

**VICTORIA CITY COUNCIL**  
**August 9, 2005**

**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, August 9, 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

**STAFF PRESENT**

Denny Arnold, City Manager  
Charles Windwehen, Assistant City Manager  
David A. Smith, City Attorney  
Miles Risley, Senior Assistant City Attorney  
John Johnston, Director, Public Works  
John Kaminski, Director, Planning  
Lynn Short, Director, Utilities  
Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Bill Russell

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2005-15 – CALLING A JOINT SPECIAL ELECTION ON NOVEMBER 8, 2005, FOR ESTABLISHING A TAX FREEZE ON THE HOMESTEAD OF A PERSON WHO IS DISABLED OR IS 65 YEARS OF AGE OR OLDER**

The ordinance considers calling a Joint Special Election with County of Victoria, County of Victoria Junior College District, and Victoria County Groundwater District, on November 8, 2005, for consideration of whether to establish a limitation on the amount of ad valorem taxes imposed on the homestead of a person who is disabled or is 65 years of age or older and receives a residence homestead exemption. Scarlet Swoboda.

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

**ORDINANCE 2005-16 – CALLING A JOINT SPECIAL ELECTION ON NOVEMBER 8, 2005 ON WHETHER THE CITY COUNCIL SHOULD APPROVE AN ORDINANCE BANNING SMOKING IN RESTAURANTS OTHER THAN BARS**

The ordinance considers calling a Joint Special Election with County of Victoria, County of Victoria Junior College District, and Victoria County Groundwater District, on November 8, 2005, for a non-binding referendum on whether the City Council should approve an ordinance banning smoking in restaurants other than bars. Scarlet Swoboda.

The following individuals spoke in favor of the ordinance: Lisa Campbell, 213 Woodlands Lane, Susan Rodriguez, 209 Yucca, Geraldine McCaskill, 2603 E. Poplar, and Taylor Starkey, 404 W. Guadalupe. Dr. Starkey asked that Council consider including a ban in recreational facilities where minors frequent as an amendment to the ordinance.

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

**ORDINANCE 2005-17 – DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF LOT 1, BLOCK 1, OF NORTH SIDE CENTER SUBDIVISION**

The ordinance considers declaring a public necessity for the acquisition of Lot 1, Block 1, of North Side Center Subdivision and authorizing the City Manager to execute offers and contracts in an amount not to exceed \$680,322 for said property. David A. Smith.

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Bonnie Fortenberry, 603 Newhaven, Owner of Kwik Kar Oil and Lube, stated that she hoped the Council would be fair with them in determining the value of their property.

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

**RESOLUTION 2005-106R – DELIVERING CALCULATED EFFECTIVE TAX RATE DATA AND AUTHORIZING PUBLICATION OF THE “NOTICE OF EFFECTIVE TAX RATE”**

The resolution authorizes delivery of the calculated effective tax rate data and authorizes the publication of the “Notice of Effective Tax Rate” schedules in accordance with Section 26.04 of the Texas Property Tax Code and State Property Tax Board Rules. The notice would be published August 14, 2005 and posted on the City Website. Gilbert P. Reyna, Jr.

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 2005-107R – PROPOSING A TAX RATE OF \$.69 PER \$100 VALUATION**

The resolution proposes a tax rate of \$.69 per \$100 valuation, places a proposal to adopt the rate on the agenda of a future meeting as an action item, and calls for public hearings for this proposed tax rate on August 23, 2005 and August 30, 2005. Gilbert P. Reyna, Jr.

Cm. Wyatt moved to amend the resolution to include the effective rate of .6757, and change the first vote from August 30, 2005 to September 6, 2005, and second and final vote on September 20, 2005, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

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

Cm. Buckert moved that the resolution be adopted, with Cm. Guittard seconding the motion. The resolution was adopted, as amended, by the following vote:

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

**ORDINANCE 2005-12 – AMENDING SECTIONS 24-121 AND 24-122 OF THE VICTORIA CITY CODE TO MODIFY WATER AND WASTEWATER RATES FOR 6 INCH AND 8 INCH WATER METERS**

City Attorney, David A. Smith, read the caption of Ordinance 2005-12, which amends Sections 24-121 and 24-122 of the Victoria City Code to change water and sewer fees therein. Second and Third Reading. Lynn Short.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Buckert 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

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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**

**ORDINANCE 2005-13 – AUTHORIZING THE ACQUISITION OF A 0.1700 ACRE DRAINAGE EASEMENT AND A .02513 ACRE ACCESS EASEMENT FOR THE LONE TREE ACRES SUBDIVISION**

