

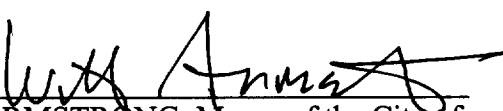
**CITY COUNCIL MINUTES
July 5, 2005**


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

**VICTORIA CITY COUNCIL
July 19, 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 19, 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
David A. Smith, City Attorney
Miles Risley, Senior Assistant City Attorney
Gilbert P. Reyna, Jr., Director, Finance
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Richard Jones, Chief of Police
Jerry James, Director, Environmental Services
Lynn Short, Director, Utilities
Rick Madrid, Building Official
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of July 5, 2005 were approved as presented.

CITIZENS COMMUNICATION

Phyllis Hunt, 106 Windcrest, announced that Mona Foust, Director of the Victoria Visitors Bureau, was honored recently with the "Texas Festivals and Events Association Hall of Honor Lifetime Achievement Award." Ms. Hunt advised that this is the highest honor that anyone is given in this organization, and is based on the body of work of individuals in the festival and events industry.

CITY MANAGER REPORTS**Status Report on Existing Tax Abatements**

Dale Fowler, Executive Director of the Victoria Economic Development Corporation, distributed an update on the four tax abatements approved by the City. He reported that Sonoco Products was the only active abatement, with only one year left. The other three are Gemco, Elder Distributing, and KDT Partnerships, with their abatements going into affect at the end of this year.

RESOLUTION 2005-97R – GRANTING A VARIANCE TO THE SIGN ORDINANCE AT 6003 N. NAVARRO OWNED BY STAR OF TEXAS AUTOMOTIVE RETAILERS PROPERTIES, L.P.

The resolution grants a variance from Section 5-153(a)(1) of the Victoria City Code, which limits the number of freestanding, on-premise signs to one per lot which fronts a public street, to Lot 1, Block 1 of the Jordan Motor Company Subdivision, located at 6003 N. Navarro Street (currently used as a Nissan dealership), which is owned by Star of Texas Automotive Retailers Properties, L.P., conditioned on the construction of no more than two freestanding signs on said lot facing Navarro Street. Rick Madrid.

Cm. Wyatt moved that the resolution be adopted, with Cm. Guittard 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 2005-98R – AUTHORIZING THE PURCHASE OF NINE AIRONET 1410 TRANSMITTERS FROM INTERNETWORK EXPERTS USING FUNDS FROM THE 2004 HOMELAND SECURITY PROGRAM GRANT

The resolution authorizes the purchase of nine Aironet 1410 transmitters in an amount not to exceed \$2,999.40 apiece and eleven annual service contracts in an amount not to exceed \$320 apiece (two of which are expected to service transmitters purchased with the Pre-2004 State Homeland Security Grant), from Internetwork Experts, to be purchased using funds from the 2004 State Homeland Security Program Grant, in a total amount not to exceed \$30,514.60. Richard Jones and Lynn Short.

Cm. Wyatt moved that the resolution be adopted, with Cm. Guittard 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 2005-99R – DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR THE CITY OF VICTORIA

The resolution directs the publication of Notice of Intention to Issue Certificates of Obligation for the City of Victoria, in an amount not to exceed \$14,250,000. Gilbert P. Reyna.

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

CITY COUNCIL MINUTES

July 19, 2005

RESOLUTION 2005-100R – AUTHORIZING CONTRACT NEGOTIATIONS WITH TEXAS LANDFILL MANAGEMENT L.L.C. / TEXAS ORGANIC PRODUCTS FOR COMPOSTING SERVICES

The resolution authorizes City Staff to enter contract negotiations with Texas Landfill Management L.L.C. / Texas Organic Products for composting services at the Victoria Regional Airport composting site. Jerry James.

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 2005-101R – ACCEPTING BASE RATE ADJUSTMENTS FILED BY CENTERPOINT ENERGY

The resolution to accept natural gas service base rate adjustments filed by CenterPoint Energy was postponed. Scarlet Swoboda.

Kevin Bodden, CenterPoint Energy Representative, advised that CenterPoint Energy had not substantially revised their general rates in over 20 years. He stated that recently the Railroad Commission of Texas conducted an extensive review of CenterPoint Energy residential general service rates in the South Texas Division. That review resulted in uniform rates going into affect on April 25, 2005 for unincorporated areas. CenterPoint Energy was requesting that the Council approve the same rates that were in the "Statement of Intent Packet" filed on June 30, 2005, which would make the rates uniform throughout the South Texas Division. The proposed increase would raise the customer's bill by approximately 7%.

There were some concerns voiced by members of Council. David A. Smith, City Attorney, advised Council that if they chose to attempt altering the rates proposed by CenterPoint Energy they would have to take their concerns before the Railroad Commission.

Cm. Wyatt moved to postpone the resolution, with Cm. Buckert seconding the motion. The resolution was postponed by the following vote:

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

NAYS: None

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. Second and Third Reading. Andrew Jacob.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Halepaska seconding the motion. The ordinance passed on second and third 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

July 19, 2005

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.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:34 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 property adjacent to Leary Lane / Dean Cook Drive / Mockingbird Lane, brush site & landfill-related property). David A. Smith.

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, the value of property adjacent to Leary Lane / Dean Cook Drive / Mockingbird Lane, brush site & landfill-related 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 and Planning Commission). Scarlet Swoboda.

The Council reconvened in regular session at 6:26 p.m. and considered the following:

RESOLUTION 2005-95R – APPOINTING ONE MEMBER TO THE PLUMBING BOARD OF ADJUSTMENTS AND APPEALS

The resolution reappoints Ray Caraway to the Plumbing Board of Adjustments and Appeals. Scarlet Swoboda.

Cm. Neitsch moved that the resolution be adopted, with Cm. Buckert 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 2005-96R – APPOINTING THREE MEMBERS TO THE PLANNING COMMISSION

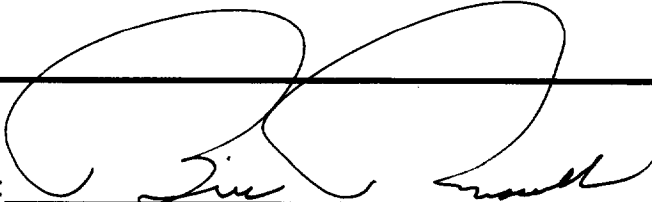
The resolution to appoint three members to the Planning Commission was postponed. Scarlet Swoboda.

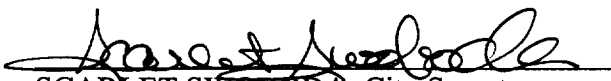
Cm. Buckert moved to postpone the resolution, with Cm. Neitsch seconding the motion. The resolution was postponed by the following vote:

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

There being no further business, the meeting was adjourned at 6:27 p.m.

CITY COUNCIL MINUTES
July 19, 2005

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

ATTEST: 
SCARLET SWOBODA, City Secretary
