

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.

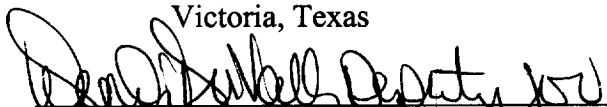
Section 551.071, Texas Government Code, consultation with attorney on litigation or potential litigation or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings 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

VICTORIA CITY COUNCIL
September 20, 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 20, 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
- Richard Jones, Chief of Police
- Doug Cochran, Director, Parks and Recreation
- Charmelle Garrett, Director, Human Resources
- Lynn Short, Director, Utilities
- Gilbert P. Reyna, Jr., Director, Finance
- Steve Trevino, Director, IMS
- Jerry James, Director, Environmental Services
- Wendi DuVall, Deputy City Secretary

CITY COUNCIL MINUTES
September 20, 2005**APPROVAL OF MINUTES**

The minutes of the special meeting of August 30, 2005 and the regular meeting of September 6, 2005 were approved as presented.

CITIZENS COMMUNICATION

James Wayne commented that he knew Victoria was trying to make the community a more attractive place, however, the corner of Glasgow and McLane has a manufactured home that sticks out like a sore thumb. He expressed concern that the manufactured home in question takes 5% of value away from all of Highland Estates or \$5,000 per home. He stated that it seemed inappropriate that a nice neighborhood like Highland Estates would have a big silver manufactured home sitting in the main entrance of the subdivision. He felt that manufactured homes should be in manufactured home parks and not in the middle of established subdivisions. He asked Council to look at this issue, the current policies that permit putting manufactured homes in the middle of established neighborhoods, and to consider what is best for Victoria in the long term.

Mayor Armstrong requested a work session on this subject.

Recognition of ex-members of the Victoria Planning Commission

John Kaminski, Director of Planning, recognized Janie Rubio who served from 1992 to 2005 and was the secretary of the Commission for most of those years, Jan Scott who served from 1990 to 2005 and was the chairperson for most of those years, and Russell Janecka who served from 1994 to 2005. They were each presented a plaque and thanks from Council for their outstanding service on the Planning Commission.

Recognition of ex-member of the Parks Commission

Doug Cochran, Director of Parks and Recreation, recognized Tommie Youngblood and presented her with a plaque for her service to the community and the Parks and Recreation Commission. She was appointed in September 1999 and serves through October 2005.

Report from Cultural Council about advertising expenditures

LeOlive Rogge, 101 Brandywine, Executive Director of the Cultural Council, thanked the Council for the \$20,000 extra that was added to their budget a year ago, with the instruction to promote the Welder Center and downtown revitalization. She advised that she took those funds and applied them to the Victoria Ad Federation and they have matched it with in-kind and other cash, which brings their campaign to almost \$50,000. A packet of events scheduled for the Welder Center was also distributed.

Museum Association

Denise Roussel, 13 Meadowview, with the Victoria Museum Association, stated that they have been approved for \$4,000 from hotel/motel funding. She requested that two items be omitted from their contract; one being the insurance clause requiring that the City be named as additional insured, and the section that requires three members of City Council to serve on the board.

Mayor Armstrong stated that he would recommend the requested changes to that resolution when it was presented for a vote later in the meeting.

ITEMS FROM COUNCIL

Cm. Buckert questioned why individuals had to come in person to set up their water accounts instead of being able to set them up ahead of time by using a credit card. Donald Reese, Utility Billing Supervisor, advised that the City has had that capability for about 18 months. Mr. Reese advised that he and the Public Information Officer would send out more information to inform customers.

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Cm. Russell made reference to a subsidiary of Wells Fargo called Accordia and their brokerage services, stating that they may be something that the City should look at. He complimented the Parks Department for spraying the ditches with herbicide to improve the looks of the City.

Mayor Armstrong mentioned several newspaper articles recently concerning the Lower Guadalupe River Project, noting that the San Antonio Water Systems (SAWS) was planning to pull out of the agreement; however the City of Victoria was already working to secure water for future generations.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

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

The ordinance considers 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.

Miles Risley, Senior Assistant City Attorney, explained that due to a typographical mistake on the last agenda the ordinance would ratify the action that was taken at the last meeting.

