



**CITY COUNCIL MINUTES
November 15, 2005**

There being no further business, the meeting was adjourned at 7:24 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
December 6, 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, December 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
Richard Jones, Chief of Police
Doug Cochran, Director, Parks and Recreation
Gilbert P. Reyna, Jr., Director, Finance
Jerry Seyfert, Fleet Administrator
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary
Wendi DuVall, Deputy City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of November 15, 2005 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

ITEMS FROM COUNCIL

Cm. Neitsch requested a work session to discuss the proposed sports complex, stating that he would like it scheduled when all seven council members would be present. He also requested a written or verbal report on the weedy lot program.

Mayor Armstrong asked that an ordinance be prepared to consider reducing the speed limit to 35 mph on Ben Jordan between Airline and Red River.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2005-27 – ADDING SECTION 10-30 TO THE VICTORIA CITY CODE TO PROHIBIT SMOKING IN ALL PUBLIC BUILDINGS

The ordinance considers adding Section 10-30 to the Victoria City Code to prohibit smoking in all public buildings and repealing Section 10-69 of the Victoria City Code, which prohibits smoking in some food establishments. Cm. Bill Russell.

Bill Sutherland, 171 Raab Road, stated that his main concern was that the interest of one group has been placed above another. He stated that the Council should reconsider the ordinance and suggested putting it to a vote instead. Ora Robbins, Lillian Street, agreed with Mr. Sutherland and stated that it was not right for somebody to take away privileges of some and not others.

Scott Spencer, 409 W. Commercial, and owner of Zowarka's, stated that the intent of Council to protect public from smokers is fine, but towards the end of letting a free market determine what kind of establishment we go to, two things need to be considered. The arbitrary establishment of 65% alcohol sales vs. food sales, as some establishments would have to decide if they wanted to be a bar or restaurant. Secondly, the establishment of separate air conditioning and ventilation systems could be part of a building code.

Jenny Stafford, 210 Wearden, representative of Midcoast Family Services, asked the members of Council to support young people by supporting a no smoking ban, to send a strong message that underage drinking and tobacco use is not tolerated and the city leaders want better for them.

Jacqueline Foreman Chaput, 12 Essence Drive, stated that she believed less government was better for the citizens. She stated that if she did not have to walk through the smoking area to go to the restroom or get to the no smoking area, she sees no problem with having a smoking area. She also suggested using proper ventilation systems in restaurants, bingo parlors and bowling alleys.

Virginia Laskoskie, 305 Perth, stated that business owners should be the ones to make the choice and rules for their establishments not government, or it should go to the voters.

Richard Fritz, 104 Woodwind Drive, stated that the current ordinance banning smoking in restaurants is more than adequate as most of the public buildings he frequents already have no smoking policies.

Carlos Padilla, 2815 E. Odem, stated that if smoking is going to be banned it needs to be everywhere not just restaurants. Sooner or later someone is going to sue the City, and taxpayer's money will be used to fight the suit.

Taylor Starkey, M.D., 404 W. Guadalupe, cited statistics that a total ban could decrease heart attacks. He stated that after contacting several bingo parlors and bowling alleys in El Paso, Texas where a total ban had been implemented, the information that he received was that there was no loss in revenue and possibly an increase in attendance.

Robert Harvey, M.D., 115 Creekside, stated that City Council did the right thing at the last meeting. He asked what would be wrong with having a total ban on smoking with a time limit on it, say a year and then bring it as a vote to the public.

Stephanie Spears, 307 W. Brazos, representing Victoria Anti-Drug Coalition, supported a total ban and stated that the community relies on the government to protect the health of the public.

Richard Caputo, 5203 Lilac, owner of the Brown Bag Saloon, stated that smoking was not a crime and he was in business to make money. He stated that he has friends in numerous other states and other cities that have instituted a smoking ban, and their liquor sales have gone down, which in turn is revenue to the State.

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

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ORDINANCE 2005-27 - ADDING SECTION 10-30 TO THE VICTORIA CITY CODE TO PROHIBIT SMOKING IN ALL PUBLIC BUILDINGS

City Attorney, David A. Smith, read the caption of Ordinance 2005-27, which adds Section 10-30 to the Victoria City Code to prohibit smoking in all public buildings, repeals Section 10-69 of the Victoria City Code, which prohibits smoking in some food establishments. First Reading. Cm. Bill Russell.

