

VICTORIA CITY COUNCIL**March 21, 2006****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, March 21, 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
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
Lynn Short, Director, Utilities
Gilbert P. Reyna, Jr., Director, Finance
Andrew Jacob, Assistant Finance Director
Scarlet Swoboda, City Secretary

OTHERS PRESENT

Lee Keeling, President of the Victoria Economic Development Corporation

APPROVAL OF MINUTES

The minutes of the regular meeting of March 7, 2006 and the special meeting of March 9, 2006 were approved as presented.

CITIZENS COMMUNICATION**“Achievement of Excellence in Libraries”**

Mayor Armstrong presented James Stewart, Director of the Victoria Public Library, with the Texas Municipal Library Director Association “Achievement of Excellence in Libraries” Award for the Victoria Library. Mr. Stewart recognized the members of the Library Board in attendance.

Train Quiet Zones

Gary Hall, 309 E. Santa Rosa, spoke in favor of quiet zones for the trains. He stated that this had been an ongoing problem for years and was disappointed that the downtown area would not qualify because of the un-gated intersections. He suggested that if a quiet study was conducted that perhaps a decimal level study could also be done. He also volunteered to serve on an adhoc committee if one were ever formed to address this issue.

James Wearden, 507 S. William, stated that he lives in the downtown area and if that area is every going to see reinvigoration quiet zones needed to be extended there as well.

Taylor Starkey, M.D., 404 W. Guadalupe, stated his appreciation to Council for their effort in addressing the train quiet zone issue again. He stated that if someone lives near a train track they suffer because of the noise. He stated that he understood that train engineers were required by law to blow the trains horn, but some do that in a gentle and nice way and others do not. He stated that closing some crossings may be what it takes to accomplish a quiet zone area in the downtown area, and he understood that would not be a popular choice. He also stated that he would be willing to serve on a citizen’s committee if one were established.

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Curbstoning

Richard Fritz, 104 Woodwind Dr., asked Council to vote against the ordinance addressing curbstoning. He stated that he had sold vehicles in that manner in the past because of the exposure received in those locations. He stated that he realized that it could be an eyesore; however, he did not think that the Police Department had enough manpower to enforce the proposed ordinance.

ITEMS FROM COUNCIL

Cm. Russell suggested \$75 a month raise in compensation for members of City Council. He stated that there was a pretty strong burden in the amount of money that Council Members have to spend out of their own pockets on clerical matters, cell phones, and etc. He pointed out that use of his personal phone on behalf of the City on occasion has resulted in a substantial savings for the City. He advised that he had requested a resolution to consider this issue at the next regular meeting.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2005-2006F – AMENDING THE 2005-2006 BUDGET TO PROVIDE FUNDING FOR THE CONSTRUCTION OF GOLF CART PAVEMENT AT RIVERSIDE GOLF COURSE

The ordinance considers amending the 2005-2006 Budget of the City of Victoria General Fund Street Department by \$324,000 to provide funding for the construction of Golf Cart Pavement at Riverside Golf Course with the Victoria Park Improvement Association (VPIA). Andrew Jacob.

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

ORDINANCE 2005-2006G – AMENDING THE 2005-2006 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE GLASGOW STREET IMPROVEMENT PROJECT

The ordinance considers amending the 2005-2006 Budget of the City of Victoria General Fund Street Department by \$526,130 to provide additional funding for the Glasgow Street Improvement Project. Andrew Jacob.

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

ORDINANCE 2006-5 – REVIEWING, RENEWING AND AMENDING CHAPTER 15, ARTICLE III, “JUVENILE CURFEW”, OF THE VICTORIA CITY CODE

The ordinance considers reviewing, renewing and amending Chapter 15, Article III, “Juvenile Curfew”, of the Victoria City Code, with no changes recommended. Richard Jones.

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

ORDINANCE 2006-6 – AMENDING SECTION 22-57, “PARKING FOR CERTAIN PURPOSES PROHIBITED; STORAGE TIME LIMIT” OF THE VICTORIA CITY CODE

The ordinance considers amending Section 22-57, “Parking for certain purposes prohibited; storage time limit” of the Victoria City Code to prohibit the display of motor vehicles for the purpose of sale from any public or private property other than the vehicle owner’s property (curbstoning). Miles Risley.

Miles Risley, Senior Assistant City Attorney reported that the proposed ordinance was requested by Cm. Russell at the last City Council meeting. He advised that the curbstoning ordinance was a very simplified proposal from one that has been provided in the past. Mr. Risley stated that the ordinance would be enforced by issuing citations; however there would be other investigatory steps taken such as calling the entity listed on the “For Sale” sign to determine whether

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the vehicle was for sale and who owned it. Cm. Russell stated that it was unattractive when these vehicles are parked on various parking lots, and there is the other element of protecting the public in terms of who they are dealing with along with safety factors. He stated that used car dealers pay property taxes and the State of Texas has a good reason for requiring dealers to be licensed to make sure the consumer is treated fairly.

Cm. Halepaska stated that he had a problem with the proposed ordinance in that it would not allow a property owner to give permission to someone to sell from their property. It should be up to the landowner and he suggested adding a section to the ordinance, which would state that it shall be an affirmative defense to prosecution under this section that a person parking a car on private property for the purpose of displaying the vehicle for sale have written permission for the placement from the owner of the property.

Denny Arnold, City Manager, inquired whether the suggested amendment by Cm. Halepaska prompted any other license or permit from the City Secretary's Office. Mr. Risley stated that the outdoor sales ordinance is an ordinance of general applicability and everyone who sells goods or services from an area open to a public place is currently required to get a permit. Cm. Russell and Cm. Buckert suggested adding as part of the affirmative defense to include displaying those permits on the windshield of the vehicle. Richard Jones, Chief of Police, responded to the question of enforceability by stating that once the ordinance was publicized he felt a lot of the vehicles would go away.

Cm. Wyatt stated that this was an outstanding ordinance for the City and he and Chief Jones had been working on issues on private property where there were used cars for sale. He stated that if we are going to make Victoria beautiful, he supported the ordinance and the proposed amendment.

Lois Davis, 2705 Red River Drive Apt. C3, stated that requiring a permit to be displayed in the vehicle was a good idea because that way there would be no question whether someone were in compliance or not.

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**Use of the Botanical Gardens by the University of Houston Victoria (UHV)**

Doug Cochran, Director of Parks and Recreation, reported that recently he found out that the University of Houston Victoria (UHV) was looking at purchasing a greenhouse for their educational programs. He let them know that the City had a greenhouse at the Botanical Gardens and would be willing to lease that facility to them. The City and UHV entered into a Memorandum of Understanding which allows UHV to utilize the greenhouse, giving them sole use of the facility and the ability to sell plants to further their programs.

Swan Crossing Subdivision Status Report

John Kaminski, Director of Planning, provided an update on the Swan Crossing Subdivision Project stating that the primary goal of the new housing initiative was to increase the availability of affordable new housing and affordable home ownership in Victoria, and it also provided an opportunity for neighborhood revitalization. He stated that the project was using a combination of Community Development Block Grant (CDBG) funds and local funding sources. He advised that the City was constructing the infrastructure to create 55 single family lots at Delmar and Hanselman Road with the completion deadline expected in April 2006, four months ahead of schedule. He advised that installation of electrical service and street lights by AEP and a fencing contract still needed to be completed.

Mr. Kaminski advised that the City had two forms of assistance to make these homes affordable for qualifying home buyers.

- For home buyers to qualify under the 80% medium income guideline, the lot valued just below \$15,000 would be provided with no upfront cost and secured with a five-year deferred forgivable loan in the amount of the lots value. The forgivable loan would give

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the City the assurance that Housing and Urban Development (HUD) guidelines were met and also keeps the recipient from using that equity to quickly turn property over for a profit.

- The second form of assistance the City must provide is a CDBG grant that would go toward down payment, closing cost, and related fees. The amount of that assistance had not been determined, but it would likely be higher than the typical \$15,000 mortgage assistance program that the City currently operates.

