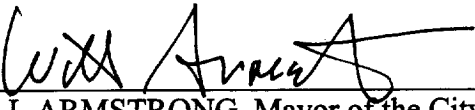



EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session.

There being no further business, the meeting was adjourned at 6:12 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
July 5, 2005**

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, July 5, 2005 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
- Shirley Buckert
- Jim Wyatt
- Tom Halepaska

MEMBERS ABSENT

- Bill Russell

STAFF PRESENT

- Denny Arnold, City Manager
- Charles Windwehen, Assistant City Manager
- David A. Smith, City Attorney
- Miles Risley, Senior Assistant City Attorney
- Andrew Jacobs, Assistant Director, Finance
- John Kaminski, Director, Planning
- Vance Riley, Director, Fire and EMS
- Steve Trevino, Director, IMS
- John Johnston, Director, Public Works
- Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of June 21, 2005 were approved as presented.

CITIZENS COMMUNICATION

Proclamation

Mayor Armstrong presented a proclamation declaring July 15, 2005 "Neighbor-to-Neighbor Day." This program administered by the Victoria Community Action Committee gives financial assistance to low income customers who need help in meeting home energy cost. Ralph Underbrink, representing CPL Retail Energy, advised that they match all residential customers' contributions to the locally administered program.

Keep Texas Beautiful Award

D'Cater Joseph, Phyllis Hunt and Emily Weatherly presented the City with the Keep Texas Beautiful "Gold Star Affiliate" award. Mr. Joseph advised that Victoria is one of over 330 towns,

CITY COUNCIL MINUTES**July 5, 2005**

cities, and counties in the statewide network taking responsibility to care for its community's environment. Keep Victoria Beautiful was commended for the programs they have implemented to prevent litter, minimize solid waste, beautify public areas, and educate citizens. In 2004 Keep Texas Beautiful introduced additional criteria, which required affiliates to share their mission and goals, answer questions about the public education programs, and provide a letter of support from their community. Victoria was one of seventy affiliates to receive "Gold Star" recognition.

Manufactured Homes

Tom Tucker, 112 Yucca, expressed concerns with a suggestion that the manufactured home ordinance should be changed to allow less stringent placement. He stated that as a real estate broker it has been his experience that manufactured housing does not appreciate in value, nor was he aware of any instances where it helped the adjoining property owners to appreciate either. He recommended leaving the current ordinance like it is, however, if there were any changes he would prefer that the Federal Housing Administration (FHA) guidelines be added for more stringent requirements.

John Clegg, 3377 Lower Mission Valley Road, stated that the idea of placing manufactured homes on vacant lots in the City came about because of discussions at the Keep Victoria Beautiful board meetings and what could be done with those lots. He advises that he had been in the manufactured home business for 35 years. He stated that there are a lot of vacant lots in Victoria that would never have a structure on them unless this ordinance is changed. He advised that the current ordinance allows that a manufactured home may be put anywhere in the city as long as the person owns the land and the home is owner-occupied. He shared a story about a young couple that wanted to place a manufactured home on land owned by an aunt, but there were too many heirs and they were unable to get clear title to the land, so the whole deal failed. He suggested that if a person wanted to put a manufactured home on a lot, there should be a requirement that the home they were putting in is equal to or exceeds the average value of the surrounding homes. He stated that his suggestion would mainly apply to areas in the older part of town.

Frank Snyder, 307 S. Glass, expressed opposition to changing the ordinance, stating that no mobile home will increase the value of a neighborhood. Robert Young, 703 Kelly Crick, also expressed opposition to loosening the manufactured home ordinance in any way. He stated that if anything the ordinance should be tighter as to where manufactured homes are placed, they should be placed in mobile home parks in almost all instances.

Helen Walker, 407 E. Santa Rosa, expressed concerns with manufactured homes in old Victoria and the affects it would have on revitalizing the downtown historic area. She stated that there may be areas that mobile homes may be considered, but not in old historic Victoria. Gary Hall, 309 E. Santa Rosa, also expressed opposition to placing manufactured homes in the historic district.

ITEMS FROM COUNCIL

There were none.

CITY MANAGER REPORTS

Denny Arnold, City Manager, reported that the City is in an electric consortium, which joins with other organizations to buy electric service for City government. The estimated savings for 2004 was approximately \$561,000, which is about a 27% savings.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2004-2005F – AMENDING CITY BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE SWAN CROSSING PROJECT

The ordinance considers amending the 2004-2005 Fiscal Year Budget by \$125,000 to provide additional funding for the construction of the Swan Crossing project. These funds will be used in combination with the Federal Emergency Management Agency (FEMA) flood buyout

CITY COUNCIL MINUTES

July 5, 2005

administration funds and Community Development Block Grant (CDBG) funds. There would be fifty-five lots proposed for development. Andrew Jacob.

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

RESOLUTION 2005-92R – GRANTING A VARIANCE TO THE ELECTRICAL CODE AT 3901 N. MAIN STREET OWNED BY JESSE PENDLETON AND JO ANN SANDLIN

The resolution grants a variance to Section 5-103(1)2 of the Victoria City Code, which modifies the application of the National Electrical Code in Victoria to prohibit the use of non-metallic sheathed cable wiring in business occupancies, to Lot 1, Block 1, North Main Subdivision, located at 3901 N. Main Street, which is owned by Jesse Pendleton and Jo Ann Sandlin. Steve Trevino.

David A. Smith, City Attorney, advised that Cm. Buckert had signed and filed a conflict of interest affidavit with the City Secretary and would not participate in any discussion or voting on this resolution.

Steve Trevino, Director of IMS, advised that the national standard already allows for non-metallic sheathed cable in business occupancies, however, a local ordinance prohibits its use. He advised that the Electrical Board of Adjustments and Appeals recommended denial of the variance.

Arthur Buckert, 414 Charleston, stated that the building was almost completely rewired approximately eighteen years ago when it was converted from commercial property into a residence. He further explained that without the variance the purchase of the property would not be feasible.

Cm. Neitsch 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, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None
 ABSTENTIONS: Council Member Buckert

RESOLUTION 2005-93R – RENEWING THE ANNUAL SUPPLY CONTRACT FOR GAS AND DIESEL FUELS WITH NEW DISTRIBUTING CO, INC.

The resolution renews the annual supply contract for gasoline and diesel fuels with New Distributing Co., Inc., of Victoria, Texas in the amount of the Victoria/Placedo Oil Price Information Service (OPIS) daily average price for an estimated total amount of approximately \$700,000. Steve Trevino.

Cm. Wyatt 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, Buckert, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None

RESOLUTION 2005-94R – AUTHORIZING THE PURCHASE OF PROPERTIES AND/OR EASEMENTS FOR THE PROPOSED LANDFILL EXPANSION PROJECT

The resolution authorizes the City Manager to execute offers and contracts for the purchase of property and/or easements for the proposed Landfill Expansion from Brian Gene Adamek of Victoria County, Texas, Elaine Marie Pierce, nee Elaine Marie Adamek, of Covington, Louisiana, and USDA Farm Service Agency of Wharton County, Texas, in an amount not to exceed \$132,800, authorizes the acquisition of other interests in said project and/or property(ies), and authorizes the acceptance of deeds and other documents granting interests in the aforementioned property(ies) and/or easement(s). David A. Smith.

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Cm. Buckert 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, Buckert, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

ORDINANCE 2005-11 – AMENDING THE CITY’S TOW TRUCK ORDINANCE

City Attorney, David A. Smith, read the caption of Ordinance 2005-11, which amends Section 23-61(c)(2) and Section 23-75 of the Victoria City Code to modify the privilege fees for members of the City’s tow truck rotation list and establish maximum allowable rates for the members of said rotation list. Second and Third Reading. Scarlet Swoboda.

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

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

Caption:

AN ORDINANCE AMENDING SECTION 23-61(C)(2) AND SECTION 23-75 OF THE VICTORIA CITY CODE TO MODIFY THE PRIVILEGE FEES FOR MEMBERS OF THE CITY’S TOW TRUCK ROTATION LIST AND ESTABLISH MAXIMUM ALLOWABLE RATES FOR THE MEMBERS OF SAID ROTATION LIST, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2004-2005F – AMENDING CITY BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE SWAN CROSSING PROJECT

City Attorney, David A. Smith, read the caption of Ordinance 2004-2005F, which amends the 2004-2005 Fiscal Year Budget of the City of Victoria by transferring \$125,000 from the General Fund fund balance to the Non-Departmental Transfer to CDBG Fund Line Item, to provide additional funding for the construction of the Swan Crossing Project. First Reading. Andrew Jacob.

