

CITY COUNCIL MINUTES

August 17, 2004

Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation or potential litigation 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 (including, but not limited to, legal effect of consent to encroachment of storm drainage easement onto utility easement across Kmart Subdivision property). Miles Risley.

Section 551.072, Texas Government Code, 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 person (including, but not limited to, property being considered for purchase along N. Navarro Street across from Victoria Mall and along Hathaway Street near Target Stores and 12 acres at corner of Hanselman Road and Delmar Drive in City of Victoria). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the evaluation, and duties of city attorney's office, municipal clerk and staffs of each).

The Council reconvened in regular session at 8:54 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 8:55 p.m.

APPROVED: Will Armstrong
WILL ARMSTRONG, Mayor of the City of Victoria, Texas

ATTEST: Scarlet Swoboda
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
August 24, 2004

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, August 24, 2004 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

- Will Armstrong, Mayor
- Philip Guittard
- Lewis Neitsch
- Bill Russell
- Shirley Buckert
- Jim Wyatt
- Tom Halepaska

STAFF PRESENT

- Denny Arnold, City Manager
- Charles Windwehen, Assistant City Manager
- David A. Smith, City Attorney
- Miles Risley, Assistant City Attorney
- Doug Cochran, Director, Parks and Recreation
- John Kaminski, Director, Planning
- Scarlet Swoboda, City Secretary

CITIZENS COMMUNICATION

Tom Willis, 108 Greenwood, introduced Clarence Wright, the new Executive Director for the Texas Zoo.

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ITEMS FROM COUNCIL

Loop 463 Expansion

Mayor Armstrong advised that he had requested Randy Bena with the Texas Department of Transportation (TxDot) to explain the proposed expansion of Loop 463 from Salem Road to U.S. Business 59. Mr. Bena advised that TxDot held a public hearing in July and the public involvement phase would close on August 27, 2004. Until then TxDot would be taking public comment about the project. He advised that two additional lanes were being proposed from Salem Road to U.S. Business 59 on the east side of the existing highway, resulting in a four lane divided road, with a 76 foot median between the lanes.

Mr. Bena advised that a number of comments and a petition had been received concerning this project, with several individuals against the project unless there were noise barrier walls constructed with the project. At the hearing TxDot presented an environmental assessment that included noise abatement procedures. It included noise modeling of the existing lanes, the proposed project, and traffic volumes projected for the year 2022. It also included a speed limit of 70 mph., with the results indicating that there would be no significant noise impact from this project. According to the criteria set by the Federal Highway Administration there were no noise impacts that would require noise abatement, and TxDot did not propose to include noise abatement barriers in the project.

Mr. Bena advised that the project would cost approximately \$6.5 million in construction. If this project is not approved by the Federal Highway Administration now, those funds would have to be used on a different project. This expansion project would then be put on a secondary program listing, and would only come up again by a show of overwhelming local support and funding availability at that time, which could take five to six years.

Cm. Buckert stated that there was overwhelming support of the divided highway, and suggested that some of those who signed the petition were not fully informed that the additional lanes were going to be on the east side and some 76 feet away from where their subdivisions are located. Mayor Armstrong stated that safety was paramount for the project and unless the public expressed their support now, it may be years before the situation is remedied.

Dale Fowler, Executive Director of the Victoria Economic Development Corporation (VEDC) expressed gratitude to TxDot for identifying a problem and impediment to safety and growth of the community, along with the City Council for partnering with TxDot on this project. He advised that companies looking for communities to put new investment in put transportation infrastructure at the top of their list. He stated that VEDC feels that the expansion is crucial to continued development in the community.

Cm. Guittard expressed his support for the project and encouraged the public to show their written support before Friday. There was unanimous consensus of the Council to support the project.

RESOLUTION 2004-135R -- AUTHORIZING A CONTRACT WITH EL CAMPO SPRAYING SERVICE FOR THE APPLICATION OF HERBICIDE ON DITCHES

The resolution authorizes a contract for control of noxious weeds with El Campo Spraying Service of El Campo, Texas, for the application of low rates of herbicide on all ditches that are currently being mowed, in the amount of \$55,000. Doug Cochran.

Cm. Russell moved that the resolution be adopted, with Cm. Wyatt seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

CITY COUNCIL MINUTES
August 24, 2004

WORK SESSION

Mayor Armstrong announced that Council would recess into the Work Session at 5:33 p.m.

City Budget for Fiscal Year 2004-2005

The following topics were discussed and received Council consensus to move forward with the proposed numbers as detailed in the Fiscal Year 2004-2005 Budget.

- **General Fund Items**
Copy machine for Parks Department
Weed control proposal to add two additional employees
- **Motel Tax Fund**
Chamber of Commerce – Conventions and Visitor Bureau \$183,100
Cultural Council \$ 78,137
Community Center Operation \$307,300
Community Center Building \$165,414
Texas Settlement Ind. Region \$ 8,000
Tournaments \$ 5,000

Total FY 2004-2005 Budgeted Expenditures \$746,951

- **Community Center Fund**
- **Environmental Services fund – all departments-**
- **700 Main Center Fund**
- **Softball Complex Fund**
- **Vehicle and Equipment Services Fund**
- **Information Technology Fund**
- **Communication Fund**
- **Purchasing Fund**
- **Safety Management Fund**
- **Workers Compensation Fund**
- **Print Shop Fund**

The Council adjourned the Work Session and reconvened in regular session at 6:29 p.m.

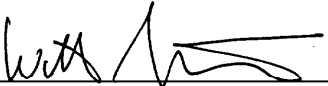
EXECUTIVE SESSION

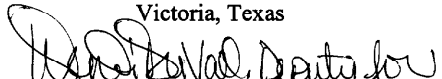
Mayor Armstrong announced that Council would recess into Executive Session at 6:30 p.m., in accordance with:

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the officers of the City who are appointed by the City Council pursuant to the Charter of the City of Victoria and members of the Convention and Visitors Bureau of the Victoria Chamber of Commerce). Scarlet Swoboda.

The Council reconvened in regular session at 9:00 p.m. and considered the following:

There being no further business, the meeting was adjourned at 9:01 p.m.

APPROVED: 
WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary