

**CITY COUNCIL MEETING
March 29, 2006**

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 11:04 p.m. in accordance with:

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

The Council reconvened in regular session at 1:30 p.m. and considered the following:

Cm. Buckert left the meeting prior to reconvening in regular session.

RESOLUTION 2006-43R – APPOINTING CHARLES E. WINDWEHEN AS CITY MANAGER EFFECTIVE OCTOBER 1, 2006

David A. Smith, City Attorney, read the following resolution:


The City Council has resolved to hire Charles E. Windwehen as City Manager, assuming that role on October 1, 2006. He will continue as Assistant City Manager but his salary will be increased by \$21,500 per annual, or \$10,750 for the six month period. On October 1, 2006 the salary will be increased to \$119,000 base salary, \$6,000 auto allowance, \$10,000 deferred compensation, and \$3,000 for health retirement reimbursement program. He will receive a three months severance package based on the number of accrued but unused sick days that he has left while employed with the City of Victoria. The resolution effective date will be April 1, 2006.


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, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

There being no further business, the meeting was adjourned at 2:05 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
April 4, 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, April 4, 2006 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

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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
 Andrew Jacob, Assistant Director, Finance
 Jerry James, Director, Environmental Services
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of March 21, 2006 were approved as presented.

CITIZENS COMMUNICATION**Tennis Courts at Community Center Discussion**

Sara Thompson, 405 Masters Drive, stated that she had been an active member of the tennis community for a number of years, had coached tennis at Victoria College, and was an active member of the Tennis Association. She stated that she was not opposed to the youth sports complex and ball fields, but she was concerned that the HEB tennis courts at the Community Center would be eliminated in order to make room for more parking spaces. She stated that in 1982 HEB contributed a \$50,000 grant for the construction of four courts and Victoria Tennis Association gave \$21,000 for the lighting of those courts, which are some of the best courts in Victoria. Over the years Victoria Tennis Association has also helped maintain the facility. She advised that numerous groups of all ages play on those courts several times a week and the association was looking at ways to include the youth. She stated that some of the parking should be placed on the other side of the drainage ditch as was originally proposed so that the tennis courts could remain. She stated that these courts were a gift to Victoria and she was not in favor of demolishing the courts to build parking lots.

Sue Comstock, 502 Masters Drive, stated that the facilities were used a lot and they could be used by anyone as no membership is required. She stated that the public had not been informed until now that the tennis courts would be bulldozed to make way for parking spaces. She stated she was in support of tennis and would like to see the tennis courts left where they were and continue the partnership with the City and the Parks Department.

Tom Willis, 108 Greenway, stated that in the late 1970's and early 1980's the Tennis Association along with the American Heart Association co-sponsored tournaments, which brought in out of town tennis players. He stated that tennis tournaments would bring visitors to Victoria the same way baseball and softball tournaments would, and the Council should take that into consideration.

Bridgette Miori-Hogsed, 2522 Tipton Road, stated that the tennis courts were self fenced, so they could be in the middle of the parking lot, which may only change the flow of traffic, but not the parking lot itself.

When asked how many parking spaces would remain if the tennis courts were left intact, the Parks Director stated that it was more than parking spaces; it involved the flow of traffic in that area as the tennis courts sit right in the middle of the proposed parking plan. Mayor Armstrong suggested calling the current proposal Plan A, and asked staff to come up with a Plan B for the next meeting to reconsider doing away with the tennis courts.

Cm. Wyatt stated that all along the layout was not anchored in stone, it was a work in progress, and expressed the desire to wait until after the May 13 election. He also suggested placing parking on both sides of the ditch, which would save the tennis courts.

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James Thompson, 405 Masters Drive, was in favor of a plan that would leave the tennis courts in place and would like to see a plan before the May election so he knows whether he will be voting for the destruction of the tennis courts in order to get ball fields or voting for something that accommodates everyone.

Cm. Buckert stated that there should be an alternative plan and Cm. Wyatt stated that he was not opposed to an alternative plan but did not want to rush things. Cm. Halepaska was not opposed to an alternative either, but two years have already been spent on this project.

Cm. Neitsch expressed concern that approximately 25 people that use the tennis courts were going to bad mouth the whole program that would put 3,600 kids in jeopardy of losing a youth sports complex. He stated that he was in favor of leaving the parking plan as it was and going before the voters.

Cm. Halepaska stated that he was afraid if a long discussion ensued it was going to cloud the issue of whether we want a sports complex. He was not in favor of removing the tennis courts, but he did not know if Council needed to decide that right now. He was sure the plan could be re-drawn as there have already been several drawings he had seen, but he did not believe it could be done in a week. He stated that he did not want to jeopardize the sports complex but thought that was what might happen.

It was the consensus of Council to have a re-draw of the parking area along with a cost estimate.

Cebridge Cable Discussion

Bill Richter, 401 Dundee, addressed Council concerning the Cebridge Cable deal and specifically the internet component dealing with the web service and the email. He stated that there were two issues of concern; (1) the orderly cutover from Cox Cable to Cebridge, which would be disruptive to those with web services and email, and (2) the new upcoming telephone system over the internet called Voice over Internet Protocol (VOIP) and how Cebridge would handle it. He suggested that the cutover should be some type of parallel cutover so that it would be an orderly transfer of email addresses. He expressed hope that Cebridge would allow competitive access to third party internet telephone providers and requested that the City send a letter expressing those concerns. David A. Smith, City Attorney stated that he would write a letter stating Mr. Richter's concerns.

James Farrow, Assistant Manager of Cox/Cebridge, stated that a six-month orderly cutover grace period was given to customers in the past so that they could notify others of the change in email addresses. He stated that the VOIP system was not planned until next year, but to his knowledge Cebridge had not restricted any flow of data whatsoever and they had not led him to believe that they would be changing that.

ITEMS FROM COUNCIL**TML Information**

Cm. Wyatt stated that he had been serving on a Texas Municipal League (TML) committee and one of the grave issues that they felt would come up in the 2007 Legislative Session was that of their membership in the TML. The question had already been broached in Harris County about whether taxpayer's money was being used to lobby the Legislature. He stated that he has worked on many committees in TML and they do an outstanding job of looking out for the cities interests. David A. Smith, City Attorney, stated that the Legal Department had already answered interrogatories from the House subcommittee on lobbying and they were informed that the City of Victoria had spent approximately \$8,500 through the three sessions of the Legislature that was held last time. That was in comparison to the millions upon millions of dollars that AT&T spent to get their telecommunications bill through and the millions upon millions of dollars that AEP/TCC has spent to get its electrical deregulation bills through. Cm. Wyatt stated that there are many bad bills filed that are against cities and TML represents cities very well.

City Manager Appointment

Cm. Buckert congratulated Charles Windwehen on his appointment to City Manager stating that she was proud of the Council, in saving a lot of money by not going out of town to get a consultant to do a hunt. She stated that the Council served very well together and applauded Cm. Halepaska, Neitsch and Russell for heading up the search committee, and they picked the best candidate for the City.

RESOLUTION 2006-49R – INCREASING THE SALARIES OF COUNCIL MEMBERS

The resolution increases the salary of the Mayor, Mayor Pro Tem, and City Council Members by \$75 per month and declares an effective date of May 1, 2006. Cm. Bill Russell.

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

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2005-2006H – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF LAND FROM BRIAN G. ADAMEK AND ELAINE ADAMEK FOR THE EXPANSION OF THE CITY LANDFILL

The ordinance considers amending the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$230,000 from the Environmental Services Fund fund balance to the Environmental Services Recycling Department Land line item, to provide additional funding for the purchase of land from Brian G. Adamek and Elaine Adamek for the expansion of the City landfill. 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**Texas Department of Transportation's 2006 Statewide Transportation Enhancement Program Grant(s)**

John Kaminski, Director of Planning, gave a report on the Transportation Enhancement Grant Program, which is a competitive grant program operated by the Texas Department of Transportation (TxDot) that provides funding for various types of transportation related projects. It provides federal funding for 80% of the total cost of a project. He advised that staff had developed three potential projects to submit to TxDot in the 2006 program, which were due at the end of April.

