

**VICTORIA CITY COUNCIL**  
**August 1, 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, August 1, 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  
 Paul Polasek  
 David Hagan  
 Jim Wyatt  
 Tom Halepaska

**STAFF PRESENT**

Charles Windwehen, Assistant City Manager  
 Miles Risley, Senior Assistant City Attorney  
 Gilbert P. Reyna, Jr., Director, Finance  
 Charmelle Garrett, Director, Human Resources  
 John Johnston, Director, Public Works  
 John Kaminski, Director, Planning  
 Lynn Short, Director, Utilities  
 Jerry James, Director, Environmental Services  
 Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of July 18, 2006 were approved as presented.

**CITIZENS COMMUNICATION**

**Victoria Regional Museum Association**

Denise Roussel, Director of the Victoria Regional Museum Association, advised that they operate the Nave and McNamara House Museums, and part of their job was to promote tourism in Victoria. She stated that they make a substantial impact on cultural tourism and requested an increase from \$4,000 to \$8,000 from the hotel/motel tax fund. Chip Dence, 302 N. Hummel Street, urged support of the funding request:

**Thomas Ninke Senior Village Update**

Tom Willis, 108 Greenway, Vice-Chairman of the Board for the Victoria Housing Authority, reported that last week the Texas Department of Housing and Community Affairs committed funding for the Thomas Ninke Senior Village, which will be an affordable elderly housing project for 2007. He thanked the Council for their support.

**Texas Zoo Funding Request**

Eddie Overbay, 609 Mallette Drive, Director of Operations of the Texas Zoo stated that he was in attendance to answer any questions that the Council had about the funding request for the Zoo that was presented at the last meeting. The following individuals expressed support of the Zoo's request: Pat Rowe, 801 Mason Circle, Anabel Mondolfi, 1058 Wiggington, Inez, and Deidre Hudson, 305 E. Moody, and Dr. Sandra Cochran, Veterinarian.

Cm. Hagan stated that the Texas Zoo was about education and was an investment in our children. He stated that we needed to partner with and support what is being done right in our community.

**Junior League Request**

Mary Cox, 206 W. Stayton, representing the Junior League of Victoria, spoke about the restoration of the O'Connor-Proctor building and replication of the historic Abraham Levitansky building. She stated that there were members from the Cultural Council, Performing Arts Center, Victoria Preservation Inc, and Downtown Revitalization Committee in attendance who were in support of the project. She advised that over the last 70 years the Junior League has given volunteer support to 83 different community projects. It is responsible for founding or co-founding seven major institutions in Victoria. During all those years the League has never requested funds from the

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City, but this project would cost over \$2 million. Ms. Cox advised that they have already raised \$400,000 and asked that the City support the project by allocating \$200,000 over two years. She stated that these structures would be available to anyone who wished to rent them for a function. A doorway would be installed between the two buildings so that the Children's Discovery Museum would be able to expand their exhibits. She stated that this project would make a powerful impact on downtown revitalization, tourism, and historic preservation.

The following individuals expressed their support for the project suggesting that it would help in revitalization of the downtown area, and encouraged the Council to grant the request made by the Junior League: Deborah Hill, 4005 Bradley, John Roberts, 301 Champions Row, Kathy Lowe, Director of the Children's Discovery Museum, Helen Walker, 407 E. Santa Rosa, Deidre Hudson, 305 E. Moody, Gary Dunnam, 104 N. Liberty, and Rachel Seerden, 204 Roselyn Ave.

Cm. Neitsch inquired about how many people this facility would hold and what the rental fee would be. Amy Elliott, Project Chair for the Junior League responded that it was planned for approximately 2,500 square feet of available rental space. She stated that a rental fee had not been determined at this time, but would probably look at what the going rate was when the time came. Cm. Neitsch asked if office space was going to be built on the second floor, and if so what would the rental costs be. Ms. Elliott responded that had not been determined yet.

