



**CITY COUNCIL MINUTES**  
**June 19, 2007**

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL**  
**July 3, 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, July 3, 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

**MEMBERS ABSENT**

Tom Halepaska

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
 Charmelle Garrett, Deputy City Manager  
 Miles Risley, Senior Assistant City Attorney  
 Gilbert P. Reyna, Jr., Director, Finance  
 John Johnston, Director, Public Works  
 John Kaminski, Director, Planning  
 Bruce Ure, Chief of Police  
 Vance Riley, Fire Chief  
 Doug Cochran, Director, Parks and Recreation  
 James Stewart, Director, Library  
 Steve Trevino, Director, IMS  
 Rick Henrichs, Director, IT  
 Lynn Short, Director, Utilities  
 Jerry James, Director, Environmental Services  
 Jesse Turner, Police Captain  
 Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of June 19, 2007 were approved as presented.

**CITIZENS COMMUNICATION**

Alfred Ramirez, 501 N. Laurent, asked Council what he could do to protect his property. His fence line is on the corner of Power and Laurent with an easement that goes through it. There are garage apartments on the other side of the easement, and every year the renters tear down his fence by backing into it. He asked if he could put a guard rail across that fence line, because he was running out of options. Senior Assistant City Attorney, Miles Risley gave Mr. Ramirez the number to the Legal Department and said he would look into whether there was an enforceable city issue involved. Mr. Risley said he would check to see if there was a city solution or whether it was a civil matter.

**ITEMS FROM COUNCIL**

Cm. Wyatt Jim complimented Jerry James, Director of Environmental Services on his presentation of the proposed garbage automation at the African American Chamber Board.

WORK SESSION

Cm. Neitsch stated that tonight the Council would be listening to the requests and budget decisions would be made at a later date.

**Outside Agency Budget Requests Fiscal Year 2007-2008 Budget**

1. **Texas Settlement Region** – Barbara Kennedy, Director for Victoria County Texas Settlement Region, Present Vice-President and Immediate Past President, 1607 N. Glass, introduced Joe Speed, the new President who stated that they were requesting \$4,000 the same amount they received last year. He advised that they supply rack cards and visitor guides representing the 18 counties of the Texas Settlement Region at the Texas Department of Transportation Information Centers.
2. **Victoria Convention and Visitors Bureau** – Presentation would be at the July 17, 2007 Council meeting.
3. **Cultural Council of Victoria** – Steve Hipes, Chairman of the Cultural Council of Victoria stated that they were requesting \$85,000 the same amount they received last year. He advised that they were the resident manager of the Performing Arts Center. Their activities bring in out of town people to Victoria for the various events.
4. **Victoria Regional Museum Association** – Denise Roussel, Executive Director of the Victoria Regional Museum Association, 13 Meadowview requested \$30,000 an increase from last years funding of \$4,000. She suggested that it was a small price to pay for a great fine arts museum, and they play a huge role in the cultural landscape of the community. They also maintain two historic structures the McNamara Museum and the Nave. There were 2,000 visitors to the McNamara Museum and 2,000 plus at the Nave. Cm. Neitsch requested Ms. Roussel to provide the number of visitors that were from out of town and spent the night. James Wearden 507 S. William, President of the Association and owns the Inn on Main tells visitors about the McNamara and Nave because he does not think there is anything else that is unique and represents Victoria better than these museums.
5. **South Texas Zoological Society** – Eddie Overbay, Director of the South Texas Zoological Society, advised that the Zoo had grown tremendously with 37,000 people attending this year, with an anticipated 50,000 before the end of the year. He advised that they have been the number one site to visit on the Yahoo site from Victoria. They have grown in the educational area, built a new aviary, and were working on a new baboon exhibit. He requested \$170,000 which is \$20,000 more than last year to keep the Zoo growing.
6. **Boys and Girls Club** – Dwayne Bennett, Director of the Boys and Girls Club, 202 Hopkins stated that this is a 40 year old club. He advised that prior to 2004 they received \$14,000 and requested that the \$14,000 be reinstated plus an additional \$4,000 for a total of \$18,000. He would like to implement a midnight basketball program. He advised that El Campo funds their club for \$42,000. Individuals who spoke in support were Callie Fromme, 1405 N. Main and Ada Hooker, 410 E. Grouse.
7. **Keep Victoria Beautiful** – Daryl Lesak, President of Keep Victoria Beautiful, 279 Jessica Drive requested \$25,000 from Council. Since their inception three-years ago they have given monthly beautification awards and cleaned up five neighborhoods, which were not included in the City's Community Development Block Grant (CDBG) program. They raised \$25,000 in one day to transfer the oak trees from Loop 463 to the Botanical Gardens in Riverside Park. Mr. Lesak stated that they are working on getting their non-profit status. Their goal in 2008 is to find local business sponsors to raise funds for the renovation of the Botanical Gardens cottage. They will continue to do the local cleanups and take care of the Botanical Gardens. The organization feels that with funding help from the members, donors, and the City they could hire a competent director to lead them forward. Individuals who spoke in support were Tom Willis, 108 Greenway and Shirley Buckert, 414 Charleston.

