

CITY COUNCIL MINUTES

March 18, 2008

detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, value of real property interests to be dedicated to the City for proposed development near Northside Road and Paco Road). 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 (including, but not limited to, possible incentives related to proposed development near Northside Road and Paco Road). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters. Scarlet Swoboda.

The Council reconvened in regular session at 8:50 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned.

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

ATTEST: Wendi Duvall
WENDI DUVALL, Deputy, City Secretary

VICTORIA CITY COUNCIL
April 1, 2008

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 1, 2008 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, Deputy City Manager
- David A. Smith, City Attorney
- Miles Risley, Senior Assistant City Attorney
- Gilbert P. Reyna, Jr., Director, Finance
- John Kaminski, Director, Planning
- Lynn Short, Director, Public Works
- Bruce Ure, Police Chief
- Vance Riley, Fire Chief
- Doug Cochran, Director, Parks and Recreation
- James Stewart, Director, Library
- Rick Henrichs, Director, IT
- Steve Trevino, Director, IMS
- Jerry James, Director, Environmental Services
- John Johnston, Deputy Director, Public Works
- Wendi DuVall, Deputy City Secretary

CITIZENS COMMUNICATION

Dale Fowler, Executive Director, Victoria Economic Development Corporation (VEDC), thanked the Council for their support of economic development in the community. City staff was instrumental recently in showing a prospective client that VEDC and the City work as a team.

Tommy Edwards, 104 Warwick Glen, made a plea to Council to put in speed humps in the Castle Hills neighborhood. He offered to pay for one to test whether it would help. Council consensus to place topic on a future work session.

Mary Virginia Jacobs, 308 Whitechurch, a retired teacher from Victoria College and Blanch Deleon, 236 Adcock Road spoke in favor of the resolution to support the University of Houston-Victoria bringing freshman and sophomore classes making it a four-year university.

RESOLUTION 2008-61R – SUPPORTING EFFORT OF UNIVERSITY OF HOUSTON-VICTORIA TO BECOME A FOUR-YEAR UNIVERSITY

The resolution supports all necessary actions and legislations that would enable the University of Houston-Victoria to add freshman and sophomore classes, to become a comprehensive university in the coastal bend region of Texas that will better serve the educational needs of all citizens.

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

Peggy Cunningham, 4964 John Stockbauer, owner of Magical Moments, and Wayne Tipton, 603 Alamogordo, owner of Five Jokers, expressed concerns that accusations were being made in the media that their businesses were causing a loss of charity revenue from the Bingo establishments. They were providing a safe place for older people to have a good time, and follow all of the State laws regarding eight-liner gaming establishments. They requested that the City not interfere in their businesses suggesting that a city ordinance should not supersede a state law.

City Attorney, David A. Smith advised that he had received requests to study the eight-liner issue and the Legal Department would study it, then report back to Council.

Nina Delayo 407 W. Stayton, works for the Victoria Bach Festival, spoke on behalf of charities and expressed appreciation for the investigation of any gaming businesses that may not be following the state regulations.

ITEMS FROM COUNCIL

Cm. Neitsch had received phone calls from charities looking for hotel/motel money. He suggested developing guidelines for charities looking for money out of general fund and requested a work session on the subject.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-1 – AMENDING SECTION 23-30 OF THE VICTORIA CITY CODE TO ELIMINATE THE SUBSECTION (G) WHICH REQUIRES ALL TAXI CABS OPERATED BY THE SAME BUSINESS TO BE UNIFORM IN APPEARANCE

City Attorney, David A. Smith, read the caption of Ordinance 2008-1, which amends Section 23-30 of the Victoria City Code to eliminate subsection (g), which requires all taxicabs operated by the same business to be uniform in appearance. Second and third Reading. Scarlet Swoboda.

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

Caption:

AN ORDINANCE AMENDING SECTION 23-30 OF THE VICTORIA CITY CODE TO ELIMINATE SUBSECTION (G), WHICH REQUIRES ALL TAXICABS OPERATED BY THE SAME BUSINESS TO BE UNIFORM IN APPEARANCE, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$2,000 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE. FIRST READING. SCARLET SWOBODA.