Cm. Guittard stated that he encouraged downtown revitalization, but expressed concern that the facility would be too small to accommodate most functions and was not sure how much it would bring to downtown. Ms. Elliott stated that they were hoping to cater to small weddings or showers with less than 100 people in attendance.

Mayor Armstrong stated that he was supporting this project, stating that if we continue to invest in the downtown area and its historical preservation we are investing in the revitalization and activity in downtown Victoria.

Cm. Hagan stated that this project needed to be thought of as a downtown revitalization project. We need to make a commitment to the downtown area and partner not only with this group but with others that are interested in bringing it back to its former glory.

### **Dog Sales on Navarro**

Sheila Newland, 202 Dundee, President of the Non-profit Victoria Dog Obedience Club, expressed concerns with the selling of puppies on Navarro. She stated that the purchaser was taking a chance that the puppies may not be healthy and there would be no recourse. Ms. Newland stated that if one litter had the highly contagious parvo virus it could be spread from one litter to another, as the virus stays on the ground for a long time, and it can also be taken home to a healthy dog after handling an infected animal. She suggested that it also may contribute to impulse buying which may lead to more dogs ending up at the animal shelter. She urged Council to adopt a new ordinance banning the sell of puppies on the side of the road, similar to ordinances passed by Cuero and New Braunfels.

The following individuals agreed with the above mentioned concerns: Donna Roberts, 301 Champions Row, Karen Brooks, 3804 Billy Drive, Nancy Alkek, 2701 Leary Lane, Barbara Matthews, 703 Tranquillo, and Dr. Sandra Cochran, Veterinarian.

Miles Risley, Senior Assistant City Attorney advised that it was currently illegal to sell products within view of a public street without first obtaining either an itinerant vendor or commercial outdoor sales permit. Mayor Armstrong suggested holding a work session on this topic and instructed the Legal Department to get ordinances from the cities mentioned.

### **Texas Settlement Region Request**

Barbara Kennedy 1308 N. Moody Street, Victoria County Director to the Board of Director to Texas Settlement Region and President of the Board, thanked the Council for their past support. She advised that all 10 of the Texas Department of Transportation (TxDot) centers display their materials. She advised that there were over 10,000 visitors each month to their web page and they know that people are looking to visit Texas. Ms. Kennedy stated information was also being

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distributed to local organizations as well as out of state organizations. She advised that Texas Settlement was proud of their volunteer organization and they asked for continued support as they continue to promote the region "Where Texas Heritage Began." She stated that last year their funding was diminished some and would like to have that reinstated, but would take any amount that they were deserving of and they would use it wisely to promote the area. Helen Walker, 407 E. Santa Rosa also encouraged the Council to support them.

Cm. Guittard stated that this group had worked very hard over the past several years, and if it had not been for their work there probably would not be the LaSalle Odyssey Museums in any of the surrounding towns. The Museum of the Coastal Bend probably would not have come to fruition if not for this group. He requested that they be adequately funded.

**ITEMS FROM COUNCIL**

There were none.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following item:

**RESOLUTION 2006-113R – APPROVING THE 2006-2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN AND SUBMITTING REQUIRED DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

The resolution considers approving the FY2006-2007 Community Development Block Grant (CDBG) One-Year Action Plan and authorizing the City Manager to submit the required documentation to the Housing and Urban Development (HUD) for the FY2006-2007 CDBG Program. John Kaminski.

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**

The Fiscal Year 2006-2007 City of Victoria Proposed Annual Budget was delivered to the City Council. Gilbert P. Reyna, Jr.

The Certified Tax Roll was delivered to the City Council. Gilbert P. Reyna, Jr.