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

ORDINANCE 2004-2005H – AMENDING THE CITY'S 2004-2005 FISCAL YEAR BUDGET AND AUTHORIZING PAYMENT OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES

The ordinance considers amending the 2004-2005 Fiscal Year Budget of the City of Victoria to pay FEMA-reimbursable expenses for Hurricane Katrina evacuees, authorizing the City Manager to execute all documents necessary, including contracts with landlords and service providers, to pay for FEMA-reimbursable expenses for Hurricane Katrina evacuees and obtain FEMA reimbursement for said expenses.

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

CITY MANAGER REPORT

Denny Arnold, City Manager, reported that at 4:45 p.m. the Emergency Management Coordinator along with other staff had a conference call with the State of Texas Emergency Management Office, which was telling people that somewhere on the Texas coast there was going to be a hurricane. At that time Hurricane Rita had cleared Florida and had reached sustained winds of 100 mph, moving at 15 mph. They were predicting that a category 4 hurricane would hit the Texas coast within 72 hours. Mayor Armstrong would make public announcements tomorrow about the possibility of evacuations.

RESOLUTION 2005-132R – AWARDING THE BID FOR BRUSH GRINDING SERVICES AT THE VICTORIA REGIONAL AIRPORT BRUSH SITE

The resolution awards the Brush Grinding Services at the Victoria Regional Airport Brush Site to Texas Tree and Landscape, Ltd., of China Springs, Texas, in the amount of \$0.80 per cubic yard of unground material, for a total of approximately \$12,000. Jerry James.

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RESOLUTION 2005-133R – AUTHORIZING A LETTER OF AGREEMENT WITH V.I.S.D. FOR THE SCHOOL RESOURCE OFFICER (SRO)

The resolution authorizes the City Manager to execute a Letter of Agreement between the City of Victoria and the Victoria Independent School District for the School Resource Officer (SRO) Program. Richard Jones.

RESOLUTION 2005-134R – AWARDING THE BID FOR THE PURCHASE OF A TRAILER MOUNTED SEWER CLEANER TO TEXAS UNDERGROUND, INC.

The resolution awards the bid for the purchase of one Year Model 2006 Trailer-Mounted Sewer Cleaner to Texas Underground, Inc., of Pearland, Texas, in the amount of \$36,425. Steve Trevino.

RESOLUTION 2005-135R – AWARDING THE BID FOR THE PURCHASE OF ONE DOUBLE VIBRATORY DRUM ASPHALT COMPACTOR FROM NUECES POWER EQUIPMENT

The resolution awards the bid for the purchase of one Year Model 2006 Double Vibratory Drum Asphalt Compactor in the amount of \$31,304, minus trade-in credit of \$500 for a 1983 Galion Roller model S4-6A WD and \$500 for a 1974 Hyster pneumatic roller, for a total cost of \$30,304, to Nueces Power Equipment, of Victoria, Texas. Steve Trevino.

RESOLUTION 2005-137R – AWARDING THE BID FOR ONE 2006 POTHOLE PATCHING TRUCK TO HALL GMC

The resolution awards the bid for the purchase of one Year Model 2006 Pothole Patching Truck to Hall GMC of Tyler, Texas, in the amount of \$96,967, minus trade-in credit of \$1,500 for a 1990 Ford F700 with Pro-Patch hole patch system, for a total cost of \$95,467. Steve Trevino.

RESOLUTION 2005-147R – AUTHORIZING A PROGRAMMATIC 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

The resolution authorizes a Programmatic 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 Fiscal Year 2005, in the amount of \$372,954.97, with a maximum of \$14,918.19 payable to CAC for administrative expenses. John Kaminski.

RESOLUTION 2005-148R – APPROVING AND ADOPTING AMENDMENT #1 TO THE PROGRAMMATIC 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

The resolution approves and adopts Amendment #1 to the Programmatic 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 Fiscal Year 2004. John Kaminski.