He stated that the City would partner with private sector lenders and builders to facilitate the home construction phase of the project. The representatives of local banks, branch banks, and mortgage companies have expressed a high level of interest in the program. The Planning Department would be the initial point of contact of potential home buyers at which time a packet would be distributed with a list of participating lenders, builders, the program guidelines, and application requirements. Once the clients select their lender from the list and are pre-approved for the mortgage amount they would select a lot and then a builder. Mr. Kaminski stated that minimum standards were currently being worked on for the construction of the homes, including minimum square footage, number of bedrooms, bathrooms, enclosed garage, and masonry requirements on the front of the homes.

He advised that HUD regulations state that if CDBG monies are used to build infrastructure for a single family development all of the homeowners have to meet the guidelines. A waiver had been requested that would permit a percentage of the lots to be sold at cost to any buyer regardless of their income. The number of lots covered by that waiver is basically proportional to non CDBG money going into the project, which would be approximately 17 lots. He stated that the prospects of receiving the waiver were very good and would help achieve the goal of creating mixed income and home values in Swan Crossing. Another great benefit to this project was that as much as \$250,000 could be generated in program income which would then be available for other CDBG eligible housing activities. Mr. Kaminski advised that this project did not affect the current city wide mortgage home assistance program that was currently in place.

Railroad Quiet Zones

Miles Risley, Senior Assistant City Attorney advised that the Federal Railroad Administration (FRA) regulations have become easier in the last five years. Under the current FRA guidelines the City could establish quiet zones for a limited set of crossings, but in order to establish a quiet zone the railroad crossings must first have gates. He stated that this is a big barrier for a lot of cities because gated crossings cost approximately \$200,000 to \$300,000 to install. Other requirements state that quiet zones must be one-half mile in length and conform to a formula published by the FRA that takes into account the number of vehicles that cross the crossings as well as accident history. In order to qualify for a quiet zone a certain set of supplementary measures must be established that prevent gate running at a minimum number of crossings to get the formula within balance. The result is generally one-third to one-half of the crossings in each quiet zone must have the supplementary safety measures. There are about 14 different supplementary safety measures though only a few are fairly inexpensive and don't create other political problems.

Two safety measures that are relatively inexpensive are:

- The construction of reflective traffic channelization devices on mountable medians.
- Non traversable curb medians with or without channelization devices.

Mr. Risley advised that these are designed to prevent gate running. The potential cost would be approximately \$15,000 to \$75,000 per quiet zone, although each individual unit would vary. One of the problems with building those is that there are intervening driveways and those devices have to extend at least 100 feet out from the crossing, also any time you construct anything in a street there is the potential for some type of conflict, not just with driveways but some type of utilities. Some of the quiet zones are short with only two or three crossings, some of them would involve seven or eight crossings and the installation of supplementary safety measures between two and four crossings. The downtown area would be excluded from becoming a possible quiet zone only because of the gates that would have to be installed at the many un-gated crossings.

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Cm. Neitsch inquired whether there was any federal money available for establishing quiet zones. Mr. Risley advised that the City gets federal money to construct gates every several years; however the federal money was directed primarily at those gates that have high traffic count and high accident history. Cm. Neitsch asked the Public Works to determine which streets would need to be closed to establish quiet zones in the downtown area and the cost.

David A. Smith, City Attorney, made the following comment as the Council's legal advisor: He stated that he had been involved with train wreck situations in his practice, and to his knowledge there has not been a death from a train hitting someone in the last ten years. There have been some miraculous events where someone only lost their vehicle and somehow got out of their vehicle. He stated that trains are very difficult to bring to a halt and need over one-half mile of preparation before they can come to a stop. He suggested that one reason for the lack of wrecks were because of the safety precautions, some of which you have provided, and some of which the railroad has provided, but we also have the horns which have to blow audibly 1,500 feet before each crossing. He stated that from his own point of view the citizen's of Victoria were blessed by the fact that regulation are in place that require the horn blowing along with the other safety devices that have been put up. He would be very hesitant to try to cut down on that horn blowing even though it may be disturbing to a lot of people, but this was a railroad that was already in place and the houses have been built up around it. We haven't put the railroad there among the residence, the railroad was there first and it's been safe for these past many years and he would keep it that way. In his experience railroad crossings are very dangerous places a lot of people are maimed or killed and we have been very fortunate, and he thinks it is because of the safety devices in place.

