

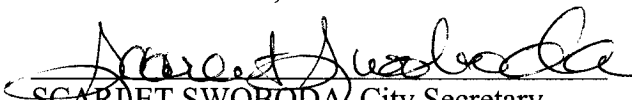
CITY COUNCIL MINUTES

March 6, 2007

REQUIREMENTS FOR SHOPPING CENTERS, AND MODIFY OFF-STREET PARKING REQUIREMENTS, 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.

There being no further business, the meeting was adjourned at 5:53 p.m.

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

ATTEST: 
 SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL

March 20, 2007

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 20, 2007 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 E. Windwehen, City Manager
 Charmelle Garrett, Assistant City Manager
 David A. Smith, City Attorney
 Miles Risley, Senior Assistant City Attorney
 John Johnston, Director, Public Works
 John Kaminski, Director, Planning
 Roy Boyd, Police Captain
 Gilbert P. Reyna, Jr., Director, Finance
 Doug Cochran, Director, Parks and Recreation
 Andrew Jacob, Assistant Finance Director
 Rick Madrid, Building Official
 Jerry Seifert, Fleet Administrator
 Scarlet Swoboda, City Secretary

OTHERS PRESENT

Dale Fowler, Executive Director,
 Victoria Economic Development Corporation

APPROVAL OF MINUTES

The minutes of the regular meeting of March 6, 2007 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

ITEMS FROM COUNCIL

Cm. Halepaska requested that there be one person assigned and responsible for overseeing inspections on the Lone Tree Road Reconstruction Project. Director of Public Works, John Johnston advised that one full-time City inspector was assigned to that project and would be out at the project.

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Mayor Armstrong reported that a meeting was held in San Antonio the day before that he attended along with Charles E. Windwehen, Jerry James, and Victoria County Judge Don Pozzi. They met with the Mayor of San Antonio, County Judge, General Manager of the Edwards Aquifer Authority (EAA), representatives on the Legislative Committee of the EAA, and representatives with the San Antonio Water Systems (SAWS). Director of Environmental Services, Jerry James reported that the meeting addressed the Legislative Session and some of the bills that would be coming forward concerning pumping caps and managing the Edwards Aquifer. He spoke briefly on HB 1292 and SB 659, two bills that had been introduced. Mr. James reported that he would represent the City at a hearing that would be held the next day in Austin. Mayor Armstrong stated that Mr. James was doing a magnificent job on the City's behalf.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2007-5 – AUTHORIZING THE REINVESTMENT ZONE AND TAX ABATEMENT APPLICATION FOR VICTORIA WLE, L.P.

The ordinance considers determining that the Application for Designation of a Reinvestment Zone and Tax Abatement of Victoria WLE, L.P. meets the criteria for designating a reinvestment zone; designating as a reinvestment zone approximately 90 acres of real property and associated structures at the electric power plant and associated facilities next to Bottom Street and the Guadalupe River. Dale Fowler.

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

ORDINANCE 2007-5 – AUTHORIZING THE REINVESTMENT ZONE AND TAX ABATEMENT APPLICATION FOR VICTORIA WLE, L.P.

City Attorney, David A. Smith, read the caption of Ordinance 2007-5, which determines that the Application for Designation of a Reinvestment Zone and Tax Abatement of Victoria WLE, L.P. meets the criteria for designating a reinvestment zone; designates as a reinvestment zone approximately 90 acres of real property and associated structures at the electric power plant and associated facilities next to Bottom Street and the Guadalupe River, Victoria, Texas; establishes the boundaries thereof and other matters relating thereto; determines that the City of Victoria intends to enter into an agreement for Tax Abatement with Victoria WLE, L.P., and establishes requirements for said agreement. First Reading. Dale Fowler.