RESOLUTION 2005-149R – AUTHORIZING AN AGREEMENT WITH VISD FOR ADMINISTRATION OF THE KIDZ CONNECTION HOMEWORK CENTER PROGRAM

The resolution authorizes a Programmatic Agreement between the Victoria Independent School District (VISD) and the City of Victoria for administration of the Kidz Connection Homework Center Program, in the amount of \$5,000 of Community Development Block Grant funding. John Kaminski.

RESOLUTION 2005-150R – AWARDING BID FOR THE SWAN CROSSING WATER, SANITARY SEWER, STORM SEWER AND STREETS PROJECT TO LESTER CONTRACTING, INC.

The resolution awards the bid for the Swan Crossing Water, Sanitary Sewer, Storm Sewer and Streets Project to Lester Contracting, Inc., of Port Lavaca, Texas, in the amount of \$602,727.55. John Kaminski.

RESOLUTION 2005-151R – AWARDING BID FOR THE VICTORIA COMMUNITY CENTER ROOF REPAIRS TO B & B METAL BUILDINGS, INC.

The resolution awards the bid for the Victoria Community Center Roof Repairs Project to B & B Metal Buildings, Inc. of Victoria, Texas, in the amount of \$178,970. Doug Cochran.

RESOLUTION 2005-154R – AWARDING THE BID FOR WATER AND SEWER LINE EXTENSION PROJECT FOR 6501 & 7303 HOUSTON HIGHWAY TO MERCER CONSTRUCTION CO.

The resolution awards a bid for the Water and Sanitary Sewer Line Extension Project for 6501 and 7303 Houston Highway (US Highway 59 Business) to Mercer Construction Co., of Edna, Texas in the amount of \$267,343. Lynn Short.

RESOLUTION 2005-155R – AWARDING BID FOR THE 2004-2005 RED RIVER HEIGHTS UTILITY AND DRAINAGE IMPROVEMENTS PROJECT TO LESTER CONTRACTING, INC.

The resolution awards the bid for the 2004-2005 Red River Heights Utility and Drainage Improvements Project to Lester Contracting, Inc., of Port Lavaca, Texas, in the amount of \$874,656. Lynn Short.

RESOLUTION 2005-156R – ACCEPTING PROPOSAL SUBMITTED BY NORTHROP GRUMMAN INFORMATION TECHNOLOGY FOR HANDHELD METER READING HARDWARE AND ROUTE MANAGER SOFTWARE

The resolution accepts the proposal submitted by Northrop Grumman Information Technology, of San Diego, California, for the purchase of Utility Billing Office Handheld Meter Reading Hardware and Route Manager Software, in an amount not to exceed \$29,765. Lynn Short.

Cm. Russell moved that resolutions 2005-132R, 2005-133R, 2005-134R, 2005-135R, 2005-137R, 2005-147R, 2005-148R, 2005-149R, 2005-150R, 2005-151R, 2005-154R, 2005-155R, and 2005-156R be adopted, with Cm. Buckert seconding the motion. The resolutions were adopted by the following vote:

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

RESOLUTION 2005-136R – AUTHORIZING AN AMENDED AGREEMENT FOR FLEET MAINTENANCE AND MAINTENANCE OPERATIONS WITH TECOM INCORPORATED

The resolution authorizes the City Manager to execute an Amended Agreement for Fleet Management and Maintenance Operations with Tecom Incorporated of Austin, Texas, in an amount not to exceed a target cost of \$639,745. Steve Trevino.

The resolution was postponed.

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RESOLUTION 2005-138R – AUTHORIZING VARIOUS AGREEMENTS WITH THE SOUTH TEXAS ZOOLOGICAL SOCIETY, INC, THE CULTURAL COUNCIL OF VICTORIA, THE TEXAS SETTLEMENT TRAILS, INC., THE VICTORIA CHAMBER OF COMMERCE AND THE VICTORIA REGIONAL MUSEUM ASSOCIATION

The resolution authorizes the City Manager to execute:

- (1) a Zoological Park Management Services Agreement with the South Texas Zoological Society, Inc., in the amount of \$135,000,
 - (2) a Hotel-Motel Tax Revenue Arts Promotion Services Agreement with the Cultural Council of Victoria, Inc., in the amount of \$78,137,
 - (3) a Hotel Occupancy Tax Revenue Agreement with the Texas Settlement Trails Inc., for Historical Renovation and Preservation, in the amount of \$4,000,
 - (4) a Hotel/Motel Occupancy Tax Revenue Tourism/Convention Promotion Services Agreement with the Victoria Chamber of Commerce to operate its Convention and Visitor's Bureau, in the amount of \$183,100, and
 - (5) a Hotel/Motel Tax Revenue Cultural and Historical Activities Promotion Service Agreement with the Victoria Regional Museum Association in the amount of \$4,000,
- and approves the budget and funded activities for the aforementioned entities for the 2005 - 2006 fiscal year. Gilbert P. Reyna, Jr.

Cm. Russell moved to amend subsection (5) having to do with the Museum Association to eliminate the requirement that they name the City as additional insured and eliminate any requirement that any of the Board Members also be Council Members, with Cm. Guittard seconding the motion. The resolution was amended by the following vote:

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 2005-141R – APPOINTING TWO MEMBERS TO THE CULTURAL COUNCIL

The resolution appoints Adrian Cannady and reappoints Susan Prukop to the Cultural Council. Scarlet Swoboda.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None

RESOLUTION 2005-142R – APPOINTING ONE MEMBER TO THE CITY-COUNTY BOARD OF HEALTH

The resolution appoints Richard Leggett, D.O., to the City-County Board of Health. Scarlet Swoboda.

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

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RESOLUTION 2005-143R – APPOINTING THREE MEMBERS TO THE VICTORIA PUBLIC LIBRARY ADVISORY BOARD

The resolution appoints Jessica McCue and reappoints Mary Ann Pratt and Sally Delgado-Francis to the Victoria Public Library Advisory Board. Scarlet Swoboda.

Cm. Guittard 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 2005-145R – APPOINTING THREE MEMBERS TO THE VICTORIA PARKS AND RECREATION COMMISSION

The resolution appoints 3 members to the Victoria Parks and Recreation Commission. Scarlet Swoboda.

The resolution was postponed.

RESOLUTION 2005-146R – ADOPTING AMENDED PROGRAM GUIDELINES FOR THE CDBG MORTGAGE ASSISTANCE PROGRAM

The resolution adopts the Amended Program Guidelines for the CDBG Mortgage Assistance Program, which will, among other changes, limit permissible mortgage payments under this program to a maximum of 30% of a household's monthly gross income. John Kaminski.

The resolution was postponed.

RESOLUTION 2005-152R – AWARDING BID FOR THE CITY'S EXCESS WORKER'S COMPENSATION COVERAGE TO SAFETY NATIONAL CASUALTY COMPANY

The resolution awards the bid for the City of Victoria's Excess Worker's Compensation Coverage to Safety National Casualty Company, at a rate of 0.301% of payroll for coverage in excess of \$350,000, in a total amount of approximately \$62,970. Charmelle Garrett.

Gerald Barker, with Hibbs Hallmark and Company, Tyler, Texas stated that his company had handled the City's Excess Worker's Compensation Insurance for the last three to four years. He stated that the bid process this year may have been compromised stating that one of the companies had a one day advantage prior to the bid release, and requested that Council reject the bid being presented on the agenda.

Cm. Russell 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 2005-153R – AWARDING BIDS FOR THE DEMOLITION OF SUBSTANDARD BUILDINGS

The resolution awards bids for the demolition of 18 substandard buildings. Jerry James.

The resolution was **inadvertently skipped** and not voted on.

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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. Second and Third Reading. Andrew Jacob.

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

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.

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. Second and Third Reading. Scarlet Swoboda.

Cm. Buckert 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 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.

ORDINANCE 2005-20 – SETTING THE TAX RATE FOR 2005 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.

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Cm. Wyatt moved that the ordinance pass on emergency reading, with Cm. Neitsch 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; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:19 p.m., in accordance with:

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, potential litigation against Centerpoint Energy and legal issues involving potential contracts for the purchase of electricity and FEMA-reimbursable housing & other assistance for Hurricane Katrina evacuees). David A. Smith.

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 Food Establishment Appeals Board, Sign Board of Adjustments and Appeals, and Minimum Housing Board of Adjustments and Appeals). Scarlet Swoboda.

