

**VICTORIA CITY COUNCIL**  
**December 20, 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 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  
Jim Wyatt  
Tom Halepaska

**MEMBERS ABSENT**

Shirley Buckert

**STAFF PRESENT**

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  
Gilbert P. Reyna, Jr., Director, Finance  
Vance Riley, Director, Fire and EMS  
Doug Cochran, Director, Parks and Recreation  
James Stewart, Director, Library  
Charmelle Garrett, Director, Human Resources  
Lynn Short, Director, Utilities  
Jerry James, Director, Environmental Services  
Steve Trevino, Director, IMS  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of December 6, 2005 were approved as presented.

**CITIZENS COMMUNICATION**

**Public Apology**

Doug Cochran, Director of Parks and Recreation, apologized for a mistake that was made by his department. He advised that a former employee had invited some bands to play as entertainment during the last Market Days event. A different employee told the group that they could not play Christian music after they had been invited to play. He apologized to the community and City Council.

Mayor Armstrong stated that the first amendment states that "Congress shall make no laws respecting the establishment of religion or prohibiting the free access thereof." He stated that he did not believe that the City Council condones City staff telling bands what they can play. It was suggested that a policy be developed with clear guidelines for staff to follow.

Robert E. Clegg, 211 Edgewater, stated that news travels fast as he heard about this incident through correspondence with his grandson who is stationed in Norfolk, Virginia.

Bill Sutherland, 171 Raab Road, stated that the City policy should be the same as the first amendment as it is clarification enough.

**Smoking Ban Discussion**

Mayor Armstrong recommended that the smoking discussion be tabled until all members of Council were present. Cm. Russell stated that he did not disagree with that and was planning on asking that discussion be held at the next meeting when all were in attendance.

Robert E. Clegg, 211 Edgewater, stated that he hoped that the Council would let the citizen's vote on the issue. He would like an ordinance enacted to place the issue on the ballot.

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Cm. Russell suggested the following two propositions, and in it would give the voters three choices: By voting no on both propositions everything would remain the way it is now.

1. An ordinance prohibiting smoking in all public buildings. Vote yes or no.
2. An ordinance repealing section 10-69 of the City Code, which currently prohibits smoking in some city restaurants. Vote yes or no.

Leon Gilner, M.D., 206 Creekridge, informed the Council of a new organization "Smoke Free Victoria." He stated that he supports a smoke free Victoria and would like to see citizens vote on a total ban on smoking in public venues, but he stated that it is too soon to do so. He stated that the City Council took an important step by voting on an ordinance banning smoking in almost all restaurants, it is a good ordinance and should stand. He suggested not putting a referendum in any form to the citizens in May. He suggested that after a year or so, then bring it back to the public.

**Landfill land acquisition discussion**

Brian Adamek, 502 Navajo, addressed Council concerning the proposed purchase of 104 acres of farm land next to the city landfill. He stated that the land had been appraised at \$630 per acre based on current farm sales in the area. He disputed the appraisal, stating that in 1983 the City paid \$2,000 per acre for the initial landfill property, which was then considered for commercial use. He stated that the offer should have started at \$2,000 per acre and requested fair negotiations before going to condemnation. He asked Council to have their appraisers reappraise it as commercial use.

Mr. Adamek was informed that the Council can not tell appraisers how to appraise any property, that if he did not feel the appraisal was fair, he should get his own appraisal. David A. Smith, City Attorney, advised that Mr. Adamek had already been invited to get his own appraisal; however, the City had not received anything back.

Charles Bluntzer, attorney for the landowner, 208 Westchester, advised that the City has made purchases in the past with no appraisal.

**Report from Friends of Victoria Baseball on Riverside Stadium**

Jack Daniels, 322 Spur, representing the Friends of Victoria Baseball, thanked the Council for their financial support. He gave an update on a long list of accomplishments at Riverside Stadium since last December along with a list of future projects. He advised that there were eleven high school playoff games held at Riverside Stadium last year, and in 2007 the University of Houston is going to come back and start playing in Riverside Stadium. He asked the Council to come down to Riverside Stadium to see the improvements.

**ITEMS FROM COUNCIL****Appraisal District Review Board**

Cm. Russell advised that the Board of Directors of the Appraisal District will appoint new members of the Appraisal Review Board at their meeting the next day, and requested the name of any individuals that could be considered.

**Smoking Ban**

Cm. Russell also requested putting the matter of a smoking ban to the vote of the public at the next election in May, and requested an ordinance for discussion at the next meeting.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following item:

**CITY COUNCIL MINUTES**  
December 20, 2005**ORDINANCE 2005-2006D – AMENDING THE 2005-2006 BUDGET OF THE CITY OF VICTORIA TO PROVIDE FUNDING FOR THE REPAIR OF THE CITY HALL ELEVATOR**

The ordinance considers amending the 2005-2006 Budget of the City of Victoria General Fund Building Services Department by \$50,781 to provide funding for the repair of the City Hall elevator. Andrew Jacob.

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****Weedy Lots and Junked Vehicles**

Jerry James, Director of Environmental Services, advised that new software has been put in place to gather information on weedy lots and junked vehicles and although it was doing a good job gathering the information, there was still a problem with getting it out in report form. He advised that he would have a more detailed presentation at the second meeting in January. Miles Risley, Senior Assistant City Attorney reported that foreclosures have reduced the number of weedy lots.

**I-69 Meeting Report**

Jerry James, Director of Environmental Services, gave a brief update on the I-69 Project at the request of Mayor Armstrong. He advised that the I-69 Alliance met a couple of weeks ago to discuss the Texas Department of Transportation (TxDot) plans to route that highway in Texas and how it would be funded. Mr. James advised that Governor Rick Perry is proposing to push the Trans-Texas corridor concept through with a toll road system. Cm. Russell suggested that there is a great opportunity to have an interstate system up Highway 59, and Victoria and the alliance of cities needs to get the Governor off the concept of a separate toll road.

**Cox Cable Information**

David A. Smith, City Attorney, advised that on December 12, 2005, Cox Southwest Holdings, Inc. submitted an application with the Federal Communications Commission (FCC) to sell most of their assets to Sebridge Acquisition Company, LLC. The other company would assume the responsibilities of Cox under the existing franchise, which is only two years old and runs for another thirteen years. He advised that an issue that could be brought up according to statute is to question the financial soundness of the company that is acquiring Cox. He reported that Sebridge was in bankruptcy until September 2004, but could not discuss publicly the financial statements that they submitted at this time. Mr. Smith recommended looking into the matter very seriously, because if the City does not take action, the application automatically goes into effect by law.

**RESOLUTION 2005-217R – AUTHORIZING THE TCEQ FUNDED GRANT AGREEMENT FOR FISCAL YEARS 2006 AND 2007 AIR QUALITY PLANNING TO REDUCE OZONE**

The resolution authorizes the Texas Commission on Environmental Quality State Funded Grant Agreement Contract No. 582-6-70889, in the amount of \$924,600, with no City matching funds required, for FY 2006 and FY 2007 air quality planning activities to reduce ozone. Jerry James.

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

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

NAYS: None

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**RESOLUTION 2005-218R – AWARDING THE CITY'S HEALTH PLAN STOP LOSS INSURANCE WITH RELY STAR**

The resolution awards a contract for the City's Health Plan Stop Loss Insurance with Rely Star in the amount of \$20.95 per employee per month and \$60.20 per dependent family per month, in an estimated total amount of \$310,756, with an \$115,000 deductible. Charmelle Garrett.

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

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

NAYS: None

**RESOLUTION 2005-219R – AUTHORIZING THE LOAN STAR LIBRARIES GRANT AGREEMENT WITH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION**

The resolution authorizes the Loan Star Libraries Grant agreement with the Texas State Library and Archives Commission, in the amount of \$12,755, with no City matching funds required. 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, Wyatt, Halepaska, and Mayor  
Armstrong

NAYS: None

**RESOLUTION 2005-220R – AWARDING THE BID FOR TWO 2007 GARBAGE TRUCKS TO GULF INTERNATIONAL TRUCKS**

The resolution awards the bid for the purchase of two 2007 25-Cubic Yard Tandem Axle Rear Loading Garbage Trucks to Gulf International Trucks of Victoria, Texas, in the amount of \$86,666.31 each, minus trade-in credit of \$15,000 each for two 1999 Chevrolet C8500 garbage trucks, for a total cost of \$143,332.62. Steve Trevino.

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

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

NAYS: None

**RESOLUTION 2005-221R – AUTHORIZING THE REPAIR OF THE CITY HALL ELEVATOR BY THYSSENKRUPP ELEVATOR CORPORATION**

The resolution authorizes a contract for repair of the City Hall Elevator with ThyssenKrupp Elevator Corporation, in the amount of \$50,781, with no anticipated additional costs for optional items (soil removal & drilling costs) in the contract. Steve Trevino.

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, Wyatt, Halepaska, and Mayor  
Armstrong

NAYS: None

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**RESOLUTION 2005-222R – AUTHORIZING DOCUMENTS TO SETTLE CLAIMS BY MILTON S. GREESON, JR. AND GREESON INSURANCE**

The resolution authorizes the City Manager to execute all necessary documents to settle all claims by Milton S. Greeson, Jr. and Greeson Insurance against the City involving said parties' property at or next to 2606 North Navarro, drainage easements on said property, damage to improvements on said property, and the City's commitment made February 27, 2004 with respect to said property, in the amount of \$172,289.20. David A. Smith.