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

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

Caption:

AN ORDINANCE DETERMINING THAT THE APPLICATION FOR DESIGNATION OF A REINVESTMENT ZONE AND TAX ABATEMENT OF VICTORIA WLE, L.P. MEETS THE CRITERIA FOR DESIGNATING A REINVESTMENT ZONE; DESIGNATING AS A REINVESTMENT ZONE APPROXIMATELY 90 ACRES OF REAL PROPERTY AND ASSOCIATED STRUCTURES AT THE ELECTRIC POWER PLANT AND ASSOCIATED FACILITIES NEXT TO BOTTOM STREET AND THE GUADALUPE RIVER, VICTORIA, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DETERMINING THAT THE CITY OF VICTORIA INTENDS TO ENTER INTO AN AGREEMENT FOR TAX ABATEMENT WITH VICTORIA WLE, L.P., ESTABLISHING REQUIREMENTS FOR SAID AGREEMENT; PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2006-2007G – AMENDING THE 2006-2007 FISCAL YEAR BUDGET FOR INCREASED CODE ENFORCEMENT ACTIVITIES

The ordinance considers amending the Fiscal Year 2006-2007 Budget by transferring \$46,000 from the General Fund fund balance to three General Fund Code Enforcement Department line items for increased code enforcement activities. This would provide funding for the second half of the year for two additional employees in the Code Enforcement Department. Andrew Jacob.

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

ORDINANCE 2006-2007H – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR EMERGENCY MANAGEMENT ACTIVITIES

The ordinance considers amending the Fiscal Year 2006-2007 Budget by transferring \$26,825 from the Civil Defense Fund fund balance to three Civil Defense Department line items for emergency management activities. Andrew Jacob.

Emergency Management Coordinator, David Martyn, presented information on the need for an additional employee in the Emergency Management Office. He advised that the responsibilities of this employee would be to:

- Review, update, and be a trainer on the Emergency Management Plan
- Planner to track City/County compliance with the National Information Management System issues
- Training Issues and Programs
- Development of Exercise Programs
- Manage the Texas Resource Registry Network
- Establish and Manage Community Emergency Response Teams Program
- 211 Evacuation Registration Program
- Evacuation Planning

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

ORDINANCE 2007-6 – DECLARING UNOPPOSED CANDIDATES ELECTED TO THE OFFICES OF MAYOR, CITY COUNCIL DISTRICT 5 AND CITY COUNCIL DISTRICT 6 AND CANCELING JOINT GENERAL ELECTION OF MAY 12, 2007

The ordinance considers declaring unopposed candidates elected to the offices of Mayor, City Council District 5 and City Council District 6 and canceling Joint General Election of May 12, 2007 for those offices. The Certification of Unopposed Candidates was presented to the Mayor and City Council by the City Secretary, Scarlet Swoboda.

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

- **Sign Ordinance** - Rick Madrid, Building Official, presented the draft changes to the ordinance as recommended by the Sign Board. The first area of focus was on signs related to large developments that were causing a number of variances, this would be a new section to the ordinance. The second area of focus dealt with the provisions regulating banners, inflatables, pennants, streamers, etc. This section was the final version that the Sign Board planned to recommend, it is proposed to be less restrictive than the current ordinance.
- **CDBG Habitat for Humanity Housing Reconstruction Program.** John Kaminski, Director of Planning, reported that this was a proposed new activity that would be funded by the Community Development Block Grant (CDBG). The concept is to partner with Habitat for Humanity to reconstruct homes that were beyond the scope of the CDBG Owner-Occupied Rehab Program. It is anticipated that two homes at \$20,000 each could be worked into the Habitat for Humanity construction program for the fall of 2007. He suggested setting

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aside \$40,000 a year to fund the program on a continuing basis. The \$20,000 per home would be provided to the applicants in the form of a five-year deferred forgivable loan. The City would also provide for the demolition of the existing home. The current cost for a Habitat home is approximately \$55,000 and Habitat would provide the remaining \$35,000 in the form of 30 year, zero interest loans, that would be repayable to Habitat. Cm. Wyatt commended Mr. Kaminski, Darlah Sims, and Jared Mayfield for thinking outside of the box on this project.