The three projects recommended are as follows:

- **Sidewalk Project:** To provide sidewalks or fill-in sidewalks along Crestwood from Laurent to Vine Street, Red River from Laurent to Vine Street, Red River from Vine Street to Memorial Drive, and Vine Street from Red River to North Street.
- **Red River Corridor Enhancement Project:** From US Highway 87 / Main Street to Memorial Drive. This project would redefine Red River as the major entrance into Riverside Park.
- **Visitors Center:** To provide for the construction and development of a Visitors Center to be located at the intersection of Loop 463 and US Highway 59.

Mr. Kaminski advised that the City had the option of submitting one of these applications or multiple projects. He stated that there was an advantage to submitting multiple projects in that you

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can not predict from one year to the next what type of project the Transportation Commission was going to select. He stated that if a variety of projects were submitted it may increase the chances of being funded, however, if multiple projects are submitted they compete against one another. If the Council chooses to submit multiple projects TxDot would require that they be ranked in accordance with the Council's preference. He stated that a resolution would be presented at the April 18, 2006 meeting to obtain Council authorization to submit the application and he asked that Council rank the projects.

RESOLUTION 2006-44R – AWARDING THE CONTRACT FOR BRUSH GRINDING SERVICES AT THE AIRPORT BRUSH SITE TO MV HENKE ENTERPRISES, INC.

The resolution awards the contract for brush grinding services at the Victoria Airport brush site to MV Henke Enterprises, Inc. of Hallettsville, Texas, in the amount of \$1.08 per cubic yard of unground material, for a total amount not to exceed \$84,240. Jerry James.

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 2006-45R – AWARDING THE LA SALLE CROSSING CONSTRUCTION CONTRACT TO BRANNAN PAVING COMPANY, INC.

The resolution awards a contract to Brannan Paving Company, Inc., of Victoria, Texas for the Construction of LaSalle Crossing (Hathaway Street to N. Navarro), in the amount of \$996,490.67. John Johnston.

Cm. Buckert moved to amend the resolution to adopt the resolution presented tonight instead of the one in the packet, 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. Guittard moved that the resolution be adopted, with Cm. Wyatt 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 2006-46R – AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDED LEASE AGREEMENT WITH VICTORIA PARK IMPROVEMENT PROJECT (VPPIA) FOR OPERATION OF THE MUNICIPAL GOLF COURSE AT RIVERSIDE PARK

The resolution authorizes the City Manager to execute the first amended Lease Agreement between the City of Victoria and the Victoria Park Improvement Association (VPPIA) for the Operation of the Municipal Golf Course at Riverside Park, which will extend the lease and provide for an increased lease payment of \$3,014.19 per month to the City of Victoria, for a period of 15 years. Doug Cochran.

Doug Cochran, Director of Parks and Recreation advised that the lease would be amended again at the completion of the cart path construction to finalize all the numbers.

Cm. Buckert moved that the resolution be adopted, with Cm. Wyatt 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 2006-47R – AUTHORIZING THE PURCHASE OF PROPERTY, EASEMENTS AND SURFACE AND MINERAL RIGHTS NEXT TO THE CITY’S LANDFILL FROM BRIAN G. ADAMEK, ELAINE ADAMEK AND ELMER GENE ADAMEK

The resolution authorizes all documents necessary to purchase (1) approximately 210.8 acres next to the City’s landfill in the amount of \$2,000 per acre from Brian G. Adamek and Elaine Adamek, (2) purchase an approximately 2.22 acre tract of land and/or easement next to said property in the amount of \$2,000, (3) purchase surface rights to mineral interests and other rights therein to said property from Elmer Gene Adamek in the amount of \$2,000. David A. Smith & Jerry James.

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 2006-48R – APPROVING THE ASSIGNMENT OF A CABLE TELEVISION FRANCHISE TO CEBRIDGE ACQUISITION CO. LLC AND/OR CEBRIDGE ACQUISITION, L.P.