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8. **Children's Discovery Museum** – Kathy Lowe, Director of the Children's Discovery Museum, 1307 Love, Kathy Hunt, 210 King Arthur, Chairman of the Board, and Betty Jo Elder, 23 Meadowview requested \$10,000 in support from the City. The Children's Discovery Museum opened in 2002 and focuses on children between 2 and 10 years old. There is also a strong youth volunteer program for 12 year olds and above. There are approximately 13,000 visitors annually at the Main Street location and 6,000 visitors to offsite activities. Program services include upkeep of exhibits, rental of traveling exhibits, materials for camps, and stipends for guest speakers. They have visits from schools, scouts, churches, childcare facilities, and social service organizations. They also partner with Citizens Hospital on diabetes education for children. They serve 14 counties in addition to Victoria. Individuals who spoke in support were Callie Fromme, 1405 N. Main and Kathleen Holm.

City Manager, Charles Windwehen advised that the first four agencies on the agenda have typically been funded from motel tax in the past. The South Texas Zoo, Boys and Girls Club and Keep Victoria Beautiful probably would not be eligible for motel tax, they would have to be funded from the general fund.

The Work Session ended at 6:21 p.m. Following a short break the regular meeting reconvened at 6:32 p.m.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2007-10 – AMENDING SECTION 10-40 THROUGH 10-42 DECLARING NON-DOMESTIC BEES TO BE A NUISANCE**

The ordinance considers amending Sections 10-40 through 10-42 of the Victoria City Code, to provide for the removal of non-domesticated bees and insects from property and the placement of liens thereon for such removal. Miles Risley.

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

**ORDINANCE 2007-11 – AMENDING SECTION 14-60 TO PROHIBIT OUTDOOR SALES ON ARTERIAL OR COLLECTOR STREETS**

The ordinance considers amending Section 14-60 of the Victoria City Code to prohibit the sale of goods from outdoor locations visible from arterials and collector streets. Miles Risley.

Harold Thomas, 712 Polk Avenue a vendor who sells pottery requested that Council narrowly tailor the ordinance to deal only with animal and food sales. Many of his customers come from out of town to buy his merchandise and then also shop at the Mall. He stated that some of these vendors, that is how they earn a living. He further advised that he collects and pays sales tax on his merchandise.

Joe McCann, 131 Raab Road, owner of Joe's Greasy Cheese Burger suggested that misleading information was being stated in the newspaper about his business. He stated that his units are inspected by the Health Department at each event he goes to. A regular restaurant is only inspected twice a year. His unit has four sinks, hot water heaters, dishwasher, and everything required by the State of Texas. He has been in business in Victoria for many years and would like to continue to participate in the various events held in the City.

Senior Assistant City Attorney, Miles Risley advised that events that occur in Riverside Park Special Events area, Deleon Plaza, and the Community Center would be exempt from the provisions of the proposed ordinance.

