

**VICTORIA CITY COUNCIL**  
**September 7, 2004**

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, September 7, 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 arrived at 5:17 p.m.  
Shirley Buckert  
Tom Halepaska

**STAFF PRESENT**

Denny Arnold, City Manager  
Charles Windwehen, Assistant City Manager  
David A. Smith, City Attorney  
Miles Risley, Assistant City Attorney  
John Johnston, Director, Public Works  
John Kaminski, Director, Planning  
Lynn Short, Director, Utilities  
Gilbert P. Reyna, Jr., Director, Finance  
Vance Riley, Director, Fire and EMS  
Jack Williams, Captain, Police Department  
Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Jim Wyatt

**APPROVAL OF MINUTES**

The minutes of the special meeting of August 10, 2004, and the regular meeting of August 17, 2004 were approved as presented.

**CITIZENS COMMUNICATION**

James Lowery, 2003 S. Laurent, expressed concerns about the trash that falls from trucks hauling to the landfill on the Bloomington Highway. He stated that it is roofing, siding, and paint materials from independents that apparently do not have their loads tied down properly.

**ITEMS FROM COUNCIL**

Cm. Halepaska requested a briefing on the various water issues on a state and local level. He requested a briefing from the representative from Region L in the near future. Mayor Armstrong advised that a work session would be held on September 14, 2004, as there were several items that needed to be discussed and this request would also be placed on that agenda. Jerry James, Director of Environmental Services, would contact those individuals that would need to be in attendance to see about their availability.

**CITY MANAGER REPORTS**

Denny Arnold, City Manager, announced that the Planning Department and the Planning Commission had received the Certificate of Achievement for Planning Excellence from the Texas Chapter of American Planning Association. He recognized John Kaminski, Director of Planning, and Jan Scott, Chair of the Planning Commission. Mayor Armstrong presented outgoing Commissioner Don Truman with a plaque for 12 years of dedicated service on the Planning Commission.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**RESOLUTION 2004-150R – GRANTING ANNEXATION PETITION FROM ROBERT L. DENISON, JR., FOR 10.7785 ACRE TRACT OF LAND NEAR HIGHLAND HILLS**

The resolution considers granting a voluntary annexation petition from Robert L. Denison, Jr., for an approximately 10.7785 acre tract of land in the area of the proposed Highland Hills Subdivision III. John Kaminski.

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Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

**ORDINANCE 2004-13 – AMENDING ARTICLE XIII, “SIGNS” OF CHAPTER 5 OF THE VICTORIA CITY CODE**

The ordinance considers amending Article XIII, “Signs” of Chapter 5 of the Victoria City Code to amend various sign regulations. John Kaminski.

John Kaminski, Director of Planning, advised that the community image chapter of the Victoria 20/20 Comprehensive Plan identified sign ordinance provisions as a high priority. In the process of setting priorities for implementing the plan, the City Council asked the Planning Commission to take on the sign ordinance project. The Planning Commission formed the Sign Ordinance Review Committee, and the charge given to them was to review the existing sign ordinance, which was adopted in 1984, and recommend any revisions deemed necessary, regarding on-premise signage. Off-premise signs and billboards were not addressed. A draft ordinance was given to the Planning Commission following joint meetings with the Sign Board and the Sign Ordinance Review Committee. The draft ordinance was revised by the Planning Commission in regards to the free standing signs, the height of those signs, size, and directional signage. The City Council reviewed the proposed ordinance and directed staff to make several changes.

1. Eliminate the maximum square footage for a free standing sign, which was proposed at 300 square feet.
2. Increase the allowable height of free standing signs that front the elevated roadways from 35 feet to 50 feet.
3. Allow all free standing signs on non-elevated roads to be 35 feet, the planning commission recommendation had been 35 feet for freeways and primary arterial streets and a 25 foot limit for all other streets.
4. Delete proposed language recommended by the sign ordinance committee that would have required permits for promotional items (banners, pennants, etc).

Planning Commissioners Bruce Eppinger, Jan Scott, and Russell Janecka gave explanations regarding their recommended changes to the sign ordinance. Mr. Eppinger presented photos of abandoned signs, illegal banner signs, flags, streamers, balloons, fence signs, which are in violation of the current code. He also showed a few examples of signs that were in compliance, but wanted Council to see the types of signs that the Planning Commission was trying to address. Ms. Scott advised that every word of the ordinance was reviewed and the most discussed item was the height of signs near elevated freeways. She addressed the size limitation and asked Council to reconsider their decisions. Ms. Scott, Mr. Janecka, and former Planning Commissioner Don Truman agreed that addressing clutter and improving the City’s appearance were emphasized throughout the process, and encouraged the Council to reconsider and adopt the originally proposed sign ordinance.