**RESOLUTION 2006-106R – APPOINTING THREE MEMBERS TO THE PLANNING COMMISSION**

The resolution appoints Donna Rodriguez and reappoints Matt Alvarez and Bruce Eppinger to the City of Victoria Planning Commission. Scarlet Swoboda.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
 NAYS: None

**RESOLUTION 2006-107R – APPOINTING TWO MEMBERS TO THE SIGN BOARD OF ADJUSTMENTS AND APPEALS**

The resolution appoints Richard Janecka and reappoints Milton Bluhm to the Sign Board of Adjustments and Appeals. Scarlet Swoboda.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2006-108R – APPOINTING FIVE MEMBERS AND EIGHT ALTERNATE MEMBERS TO THE BUILDING AND STANDARDS COMMISSION**

The resolution reappoints Harold Cade, Nick Hinojosa, Eric Murphy, C. W. Settles, and Alex Solis as members to the Building and Standards Commission and John Acosta, Edward Valis, Albert Totah, Rawley McCoy, Dorothy Harris, Scott Lee, Gloria Gleinser, and Dan Hiller as alternate members. Scarlet Swoboda.

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

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

**RESOLUTION 2006-109R – APPOINTING ONE MEMBER TO THE VICTORIA PUBLIC LIBRARY ADVISORY BOARD**

The resolution appoints Margaret Vaughan to the Victoria Public Library Advisory Board. Scarlet Swoboda.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2006-110R – AUTHORIZING CHANGE ORDER NUMBER 3 TO THE NAVARRO STREET WATER AND SEWER LINE REPLACEMENT PROJECT**

The resolution authorizes the Director of Utilities to execute additive Change Order Number 3 to the Navarro Street Water and Sewer Line Replacement Project, to add 940 linear feet of 18” cured in place sanitary sewer line rehabilitation and increase the contract amount by \$101,520, bringing the total contract price to \$3,138,606.81. Lynn Short.

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

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

**RESOLUTION 2006-111R – AUTHORIZING CHANGE ORDER NUMBER 4 TO THE NAVARRO STREET WATER AND SEWER LINE REPLACEMENT PROJECT**

The resolution authorizes the Director of Utilities to execute additive Change Order Number 4 to the Navarro Street Water and Sewer Line Replacement Project, for additional work due to conflicts with existing utilities while installing pipe crossings at Buena Vista Street, Warren Street, Park Avenue, Virginia Street and Red River Street intersections, which will increase the contract amount by \$48,333.16, bringing the total contract price to \$3,186,939.97. Lynn Short.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2006-112R – AUTHORIZING A CONTRACT WITH TEXAS LANDFILL MANGEMENT L.L.C. FOR COMPOSING SERVICES**

The resolution authorizes a contract with Texas Landfill Management L.L.C. (TLM) for composting services for a 10-year term on a site next to the current permitted landfill, which will provide for the acceptance of (1) biosolids (undigested sludge) from the GBRA regional wastewater plant at a rate of \$12.00 per wet ton, with a minimum expenditure of \$126,533.33 per year thereon, (2) brush from the City of Victoria at a rate of \$3.00 per cubic yard, and (3) brush from the third parties at a rate of \$4.31 per cubic yard. Jerry James.

This item was not considered at this time.

**RESOLUTION 2006-113R – APPROVING THE 2006-2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE YEAR ACTION PLAN AND SUBMITTING REQUIRED DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

The resolution (1) approves the Fiscal Year 2006-2007 Community Development Block Grant (CDBG) One-Year Action Plan and (2) authorizes the City Manager to submit all required documentation for the Fiscal Year 2006-2007 CDBG Program to the U.S. Department of Housing and Urban Development (HUD). John Kaminski.

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

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

NAYS: None

**RESOLUTION 2006-114R – AUTHORIZING A CONTRACT, EASEMENT AND USE RESTRICTION WITH AEP TEXAS CENTRAL COMPANY FOR ELECTRIC SERVICE FOR THE SWAN CROSSING SUBDIVISION**

The resolution authorizes the City Manager to execute a Contract, Easement and Use Restriction with AEP Texas Central Company to provide for the installation and electric delivery service for the Swan Crossing Subdivision in the amount of \$17,311.50. John Kaminski.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2006-115R – APPOINTING THE CITY'S DIRECTOR OF FINANCE AS CITY REPRESENTATIVE TO CALCULATE EFFECTIVE TAX RATE AND ROLLBACK**

The resolution appoints the City's Director of Finance, Gilbert P. Reyna, Jr., C.P.A., as the representative for the City of Victoria to perform the effective tax rate and rollback calculations. Gilbert P. Reyna, Jr.

