

CITY COUNCIL MINUTES

August 30, 2005

The Council reconvened in regular session at 6:58 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 6:59 p.m.

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

ATTEST: Scarlet Swoboda  
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
September 6, 2005

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, September 6, 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  
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  
Gilbert P. Reyna, Jr., Director, Finance  
Rafael De La Garza, Fire Captain  
James Stewart, Director, Library  
Charmelle Garrett, Director, Human Resources  
Lynn Short, Director, Utilities  
Steve Trevino, Director, IMS  
David Martyn, Emergency Management  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of August 9, 2005, the regular meeting of August 16, 2005 and the special meeting of August 23, 2005 were approved as presented.

CITIZENS COMMUNICATION

Taylor Starkey, M.D., owner of the Texas Health Center, spoke in reference to the resolution authorizing fitness testing of fire & EMS employees. He stated that the Texas Health Center does the majority of industrial medicine testing in the area and has the expertise, so when he saw in the newspaper that the City was going to spend \$51,000 for testing of existing employees it seemed like a lot of testing. He researched what types of tests were to be done and questioned the need for some of them. He acknowledged that the grant money would be used in large part for the purchase of exercise equipment for the fire and EMS employees, which they need to be in top shape to perform their jobs. He suggested that if the City was going to go out for bid for testing the fire and EMS employees, pre-employment screenings should be opened up for private bid as well. He stated that he would have welcomed the opportunity to bid on this project, stating that he was told a bid

**CITY COUNCIL MINUTES****September 6, 2005**

package was mailed out to him, but he stated that he never received it. He did however support voting for the approval of the grant because the majority of the fitness equipment would be purchased with the grant.

Denny Arnold, City Manager, suggested that maybe the local medical director at the Health Department could be consulted to get his guidance to determine whether tests of this kind were necessary if not mandated from higher government levels for firemen, emergency medical technicians, and paramedics.

**ITEMS FROM COUNCIL**

Cm. Buckert stated that because of the price of gas, staff may want to consider once a week garbage collection as a means of cost savings.

**CITY MANAGER REPORT****Hurricane Katrina Aid**

David Martyn, Emergency Management Coordinator, advised that the business community, churches, and volunteer organizations held a meeting to coordinate their efforts to aid those affected and relocated from Louisiana and Mississippi because of Hurricane Katrina.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2004-2005G – AMENDING THE FISCAL YEAR 2004-2005 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE CITY'S HEALTH PLAN FUND**

The ordinance considers amending the Fiscal Year 2004-2005 Budget's General Fund, Water/Wastewater Fund, and Environmental Services Fund to provide additional funding for the City's Health Plan Fund in the amount of \$200,000. Andrew Jacob.

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

**ORDINANCE 2005-20 – SETTING THE TAX RATE FOR THE 2005 TAX YEAR AT \$0.69 PER \$100**

The ordinance considers setting the tax rate for 2005 Tax Year at \$0.69 per \$100. Gilbert P. Reyna, Jr.

Jack A. Mullins, 224 Ridgewood Drive, pointed out that the agenda listed the wrong fiscal year and questioned the legality of considering this item. The Finance Director advised that the public notice in the newspaper was correct and should not cause any problems and although the agenda was printed incorrectly the ordinance itself had the correct information.

Mr. Mullins advised that he had spent several hours looking through the Victoria Sales Tax Development Corporations (VSTDC) minutes, and suggested that it was just an arm of the City Council. He stated that VSTDC had been doing a lot of projects that went beyond streets and drainage. David A. Smith, City Attorney, advised that VSTDC was a separate corporation, separately formed and the public hearing was on setting the tax rate for the City of Victoria. Mr. Mullins stated that VSTDC takes their direction from the City Council or Victoria Economic Development Corporation (VEDC) and there was hardly a project that had not been brought up by one or the other. Mr. Mullins stated that for years and years the City had allocated money to the Texas Zoo to prop it up, and once again money was being given for the same thing. He also suggested that money that has gone for economic development has not been very well spent. He stated that things like the sports facilities, is the type of thing that is nice to have if you have a lot of extra money, but as long as you have street and drainage issues, those other things should be off the table. He stated that there was a 5% increase in property valuation, and as required by state law a motion had to be made to increase property taxes, which is what City Council was going to do. He stated that the City has a big roll in appointing the people in the appraisal district, whereas the

CITY COUNCIL MINUTES

September 6, 2005

citizens do not and they can not handle the constant rise in taxes. He suggested cutting back the tax rate to negate the rise in property valuation.

Charles Windwehen, Assistant City Manager, advised that the tax base revaluation increase was 2.1% this year with 1.1% growth from new construction, for a total 3.2% increase. It was pointed out that the revaluation was required by the state and all the districts should hit certain percentages of 98.5% of full valuation, otherwise the state would withhold funds from the local school districts. It was further pointed out that state law requires the City Council to approve all transactions of the VSTDC.

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

**ORDINANCE 2005-21 – AMENDING THE SCHEDULE OF RATES FOR TAXICAB SERVICES**

The ordinance considers amending the schedule of rates for taxicab services, which would increase the rate by \$0.30 per mile. Scarlet Swoboda.

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

**RESOLUTION 2005-121R – ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**

The resolution adopts the National Incident Management System (NIMS), published by the U.S. Department of Homeland Security on March 1, 2004. David Martyn.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2005-122R – AWARDING THE BROWNSON STREET WATER LINE REPLACEMENT PROJECT TO FALCON LEASE OPERATING COMPANY**

The resolution awards the Brownson Street Water Line Replacement Project to Falcon Lease Operating Company, of Victoria, Texas for their low bid of \$367,860. Lynn Short.

Cm. Russell 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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2005-123R – AWARDING THE 2004-2005 WATER VALVE AND FIRE HYDRANT MAINTENANCE PROJECT TO METRO SERVICE CONSULTANTS, INC.**

The resolution awards the 2004-2005 Water Valve and Fire Hydrant Maintenance Project to Metro Service Consultants, Inc. of League City, Texas for their low bid of \$53,783. Lynn Short.

Cm. Wyatt 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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

## CITY COUNCIL MINUTES

September 6, 2005

**RESOLUTION 2005-124R – AWARDING BIDS FOR ANNUAL SUPPLY CONTRACTS FOR VARIOUS CHEMICALS TO ALTIVIA, INC., KEMIRON COMPANIES, INC., BRENNTAG SOUTHWEST AND BAY CHEMICAL COMPANY, INC.**

The resolution awards bids for annual supply contracts to (1) Altivia, Inc. of Houston, Texas for Aluminum Sulfate with Copper Sulfate in the amount of \$92.45 per liquid ton for a total of approximately \$129,430, for Sodium Chlorite in the amount of \$643.80 per liquid ton for a total of approximately \$77,256, and for Chlorine in the amount of \$523.54 per ton container for a total of approximately \$83,766.40; (2) Kemiron Companies, Inc. of Lawrence, Kansas for Ferrous Sulfate in the amount of \$69.30 per liquid ton for a total of approximately \$18,711; (3) Brenntag Southwest of Houston, Texas for Ferrous Chloride in the amount of \$190 per liquid ton for a total of approximately \$42,750; and (4) Bay Chemical Company, Inc. of Odem, Texas for Phosphate-Based Corrosion Inhibitors in the amount of \$584 per liquid ton for a total of approximately \$55,480. Lynn Short.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2005-125R – AWARDING THE 2004-2005 MAINTENANCE MOWING OF CITY UTILITIES PROPERTIES TO E.T. LANDSCAPING SERVICES AND OFF-CHANNEL RESERVOIRS TO THE EDGE LANDSCAPING**

The resolution awards the 2004-2005 Maintenance Mowing of City of Victoria Utilities Department Properties Project to Eric Treaster d/b/a E.T. Landscaping Services, of Port Lavaca, Texas in the amount of \$14,455 for the parts of the contract other than the Off-Channel Reservoirs, and to Kevin Brown d/b/a The Edge Landscaping of Victoria, Texas in the amount of \$8,490 for the Off-Channel Reservoirs. Lynn Short.

Cm. Guittard 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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2005-126R – AWARDING THE ANNUAL SUPPLY CONTRACT FOR BAGGED, TYPE I PORTLAND CEMENT TO ALAMO CEMENT**

The resolution awards the annual supply contract for bagged, Type I Portland Cement to Alamo Cement of San Antonio, Texas, in the amount of \$36,489.60. Lynn Short.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2005-127R – GRANTING A VARIANCE FOR ON-PREMISE SIGNS LOCATED AT 3901 N. MAIN STREET OWNED BY ARTHUR BUCKERT**

The resolution grants a variance from Section 5-153(a)(5) of the Victoria City Code, which requires a minimum setback of 10 feet for on-premise signs from the property line, to Lot 1, Block 1, of the North Main Subdivision, located at 3901 N. Main Street, which is owned by Arthur Buckert. Steve Trevino.