Cm. Russell stated that this had been discussed for many months and had evoked strong emotions. He stated that a lot of people with good will and reasonable minds have expressed their opinions. There have been arguments on both sides, with some thinking government should not regulate, but the City Council has decided to regulate. It was his opinion that the current ordinance should be extended to all public places, as statistics do not lie. If it is unhealthy to smoke in restaurants what makes it healthy to smoke in bowling alleys? He further stated that the current ordinance had loopholes and a smoking ban should apply across the board.

It was suggested that if the ordinance failed, the issue should be placed on the ballot of the May election. It was also pointed out that the ordinance banning smoking in restaurants was still in effect regardless of the vote on the ordinance presented tonight.

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

AYES: Council Members Neitsch, Russell, and Halepaska

NAYS: Council Members Guittard, Buckert, Wyatt, and Mayor Armstrong

Caption:

AN ORDINANCE ADDING SECTION 10-30 TO THE VICTORIA CITY CODE TO PROHIBIT SMOKING IN ALL PUBLIC BUILDINGS, REPEALING SECTION 10-69 OF THE VICTORIA CITY CODE, WHICH PROHIBITS SMOKING IN SOME FOOD ESTABLISHMENTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS AND CODIFICATION, PROVIDING FOR A PENALTY AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

REVIEWING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PERFORMANCE EVALUATION REPORT

A public hearing to review the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for the period from October 1, 2004 to September 30, 2005. John Kaminski.

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

RESOLUTION 2005-216R – ISSUANCE OF MEDICAL TRANSFER SERVICE PERMITS

The resolution considers issuance of Medical Transfer Services Permits to Coastal Transportation Services, Inc. d/b/a Coastal Medical Service of Texas; ALS Ambulance Services, Inc. d/b/a Regional Ambulance Service; Craig Le Blanc d/b/a Southerncross Ambulance, Inc.; and Charles Sargent d/b/a Quality Ambulance Service. Scarlet Swoboda.

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

ORDINANCE 2005-25 – ADDING SECTION 8-9 OF THE VICTORIA CITY CODE TO ESTABLISH A LIMITATION ON THE AMOUNT OF AD VALOREM TAXES IMPOSED ON THE HOMESTEAD OF THOSE DISABLED OR 65 YEARS OR OLDER

The ordinance considers adding Section 8-9 of the Victoria City Code 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 (Senior Citizen Tax Freeze). Gilbert P. Reyna, Jr.

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

ORDINANCE 2005-26 – AMENDING THE VICTORIA CITY CODE TO MODIFY MISCELLANEOUS FEES

The ordinance considers amending Chapter 24 of the Victoria City Code to change miscellaneous fees therein. Miles Risley.

Cm. Neitsch inquired about some of the fees regarding rental fees for baseball/softball fields versus Riverside Stadium. He also questioned the fees concerning mobile food units, suggesting that those fees should be increased. He asked that those fees and enforcement be discussed with the Health Department who administers those fees for the City.

Jerry James, Director of Environmental Services, stated that there are some State Health Department regulations that may be coming into effect that may outlaw mobile food units cooking anything that involves prepared foods.

A work session was suggested to address mobile units at a future date.

Cm. Halepaska addressed environmental nuisance complaint fees, suggesting there may need to be some discussion about what is trying to be accomplished.

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

ORDINANCE 2005-28 – AMENDING SECTIONS 5-170 AND 5-181 OF THE VICTORIA CITY CODE TO PROVIDE AUTHORITY TO SECURE UNOCCUPIED SUBSTANDARD BUILDINGS AND PLACE LIENS

The ordinance considers amending Sections 5-170 and 5-181 of the Victoria City Code to provide authority to secure unoccupied substandard buildings and place liens thereon. Jerry James.

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

ORDINANCE 2005-29 – AUTHORIZING EARLY TURNOVER AND ADDITIONAL PENALTY ON DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEARS 2005 AND SUBSEQUENT YEARS

The ordinance considers authorizing early turnover and additional penalty on delinquent personal property taxes for tax years 2005 and subsequent years, as provided by Texas Tax Code § 33.11. Chip Sutton.

Cm. Wyatt expressed concerns for an individual on a fixed income who owns a manufactured home that may be waiting on an income tax return to pay for their taxes. He stated that the problem could be amplified because the 15% penalty would start February 1 and a tax return may not be received for several months from then.

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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 REPORTS**Riverside Park Facilities**

Doug Cochran, Director of Parks and Recreation, advised that in Fiscal Year 2006, \$130,000 was funded in the Parks and Recreation Department to develop a pavilion on Young Drive. The estimate to develop the entire project was \$265,000 which includes restrooms, cooking area, utility installation, picnic tables, a grill, lighting, repairs to the sheet metal, and parking facilities. The development of the pavilion was funded on a premise that parking would be requested in the 2007 budget process. The project has grown beyond the initial information provided to Council. Mr. Cochran recommended eliminating the project and use the funds for some other project as directed by City Council. It was the consensus of Council to accept the recommendation.

Victoria Sales Tax Development Corporation (VSTDC) 2005-2006 Fiscal Year Budget

Gilbert P. Reyna, Jr., Director of Finance presented the proposed Fiscal Year 2005-2006 Budget of the Victoria Sales Tax Development Corporation and recommended increases in the Victoria Economic Development Corporation (VEDC) line items. Dale Fowler, Executive Director of VEDC, advised that their proposed request for the year is \$254,650, which is \$46,650 above last years funding. The increase in funding would be for operations and prospect development for (1) site location consultants KPMG, (2) contract with the Texas Japan Office, (3) Southern Auto Corridor Web Marketing, (4) continue to get outside and keep the pipeline populated with good projects and would like to hire a firm or get additional support to generate leads, and (5) three additional delegates for a trip to Japan to continue building relationships.

Cm. Guittard expressed concern that the additional funding requests have not been presented to the Victoria Sales Tax Development Corporation prior to presentation to the City Council.

RESOLUTION 2005-211R – APPROVING THE VICTORIA SALES TAX DEVELOPMENT CORPORATION PROGRAMS AND EXPENDITURES FOR FISCAL YEAR 2005-2006

The resolution approves Victoria Sales Tax Development Corporation programs and expenditures for Fiscal Year 2005-2006. Gilbert P. Reyna, Jr.

Cm. Russell moved to amend the resolution to increase the Victoria Economic Development Corporation (VEDC) annual contracts by an additional \$46,650 and increase the special projects to allow for KPMG Consultants \$4,000, the Texas Japan Office Project \$14,000, and the Southern Auto Corridor Web Marketing Project \$4,800, reducing the economic development projects as the final line item down to \$450,165, with Cm. Wyatt 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. Wyatt moved that the resolution be adopted, with Cm. Neitsch 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

RESOLUTION 2005-189R – AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE REMOTE CERTIFICATION PROGRAM

The resolution authorizes Amendment No. 1 to the contract with the Department of State Health Services (DSHS) [formerly the Texas Department of Health (TDH)] for the Remote

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Certification Program, to make state-required administrative changes to said contract. Scarlet Swoboda.

Cm. Russell 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 2005-190R – AWARDING THE LONE TREE ACRES DRAINAGE IMPROVEMENT PROJECT CONTRACT TO HC EQUIPMENT, INC.

The resolution awards a contract for the Lone Tree Acres Drainage Improvement Project to HC Equipment, Inc. of Edna, Texas, in the amount of \$539,119.70. John Johnston.

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 2005-191R – AUTHORIZING CHANGE ORDER NUMBER TWO TO THE WEST OUTFALL DRAINAGE PROJECT – PHASE ONE

The resolution authorizes Change Order Number 2 to the West Outfall Drainage Project – Phase I, to:

- (A) add (1) increased asphalt thickness on Navarro, (2) increased base material under CrownSpan foundations, (3) three additional junction boxes, (4) 400 linear feet of wood privacy fence on the adjacent Bank property, (5) concrete paving at the adjacent bank property, (6) cement stabilized sand backfill of the CrownSpan, (7) increased backfill behind gabion walls, (8) gravel base over the CrownSpan across the adjacent parking lot, and (9) administrative overhead
- (B) delete (1) the Mead Road crossing improvements, (2) gabions and conlock pavers installation downstream of the Manor Drive, and (3) the asphalt overlay of the adjacent parking lot,
- (C) establish a lump sum amount on the contract price of \$6,208,000, and
- (D) extend the contract time to July 1, 2006. John Johnston.

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 2005-192R – APPROVING THE TAX RESALE OF PROPERTY AT 1102 COMMERCIAL TO CEDRICK CUNNINGHAM

The resolution approves the tax resale of property at 1102 Commercial to Cedrick Cunningham for \$1,000. Chip Sutton.