Cm. Buckert 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, Buckert, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2004-2005 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$125,000 FROM THE GENERAL FUND FUND BALANCE TO THE NON-DEPARTMENTAL TRANSFER TO CDBG FUND LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE CONSTRUCTION OF THE SWAN CROSSING PROJECT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WORK SESSION

Mayor Armstrong announced that the Council would recess into a Work Session at 5:46 p.m. to discuss the following items:

Manufactured Home Regulations

Denny Arnold, City Manager, advised that the City does not own many lots that are out of the flood plain, and those in the flood plain could not be built on anyway. He advised that there are some vacant lots in the City, but not owned by the City.

There was discussion concerning whether some of the weedy lots that were foreclosed on could be sold. David A. Smith, City Attorney, advised that they could be put up for auction, however, if they do not sell then they are put into the county trust and sold that way. Cm. Buckert asked if there was a way to assist people trying to purchase these properties so that they could return to the tax rolls. Mr. Smith stated that the public information officer could put together some information that could then be placed on the city website concerning foreclosed property. He explained, however, that in a lot of cases there is no way to contact all of the heirs to a piece of property because several generations have passed and without a clear title to these properties, lenders are not likely to lend.

It was the general consensus of the Council to leave the current ordinance as is. Several stated that they had received overwhelming opposition from citizens concerning any changes to the placement of manufactured housing in the City. Cm. Wyatt stated that generally the properties that are owner-occupied tend to be better maintained, whereas, those that turn into rental property tend to get more run down. Members of Council were not opposed to getting those properties into the hands of people interested in purchasing them. Cm. Halepaska inquired whether a sign could be placed on foreclosed property with information that it would be sold at auction. Others on Council thought that might be a good idea.

Council took a short break at 6:03 p.m. and reconvened at 6:13 p.m.

Capital Improvement Program

Charles Windwehen, Assistant City Manager, recommended setting aside the \$1,108,000 expected to be available in the General Fund fund balance for capital projects until it becomes clear which projects are selected for implementation. He advised that several projects could become priorities in the next year or two, such as North Cross Drive, Laurent Street Phase I, Youth Sport Complex, John Stockbauer Drive-south of Business 59 to Industrial Park or Loop (Highway 59) and possibly others. A second recommendation would be to consider funding the \$35,000 for Riverside Stadium Renovations. Yet another recommendation would be to engage an engineer to perform pre-engineering for Laurent Phase I, which would keep the project moving forward. Cost estimate for the pre-engineering is \$330,000, which would come from proceeds of the 2005 Certificates of Obligation.

Mayor Armstrong stated that he agreed with staff recommendations on the Laurent Street Phase I pre-engineering. He also stated that some serious funds would be needed if the north part of town starts to develop as rapidly as anticipated.

Cm. Buckert questioned whether reclaim and overlay was necessary for South Navarro. John Johnston, Director of Public Works, advised that the volume of traffic on South Navarro has increased since the opening of Navarro Street Underpass and is getting in pretty bad shape.

Projects that Council agreed should be included in the budget were: Riverside Stadium Renovations, Laurent Street Phase I pre-engineering, and Red River Heights Project.

EXECUTIVE SESSION

Mayor Armstrong announced that the Work Session was adjourned and the Council would recess into Executive Session at 6:29 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, legal issues concerning North Cross Drive and the acquisition of landfill-related property and water rights). David A. Smith.

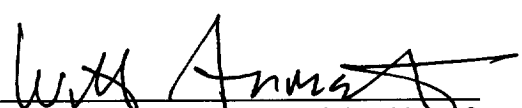
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Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person (including, but not limited to, North Cross Drive and the value of landfill-related property and water rights to real property). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment of members of the City of Victoria's Plumbing Board of Adjustments & Appeals, Planning Commission, and the appointment, employment, evaluation, and duties of the personnel for administration issues.) Scarlet Swoboda.

The Council reconvened in regular session at 9:03 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 9:04 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