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

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

NAYS: None

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**RESOLUTION 2006-116R – SETTING A PUBLIC HEARING ON THE PROPOSED 2006-2007 CITY OF VICTORIA BUDGET FOR AUGUST 22, 2006**

The resolution sets a Public Hearing on the Proposed Fiscal Year 2006-2007 City of Victoria Budget for August 22, 2006. Gilbert P. Reyna, Jr.

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

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

NAYS: None

**RESOLUTION 2006-117R – AUTHORIZING THE CITY MANAGER TO PUBLISH THE "NOTICE OF EFFECTIVE TAX RATE" SCHEDULES**

The resolution authorizes the City Manager to publish the "Notice of Effective Tax Rate" schedules in accordance with Section 26.04 of the Texas Tax Code and the form and language prescribed by the Texas Comptroller. Gilbert P. Reyna, Jr.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
 Armstrong

NAYS: None

**RESOLUTION 2006-118R – DETERMINING A PROPOSED TAX RATE CHANGE AND CALLING A PUBLIC HEARING FOR AUGUST 22, 2006 AND AUGUST 29, 2006**

The resolution determines whether to propose a tax rate change from the currently effective tax rate of \$0.65 per \$100 valuation to \$0.69 per \$100 for Fiscal Year 2006-2007, calling public hearings for the proposed tax increase to be held on August 22, 2006 and August 29, 2006 at 5:00 p.m. in the City Council Chambers, 107 W. Juan Linn, Victoria, Texas, and setting a vote concerning the tax rate on the City Council agenda on September 5, 2006 at 5:00 p.m. in the City Council Chambers, 107 W. Juan Linn, Victoria, Texas. Gilbert P. Reyna, Jr.

Cm. Neitsch 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
 Armstrong

NAYS: None

**RESOLUTION 2006-119R – DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION OF THE CITY OF VICTORIA**

The resolution directs the Publication of Notice of Intention to Issue Certificates of Obligation of the City of Victoria in the amount of \$10,000,000. Gilbert P. Reyna, Jr.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
 Armstrong

NAYS: None

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**RESOLUTION 2006-120R – GRANTING A VARIANCE TO THE SIGN REQUIREMENTS AT 7801 N. NAVARRO ON A TARGET CORPORATION SIGN EASEMENT ON PROPERTY OWNED BY THE CITY OF VICTORIA**

The resolution grants a variance to Sections 5-151(a), 5-154(a), 5-154(c), 5-154(e) and 5-154(g) of the Victoria City Code, which prohibit signs on public property, provide billboard spacing limits, provide setback requirements, require that billboards larger than 70 square feet in area be mounted on a single steel pole, and provide location review requirements, to the proposed sign located at 7801 N. Navarro, to be placed on a Target Corporation sign easement on property owned by the City of Victoria. David A. Smith.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**ORDINANCE 2005-2006I – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE SWAN CROSSING PROJECT**

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006I, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$35,000 from the General Fund fund balance to the Non-Departmental New Housing Initiative line item, to provide additional funding for the Swan Crossing Water, Sanitary Sewer, Storm Sewer & Streets Project. Second and Third Reading. Andrew Jacob.

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

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

NAYS: None

Caption:

**AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$35,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE NON-DEPARTMENTAL NEW HOUSING INITIATIVE LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE SWAN CROSSING WATER, SANITARY SEWER, STORM SEWER & STREETS PROJECT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**WORK SESSION**

The Council recessed into a Work Session following a short break. Discussion was held on the following projects so as to give recommendations to the staff.