City Attorney, David A. Smith, read the caption of Ordinance 2005-13, which declares a public necessity for the acquisition of a 0.1700 acre drainage easement and a 0.2513 acre access easement in the Patrick Dowlen Survey, Abstract 156, Victoria County, Texas, as more particularly described in Attachment "A" of this ordinance for the public purpose of drainage of the Lone Tree Acres Subdivision, authorizes all appropriate action of the City of Victoria in the institution and prosecution of condemnation proceedings to acquire this needed property, authorizes the City Manager to execute offers and contracts for the purchase of property interests from the owners thereof, authorizes the acceptance of deeds and other instruments, authorizes the joinder of all persons with rights in the aforementioned property, authorizes all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to survey, test, specify, define and secure the necessary property rights, declares the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid, and declares an effective date. Second and Third Reading. David A. Smith.

Cm. Buckert moved that the ordinance pass on second and third reading, with Cm. Neitsch 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 DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A 0.1700 ACRE DRAINAGE EASEMENT AND A 0.2513 ACRE ACCESS EASEMENT IN THE PATRICK DOWLEN SURVEY, ABSTRACT 156, VICTORIA COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT "A" OF THIS ORDINANCE FOR THE PUBLIC PURPOSE OF DRAINAGE OF THE LONE TREE ACRES SUBDIVISION, AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY OF VICTORIA IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THIS NEEDED PROPERTY, AUTHORIZING THE CITY MANAGER TO EXECUTE OFFERS AND CONTRACTS FOR THE PURCHASE OF PROPERTY INTERESTS FROM THE OWNERS THEREOF, AUTHORIZING THE ACCEPTANCE OF DEEDS AND OTHER INSTRUMENTS, AUTHORIZING THE JOINDER OF ALL PERSONS WITH RIGHTS IN THE AFOREMENTIONED PROPERTY, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, TEST, SPECIFY, DEFINE AND SECURE THE NECESSARY PROPERTY RIGHTS, DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID, AND DECLARING AN EFFECTIVE DATE.**

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**ORDINANCE 2005-14 – AUTHORIZING THE ACQUISITION OF 210.90 ACRE TRACT OF LAND FOR THE EXPANSION OF VICTORIA’S LANDFILL**

City Attorney, David A. Smith, read the caption of Ordinance 2005-14, which declares a public necessity for the acquisition of a 210.90 acre tract of land in the Polito Castillo Grant, Abstract 17 and the Desiderio Garcia Survey, Abstract 38, as more particularly described in Exhibit “A” of this ordinance for the public purpose of expanding Victoria’s landfill, authorizes all appropriate action of the City of Victoria in the institution and prosecution of condemnation proceedings to acquire this needed property, authorizes the City Manager to execute offers and contracts for the purchase of property interests from the owners thereof, authorizes the acceptance of deeds and other instruments, authorizes the joinder of all persons with rights in the aforementioned property, authorizes all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to survey, test, specify, define and secure the necessary property rights, declares the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid, and declares an effective date. Second and Third Reading. David A. Smith.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Buckert 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 DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A 210.90 ACRE TRACT OF LAND IN THE POLITO CASTILLO GRANT, ABSTRACT 17 AND THE DESIDERIO GARCIA SURVEY, ABSTRACT 38, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” OF THIS ORDINANCE FOR THE PUBLIC PURPOSE OF EXPANDING VICTORIA’S LANDFILL, AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY OF VICTORIA IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THIS NEEDED PROPERTY, AUTHORIZING THE CITY MANAGER TO EXECUTE OFFERS AND CONTRACTS FOR THE PURCHASE OF PROPERTY INTERESTS FROM THE OWNERS THEREOF, AUTHORIZING THE ACCEPTANCE OF DEEDS AND OTHER INSTRUMENTS, AUTHORIZING THE JOINDER OF ALL PERSONS WITH RIGHTS IN THE AFOREMENTIONED PROPERTY, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, TEST, SPECIFY, DEFINE AND SECURE THE NECESSARY PROPERTY RIGHTS, DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2005-15 – CALLING A JOINT SPECIAL ELECTION ON NOVEMBER 8, 2005, FOR CONSIDERATION OF THE HOMESTEAD OF A PERSON WHO IS DISABLED OR IS 65 YEARS OF AGE OR OLDER**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2005-15, which calls a Joint Special Election with County of Victoria, County of Victoria Junior College District, and Victoria County Groundwater District, on November 8, 2005, for consideration of authorizing the City of Victoria, Texas to establish a limitation on the amount of ad valorem taxes imposed on the homestead of a person who is disabled or is 65 years of age or older and receives a residence homestead exemption, as authorized by Article VIII, Section 1-b(h) of the Texas Constitution formerly known as Proposition 13; establishes procedures for holding the election; designates the precincts and polling places for the election; appoints certain officers to conduct the election; provides for the sharing of expenses. First Reading. Miles Risley.