CITY COUNCIL MINUTES

September 6, 2005

Cm. Wyatt moved that the resolution be adopted, with Cm. Russell seconding the motion. The resolution was adopted by the following vote:

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

NAYS: None

ABSTENTIONS: Council Member Buckert

**RESOLUTION 2005-128R – AWARDING THE PURCHASE OF VARIOUS CITY VEHICLES AND EQUIPMENT TO GULF INTERNATIONAL TRUCKS, COLUMBUS COUNTY FORD, AND J.C. BROWN**

The resolution authorizes (1) awarding a bid for the purchase of one Year Model 2006 Tandem Axle Dump Truck with Dump Body and hoist to Gulf International Trucks of Victoria, Texas, in the amount of \$63,781.89, minus trade-in allowance of \$3,400 for a 1991 Ford F700 diesel truck with 4-5 cubic yard Galion dump bed, for a total cost of \$60,381.89, (2) awarding a bid for the purchase of one Year Model 2006 Van to Columbus County Ford of Columbus, Texas, in the amount of \$17,891, minus trade-in allowance of \$1,560 for a 1997 Chevrolet ½ ton pickup truck, and (3) awarding a bid for the purchase of two Year Model 2006 Loader/Backhoes with Extendahoe to J.C. Brown of Victoria, Texas, in the amount of \$65,153 per unit, minus trade-in allowance of \$1,800 for a 1985 Kobelco wheel loader and \$5,500 for a 1985 Case loader/backhoe, plus \$4,600 per unit for guaranteed life cycle maintenance with a guaranteed repurchase price of \$35,000 per unit, for a total cost of \$132,206. Steve Trevino.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor  
Armstrong

NAYS: None

**RESOLUTION 2005-129R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DETAR MEDWORKS, FOR MEDICAL FITNESS EXAMINATIONS, TESTING AND EVALUATION SERVICES FOR FIRE DEPARTMENT PERSONNEL**

The resolution authorizes a Professional Services Agreement with Victoria Functional Assessment and Restoration Center, Ltd., a Texas limited partnership d/b/a DeTar MedWorks, for medical fitness examinations, testing and evaluation services for Fire Department Personnel in the amount of \$51,750, of which 70% will be funded by a grant from the FEMA "Assistance to Firefighters Grant Program," in the amount of \$36,225, and which will require a City match in the amount of \$15,525. Rafael De La Garza.

Cm. Russell encouraged all departments to call potential bidders in the event only one bid is received. He expressed grave disappointment that only one bid was received and recommended rejecting the resolution and re-bid it. Captain De La Garza advised that if the money was not authorized and purchases made by September 14, 2005 the funding would be lost.

Cm. Russell 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: Council Member Russell

**RESOLUTION 2005-130R – AUTHORIZING AN INTERLOCAL COOPERATION CONTRACT WITH UNIVERSITY OF HOUSTON-VICTORIA FOR A SHARED AUTOMATION SYSTEM**

The resolution authorizes the City Manager to execute an Interlocal Cooperation Contract with University of Houston-Victoria for the allocation of costs of a shared automation system

## CITY COUNCIL MINUTES

September 6, 2005

serving the University of Houston-Victoria, Victoria College and City of Victoria Library. James Stewart.

Cm. Wyatt moved that the resolution be adopted, with Cm. Russell 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

**RESOLUTION 2005-131R – GRANTING A VARIANCE TO THE MINIMUM COMMERCIAL LOT WIDTH REQUIREMENTS AT 1301 AND 1305-1319 SAM HOUSTON OWNED BY MIORI BROTHERS**

The resolution grants a variance to Section 21-83(a)(2) of the Victoria City Code, which requires a minimum lot width for a general commercial lot of at least 100 feet on a public street, for the Miori Center, Resubdivision No. 1, located at 1301 and 1305-1319 Sam Houston Drive, which is owned by Miori Brothers. John Kaminski.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**ORDINANCE 2004-2005G – AMENDING THE FISCAL YEAR 2004-2005 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE CITY'S HEALTH PLAN FUND**

City Attorney, David A. Smith, read the caption of Ordinance 2004-2005G, which amends the 2004-2005 Fiscal Year Budget of the City of Victoria by transferring \$150,000 from the General Fund fund balance to the Transfer to Health Fund Line Item, transferring \$25,000 from the Water/Wastewater Fund fund balance to the Transfer to Health Fund Line Item, and transferring \$25,000 from the Environmental Services Fund fund balance to the Transfer to Health Fund Line Item, for total transfers of \$200,000, in order to provide funding for additional health care costs in the Health Fund. First Reading. Andrew Jacob.