1. **South Texas Zoological Society's (Zoo's) request for funding** – Cm. Hagan suggested releasing the remaining funds that were earmarked in the FY 2005-2006 budget for the Zoo Master Planning purposes. He then suggested giving them \$23,500, which was half of the increase that they were asking for. It was the consensus of Council to release the remaining funds from the \$20,000 allocated in the current budget, which has a limitation clause to use only for the preparation of the Parks Master Plan. The budget would then reflect \$139,000 for funding in the FY 2006-2007 budget and a resolution would be prepared to amend the current contract so as to release the remaining funds.
2. **Sidewalk Projects** – There were four identified areas for consideration: (1) Along Tweed and Edinburgh, adjacent to Vickers School, estimated cost \$54,000. (2) Along N. Ben Jordan from Ashford to Santa Barbara near Deleon school, estimated cost \$60,000. Approximately

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two-thirds of that section is not on school property, of that cost approximately \$14,000 would be on school property. (3) 970 linear feet along Glasgow from Edinburgh to Blyth, estimated cost \$86,000. (4) Multiple locations along N. Navarro adjacent to and tying onto current existing transit stops, about 1,362 linear feet of sidewalk, estimated cost \$67,000. The staff's recommendation was that if a sidewalk was placed on school property, the school district should be asked whether that was a priority for them, if it was, then they could ask the City to manage the project and build the sidewalk provided they funded the project. It was the consensus of Council to allocate funds for the N. Navarro proposal.

3. **Additional Sports Venues** – Doug Cochran, Director of Parks and Recreation presented a refined cost estimate on Phase II of the Youth Sports Complex. Staff has agreed to suggest developing the following options: BMX track at \$256,450, skate park at \$201,450, sand volleyball area at \$188,800, and adult soccer fields, drainage at \$150,000 and engineering for \$50,000 with a total estimated cost of \$846,700. Mayor Armstrong stated that Phase I had not been built and the reoccurring operating cost have not been determined yet. He stated that he was not opposed to these projects, but would still like to look at spreading these venues out to other locations. Cm. Neitsch advised that the Parks Commission was in favor of this location. He stated that he wanted to have a long-range plan, so that these projects did not get forgotten, and recommended earmarking a certain amount each year for them. Cm. Wyatt stated that the citizens suggested that these venues be placed at the community center location and he was in favor of putting money aside so that at the appropriate time the City could move forward with these projects. It was suggested that it may be a good idea to combine some of the engineering costs with Phase I if possible. Council direction on this project would be given at the next work session.
4. **Victoria Visitors Center (hotel/motel)** – Their request was for \$202,000, an increase from the \$83,000 allocated this year. Council consensus to grant their request.
5. **Victoria Cultural Council (hotel/motel)** – Their request was for \$85,000, and increase from \$78,137 allocated this year. Council consensus to grant their request.
6. **Texas Settlement Independence Region (hotel/motel)** - Their request was for \$8,000. Council consensus to give \$4,000.
7. **Victoria Regional Museum Association (hotel/motel)** – Their request was for \$8,000. Council consensus to give \$4,000.
8. **Junior League Request for Historic Preservation (hotel/motel)** – Their request was for \$200,000 over a two-year period. It was noted that legally only one year could be committed at a time. Cm. Neitsch expressed concerns with individuals coming to the City for financial assistance. Cm. Wyatt stated that he could not in good faith or conscience go to the City coffers and ask the taxpayers to fund a building that was not City owned. He stated that it was his belief that government should only provide things to the citizens that they can not provide for themselves, such as infrastructure, public safety, or quality of life. No funds were recommended for allocation at this time, it was suggested to wait and see how the County Commissioners responded to the Junior League's request.

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 8:10 p.m., in accordance with:

Section 551.072, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. 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. David A. Smith.

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Section 551.072, Texas Government Code, with regard to personnel matters (including, but not limited to, appointments to the Planning Commission, Sign Board of Adjustments and Appeals, and Buildings and Standards Commission). David A. Smith.

Section 551.072, 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 9:21 p.m. with nothing to report. There being no further business, the meeting was adjourned at 9:22 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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