

**CITY COUNCIL MINUTES**

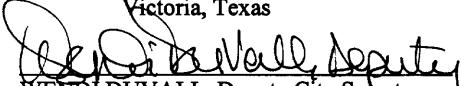
**September 21, 2004**

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the members of the Board of Directors of the Victoria County Appraisal District). Scarlet Swoboda.

The Council reconvened in regular session at 6:45 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 6:46 p.m.

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

ATTEST:   
WENDI DUVALL, Deputy City Secretary

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**VICTORIA CITY COUNCIL**  
**October 5, 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, October 5, 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  
Miles Risley, Assistant City Attorney  
John Johnston, Director, Public Works  
John Kaminski, Director, Planning  
Gilbert P. Reyna, Jr., Director, Finance  
Jerry James, Director, Environmental Services  
Rick Madrid, Building Official  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the special meeting of September 14, 2004 and the regular meeting of September 21, 2004 were approved as presented.

**CITIZENS COMMUNICATION**

The Victoria County 4-H Youth Ambassadors presented a basket of baked goods to the City Council and thanked them for their support. Mayor Armstrong presented a proclamation declaring October 3, 2004 through October 9, 2004 as "4-H Week in Victoria, Texas".

**ITEMS FROM COUNCIL**

Mayor Armstrong advised that the Bandstand in DeLeon Plaza should be completed by Christmas.

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CITY COUNCIL MINUTES  
October 5, 2004

**CITY MANAGER REPORTS**

**Emergency Force Main Repairs on Ben Jordan**

Lynn Short, Director of Utilities, advised that emergency force main repairs were required under the recently reconstructed section of Ben Jordan this morning, because the contractor working for Southwestern Bell bore through the force main. He advised that the two north bound lanes of traffic would be closed until Brannan Paving was able to make the repairs to the surface of the concrete street. Those repairs should be completed some time next week.

**Report on Bond Refinancing**

Bob Henderson, Managing Director of RBC Dain Rauscher, Inc. advised that \$8,665,000 of the series 1999 and series 2000 bonds would be refunded. He advised that those bonds were currently outstanding at an interest rate of 5.95%, but after negotiations with the underwriter, First Southwest Company, they were able to get a rate of 4.17%. The result being a total debt service savings of slightly over \$500,000 to the taxpayers of the City, with the net present value savings of \$383,875.03, or a savings of 4.45%. He advised that the annual debt savings would be between \$25,000 and \$30,000 per year.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following item:

**ORDINANCE 2004-15 - AUTHORIZING ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004**

The ordinance considers authorizing the issuance, sale and delivery of City of Victoria, Texas, General Obligation Refunding Bonds, Series 2004; approving and authorizing an official statement and the distribution thereof, a purchase contract, a paying agent/registrar agreement, and an escrow agreement; approving and authorizing all other instruments and procedures related thereto. Gilbert P. Reyna, Jr.

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

**ORDINANCE 2004-15 - AUTHORIZING ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004**

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2004-15, which authorizes the issuance, sale and delivery of City of Victoria, Texas, General Obligation Refunding Bonds, Series 2004; approves and authorizes an official statement and the distribution thereof, a purchase contract, a paying agent/registrar agreement, and an escrow agreement; approves and authorizes all other instruments and procedures related thereto. Emergency Reading. Gilbert P. Reyna, Jr.

Cm. Buckert moved that the ordinance pass on emergency reading, with Cm. Russell seconding the motion. The ordinance passed on emergency reading by the following vote:

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

NAYS: None

Caption:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF VICTORIA, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND THE DISTRIBUTION THEREOF, A PURCHASE CONTRACT, A PAYING AGENT/REGISTRAR AGREEMENT, AND AN**

CITY COUNCIL MINUTES

October 5, 2004

**ESCROW AGREEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**RESOLUTION 2004-168R – GRANTING A VARIANCE TO THE ITINERANT VENDORS, SOLICITORS, AND OUTDOOR SALES REQUIREMENTS AT THE VICTORIA HOLIDAY PARADE**

The resolution grants variances to sections 14-52(a), 14-55(a), 14-56(a), and 14-60 of the Victoria City Code, which govern the City's requirements for itinerant vendors, solicitors, and outdoor sales, to vendors operating at the City of Victoria Holiday Parade on December 4, 2004. Scarlet Swoboda.

