized costs associated with a new wastewater treatment plant.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to expend excess proceeds from the Utility System Revenue and Refunding Bonds, Series 2007 and the Utility System Revenue Bonds, Series 2008 to provide funding for the purchase of land for the future site of a wastewater treatment plant and/or other City facilities

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 28th day of December, 2009.

AYES:

NAYS:

ABSTENTIONS:

APPROVED AND ADOPTED, this the 28th day of December, 2009.

WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

ATTEST:

APPROVED AS TO LEGAL FORM

SCARLET SWOBODA, City Secretary

THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department
 Finance Department
 Public Works Department

Copies Sent: _____