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

**RESOLUTION 2005-223R – AUTHORIZING A PARTIAL SETTLEMENT AGREEMENT CONCERNING THE 2003-2004 RED RIVER HEIGHTS AND HOLLYWOOD BOULEVARD UTILITY IMPROVEMENT PROJECT**

The resolution authorizes the City Manager to execute a Partial Settlement Agreement between Benco Contracting, Inc., Safeco Insurance Company, and the City of Victoria concerning the 2003-04 Red River Heights and Hollywood Boulevard Utility Improvements Project. Miles Risley.

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, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2005-224R – AUTHORIZING SCHEDULING AN ELECTION ORDINANCE PROHIBITING SMOKING IN ALL PUBLIC BUILDINGS**

The resolution authorizes scheduling an election ordinance to be prepared to consider the questions of prohibiting smoking in all public buildings and making other changes to the smoking ordinance as said questions are specified by City Council.

Cm. Wyatt moved to table the resolution, with Cm. Guittard seconding the motion. The resolution was **tabled** by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, 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. Second and Third Reading. Miles Risley.

Miles Risley, Senior Assistant City Attorney stated that this would apply to properties starting in January.

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Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Guittard seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, 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. Second and Third Reading. Miles Risley, Scarlet Swoboda, Steve Trevino, Jerry James, Doug Cochran.

Cm. Neitsch moved to amend the ordinance to raise the fees for Mobile Food Units to \$220, Commercial Outdoor Sales to \$80, Itinerant Vendor Permit Fees to \$80, and the Itinerant Vendor Police Investigation Fee to \$40, with Cm. Russell seconding the motion. The ordinance was amended by the following vote:

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

Cm. Wyatt moved to amend the ordinance to raise the fees for ball field use of Riverside Stadium to \$200 per game, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

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

Cm. Wyatt moved to amend the ordinance by eliminating day care or foster home inspection fees and public swimming pool permits as recommended by staff, with Cm. Halepaska seconding the motion. The ordinance was amended by the following vote:

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

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, on second and third reading by the following vote:

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

## CITY COUNCIL MINUTES

December 20, 2005

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. Second and Third Reading. Jerry James.

Cm. Guittard moved that the ordinance pass on second and third reading, with Cm. Russell seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, 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 \$500.00 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 60<sup>th</sup> day thereafter. Second and Third Reading. Chip Sutton.

Cm. Wyatt moved to amend the ordinance to exempt mobile homes, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

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

Cm. Guittard moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, on second and third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, 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 60<sup>TH</sup> DAY THEREAFTER; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2005-2006D - AMENDING THE 2005-2006 BUDGET OF THE CITY OF VICTORIA TO PROVIDE FUNDING FOR THE REPAIR OF THE CITY HALL ELEVATOR**

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006D, which amends the 2005-2006 Budget of the City of Victoria General Fund Building Services Department by \$50,781 to provide funding for the repair of the City Hall elevator. Emergency Reading. Gilbert P. Reyna, Jr.

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

**NAYS:** None

Caption:

**AN ORDINANCE AMENDING THE 2005-2006 BUDGET OF THE CITY OF VICTORIA GENERAL FUND BUILDING SERVICES DEPARTMENT BY \$50,781 TO PROVIDE FUNDING FOR THE REPAIR OF THE CITY HALL ELEVATOR.**

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 6:21 p.m., in accordance with:

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, requested sale of extension of Odem Street on/near east end of Lot 19 & 20 Block A, Victoria, Texas). David A. Smith.

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.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the City Manager & directors of the Victoria Sales Tax Development Corporation). Scarlet Swoboda.

The Council reconvened in regular session at 7:35 p.m. and had nothing to report. There being no further business, the meeting was adjourned at 7:36 p.m.

**CITY COUNCIL MINUTES  
December 20, 2005**

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  
January 3, 2006**

**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, January 3, 2006 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  
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  
Ray Miller, Assistant Planning Director  
Doug Cochran, Director, Parks and Recreation  
Gilbert P. Reyna, Jr., Director, Finance  
Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Jim Wyatt

**APPROVAL OF MINUTES**

There were none presented.

**CITIZENS COMMUNICATION**

**Tax Freeze**

Jack A. Mullins, 224 Ridgewood Drive, requested clarification on when the 65 and older tax freeze goes into effect. David A. Smith, City Attorney, advised that the appraised value for 2005 was the amount to be frozen and the freeze takes effect on January 1, 2006.

**Smoking Ordinance**

A proposed resolution to schedule the preparation of an election ordinance to consider the questions of prohibiting smoking in all public buildings and making other changes to the smoking ordinance had been requested by Cm. Russell at the last meeting. Cm. Russell stated that it had been his intent to discuss this matter when all Council Members were present and provided the same language that he proposed at the last meeting. Following discussion it was the consensus of Council to go ahead and prepare an ordinance with the language proposed by Cm. Russell.

**ITEMS FROM COUNCIL**

**Tree Trimming Concerns**

Mayor Armstrong advised that he had received complaints about the cutting of trees that hang out over the streets, with the individual feeling that they should be notified first for their