Randy Minch stated that he sells neon signs in front of Advance Auto Parts on Navarro. He pays his sales tax and makes donations to different groups at Christmas. He has tried to be a good

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citizen and hopes that Council takes into consideration that there are a lot of people out there trying to do it the right way.

Susan Fairman, 204 Bridle Lane, stated that she was not a vendor, but really likes the ones that were here and has bought items from them many times. She stated that a lot of the items are handmade and are better quality than similar items in the stores.

Mayor Armstrong requested that this ordinance be voted on three separate times.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

**ORDINANCE 2007-10 – AMENDING SECTION 10-40 THROUGH 10-42 DECLARING NON-DOMESTIC BEES TO BE A NUISANCE**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-10, which amends Sections 10-40 through 10-42 of the Victoria City Code, to define disease, declare non-domesticated bees to be a nuisance condition of property that cause disease, and allow the removal of disease-causing conditions of property at the expense of the owner of the property on which the nuisance condition is located. First Reading. Miles Risley.

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, and Mayor Armstrong  
NAYS: None

Caption:

**AN ORDINANCE AMENDING SECTIONS 10-40 THROUGH 10-42 OF THE VICTORIA CITY CODE, TO DEFINE DISEASE, DECLARE NON-DOMESTICATED BEES TO BE A NUISANCE CONDITION OF PROPERTY THAT CAUSE DISEASE, AND ALLOW THE REMOVAL OF DISEASE-CAUSING CONDITIONS OF PROPERTY AT THE EXPENSE OF THE OWNER OF THE PROPERTY ON WHICH THE NUISANCE CONDITION IS LOCATED, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING FOR A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2007-11 – AMENDING SECTION 14-60 TO PROHIBIT OUTDOOR SALES ON ARTERIAL OR COLLECTOR STREETS**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-11, which amends Section 14-60 of the Victoria City Code to prohibit the sale of goods from outdoor locations visible from an arterial or collector street. First Reading. Steve Trevino.

Cm. Hagan moved to amend the ordinance to address only the sale of animals and the food vendors, with Cm. Wyatt seconding the motion. The motion to amend **failed** by the following vote.

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

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

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Caption:

**AN ORDINANCE AMENDING SECTION 14-60 OF THE VICTORIA CITY CODE TO PROHIBIT THE SALE OF GOODS FROM OUTDOOR LOCATIONS VISIBLE FROM AN ARTERIAL OR COLLECTOR STREET, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**CITY MANAGER REPORTS**

- **Update on Defamation of Jewish Synagogue.** Bruce Ure, Police Chief, reported that three suspects had been identified involved in the crime. Two adults had confessed and one was still outstanding. He had been in contact with the District Attorney's Office and the Anti-Defamation League. The focus was to present an airtight solid case. Cm. Wyatt stated that there was no room in this community for this type of activity, it makes a place that people do not like to live in when these types of things occur.
- **July 4<sup>th</sup> Fireworks Show.** Doug Cochran, Director of Parks and Recreation, announced that the July 4th Fireworks Show had been postponed because of the wet muddy conditions at the Community Center. It would be rescheduled for Labor Day. The fireworks show is budgeted at \$14,000 with Hartman Distributing donating \$9,000 towards the event.
- **Skate Park at Community Center.** Mr. Cochran reported on the status of the Skate Park. The Legal Department was developing necessary requests for qualification documents to select a design build contractor and should be ready to advertise and select the design builder in August.
- **Sportsplex at Community Center.** Mr. Cochran presented a slide show of the accomplishments to date. The drainage structures were in, the backstops were going up, some of the fencing and irrigation was done, and some of the sand based fields were in.
- **Status of Lone Tree Road Reconstruction Project.** John Johnston, Director of Public Works reported that work continues on the project. The contractor continues to concentrate on the area between Ben Jordan and North Street. Rain has slowed them down a little bit. At&T should be out of the right-of-way soon, so that the contractor can work on Lone Tree Road. Larger stop signs would be placed at the intersection of Lone Tree Road and Delmar to improve visibility as a result of two fatalities at that intersection.