It was the consensus of Council to get more information and schedule a work session to determine whether to pursue the issue.

RESOLUTION 2006-38R – CONSIDERING APPLICATION FOR TAX ABATEMENT FROM TYCO PLASTICS, L.P. AND/OR COVALENCE SPECIALTY MATERIALS CORP.

The resolution considers an application for Tax Abatement from Tyco Plastics, L.P. and/or Covalence Specialty Materials Corp., for plastic bag manufacturing equipment and facility expansion at the existing plant at 202 S. John Stockbauer and setting a public hearing for consideration of such application. Lee Keeling.

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 2006-40R – ADDING LOTS TO THE CITY'S LAND SWAP FLOOD RELIEF PORGRAM

The resolution adds lots located at 607 & 611 E. Second Street to the City's Land Swap Flood Relief Program, adopted on May 18, 1999 and amended on April 18, 2000. 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

RESOLUTION 2006-41R – AUTHORIZING CHANGE ORDER NUMBER 3 TO THE BROWNSON STREET WATER LINE REPLACEMENT PROJECT

The resolution authorizes the additive Change Order Number 3 to the Brownson Street Water Line Replacement Project, to replace approximately 700 linear feet of failing water line in the 1300 and 1400 blocks of East Stayton Street between Laurent and George Streets and increase the contract amount by \$62,375, which will bring the total contract price to \$432,960. Lynn Short.

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 2006-42R – AUTHORIZING A CONTRACT WITH STRATMANN CONSTRUCTION FOR THE 2005-2006 SIDEWALK PROJECT- PHASE I

The resolution authorizes a contract with Stratmann Construction, of Victoria, Texas for the 2005-2006 Sidewalk Project – Phase I in an amount not to exceed \$34,045. John Johnston.

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 2006-3 – AUTHORIZING A CONTRACT FOR CONSTRUCTION OF GOLF CART STREETS AT RIVERSIDE GOLF COURSE WITH VICTORIA PARK IMPROVEMENT ASSOCIATION (VPIA)

City Attorney, David A. Smith, read the caption of Ordinance 2006-3, which authorizes the City Manager to execute a contract for construction of golf cart pavement at Riverside Golf Course with the Victoria Park Improvement Association (VPIA). Second Reading. John Johnston.

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

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

Caption:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR CONSTRUCTION OF GOLF CART PAVEMENT AT RIVERSIDE GOLF COURSE WITH THE VICTORIA PARK IMPROVEMENT ASSOCIATION (VPIA), IN THE AMOUNT OF \$123,000; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2005-2006E – AMENDING THE 2005-2006 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE 2005-2006 RECLAIM/OVERLAY PROJECT

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006E, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$336,492 from the General Fund fund balance to the General Fund Street Department Streets & Roadways Maintenance line item to provide additional funds for the 2005-06 Reclaim/Overlay Project. Second and Third Reading. Andrew Jacob.

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

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Caption:

AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$336,492.00 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND STREET DEPARTMENT STREETS & ROADWAYS MAINTENANCE LINE ITEM TO PROVIDE ADDITIONAL FUNDS FOR THE 2005-06 RECLAIM/OVERLAY PROJECT.

ORDINANCE 2005-2006F – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE CONSTRUCTION OF GOLF CART PAVEMENT AT RIVERSIDE PARK

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006F, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$324,000 from the General Fund balance to the General Fund Street Department Building & Improvements line item, to provide funding for the construction of the Golf Cart Pavement at Riverside Golf Course with the Victoria Parks Improvement Association (VPIA). First Reading. Andrew Jacob.

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

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

Caption:

AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$324,000.00 FROM THE GENERAL FUND BALANCE TO THE GENERAL FUND STREET DEPARTMENT BUILDING & IMPROVEMENTS LINE ITEM, TO PROVIDE FUNDING FOR THE CONSTRUCTION OF THE GOLF CART PAVEMENT AT RIVERSIDE GOLF COURSE WITH THE VICTORIA PARKS IMPROVEMENT ASSOCIATION (VPIA).