RESOLUTION 2005-193R – APPROVING THE TAX RESALE OF PROPERTY ON CALLIS ROAD TO KATHYRINE MCKINNEY

The resolution approves the tax resale of property on Callis Road (part of a 1.31 acre tract in Farm Lot 4, Block 4, Range 3, Original Four League Grant to the Town of Victoria) to Kathyrine McKinney for \$825. Chip Sutton.

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RESOLUTION 2005-194R – APPROVING THE TAX RESALE OF PROPERTY ON TIBILETTI ROAD TO JOSE AND RAQUEL RODRIGUEZ

The resolution approves the tax resale of property on Tibiletti Road (Lot 1, Block 5, Lone Tree Acres Subdivision [unrecorded]) to Jose and Raquel Rodriguez for \$3,500. Chip Sutton.

RESOLUTION 2005-195R – APPROVING THE TAX RESALE OF PROPERTY ON TIBILETTI ROAD TO DANTE H. GARZA

The resolution approves the tax resale of property on Tibiletti Road (Lot 2, Block 4, Lone Tree Acres Subdivision [unrecorded]) to Dante H. Garza for \$1,750. Chip Sutton.

RESOLUTION 2005-196R – APPROVING THE TAX RESALE OF PROPERTY ON TIBILETTI ROAD TO DANTE H. GARZA

The resolution approves the tax resale of property on Tibiletti Road (Lot 1, Block 4, Lone Tree Acres Subdivision) to Dante H. Garza for \$6,500. Chip Sutton.

RESOLUTION 2005-197R – APPROVING THE TAX RESALE OF PROPERTY ON TIBILETTI ROAD TO JAMES WAYNE

The resolution approves the tax resale of property on Tibiletti Road (Lot 3, Block 5, Lone Tree Acres Subdivision & Lot 4, Block 5, Lone Tree Acres Subdivision) to James Wayne for \$25,000. Chip Sutton.

RESOLUTION 2005-198R – APPROVING THE TAX RESALE OF PROPERTY AT 2304 TIBILETTI ROAD TO RAQUEL RODRIGUEZ

The resolution approves the tax resale of property at 2304 Tibiletti Road to Raquel Rodriguez for \$2,700. Chip Sutton.

RESOLUTION 2005-199R – APPROVING THE TAX RESALE OF PROPERTY AT 2301 TIBILETTI ROAD TO RAQUEL RODRIGUEZ

The resolution approves the tax resale of property at 2301 Tibiletti Road to Raquel Rodriguez for \$2,100. Chip Sutton.

RESOLUTION 2005-200R – APPROVING THE TAX RESALE OF PROPERTY AT 1307 MIMOSA TO JIMMY LEE HUFF

The resolution approves the tax resale of property at 1307 Mimosa to Jimmy Lee Huff for \$13,600. Chip Sutton.

RESOLUTION 2005-201R – APPROVING THE TAX RESALE OF PROPERTY AT 2105 CENTER TO JAMES WAYNE

The resolution approves the tax resale of property at 2105 Center to James Wayne for \$8,000. Chip Sutton.

RESOLUTION 2005-202R – APPROVING THE TAX RESALE OF PROPERTY ON JEWETT DRIVE CEDRICK CUNNINGHAM

The resolution approving the tax resale of property at Jewett Drive (Lot 10, Block 1, Jewett Subdivision) to Cedrick Cunningham for \$350. Chip Sutton.

RESOLUTION 2005-203R – APPROVING THE TAX RESALE OF PROPERTY ON MISSY LANE TO LINDA H. TREVINO

The resolution approving the tax resale of property on Missy Lane (approximately 1.412 acres in the Michael M. Devine Survey, Abstract 161, Victoria County, Texas) to Linda H. Trevino for \$1,500. Chip Sutton.

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RESOLUTION 2005-204R – APPROVING THE TAX RESALE OF PROPERTY ON THE CORNER OF SYCAMORE AND WHARF STREET TO DANTE H. GARZA

The resolution authorizes the tax resale of property at the corner of Sycamore and Wharf Street (Lot 1, Block 3, Stubblefield Port Addition) to Dante H. Garza for \$625. Chip Sutton.

RESOLUTION 2005-205R – APPROVING THE TAX RESALE OF PROPERTY ON HAND ROAD TO DANTE H. GARZA

The resolution authorizes the tax resale of property on Hand Road (approximately 1.70 acres out of Farm Lot 2, Block 1, Range 1, East Below Town, Four League Grant to the town of Victoria) to Dante H. Garza for \$3,100. Chip Sutton.