The Council reconvened in regular session at 8:23 p.m. and considered the following:

RESOLUTION 2005-139R – APPOINTING FIVE MEMBERS TO THE CITY OF VICTORIA FOOD ESTABLISHMENT APPEALS BOARD

The resolution reappoints Jeff Cano, Chip Dence, Tom Halepaska, Dionne Nobles, and Peter Riesz to the City of Victoria Food Establishment Appeals Board. Scarlet Swoboda.

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

RESOLUTION 2005-140R – APPOINTING TWO MEMBERS TO THE SIGN BOARD OF ADJUSTMENTS AND APPEALS

The resolution reappoints David Killebrew and Anges Jewett to the Sign Board of Adjustments and Appeals. Scarlet Swoboda.

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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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None

RESOLUTION 2005-144R – APPOINTING ONE MEMBER TO THE MINIMUM HOUSING BOARD OF ADJUSTMENTS AND APPEALS

The resolution reappoints Ernest Guajardo, Jr. to the Minimum Housing Board of Adjustments and Appeals. Scarlet Swoboda.

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

RESOLUTION 2005-157R – ENDORSING THE SOUTH TEXAS AGGREGATION PROJECT, INC.'S (STAP) LETTER OF INTENT

The resolution endorses the South Texas Aggregation Project, Inc.'s (STAP'S) commitment to a Letter of Intent to enter into negotiations for a Capacity Contract with the owner of coal (including Texas Lignite) generation to supply the base load electric power needs (approximately 55%-60% of total energy needs) for STAP members over a 10-year period, subject to later approval by the City, endorsing STAP's proposed issuance of bonds to secure funding for said contract, and ratifying STAP's efforts to secure base load electric capacity for a 10-year period. David A. Smith.

David Smith, City Attorney, proposed the following amendment: In paragraph two, item two, to read; the City of Victoria will have an opportunity to review and approve or reject a 10 year contractual agreement to supply all of the City's base load electrical power needs.

Cm. Russell moved to amend the resolution to include the language proposed by the City Attorney, with Cm. Guittard 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. Russell 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 2004-2005H - AMENDING THE CITY'S 2004-2005 FISCAL YEAR BUDGET AND AUTHORIZING PAYMENT OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES

City Attorney, David A. Smith, read the caption of Ordinance 2004-2005H, which amends the 2004-2005 Fiscal Year Budget of the City of Victoria by transferring \$300,000 from the General Fund fund balance to the 0001-01NON-720100 "Transfer to FEMA Fund" Line Item to pay FEMA-reimbursable expenses for Hurricane Katrina evacuees, authorizes the City Manager to execute all documents necessary, including contracts with landlords and service providers, to pay for FEMA-reimbursable expenses for Hurricane Katrina evacuees and obtain FEMA reimbursement for said expenses. Emergency Reading. Gilbert P. Reyna, Jr.

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Cm. Russell expressed concerns with the broad general language of the ordinance and suggested postponing the ordinance for a week.

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


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

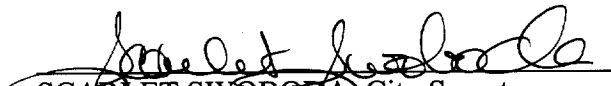
Caption:

AN ORDINANCE AMENDING THE 2004-2005 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$300,000 FROM THE GENERAL FUND FUND BALANCE TO THE 0001-01NON-720100 "TRANSFER TO FEMA FUND" LINE ITEM TO PAY FEMA-REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY, INCLUDING CONTRACTS WITH LANDLORDS AND SERVICE PROVIDERS, TO PAY FOR FEMA-REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES AND OBTAIN FEMA REIMBURSEMENT FOR SAID EXPENSES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

It was announced that a special meeting would be scheduled for next Tuesday night for an update on Hurricane Rita.

There being no further business, the meeting was adjourned at 8:35 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
October 4, 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, October 4, 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
- Ken Gill, City Engineer
- Ray Miller, Assistant Planning Director
- Richard Jones, Chief of Police
- Vance Riley, Director, Fire and EMS