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

AYES: Council Members Guittard, Neitsch, Russell, 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 \$150,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, TRANSFERRING \$25,000.00 FROM THE WATER/WASTEWATER FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, AND TRANSFERRING \$25,000.00 FROM THE ENVIRONMENTAL SERVICES FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, FOR TOTAL TRANSFERS OF \$200,000.00, 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.**

CITY COUNCIL MINUTES

September 6, 2005

**ORDINANCE 2005-2006 – APPROVING AND ADOPTING A BUDGET FOR FISCAL YEAR 2005-2006**

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006, which approves and adopts a budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2005, and ending on September 30, 2006; 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. Third Reading. Gilbert P. Reyna, Jr.

Cm. Russell moved to amend the pay-for-performance amount by raising it to 0%-4% with an average of 2 ½%, as was originally proposed by staff, with Cm. Buckert seconding the motion. The motion **failed** by the following vote:

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

Cm. Guittard moved to amend the budget by \$10,000 to install an automatic door at the Victoria Public Library, with Cm. Wyatt 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. Guittard moved to amend the budget to include \$23,308 for salary increases of Librarian 1 and Librarian II positions, with Cm. Neitsch seconding the motion. The motion **failed** by the following vote:

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

Cm. Neitsch moved to amend the budget by adding \$100,000 for sidewalks, 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 that the ordinance pass on third reading, with Cm. Guittard seconding the motion. The ordinance passed, as amended, on third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, 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, 2005, AND ENDING ON SEPTEMBER 30, 2006; 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.**

## CITY COUNCIL MINUTES

September 6, 2005

**ORDINANCE 2005-20 – SETTING THE TAX RATE FOR THE 2005 TAX YEAR AT \$0.69 PER \$100**

City Attorney, David A. Smith, read the caption of Ordinance 2005-20, which sets the Tax Rate at a total rate of \$0.69 per \$100 of property valuation and levies a tax upon all property subject to taxation within the City of Victoria, Texas for the 2005 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 providing for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code. Emergency Reading. Gilbert P. Reyna, Jr.

Cm. Wyatt moved that the ordinance pass on emergency reading, with Cm. Buckert 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 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 2005 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 2005-21 – AMENDING THE SCHEDULE OF RATES FOR TAXICAB SERVICES**

City Attorney, David A. Smith, read the caption of Ordinance 2005-21, which amends the schedule of rates for taxicab services. First Reading. Scarlet Swoboda.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

**AN ORDINANCE AMENDING THE SCHEDULE OF RATES FOR TAXICAB SERVICES, AND DECLARING AN EFFECTIVE DATE.**

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 6:44 p.m., in accordance with:

Section 551.087, Texas Government Code, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Victoria and with which the City of Victoria is conducting

CITY COUNCIL MINUTES

September 6, 2005

economic development negotiations (including, but not limited to, incentives for possible re-development of commercial sites on Laurent Street). David A. Smith.

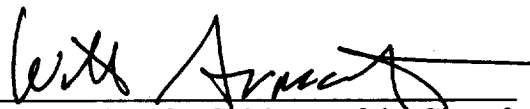
Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the evaluation and duties of all public officers and employees appointed by the City Council pursuant to the Charter of the City of Victoria). David A. Smith.

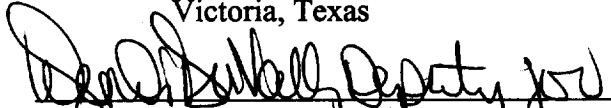
Section 551.071, Texas Government Code, consultation with attorney on litigation or potential litigation or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal issues involving potential contracts for the purchase of electric power, condemnation of Lot 1, Block 1, of North Side Center Subdivision and potential litigation involving CenterPoint Energy's modification of gas rates & 2003-04 Red River Heights and Hollywood Blvd. Utility Improvements Project & VHFC Single Family Mortgage Revenue Refunding Bonds, Series 1995A). 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, Lot 1, Block 1, of North Side Center Subdivision). David A. Smith.

The Council reconvened in regular session at 8:22 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 8:23 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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