RESOLUTION 2005-206R – APPROVING THE TAX RESALE OF PROPERTY AT 2405 JECKER TO PATRICK A. OCHOA

The resolution authorizes the tax resale of property at 2405 Jecker to Patrick A. Ochoa for \$900. Chip Sutton.

RESOLUTION 2005-207R – APPROVING THE TAX RESALE OF PROPERTY AT 2108 CENTER TO BULMARO MARTINEZ

The resolution authorizes the tax resale of property at 2108 Center to Bulmaro Martinez for \$1,200. Chip Sutton.

RESOLUTION 2005-208R – APPROVING THE TAX RESALE OF PROPERTY ON HANSELMAN ROAD TO RAQUEL RODRIGUEZ

The resolution authorizes the tax resale of property on Hanselman Road (approximately .46 acre out of Farm Lot 1, Block 1, Original Four League Grant to the town of Victoria) to Raquel Rodriguez for \$3,900. Chip Sutton.

Cm. Russell moved that resolutions 2005-192R through 2005-208R be adopted, with Cm. Wyatt 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 2005-209R – APPROVING THE TAX RESALE OF PROPERTY AT 1102 ISOLDA TO SONYA S. APIS

The resolution authorizing the tax resale of property at 1102 Isolda to Sonya S. Apis for \$200 was pulled from the agenda. Chip Sutton.

RESOLUTION 2005-210R – APPROVING AN INTERLOCAL AGREEMENT WITH GOLDEN CRESCENT REGIONAL PLANNING COMMISSION FOR PARTIAL FUNDING FOR E-911 SERVICE COSTS

The resolution approving an Interlocal Agreement with Golden Crescent Regional Planning Commission for partial funding of E-911 service costs. Richard Jones.

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 2005-212R – AWARDING A BID FOR THE PURCHASE OF ONE 2005 AGRICULTURAL TRACTOR FROM FICO SERVICES, INC. D/B/A FARM INDUSTRIAL COMPANY

The resolution awards the bid for the purchase of one Year Model 2005 Agricultural Tractor, in the amount of \$14,267.54 for a Farmtrac 665, to Fico Service, Inc. d/b/a Farm Industrial Company, of Victoria, Texas. Steve Trevino.

Cm. Neitsch 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 2005-213R – AWARDS THE BID FOR THE PURCHASE OF SEVEN YEAR MODEL 2006 TRUCKS FROM VARIOUS VENDORS, INCLUDING ONE WITH AN OPTIONAL HYDRAULIC TAILGATE LIFTING DEVICE

The resolution awards (1) awarding a bid for the purchase of one Year Model 2006 heavy duty regular cab ¾ ton pickup truck to Atzenhoffer Chevrolet of Victoria, Texas, for a Chevrolet C2500, in the amount of \$18,140.97, plus an optional hydraulic tailgate lifting device at \$1,825, minus trade-in allowance of \$2,800 for a 1997 Ford F250 regular cab pickup truck, (2) awards a bid for the purchase of two Year Model 2006 full-size regular cab ½ ton pickup trucks, to Mac Haik Ford of Victoria, Texas, for two Ford F-250's, in the amount of \$11,121 each, minus trade-in allowance of \$2,500 each for two 1999 Ford regular cab ½ ton pickup trucks, and (3) awards a bid for the purchase of one Year Model 2006 full-size extended cab ½ ton pickup truck to Columbus Country Ford of Columbus, Texas, for a Ford F-150 in the amount of \$14,664. Steve Trevino.

Cm. Guittard 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 2005-214R – AWARDING THE BID FOR THE PURCHASE OF FIVE 2006 POLICE PACKAGE PATROL SEDANS TO COLUMBUS COUNTRY FORD AND ONE 2006 POLICE PACKAGE FIRE SEDAN TO PHILPOTT MOTORS, LTD.

The resolution (1) awards a bid for the purchase of five Year Model 2006 four-door police package patrol sedans to Columbus Country Ford of Columbus, Texas, in the amount of \$20,826 each, for a total amount of \$104,130, and (2) awards a bid for one Year Model 2006 four-door police package fire sedan in the amount of \$20,291 to Philpott Motors, Ltd. of Nederland, Texas, (all vehicles are Ford Crown Victorias). Steve Trevino.

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 2005-215R – AWARDING A BID TO LYNX CONTRACTORS, INC. FOR THE DEMOLITION OF A BUILDING AT 808 N. JECKER

The resolution awards a bid to Lynx Contractors, Inc. of San Marcos, Texas for the demolition of a building at 808 N. Jecker, in the amount of \$3,250. Jerry James.