Tom Willis, 108 Greenway, sent a letter to Council prior to the meeting. He stated that although he is in the sign business, when he gives his time to sit on a committee such as the Sign Board he is looking out for the good of the community. However, being in the business he knows the cost of the signs, and stated that the signs need to be seen.

David Killebrew, 206 W. Haven, addressed the banners and suggested that part of the problem is lack of enforcement of the old sign ordinance. He stated that banners are used to direct people to automobile lots and other businesses and a permitting process may be more labor intensive than effective.

Mayor Armstrong asked if there were any further questions from Council or the audience. There were none.

**ORDINANCE 2004-12 – SETTING THE TAX RATE FOR 2004 TAX YEAR AT \$0.69 PER \$100 OF PROPERTY VALUATION**

The ordinance considers setting the Tax Rate at a total rate of \$0.69 per \$100 of property valuation and levying a tax upon all property subject to taxation within the City of Victoria, Texas

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for the 2004 Tax Year for the use and support of Municipal Government of the City of Victoria.  
Gilbert P. Reyna, Jr.

James Lowery, 2003 S. Laurent, stated that taxes of all kinds were becoming a burden, and questioned just how much middle class America could carry.

Kenneth Greer, 106 Landsdown, representing the Board of the South Texas Zoological Society, requested an increase in the funds received from the City. He sited the importance of the zoo by enhancing the quality of life, and the impact on economic development that the zoo can bring to the city. He also advised that the new zoo is planned to be incorporated into the City boundaries once built.

Cm. Buckert stated that was important for citizens to understand that the City's cost of operations have gone up like everything else. She advised that there is a constant need to keep City services up and maintain quality employees, and the least that the Council can do is set a tax rate that will afford enough money to take care of basic needs.

Mayor Armstrong asked if there were any further questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

**RESOLUTION 2004-139R – AUTHORIZING AN AGREEMENT WITH THE VICTORIA HOUSING AUTHORITY TO EXTEND THE ASSIGNMENT OF TWO POLICE OFFICERS ON THE HOUSING AUTHORITY PREMISES**

The resolution authorizes a Letter of Agreement between the City of Victoria and the Victoria Housing Authority to provide for the two-year extension of an assignment of two police officers on the Housing Authority premises. Richard Jones.

**RESOLUTION 2004-140R – AWARDING BID FOR EMERGENCY COMMUNICATIONS FURNITURE SYSTEM TO XYBIX SYSTEMS, INC.**

The resolution awards the bid for an Emergency Communications Furniture System to Xybix Systems Inc. of Littleton, Colorado, in the amount of \$57,604. Richard Jones.

**RESOLUTION 2004-141R – AUTHORIZING THE CITY TO CONVEY VARIOUS FIRE FIGHTING APPARATUS TO THE TEXAS FOREST SERVICE AND THE VOLUNTEER FIRE DEPARTMENTS OF VICTORIA COUNTY**

The resolution conveys to the Texas Forest Service two 1982 Surplus Seagraves Fire Pumper Apparatus', 20 Sigma Self Contained Breathing Apparatus', 60 Classic Facepieces, 26 Bunker Coats, 41 Bunker Pants, 54 MSN Self Contained Breathing Apparatus Bottles, 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.

**RESOLUTION 2004-142R – AUTHORIZING THE PURCHASE OF A FIELD GAS CHROMATOGRAPH AND SUPPORT SOFTWARE FROM SMITHS DETECTION TECHNOLOGIES, INC.**

The resolution authorizes the purchase of a field gas chromatograph and support software from Smiths Detection Technologies, Inc. of Danbury, Ct, in the amount of \$70,625. Vance Riley.