ORDINANCE 2005-2006G – AMENDING THE 2005-2006 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE GLASGOW STREET IMPROVEMENT PROJECT

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006G, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$526,130 from the General Fund balance to the General Fund Street Department Streets & Roadways line item, to provide funding for the Glasgow Street Improvement Project. First Reading. Andrew Jacob.

Cm. Buckert moved to amend the ordinance as written “to as read,” 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 first reading, with Cm. Wyatt seconding the motion. The ordinance passed, as amended, 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 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$526,130.00 FROM THE

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GENERAL FUND BALANCE TO THE GENERAL FUND STREET DEPARTMENT STREETS & ROADWAYS LINE ITEM, TO PROVIDE FUNDING FOR THE GLASGOW STREET IMPROVEMENT PROJECT.

ORDINANCE 2006-5 – REVIEWING, RENEWING AND AMENDING CHAPTER 15, ARTICLE III “JUVENILE CURFEW” OF THE CITY CODE

City Attorney, David A. Smith, read the caption of Ordinance 2006-5, which reviews, renews and amends Chapter 15, Article III, “Juvenile Curfew” of the Victoria City Code. First Reading. Richard Jones.

Cm. Buckert 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 REVIEWING, RENEWING AND AMENDING CHAPTER 15, ARTICLE III, “JUVENILE CURFEW” OF THE VICTORIA CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION, ENFORCEMENT, AND PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2006-6 – AMENDING SECTION 22-57, “PARKING FOR CERTAIN PURPOSES PROHIBITED; STORAGE TIME LIMIT” OF THE VICTORIA CITY CODE

City Attorney, David A. Smith, read the caption of Ordinance 2006-6, which amends Section 22-57, “Parking for certain purposes prohibited; storage time limit” of the Victoria City Code to prohibit the display of motor vehicles for the purpose of sale from any public or private property other than the vehicle owner’s property. First Reading. Cm. Russell.

Cm. Halepaska moved to amend the ordinance to add Section (c) which reads as follows:

It shall be an affirmative defense to prosecution under this section that a person parking a car on private property for the purpose of displaying the vehicle for sale:

- (1) had written permission for such placement from the owner of the property, and
- (2) at the time the vehicle was displayed for sale, had displayed on the window of the vehicle a valid commercial outdoor sales permit, itinerant vendors permit, or charitable solicitation permit.

Cm. Buckert seconded 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. Wyatt seconding the motion. The ordinance passed, as amended, 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 SECTION 22-57, “PARKING FOR CERTAIN PURPOSES PROHIBITED; STORAGE TIME LIMIT” OF THE VICTORIA CITY CODE TO PROHIBIT THE DISPLAY OF MOTOR VEHICLES FOR THE PURPOSE OF SALE FROM ANY PUBLIC OR PRIVATE PROPERTY

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OTHER THAN THE VEHICLE OWNER'S PROPERTY, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:24 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, the legal rights of the City with respect to the Lease Agreement between the City of Victoria and the Victoria Park Improvement Association (VPIA) for the Operation of the Municipal Golf Course at Riverside Park, *City of Victoria vs. Jerry P. Fortenberry, et ux, Bonnie M. Fortenberry, et. al.*, and federal regulations related to railroad quiet zones). 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 party (including, but not limited to, the value of land used for the operation of the golf course at Riverside Park and the value of Lot 1, Block 1 of Northside Center Subdivision). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, evaluation, and duties of the City Manager and members of the Planning Commission). Scarlet Swoboda.

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 8:17 p.m. and considered the following:

RESOLUTION 2006-39R – APPOINTING ONE MEMBER TO THE PLANNING COMMISSION

The resolution appoints Nic Green to the City of Victoria Planning Commission to fill an unexpired term. Scarlet Swoboda.

Cm. Neitsch moved that the resolution be adopted, with Cm. Halepaska 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

There being no further business, the meeting was adjourned at 8:18 p.m.

APPROVED: 

WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 

SCARLET SWOBODA, City Secretary