- **Wings of Freedom** – David A. Smith, City Attorney, announced that the Wings of Freedom would be coming to Victoria Wednesday, March 28, 2007 through Friday, March 30, 2007. They would be bringing a B17, B24, and B25 to Foster Field where the planes would be on exhibit and available for flights. The aircraft would be on exhibit starting in Houston, then on to Victoria, Corpus Christi, and San Antonio. The City would be providing transportation for some of the crew members, and two of the Council Members would fly back from Houston to Victoria on the B17. The Mayor would be presenting a proclamation advertising the show and commemorating the aircraft.
- Charles E. Windwehen announced that there would be a work session next week on solid waste pick-up and disposal services.

RESOLUTION 2007-26R – AUTHORIZES ADVERTISING PROPERTY AT 206 E. THIRD STREET FOR SALE

The resolution authorizes documents to advertise for the sale of the West ½ of Lot 1, Block 136, Original Townsite of Victoria, Texas, located at 206 E. Third Street, and a 0.363-acre tract of land in the S.A. & M.G.R.R. Co. Survey, Abstract 324 described in Deed to City of Victoria at Volume 1477, Page 343 of the Deed Records of Victoria County, located on Salem Road, in accordance with Tex. Local Gov't Code §253.008. David A. Smith

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

NAYS: None

RESOLUTION 2007-27R – AWARDING THE BIDS FOR THE PURCHASE OF ONE 2007 TRUCK FROM PHILPOTT MOTORS AND ONE 2008 TRUCK FROM MAC HAIK FORD

The resolution awards the bids for the purchase of one 2007 1½-ton Cab & Chassis with Service Body to Philpott Motors of Nederland, Texas, in the amount of \$34,988, minus trade-in allowance of \$2,000 for a 1996 International 4700 truck, for a total amount of \$32,988, and (2) awards a bid for the purchase of one 2008 Heavy-Duty, Crew Cab, 1-Ton Pickup Truck to Mac Haik Ford of Victoria, Texas, in the amount of \$22,472.75, minus trade-in allowance of \$3,000 for a 1999 Ford F-250 Pickup truck, for a total amount of \$19,472.75. Jerry Seifert.

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 2007-28R – ACCEPTING THE SUPPLEMENTAL TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY GRANT

The resolution ratifies and accepts the supplemental Texas Automobile Theft Prevention Authority grant in the amount of \$59,270, with no City matching funds required. Roy Boyd.

Cm. Polasek 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 2007-29R – AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH ASSOCIATED ENGINEERS AND SURVEYORS FOR THE LONE TREE CREEK IMPROVEMENTS AND OFF-CHANNEL STORAGE PROJECT TO INCLUDE A HIKE AND BIKE TRAIL

The resolution amends the Professional Services Agreement with Associated Engineers and Surveyors for the Lone Tree Creek Improvements and Off-Channel Storage Project to increase the scope of services to include the design & construction administration of a hike and bike trail from Airline Road to Greenway Park Subdivision, including a concrete pathway (with an alternative of crushed granite), foot bridge, electrical services, trail lighting and other amenities, and increase the amount of the contract by \$44,000. John Johnston.

Cm. Wyatt moved to amend the resolution to include a third alternate of rubberized hike and bike trail material, with Cm. Polasek seconding the motion. The resolution was amended by the following vote:

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

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

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

RESOLUTION 2007-30R – AUTHORIZING A LETTER OF REPRESENTATION WITH FRITZ, BYRNE, HEAD AND HARRISON, L.L.P. FOR LEGAL SERVICES IN REGARDS TO THE REGIONAL SOLID WASTE LANDFILL OPERATIONS SERVICES CONTRACT WITH BFI WASTE SERVICES OF TEXAS, L.P.

The resolution authorizes a Letter of Representation with Fritz, Byrne, Head and Harrison, L.L.P. for legal services regarding contractual obligations related to the Regional Solid Waste Landfill Operations Service Contract between the City and BFI Waste Services of Texas, L.P. David A. Smith.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

ORDINANCE 2007-4 – AMENDING THE CITY CODE TO MODIFY MANUFACTURED HOME REQUIREMENTS

City Attorney, David A. Smith, read the caption of Ordinance 2007-4, which amends Sections 12-8(a)(2), 21-3(b), 21-30, 21-31(6), 21-35(b), 21-82(i), 21-83(b), 21-92(a), and 21-92(Table 3.1) of the Victoria City Code, to prohibit the placement of manufactured and modular homes in historic districts, modify the definition of “manufactured home”, modify platting procedures, modify lot design and frontage requirements for shopping centers, and modify off-street parking requirements. Second and Third Reading. John Kaminski.