**RESOLUTION 2004-143R – AUTHORIZING THE PURCHASE OF PROPERTY AND/OR EASEMENTS FOR THE WEST OUTFALL DRAINAGE PROJECT – PHASE II**

The resolution authorizes the City Manager to execute offers and contracts for the purchase of property and/or easements for the West Outfall Drainage Project – Phase II, from James A. Wayne and Reverend Robert E. Lucey, Archbishop of San Antonio, in the amounts of \$15,435 and \$5,685, respectively, authorizing the acquisition of interests from other owners of said properties, authorizing the acceptance of deeds and other documents granting interests in the aforementioned properties, and declaring an effective date. David Smith.

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**RESOLUTION 2004-144R – AWARDING THE BID TO PURCHASE A 2004 MAINLINE TRACTOR TRANSPORTER VEHICLE AND COLOR VIDEO CAMERA TO R. S. TECHNICAL SERVICES, INC.**

The resolution awards the bid for the purchase of a 2004 Mainline Tractor Transporter Vehicle and Color Video Camera with Pan and Tilt to R.S. Technical Services, Inc. of Petaluma, California, in the amount of \$36,750 Lynn Short.

**RESOLUTION 2004-145R – AUTHORIZING THE PURCHASE OF A GAS CHROMATOGRAPH/MASS SPECTROPHOTOMETER AND ACCESSORIES FROM VARIAN, INC., DELL, INC., AND CDW-G**

The resolution authorizes the purchase of a gas chromatograph/mass spectrophotometer and accessories from Varian, Inc. of Walnut Creek, California via the Texas Building and Procurement Commission's TXMAS purchasing contract in the amount of \$62,203, from Dell, Inc., of Round Rock, Texas in the amount of \$1,413.78, and from CDW-G in the amount of \$89.11. Lynn Short.

**RESOLUTION 2004-146R – AUTHORIZING AN “AFFORDABLE HOUSING PROGRAM AGREEMENT FOR OWNER OCCUPIED PROJECT” PROVIDING HOME ACCESSIBILITY TO SENIORS**

The resolution authorizes an “Affordable Housing Program Agreement for Owner Occupied Project” with the Federal Home Loan Bank of Dallas and First Capital Bank, SSB, to implement a \$50,000 grant providing home accessibility to seniors. John Kaminski.

**RESOLUTION 2004-147R – AWARDING A BID TO KASHMERE HOMES, INC. FOR RECONSTRUCTION OF EIGHT ELDERLY OR DISABLED SINGLE FAMILY RESIDENCES**

The resolution awards a bid to Kashmere Homes, Inc. of Manor, Texas for the reconstruction of eight elderly or disabled single family residences with housing assistance funded through the Texas Department of Housing and Community Affairs (TCHCA), in the approximate total amount of \$375,600, and authorizing execution of all necessary documents to provide program funding to be expended on said construction, including Programmatic Agreements and Promissory Notes with each assisted homeowner. John Kaminski.

**RESOLUTION 2004-148R – GRANTING A VARIANCE TO THE RIGHT OF WAY REQUIREMENTS AT 2504 PLEASANT GREEN DRIVE, OWNED BY ARTHUR AND MARY ALICE TREVINO**

The resolution grants a variance to Section 21-54(b)(2) of the Victoria City Code, which would require a right-of-way dedication of 17.2 feet (1/2 of right-of-way required for road to meet Master Thoroughfare Plan requirements), to Trevino Subdivision No. 3, located at 2504 Pleasant Green Drive, which is owned by Arthur and Mary Alice Trevino, conditioned on the owner's dedication of 12.2 feet of right-of-way along Pleasant Green Drive. John Kaminski.

**RESOLUTION 2004-149R – AUTHORIZING A PROGRAMMATIC AGREEMENT WITH VICTORIA INDEPENDENT SCHOOL DISTRICT FOR THE KIDZ CONNECTION HOMEWORK CENTER PROGRAM**

The resolution authorizes a Programmatic Agreement with Victoria Independent School District for administration of the Kidz Connection Homework Center Program, in the amount of \$4,752. John Kaminski.

**RESOLUTION 2004-150R – GRANTING ANNEXATION PETITION FROM ROBERT L. DENISON, JR., FOR 10.7785 ACRE TRACT OF LAND NEAR HIGHLAND HILLS**

The resolution grants an annexation petition from Robert L. Denison, Jr., for an approximately 10.7785 acre tract of land in the area of the proposed Highland Hills Subdivision III. John Kaminski.

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Cm. Russell moved that resolutions 2004-139R through 2004-150R be adopted, with Cm. Buckert seconding the motion. The resolutions were adopted by the following vote:

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

NAYS: None

**WORK SESSION**

Mayor Armstrong announced that Council would take a break at 6:30 p.m. and recessed into a Work Session at 6:58 p.m.

**Fiscal Year 2004-2005 Budget Discussion**

Charles Windwehen, Assistant City Manager, handed out a couple of pages from the Capital Improvement Projects (CIP), an analysis of "new" re-occurring expenditures, and an analysis of one-time expenditures that were added to the original budget draft for Council to review. The following capital outlay expenditure options were presented for discussion and Council direction:

**Connector Street – Navarro to Hathaway** **\$837,000 to \$1,087,000**

A big project that could be funded by the Victoria Sales Tax Corporation and/or General Fund.

**Library Roof** **\$70,000**

Consensus of Council to repair the roof, however, there was emphasis that the Library is a County owned building and there should be a shared cost. The City Manager was instructed to have a clear understanding with the County that the City was not taking on all of the responsibility of the maintenance of the Library.

**Transit System Buses** **\$6,000**

Consensus of Council to fund the City's share of a grant to fund replacement buses.

**Young Pavilion** **\$200,000**

Consensus of Council to pull from 2004-2005 budget consideration, but would like to see it considered next budget year.

**Zoo** **\$20,000**

Consensus of Council to fund a one-time increase of \$20,000 to the annual funding of \$115,000 from the City.

**Health Fund**

Cm. Russell suggested that the City not increase the amount that an employee would contribute to the Health Fund this year. There was no support for the suggestion.

**Cultural Council (Motel Tax)** **\$20,000**

Consensus of Council to fund a one-time increase of \$20,000 to the annual funding from the City.

Cm. Buckert requested a better system to identify pot holes and requested a proactive program to deal with repairs. The City administration and staff would address the problem.

Denny Arnold, City Manager, left the meeting at 7:43 p.m. for a prior commitment to speak at the Civilian Police Academy.

Mayor Armstrong announced that the Work Session was adjourned at 7:56 p.m. and Council reconvened into regular session.

**ORDINANCE 2004-13 - AMENDING ARTICLE XIII, "SIGNS" OF CHAPTER 5 OF THE VICTORIA CITY CODE**

The ordinance to amend Article XIII, "Signs" of Chapter 5 of the Victoria City Code to amend various sign regulations was postponed until the September 21, 2004 Council Meeting.

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**ORDINANCE 2004-2005 - APPROVING AND ADOPTING A BUDGET FOR THE CITY OF VICTORIA FOR FISCAL YEAR 2004-2005**

City Attorney, David A. Smith, read the caption of Ordinance 2004-2005, which approves and adopts a budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2004, and ending on September 30, 2005; appropriates money for the various funds and purposes of such budget including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness. Second Reading. Gilbert P. Reyna, Jr.

Charles Windwehen, Assistant City Manager, recommended the following amendment to the budget ordinance.

Additional Pay-for-Performance for the Police and Fire Departments	\$285,000
Weedy Lot and Building Demo Program	\$180,000
Community Center Roof	\$350,000
Library Roof	\$ 70,000
Transit System	\$ 6,000
Zoo	\$ 20,000
Cultural Council	\$ 20,000

The totals to the various funds that would change from the first reading are as follows, with all other funds remaining the same:

<u>Fund</u>	<u>Original Budget</u>	<u>Revised Budget</u>
General Fund Total	\$ 34,136,737	\$ 34,492,794
The Motel Tax Fund (remains the same)	\$ 746,951	\$ 746,951
Community Center Fund	\$ 508,493	\$ 858,493
Environmental Services Fund	\$ 4,435,192	\$ 4,432,193
Vehicle and Equipment Services Fund	\$ 2,781,068	\$ 2,880,568
Communications Fund	\$ 300,102	\$ 295,102
Safety Management Fund	\$ 497,497	\$ 496,497

Cm. Buckert moved to amend the ordinance as recommended, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Halepaska, and Mayor Armstrong  
NAYS: None

Cm. Buckert moved that the ordinance pass on second reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, on second reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Halepaska, and Mayor Armstrong  
NAYS: None

Caption:

**AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING ON SEPTEMBER 30, 2005; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; REPEALING ALL CONFLICTING ORDINANCES AND APPROPRIATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

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**ORDINANCE 2004-12 – SETTING THE TAX RATE FOR 2004 TAX YEAR AT \$0.69 PER \$100 OF PROPERTY VALUATION**

City Attorney, David A. Smith, read the caption of Ordinance 2004-12, which sets the Tax Rate at a total rate of \$0.69 per \$100 of property valuation and levy's a tax upon all property subject to taxation within the City of Victoria, Texas for the 2004 Tax Year for the use and support of Municipal Government of the City of Victoria, provides for the assessment and collection of taxes, apportions said levy among the various funds and items for which revenue must be raised including providing a sinking fund for the retirement of the bonded debt of the city, provides for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code. First Reading. Gilbert P. Reyna, Jr.

Cm. Guittard moved that the ordinance pass on first reading, with Cm. Neitsch seconding the motion. The ordinance passed on first reading by the following vote:

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

NAYS: None

Caption:

**AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$0.69 PER \$100 OF PROPERTY VALUATION AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2004 TAX YEAR FOR THE USE AND SUPPORT OF MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2003-2004F - AMENDING THE 2003-2004 FISCAL YEAR BUDGET TO TRANSFER \$500,000 FROM VARIOUS FUNDS TO THE HEALTH FUND LINE ITEM TO PROVIDE FUNDING FOR HEALTH CARE COSTS**

City Attorney, David A. Smith, read the caption of Ordinance 2003-2004F, which amends the 2003-2004 Fiscal Year Budget of the City of Victoria by transferring \$312,500 from the General Fund fund balance to the Transfer to Health Fund Line Item, transferring \$93,750 from the Water/Wastewater Fund fund balance to the Transfer to Health Fund Line Item, and transferring \$93,750 from the Environmental Services Fund fund balance to the Transfer to Health Fund Line Item, for total transfers of \$500,000, in order to provide funding for additional health care costs in the Health Fund. Second and third reading. Gilbert P. Reyna, Jr.

Cm. Buckert moved that the ordinance pass on second and third reading, with Cm. Guittard seconding the motion. The ordinance passed on second and third reading by the following vote:

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

NAYS: None

Caption:

**AN ORDINANCE AMENDING THE 2003-2004 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$312,500.00 FROM THE GENERAL FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, TRANSFERRING \$93,750.00 FROM THE WATER/WASTEWATER FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, AND TRANSFERRING \$93,750.00 FROM THE**

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ENVIRONMENTAL SERVICES FUND FUND BALANCE TO THE  
TRANSFER TO HEALTH FUND LINE ITEM, FOR TOTAL TRANSFERS OF  
\$500,000.00, IN ORDER TO PROVIDE FUNDING FOR ADDITIONAL  
HEALTH CARE COSTS IN THE HEALTH FUND, REPEALING ALL  
CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND  
DECLARING AN EFFECTIVE DATE.

ORDINANCE 2004-11 - AMENDING SECTIONS 24-121 AND 24-122 OF THE VICTORIA  
CITY CODE TO CHANGE WATER AND SEWER FEES

City Attorney, David A. Smith, read the caption of Ordinance 2004-11, which amends  
Sections 24-121 and 24-122 of the Victoria City Code to change water and sewer fees therein.  
Second Reading. Lynn Short.

Cm. Guittard moved that the ordinance pass on second reading, with Cm. Neitsch seconding  
the motion. The ordinance passed on second reading by the following vote:


AYES: Council Members Guittard, Neitsch, Russell, Buckert, Halepaska, and Mayor  
Armstrong  
NAYS: None

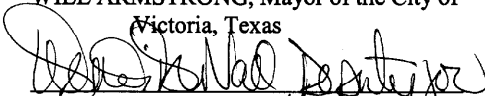
Caption:

AN ORDINANCE AMENDING SECTIONS 24-121 AND 24-122 OF THE  
VICTORIA CITY CODE TO CHANGE WATER AND SEWER FEES  
THEREIN; REPEALING PARTS OF CONFLICTING ORDINANCES;  
PROVIDING FOR CODIFICATION AND SAVINGS; PROVIDING FOR  
SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being  
no further business, the meeting was adjourned at 8:10 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
September 14, 2004

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong  
at 5:01 p.m. Tuesday, September 14, 2004 in the Council Chambers, 107 W. Juan Linn, Victoria,  
Texas. The pledge of allegiance was said, and all citizens were welcomed.