**RESOLUTION 2007-106R – DECLARING INTENT TO ANNEX 498.71 ACRES AND PREPARE SERVICE PLAN**

The resolution declares the City's intent to begin the annexation of approximately 498.71 acres of land into the territorial limits of the City of Victoria and directs the Planning Department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. Public hearings will be held on August 7 and August 14, 2007. John Kaminski.

**RESOLUTION 2007-107R – DECLARING INTENT TO ANNEX 192.60 ACRES AND PREPARE SERVICE PLAN**

The resolution declares the City's intent to begin the annexation of approximately 192.60 acres of land into the territorial limits of the City of Victoria and directs the Planning Department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. Public hearings will be held on August 7 and August 14, 2007. John Kaminski.

**RESOLUTION 2007-108R – DECLARING INTENT TO ANNEX 2.31 ACRES AND PREPARE SERVICE PLAN**

The resolution declares the City's intent to begin the annexation of approximately 2.31 acres of land into the territorial limits of the City of Victoria and directs the Planning Department to

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prepare a service plan that provides for the extension of full municipal services to the area to be annexed. Public hearings will be held on August 7 and August 14, 2007. John Kaminski.

Cm. Wyatt moved that resolutions 2007-106R, 2007-107R, and 2007-108R be adopted, with Cm. Neitsch seconding the motion. The resolutions were adopted by the following vote:

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

**RESOLUTION 2007-109R – AUTHORIZING 2006 STATE HOMELAND SECURITY GRANT EXPENDITURE FOR VHF RADIOS**

The resolution authorizes the City Manager to execute all documents necessary to submit, accept, and expend a 2006 State Homeland Security Grant from the U.S. Department of Homeland Security and the Governor's Division of Emergency Management, in the amount of \$36,000 with no City match required, to be expended for the purchase of VHF radios. Jesse Turner.

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, and Mayor Armstrong  
 NAYS: None

**ORDINANCE 2007-8 – ADOPTING THE CITY OF VICTORIA STANDARDS FOR PUBLIC WORKS CONSTRUCTION, VERSION 2007.1**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-8, which adopts Standard Specifications for Public Works Construction, Version 2007.1. Third Reading. John Johnston.

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

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

Caption:

**AN ORDINANCE ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, VERSION 2007.1, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2007-9 – ADOPTING A STORM DRAINAGE MASTER PLAN, STORMWATER DRAINAGE DESIGN MANUAL, AND ASSOCIATED DRAINAGE MAPS, AND AMENDING SECTIONS 21-56 AND 21-91 OF THE VICTORIA CITY CODE**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-9, which adopts a Storm Drainage Master Plan, Stormwater Drainage Design Manual, and associated Drainage Maps, and amends Sections 21-56 and 21-91 of the Victoria City Code to incorporate provisions of said plan into the City's dedication and submittal requirements. Third Reading. John Johnston.

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

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

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Caption:

**AN ORDINANCE ADOPTING A STORM DRAINAGE MASTER PLAN, STORMWATER DRAINAGE DESIGN MANUAL, AND ASSOCIATED DRAINAGE MAPS, AMENDING SECTIONS 21-56 AND 21-91 OF THE VICTORIA CITY CODE TO INCORPORATE PROVISIONS OF SAID PLAN INTO THE CITY'S DEDICATION AND SUBMITTAL REQUIREMENTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, REPEALING CONFLICTING PARTS OF ORDINANCES, AND PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION, PUBLICATION, AND AN EFFECTIVE DATE.**

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 7:10 p.m., in accordance with:

Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated 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 related to the termination of the City's landfill management contract). Miles Risley.


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 and/or value of property on Miori Lane & the exchange, lease, and value of real property interests in the Community Center). Miles Risley.

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. Miles Risley.

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

The Council reconvened in regular session at 8:35 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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