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

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

RESOLUTION 2005-216R – AUTHORIZING THE ISSUANCE OF MEDICAL TRANSFER SERVICE PERMITS TO COASTAL MEDICAL SERVICES, REGIONAL AMBULANCE SERVICE, SOUTHERNCROSS AMBULANCE, INC. AND QUALITY AMBULANCE SERVICE

The resolution authorizes the issuance of Medical Transfer Services Permits to Coastal Transportation Services, Inc. d/b/a Coastal Medical Service of Texas, ALS Ambulance Services, Inc. d/b/a Regional Ambulance Service, Craig Le Blanc d/b/a Southerncross Ambulance, Inc., and Charles Sargent d/b/a Quality Ambulance Service. Scarlet Swoboda.

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

ORDINANCE 2005-25 - ADDING SECTION 8-9 OF THE VICTORIA CITY CODE 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

City Attorney, David A. Smith, read the caption of Ordinance 2005-25, which adds Section 8-9 of the Victoria City Code 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. First Reading. Miles Risley.

Cm. Russell 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 ADDING SECTION 8-9 OF THE VICTORIA CITY CODE 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 , REPEALING CONFLICTING ORDINANCES, PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2005-26 – AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES

City Attorney, David A. Smith, read the caption of Ordinance 2005-26, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees therein. First Reading. Miles Risley, Scarlet Swoboda, Steve Trevino, Jerry James, Doug Cochran.

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES THEREIN; REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2005-28 – AMENDING SECTIONS 5-170 AND 5-181 OF THE VICTORIA CITY CODE TO PROVIDE AUTHORITY TO SECURE UNOCCUPIED SUBSTANDARD BUILDINGS AND PLACE LIENS

City Attorney, David A. Smith, read the caption of Ordinance 2005-28, which amends Sections 5-170 and 5-181 of the Victoria City Code to modify the City's unsafe building provisions and provide authority to secure unoccupied substandard buildings. First Reading. Jerry James.

Cm. Russell moved that the ordinance pass on first reading, with Cm. Wyatt 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 SECTIONS 5-170 AND 5-181 OF THE VICTORIA CITY CODE TO MODIFY THE CITY'S UNSAFE BUILDING PROVISIONS AND PROVIDE AUTHORITY TO SECURE UNOCCUPIED SUBSTANDARD BUILDINGS, AND REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND ENFORCEMENT, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2005-29 – AUTHORIZING EARLY TURNOVER AND ADDITIONAL PENALTY ON DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEARS 2005 AND SUBSEQUENT YEARS

City Attorney, David A. Smith, read the caption of Ordinance 2005-29, which authorizes early turnover and additional penalty on delinquent personal property taxes for tax years 2005 and subsequent years, as provided by Texas Tax Code § 33.11, in the amount of 15% of the delinquent tax, penalty and interest if the tax becomes delinquent on February 1 of a year and remains delinquent on the 60th day thereafter. Emergency Reading. Chip Sutton.

Cm. Russell moved to amend the ordinance to change from an emergency reading to the first reading, with Cm. Buckert 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 first reading, with Cm. Buckert seconding the motion. The ordinance passed, as amended, on first reading by the following vote:

CITY COUNCIL MINUTES
December 6, 2005

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

Caption:

AN ORDINANCE TO AUTHORIZE EARLY TURNOVER AND ADDITIONAL PENALTY ON DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEARS 2005 AND SUBSEQUENT YEARS, AS PROVIDED BY TEXAS TAX CODE § 33.11, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON FEBRUARY 1 OF A YEAR AND REMAINS DELINQUENT ON THE 60TH DAY THEREAFTER; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY AND CODIFICATION; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 8:44 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, potential claims involving construction at/near intersection of Navarro Street and West Outfall). David A. Smith.

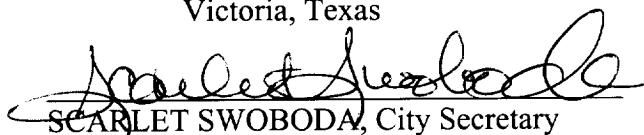
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person (including, but not limited to, sale of tax resale properties). 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 City Manager and the Clerk of the Municipal Court)

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 economic development negotiations. David A. Smith.

The Council reconvened in regular session at 9:17 p.m. and had nothing to report. There being no further business, the meeting was adjourned at 9:18 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