The resolution approves the assignment of a cable television franchise from Cox Southwest Holdings, L.P. to Cebridge Acquisition Co. LLC. and/or Cebridge Acquisition, L.P. David A. Smith.

David A. Smith, City Attorney, advised that Cebridge had agreed to continue the customer service as provided now, which includes both KLRN and KUHT on basic channels and they are going to maintain sufficient staffing locally to provide the same level of customer service technicians and field service personnel as has been provided by Cox. They have no plans to change the local office, but agreed that they would not do so within one year. All of the operational records would remain local, future audits on franchise fees would be done every four years, giving a four year look back, and they are going to pay the City \$11,959 on deficient franchise fees from the past. They will provide certain services that have not been provided before, including a government channel if requested for approximately \$5,000 on a one time basis. The attorney’s fees and expenses that have been incurred will be paid by Cox/Cebridge and the same set of agreements will be presented in the form of a franchise agreement in three readings starting at the next Council meeting. The Federal law only gives 120 days from the date of first notification of the intent to transfer assets from one company to another and that time expires before the next Council session. Mr. Smith stated that it was his opinion that this agreement did not have to be passed by an ordinance, but because the other franchise agreement was adopted on a three reading ordinance they wanted it done the same way.

Cm. Halepaska 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, 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) in the amount of \$123,000. Third Reading. John Johnston.

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Cm. Wyatt moved to amend the ordinance by changing "\$123,000" to "\$0.65 per square foot for a total of approximately \$140,400" with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

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

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

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

Caption:

AN ORDINANCE 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 "\$0.65 PER SQUARE FOOT FOR A TOTAL OF APPROXIMATELY \$140,400"; AND DECLARING AN EFFECTIVE DATE.

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). Second and Third Reading. Andrew Jacob.

Cm. Buckert moved to amend the dollar amount in the ordinance from "\$324,000" to "\$388,000" with Cm. Guittard 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. Buckert moved to amend the ordinance to correct the project name from "Swan Crossing" to "Golf Cart Pavement Project" in section 4 of the ordinance, with Cm. Guittard 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. Wyatt moved that the ordinance pass on second and third reading, with Cm. Guittard seconding the motion. The ordinance passed, as amended, 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 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$388,000 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).

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. Second and Third Reading. Andrew Jacob.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Neitsch 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 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.

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. Second and Third Reading. Richard Jones.

Cm. Buckert 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, 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. Second and Third Reading. Cm. Russell.

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Cm. Russell moved that the ordinance pass on second and third reading, with Cm. Neitsch 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 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, 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.

ORDINANCE 2005-2006H – AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF LAND FROM BRIAN G. ADAMEK AND ELAINE ADAMEK FOR THE EXPANSION OF THE CITY LANDFILL

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006H, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$230,000 from the Environmental Services Fund fund balance to the Environmental Services Recycling Department Land line item, to provide additional funding for the purchase of land from Brian G. Adamek and Elaine Adamek for expansion of the City landfill. First Reading. David A. Smith.

Cm. Guittard 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 THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$230,000 FROM THE ENVIRONMENTAL SERVICES FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES RECYCLING DEPARTMENT LAND LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF LAND FROM BRIAN G. ADAMEK AND ELAINE ADAMEK FOR EXPANSION OF THE CITY LANDFILL.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:20 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, federal and state laws related to the issuance of cable franchise agreements, the cable franchise agreement with Cox Cable,

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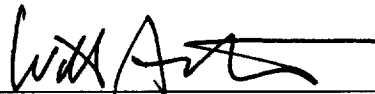
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the BFI contract for landfill operation, and legal requirements related to the proposed sale of 2102 E. Houston Hwy.). David A. Smith.

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, the value of property being acquired next to the landfill, and the value of 2102 E. Houston Hwy.). 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 directors of the City-County Board of Health, Building Board of Adjustments and Appeals, Electrical Board of Adjustments and Appeals, Mechanical Board of Adjustments and Appeals, City Manager, and City Attorney). Scarlet Swoboda.

The Council reconvened in regular session at 8:30 p.m. and had nothing to report. There being no further business, the meeting was adjourned at 8:31 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