ORDINANCE 2008-2 – AMENDING SECTION 21-71(B) OF THE VICTORIA CITY CODE WHICH REQUIRES DEVELOPERS TO CHEMICALLY STABILIZE THE SUBGRADE OF STREETS THEY INSTALL IN RURAL SUBDIVISIONS

City Attorney, David A. Smith, read the caption of Ordinance 2008-2, which requires developers to chemically stabilize the subgrade of streets they install in rural subdivisions. First Reading. Lynn Short.

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

Caption:

AN ORDINANCE AMENDING SECTION 21-71(B) OF THE VICTORIA CITY CODE TO REQUIRE DEVELOPERS TO CHEMICALLY STABILIZE THE SUBGRADE OF STREETS THEY INSTALL IN RURAL SUBDIVISIONS, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2007-2008H – AMENDING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE PURCHASE OF TWO ADDITIONAL FULLY AUTOMATED COLLECTION TRUCKS

City Attorney, David A. Smith, read the caption of Ordinance 2007-2008H, which amends the 2007-2008 Fiscal Year Budget of the City of Victoria by transferring \$590,000 from the Environmental Services Closure Fund fund balance to the Environmental Services Fund Capital Replacement line item, to provide funding for the earlier purchase of two additional fully automated collection trucks to avoid extraordinary price increases; repealing all conflicting ordinances, providing for severability, declaring an emergency, and declaring an effective date. Emergency Reading. Gilbert P. Reyna, Jr.

Cm. Halepaska 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 2007-2008 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$590,000 FROM THE ENVIRONMENTAL SERVICES CLOSURE FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND CAPITAL REPLACEMENT LINE ITEM, TO PROVIDE FUNDING FOR THE EARLIER PURCHASE OF TWO ADDITIONAL FULLY AUTOMATED COLLECTION TRUCKS TO AVOID EXTRAORDINARY PRICE INCREASES; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **2020 Comprehensive Plan - Chapter 3 - Land Development** – Planning Director, John Kaminski presented a power point presentation on the revisions, additions, and deletions within the chapter.
- **Sportsplex at Community Center** – Director of Parks and Recreation, Doug Cochran reported on the progress, advising that June and July 2008 were still the projected completion dates.
- **Lone Tree Road Reconstruction and Laurent Street Reconstruction Projects** – City Engineer, Ken Gill reported on the progress of the above mentioned projects. The contractor was ready to start the Laurent project.
- **Proposed Revision of Chapter 9.5, Flood Damage Prevention, of Victoria City Code** – Deputy Director of Public Works, John Johnston reported on the need to adopt a new ordinance. Cm. Wyatt expressed concerns about the new ordinance and was not comfortable with moving forward with an ordinance that had requirements greater than Federal Emergency Management Administration (FEMA) requirements and requested a work session to address those concerns. Mr. Johnston highlighted a number of other areas that were being proposed in the ordinance. A work session would be placed on a future agenda.
- **Tow Truck Rotation List---Privilege Fees and Maximum Charges** – Senior Assistant City Attorney, Miles Risley presented a report indicating the Consumer Price Index (CPI) increase and how that should apply to the tow truck business and the maximum fees they are allowed to charge. The Legal Department was instructed to draft an ordinance using the CPI adjustment.
- **Lone Tree Creek Drainage Project Change Order Relating to Hike/Bike Trail** – Mr. Cochran reported on the projected change order recommendations to the above mentioned project. He advised that letters would be sent to property owners along the trail area informing them of a public meeting to discuss the trail project and timeline for construction.

RESOLUTION 2008-62R – AWARDING THE ANNUAL SUPPLY CONTRACT FOR LIQUID ALUMINUM SULFATE TO GENERAL CHEMICAL PERFORMANCE PRODUCTS

The resolution awards an Annual Supply Contract for Liquid Aluminum Sulfate to General Chemical Performance Products of Parsippany New Jersey, in the amount of \$139 per ton, for a total of approximately \$97,300. James Roach.

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 2008-63R – APPOINTING ONE MEMBER TO THE PLUMBING BOARD OF ADJUSTMENTS AND APPEALS

The resolution appoints Kevin Bodden to the Plumbing Board of Adjustments and Appeals. Wendi DuVall.