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Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Buckert 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 CALLING A JOINT SPECIAL ELECTION WITH COUNTY OF VICTORIA, COUNTY OF VICTORIA JUNIOR COLLEGE DISTRICT, AND VICTORIA COUNTY GROUNDWATER DISTRICT, ON NOVEMBER 8, 2005, FOR CONSIDERATION OF AUTHORIZING THE CITY OF VICTORIA, TEXAS TO ESTABLISH A LIMITATION ON THE AMOUNT OF AD VALOREM TAXES IMPOSED ON THE HOMESTEAD OF A PERSON WHO IS DISABLED OR IS 65 YEARS OF AGE OR OLDER AND RECEIVES A RESIDENCE HOMESTEAD EXEMPTION, AS AUTHORIZED BY ARTICLE VIII, SECTION 1-B(H) OF THE TEXAS CONSTITUTION FORMERLY KNOWN AS PROPOSITION 13; ESTABLISHING PROCEDURES FOR HOLDING THE ELECTION; DESIGNATING THE PRECINCTS AND POLLING PLACES FOR THE ELECTION; APPOINTING CERTAIN OFFICERS TO CONDUCT THE ELECTION; PROVIDING FOR THE SHARING OF EXPENSES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE 2005-16 – CALLING A JOINT SPECIAL ELECTION ON NOVEMBER 8, 2005 ON WHETHER THE CITY COUNCIL SHOULD APPROVE AN ORDINANCE BANNING SMOKING IN RESTAURANTS OTHER THAN BARS**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2005-16, which calls a Joint Special Election with County of Victoria, County of Victoria Junior College District, and Victoria County Groundwater District, on November 8, 2005, for a referendum on whether the City Council of Victoria, Texas should approve an ordinance banning smoking in restaurants other than bars; establishes procedures for holding the election; designates the precincts and polling places for the election; appoints certain officers to conduct the election; provides for the sharing of expenses. First Reading. Miles Risley.

Cm. Buckert moved that the ordinance pass on first reading. The motion died for lack of a second

**ORDINANCE 2005-17 – DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF LOT 1, BLOCK 1, OF NORTH SIDE CENTER SUBDIVISION**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2005-17 which declares a public necessity for the acquisition of Lot 1, Block 1, of North Side Center Subdivision, City of Victoria, Victoria County, Texas, for the public purpose of constructing a street, sidewalks, traffic control facilities, and drainage facilities, authorizes all appropriate action of the City of Victoria in the institution and prosecution of condemnation proceedings to acquire this needed property, authorizes the City Manager to execute offers and contracts for the purchase of property interests from the owners thereof, authorizes the acceptance of deeds and other instruments, authorizes the joinder of all persons with rights in the aforementioned property, authorizes all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to survey, test, specify, define and secure the necessary property rights, declares the sections of the ordinance to be severable one from the other in the event any section of this ordinance is determined to be invalid, and declares an effective date. First Reading. David A. Smith.

Cm. Wyatt 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

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Caption:

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF LOT 1, BLOCK 1, OF NORTH SIDE CENTER SUBDIVISION, CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, FOR THE PUBLIC PURPOSE OF CONSTRUCTING A STREET, SIDEWALKS, TRAFFIC CONTROL FACILITIES, AND DRAINAGE FACILITIES, AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY OF VICTORIA IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THIS NEEDED PROPERTY, AUTHORIZING THE CITY MANAGER TO EXECUTE OFFERS AND CONTRACTS FOR THE PURCHASE OF PROPERTY INTERESTS FROM THE OWNERS THEREOF, AUTHORIZING THE ACCEPTANCE OF DEEDS AND OTHER INSTRUMENTS, AUTHORIZING THE JOINDER OF ALL PERSONS WITH RIGHTS IN THE AFOREMENTIONED PROPERTY, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, TEST, SPECIFY, DEFINE AND SECURE THE NECESSARY PROPERTY RIGHTS, DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID, 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 5:26 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
August 16, 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, August 16, 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  
Bill Russell arrived at 5:13 p.m.  
Shirley Buckert  
Jim Wyatt

STAFF PRESENT

Denny Arnold, City Manager  
Charles Windwehen, Assistant City Manager  
David A. Smith, City Attorney  
Miles Risley, Senior Assistant City Attorney  
John Johnston, Director, Public Works  
Ray Miller, Assistant Planning Director  
Richard Jones, Chief of Police