**RESOLUTION 2004-169R – AUTHORIZING AN AGREEMENT WITH VICTORIA INDEPENDENT SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM**

The resolution authorizes an agreement with the Victoria Independent School District for the School Resource Officer (SRO) Program. Richard Jones.

**RESOLUTION 2004-170R – AUTHORIZING AN AGREEMENT WITH THE COMMUNITY ACTION COMMITTEE (CAC) FOR THE CDBG OWNER-OCCUPIED HOME REHABILITATION PROGRAM FOR ADMINISTRATIVE EXPENSES**

The resolution authorizes an agreement between the Community Action Committee (CAC) and the City of Victoria for administration of the Community Development Block Grant ("CDBG") Owner-Occupied Home Rehabilitation Program for FY 2004, in the amount of \$500,000, with a maximum of \$20,000 payable to CAC for administrative expenses. John Kaminski.

**RESOLUTION 2004-171R – GRANTING A VARIANCE TO THE MINIMUM LOT SIZE REQUIREMENTS AT 99 SANCHEZ ROAD OWNED BY JUAN AND LETICIA MANN**

The resolution grants a variance to Section 21-82(a)(1) of the Victoria City Code, which requires a minimum lot size of 6,000 square feet for a single-family residential lot, to Lot 1, Block 1 of the Leticia Subdivision No. 1, located at 99 Sanchez Road, which is owned by Juan and Leticia Mann. John Kaminski.

**RESOLUTION 2004-173R – AUTHORIZING CHANGE ORDER NUMBER 20 TO THE BEN JORDAN RECONSTRUCTION PROJECT CONTRACT WITH BRANNAN PAVING COMPANY, INC.**

The resolution authorizes Change Order Number 20 to the Ben Jordan Reconstruction Project contract with Brannan Paving Company, Inc., which will provide for additional work at intersecting railroad crossings to construct approaches thereto and perform traffic control related to Union Pacific's construction of concrete track crossings, and increase the amount of the contract by \$105,541.09, which will bring the revised contract amount to \$7,950,313.55. John Johnston.

Cm. Russell moved that resolutions 2004-168R, 2004-169R, 2004-170R, 2004-171R, and 2004-173R be adopted, with Cm. Wyatt seconding the motion. The resolutions were adopted by the following vote:

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

NAYS: None

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CITY COUNCIL MINUTES  
October 5, 2004

**RESOLUTION 2004-172R – GRANTING A VARIANCE TO THE FREESTANDING SIGN REQUIREMENTS AT 7006 N. NAVARRO OWNED BY CHIRAG PATEL D/B/A GOOSE DEVELOPMENT AND HAMPTON INN**

The resolution grants a variance from Section 5-153(a)(2) of the Victoria City Code, which limits the area of freestanding, on-premise signs to one square foot for each foot of the frontage of the lot, to the tract of property located at 7006 N. Navarro, Victoria, Texas, which is owned by Chirag Patel d/b/a Goose Development and Hampton Inn, conditioned on the total amount of freestanding signage fronting Navarro Street on said tract not exceeding 175 square feet. Rick Madrid.

Cm. Guittard moved that the resolution be adopted, with Cm. Neitsch 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

**ORDINANCE 2004-14 – AUTHORIZING THE TENTH AMENDMENT TO THE REGIONAL SOLID WASTE SANITARY LANDFILL OPERATIONS SERVICES CONTRACT WITH BROWNING-FERRIS, INC.**

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2004-14, which authorizes the Tenth Amendment to the Regional Solid Waste Sanitary Landfill Operations Services Contract between the City of Victoria and Browning-Ferris, Inc., the amendment provides for the adjustment of landfill operations services rates; amends Section 24-142 of the Victoria City Code to amend fees for landfill disposal services. Second and Third Reading. Jerry James.

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, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE TENTH AMENDMENT TO THE REGIONAL SOLID WASTE SANITARY LANDFILL OPERATIONS SERVICES CONTRACT BETWEEN THE CITY OF VICTORIA AND BROWNING-FERRIS, INC., WHICH AMENDMENT PROVIDES FOR THE ADJUSTMENT OF LANDFILL OPERATIONS SERVICES RATES; AMENDING SECTION 24-142 OF THE VICTORIA CITY CODE TO AMEND FEES FOR LANDFILL DISPOSAL SERVICES; REPEALING CONFLICTING PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.**

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

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2004-13, which amends Article XIII, "Signs" of Chapter 5 of the Victoria City Code to amend various sign regulations. Second Reading. John Kaminski.

Numerous auto dealers suggested that the proposed sign ordinance would harm their automobile businesses if pennants, flags, and balloons were not allowed. They advised that the auto manufacturers send promotional items which the local dealers pay for whether they are allowed to use them or not. Some suggested that the promotional items are needed to draw attention to their businesses.

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**CITY COUNCIL MINUTES**  
**October 5, 2004**

Bruce Eppinger, Planning Commissioner and Chairman of the Sign Ordinance Review Committee, advised that the 1982 sign ordinance had prohibitions for flags and other promotional items, and the current promotional items were already illegal but not enforceable. He stated that to allow signage like this would be to take a step backwards.

Cm. Russell moved to amend the ordinance to add in Section 5-156(e) balloons and inflatables, with Cm. Neitsch seconding the motion. The ordinance was amended by the following vote:

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

Cm. Buckert moved to amend the ordinance to change Section 5-158(d)(1) to 60 days, add a time limit of 60 days to Section 5-158(d)(2), and add a time limit of 60 days to Section 5-158(d)(3), with Cm. Russell seconding the motion. The ordinance was amended by the following vote:

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

Cm. Halepaska moved to amend the ordinance to add Section 5-156(f) to allow pennants, with Cm. Russell seconding the motion. The motion to amend the ordinance failed by the following vote:

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

Cm. Neitsch moved to amend the ordinance to allow streamers 365 days a year, with Cm. Russell seconding the motion. The motion to amend the ordinance failed by the following vote:

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

Cm. Buckert moved to amend the ordinance in Section 5-156(a) to change from two banners on light poles to allow only one banner per pole, with Cm. Guittard seconding the motion. The motion to amend the ordinance failed by the following vote:

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

Cm. Wyatt moved to amend the ordinance in Section 5-156(b)(2) to allow temporary banners, but require a \$150 application fee for a 60 day period, and allow the permit to be renewable up to two more 60 day periods, with Cm. Russell seconding the motion. The ordinance was amended by the following vote:

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

Cm. Russell moved to amend Section 5-158(d) to add a subsection (4) to make it unlawful to allow any pole or supporting structures to have rust visible from a public right-of-way and have a 60 day provision, with Cm. Neitsch seconding the motion. The ordinance was amended by the following vote:

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

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

CITY COUNCIL MINUTES  
October 5, 2004

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

Caption:

**AN ORDINANCE AMENDING ARTICLE XIII, "SIGNS" OF CHAPTER 5 OF THE VICTORIA CITY CODE TO AMEND VARIOUS SIGN REGULATIONS, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT AND A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 7:17 p.m., in accordance with:


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, possible condemnation of properties to be acquired along Navarro Street for the Navarro Street Water Main Replacement Project). 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, properties to be acquired along Navarro Street for the Navarro Street Water Main Replacement Project). Miles Risley.

The Council reconvened in regular session at 7:30 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 7:31 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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