Cm. Neitsch 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 2008-64R – APPOINTING ONE MEMBER TO THE VICTORIA PUBLIC LIBRARY ADVISORY BOARD

The resolution appoints Dennis Tardan to the Victoria Public Library Advisory Board to fill an unexpired term. Wendi DuVall.

Cm. Guittard 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 2008-65R – ACCEPTING THE FEMA 2008 ASSISTANCE TO FIREFIGHTERS GRANT

The resolution accepts a grant from the Federal Emergency Management Agency (FEMA) 2008 Assistance to Firefighters Grant Program, which will provide for the purchase of up to 52 Self Contained Breathing Apparatus, 20 SCBA upgrades, 32 spare bottles, 53 face masks, and 5 Paktracker downed fire fighter rescue tracking devices, in a total amount of up to \$324,800, subject to a local match not to exceed 20% thereof or \$64,960. Vance Riley.

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 2008-66R – AUTHORIZING THE PURCHASE OF FIVE 2009 AUTOMATED SIDE-LAODING GARBAGE TRUCKS FROM RUSH TRUCK CENTER

The resolution authorizes the purchase of five 2009 Peterbilt 320 cab-over-engine chassis with Heil DuraPack Python 28-cubic yard automated side-loading garbage packer bodies from Rush Truck Center in Houston, Texas through the Texas Local Government Purchasing Cooperative (Buy Board), in the amount of \$225,546 per unit for a total of \$1,127,730. Steve Trevino.

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

NAYS: None

CITY COUNCIL MINUTES

April 1, 2008

RESOLUTION 2008-67R – GRANTING A VARIANCE TO THE MINIMUM SIGN SETBACK REQUIREMENTS AT 3002 SAM HOUSTON OWNED BY DR. JOHN L. MCNEILL, D.O.

The resolution grants a variance to Section 5-153(a)(5) of the Victoria City Code, which requires a minimum setback of 10 feet from the property line for on-premise signs, to a freestanding sign to be located at 3002 Sam Houston St., which is owned by Dr. John L. McNeill, D.O. Steve Trevino.

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

AYES: Council Members Polasek, Hagan, Halepaska, and Mayor Armstrong

NAYS: Neitsch, Guittard, and Wyatt

RESOLUTION 2008-68R – AUTHORIZING A GRANT PURSUANT TO THE DOWNTOWN PRESERVATION INCENTIVE PROGRAM TO THE LONGLEAF COFFEE COMPANY, LLC

The resolution authorizes a grant pursuant to the Downtown Preservation Incentive Program to the Longleaf Coffee Company, LLC in the amount of \$3,475 for 213 S. Main Street. 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 2008-69R – CONSIDERING A VARIANCE TO THE SIDE YARD SETBACK REQUIREMENTS AT 6702 N. NAVARRO (QUALITY SUZUKI) OWNED BY FIELDER FAMILY TRUST NO. ONE

The resolution considered a variance to Sections 21-64 and 21-83(a)(6) of the City Code, which requires a 20-foot side yard setback for general commercial lots, to Lot 1, Block 1, Dairy Hill Subdivision, located at 6702 N. Navarro Street (Quality Suzuki), which is owned by Fielder Family Trust No. One. John Kaminski.

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

AYES: Council Members Guittard, and Mayor Armstrong

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

RESOLUTION 2008-70R – GRANTS AN ANNEXATION PETITION FROM VICTORIA INDEPENDENT SCHOOL DISTRICT FOR 21.33 ACRES OF LAND ACROSS U.S. HWY 87 FROM TROPICAL DRIVE

The resolution grants an annexation petition from Victoria Independent School District for approximately 21.33 acres of land across U.S. Hwy 87 from Tropical Drive. John Kaminski.

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

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 7:03p.m., in accordance with:

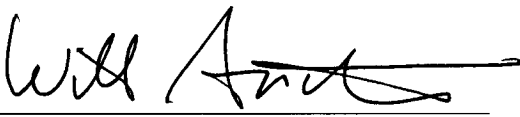
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. 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.

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.

Section 551.074, Texas Government Code, with regard to personnel matters (including, but not limited to, the evaluation of the City Manager and appointment of a member to the Plumbing Board of Adjustments and Appeals). Scarlet Swoboda.

The Council reconvened in regular session at 8:30 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