Cm. Neitsch moved that the ordinance pass on second and third reading, with Cm. Guittard seconding the motion. Cm. Wyatt moved to table the ordinance until the first meeting in April,

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stating that he was not opposed to the ordinance but would like to look a little closer at the geographical area, Cm. Neitsch seconding the motion. The ordinance was **tabled** by the following vote:

AYES: Council Members Neitsch, Polasek, Hagan, Wyatt, and Halepaska

NAYS: Council Members Guittard and Mayor Armstrong

ORDINANCE 2006-2007G – AMENDING THE 2006-2007 FISCAL YEAR BUDGET FOR INCREASED CODE ENFORCEMENT ACTIVITIES

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007G, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$46,000 from the General Fund fund balance to three General Fund Code Enforcement Department line items to provide funding for two additional employees and associated equipment for increased code enforcement activities. First Reading. Gilbert P. Reyna, Jr.

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

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$46,000 FROM THE GENERAL FUND FUND BALANCE TO THREE GENERAL FUND CODE ENFORCEMENT DEPARTMENT LINE ITEMS TO PROVIDE FUNDING FOR TWO ADDITIONAL EMPLOYEES AND ASSOCIATED EQUIPMENT FOR INCREASED CODE ENFORCEMENT ACTIVITIES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2006-2007H – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR EMERGENCY MANAGEMENT ACTIVITIES

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007H, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$26,825 from the Civil Defense Fund fund balance to three Civil Defense Department line items to provide funding for an additional employee and associated equipment to assist with emergency management activities. First Reading. Andrew Jacob.

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$26,825 FROM THE CIVIL DEFENSE FUND FUND BALANCE TO THREE CIVIL DEFENSE DEPARTMENT LINE ITEMS TO PROVIDE FUNDING FOR AN ADDITIONAL EMPLOYEE AND ASSOCIATED EQUIPMENT TO ASSIST WITH EMERGENCY MANAGEMENT ACTIVITIES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2007-6 – DECLARING UNOPPOSED CANDIDATES ELECTED TO THE OFFICES OF MAYOR, CITY COUNCIL DISTRICT 5 AND CITY COUNCIL DISTRICT 6 AND CANCELING JOINT GENERAL ELECTION OF MAY 12, 2007

City Attorney, David A. Smith, read the caption of Ordinance 2007-6, which declares unopposed candidates elected to the offices of City Council for the positions of Mayor, City Council Member Super District 5, and City Council Member Super District 6, and cancels the election of May 12, 2007 for those districts. Emergency Reading. Scarlet Swoboda.

Cm. Hagan moved that the ordinance pass on emergency reading, with Cm. Guittard seconding the motion. The ordinance passed on emergency reading by the following vote:

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

Caption:

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES ELECTED TO THE OFFICES OF CITY COUNCIL FOR THE POSITIONS OF MAYOR, CITY COUNCIL MEMBER SUPER DISTRICT 5, AND CITY COUNCIL MEMBER SUPER DISTRICT 6, CANCELING THE ELECTION OF MAY 12, 2007 FOR THOSE DISTRICTS, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:01 p.m., in accordance with:

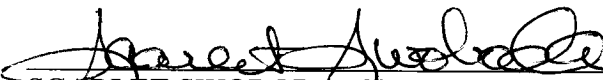
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal issues concerning acquisition & priority of water storage rights & surface water rights in properties next to Guadalupe River and other property in Victoria County). 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 purchase, exchange, lease or value of water storage rights & surface water rights in properties next to Guadalupe River & other property in Victoria County). 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.

The Council reconvened in regular session at 6:28 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned at 6:29 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary