

VICTORIA CITY COUNCIL**August 5, 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, August 5, 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

Charmelle Garrett, Deputy City Manager
Miles Risley, City Attorney
Gilbert P. Reyna, Jr., Director, Finance
Doug Cochran, Director, Parks and Recreation
Bruce Ure, Police Chief
John Kaminski, Director, Planning
Vance Riley, Fire Chief
Rick Henrichs, Director, IT
Steve Trevino, Director, IMS
Jerry James, Director, Environmental Services
John Johnston, Deputy Director, Public Works
Ken Gill, City Engineer
Jesse Turner, Police Captain
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of July 15, 2008 were approved as presented.

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, suggested a point of order according to Robert Rules of Order concerning the ordinance amending the budget to pay for legal fees of the indicted defendants. He stated that two amendments were made, and one of the amendments was not included on the final reading. He further suggested that the ordinance should have been read three times as amended, which would have given the public opportunity to address any concerns at those public hearings.

City Attorney, Miles Risley advised that any member of the City Council can make a point of order, however it must be presented prior to action being taken.

Mr. Pruitt accused the four members of Council that voted for the amendments of not adhering to the Constitution of the United States. He suggested the amendment was after the fact; in a sense Council was trying to present it in a more favorable light. He felt it was a mockery of the judicial system.

Andy Startz, 201 Rhodes, expressed concern about traffic light cameras and felt it was a bad idea. Council should not limit, regulate, control, or intimidate, and felt that it was a revenue thing.

Richard Fritz, 104 Woodwind Drive, suggested the Police Department run an experiment after notifying the public of the cameras instead of a blind report, which would be addressed in a report later on in the meeting. He commented that red light cameras usually cause more accidents than they help, according to other cities that use them.

Jack A. Mullins, 244 Ridgewood Drive, commented on a newspaper article that included the total taxable values in the County. He expressed concern that a lot of people do not understand that whether you put a property tax on a residence or a business establishment that usually the guy that pays is the individual citizen, because the businesses do not pay the taxes, they pass it along to the customers in terms of higher prices. He also expressed concern with the discussion about raising rates to pick up bulky items and yard waste, and building a bike trail, and suggested that the Council should consider freezing the budget in the amounts that exist in the current budget. If necessary use money out of the Sales Tax Corporation to do utility pipe replacements and other utilities.

August 5, 2008

Matt Ocker, 2307 FM 2615, expressed opposition to the possibility of traffic light cameras. He suggested that something should be written into the way it is enacted, with the punishment phase instituted so that it would be subject to a third-party determination. If the discretion was taken out of the local law enforcements hand, he would be more in favor of it.

Doug Anderson, 109 W. Magruder, and the City Prosecutor, expressed concern with traffic light cameras because a photo is taken of the license plate and whoever the automobile is owned by receives the ticket, whether they were the driver or not. He was concerned how the City would deal with those people who say they did not own the vehicle, they were not operating the vehicle, or they were not at fault. His concerns were the amount of work that would be imposed upon the City in dealing with those issues. He did not understand if it was profitable for the company, why not have officers at a station observing individuals running red lights and another officer down the road implementing the tickets. If it was being considered to reduce traffic speeds, he suggested raising the fines to \$500.

W. R. Nichols, Shiller Road, suggested looking at the benefits of traffic light cameras against the negative opinions. He suggested looking at it over a period of time at how many accidents were caused by red light runners, and how many were fatalities. Cameras work 24-hours a day, an officer can not be at each intersection 24-hours a day.

ITEMS FROM COUNCIL

Cm. Polasek wanted to clarify some comments from the last meeting concerning the cost of collecting yard waste. The system was changed to automated garbage pick-up, with 96 gallon cans that hold a weeks worth of garbage for the average user, and reduced pick-up to once a week. In the past users put leaves and small brush in several bags that were then picked up. What R. W. Beck was trying to do was continue that same level of service and divert yard waste out of the landfill to recycling, but he did not feel that was very economical. The rear loader trucks were inefficient and that was the reason that the City moved away from them for regular pick-up. He suggested allowing residents to place their yard waste in the containers, and if they had a large amount of yard waste they could get another container for \$5. He understood that unfortunately the yard waste would then go into the landfill. His assumption was that the extra monies would not be needed and it could be applied to the brush pick-up. He stated that citizens do not want to pay more to pick up the yard waste, but also commented that there had not been an increase since 1999.

Cm. Halepaska asked whether the base fee would have to be increased if we took the money from the trucks that pick up the yard waste. Finance Director, Gilbert P. Reyna, Jr. responded that he did not see an issue in not implementing \$2.38, with the understanding that the costs of the rear loaders and personnel associated would also go away. If we wait a year and reevaluate the situation, after establishing who the high end users are, and seeing how behavior habits change, then staff could come back with a better answer. If we do not do the yard clipping side, we would not need to raise the costs.

Deputy City Manager, Charmelle Garrett advised that there have been discussions with staff about possibly still implementing fees for the heavy users, modifying the schedule to quarterly brush pickup, and twice a year pick-up. The discussion was about the base rate not the other amounts.

Cm. Wyatt commented that for the last three-years Council has talked about not drawing down the closure fund. He wanted to know how many cells did we anticipate closing, and what would that cost be? He asked about what the impact would be on Texas Land Management (TLM) contract in regard to the amount of raw material needed. Mr. James advised that the TLM contract requires a minimum amount of brush that the City would provide. He felt the City or commercial tree trimmers could still provide that to them. Cm. Wyatt stated that if we are going to keep our City beautiful and do those things that are environmentally pleasing to the citizens, recycling was going to come with a cost. Based on the closure funds and those types of things, we are going to pay now or later. He also questioned whether we were really being expedient in what we were doing at the recycling centers. Mr. James asked to come back at another meeting with an adjusted program for what was best for Victoria and most cost effective.

Cm. Hagan wanted to make a point of clarification on Mr. Pruitt's comments when he addressed his concerns about not going through three readings. He was referring to the amendment

CITY COUNCIL MINUTES

August 5, 2008

of retroactively going in and reading in the intentions of the indicted individuals, and basically in his estimation interfered and obstructed justice. Basically that was the amendment that our own attorney consulted the defendants, consulted the defendant's attorneys, but not our own high priced attorney Art Pertile. So when he brings a point of concern up about how Council handled that and sprung it on the community and whisk it through without having had another three readings, he felt it was a very valid point.

Mayor Armstrong advised that on Thursday, August 7, 2008 there would be a public meeting to hear information on the proposed nuclear power plant. He requested a report from Jerry James on the City's water plan at the next meeting. He also asked Mr. James to check with Guadalupe-Blanco River Authority (GBRA) and give an update on the permit situation how that would work with Exelon.

CITY MANAGER REPORTS

- **Riverside Golf Course Lease Agreement** – Director of Parks and Recreation, Doug Cochran advised that the Board of Directors of the Victoria Park Improvement Association (VPIA) submitted a letter to the City requesting the following amendments to their lease: 1) increase the reserve fund amount from \$50,000 to \$150,000 and to include payroll and payroll related expenses, 2) change fiscal year from current December 1 to November 30 to a new timeframe of May 1 to April 30, and 3) notified City of its intent to modify existing fees. Staff agrees with the proposed changes and a resolution will come back to Council next month. It was the consensus of Council to move forward with the proposed changes.
- **Public Service Agency Funding - Chamber of Commerce** – Mayor Armstrong advised that he would like to see the City take over the Tourist and Convention Visitors Bureau. Randy Vivian, Chamber of Commerce, CEO, advised that there are a number of things to do in the City and he tells people that Victoria can become a destination. There are so many assets, and they just need to utilize those assets. He understood that this has been an issue with of the Council for years. In the year that he has been the Chamber President, he felt that he had gotten the Chamber to the point that he could begin with periphery programs that fall under the Chambers purview. He understood the situation with CVB, and he and his board were not satisfied with the product that was being delivered. He and his Board requested the opportunity to complete the job that they start and would make all the necessary changes that needed to be made to satisfy the wishes of the Council, the arts community, and the non-profit community. He wanted to see the CVB become a productive and progressive program that does the outside marketing for the City. A lot of decisions are made on hotel/motel tax, and he felt that CVB could be that clearinghouse for heads in beds. He felt that pulling the CVB into the City operations would dilute its purpose and get lost in the City.

Jeff Lyons, Board Chair, reported that the Board recognizes that there needs to be a change in the CVB. The Board has confidence that Mr. Vivian will make the necessary changes. They would like to utilize the CVB to coordinate the entire out of market advertising and promotion that benefits the various organizations to put heads in beds. They want to have open communication with the Council and would provide quarterly progress reports to them.

Cm. Hagan and Cm. Polasek felt that Mr. Vivian has acknowledged the problems and would like to allow him the opportunity to implement his plan. Cm. Wyatt stated that this was not the first time this had come up, and for him it had not worked, specifically around the ethnic African American community in Victoria. He had tried to get the CVB to bring in ethnic conventions and been very unsuccessful, this is a diverse community and there should be diverse activities. Cm. Neitsch agreed with Mayor Armstrong and felt it was time for a change. Cm. Guittard wanted to know if he was prepared to make the administrative changes that needed to be made. Cm. Halepaska wanted to look clearly at the alternatives.

Deputy City Manager Garrett suggested waiting until the August 28th meeting to get both plans. Cm. Neitsch suggested coming up with some type of criteria and documentation showing how many heads were put in beds. Cm. Halepaska asked for better documentation of number of people served, and number of volunteer hours donated. Cm. Wyatt stated that sending out the packets had an inference that Council wanted non-profits to show what they provide and then fund them. He felt Council needed to take a good look at these

organizations and see what they provide for the City, and make certain that we are doing what we as a Council want to accomplish.

Cm. Hagan asked what percentage of monies could be moved over from the general fund to hotel/motel for the Texas Zoo. Mr. Reyna advised that it would depend on the rational on how they determined the percentage of a line item associate with the hotel/motel tax.

- **Sportsplex at Community Center** – Mr. Cochran reported that they were working on the punch list of items to close out. The project was almost complete.
- **Status of Lone Tree Road, Laurent Street, and Lone Tree Channel Improvements and Trail Projects** – City Engineer, Ken Gill gave brief reports on the aforementioned projects.
- **Information concerning possible installation of red light traffic enforcement cameras at major intersections** – Police Chief, Bruce Ure advised that this was an informational report only to provide facts about the cameras and how they work. The Texas Legislature has changed the laws on red light camera operation allowing a \$75 maximum fee and requiring the net proceeds to be split with the State of Texas. There would be no outlay cost to the City to get into red light cameras; there would be a flat fee that comes off the top every month to the camera companies. The City would back out the cost of someone to review the camera shots, and then the remainder of the funds would be split with the State of Texas. The City’s portion of the funds could only be used towards public safety traffic issues. Chief Ure advised that if there are 400 violations a month, it then becomes feasible to put in a camera. He advised that the goal would be to eliminate red light running altogether, and this would be a tool to help make intersections safer.

Lee Buckels, with Redflex Traffic Systems, presented a power point presentation showing statistics and actual traffic events. He advised that the camera is only activated when the light turns red. A picture of the back license plate would be taken then a citation would be sent to the owner of the vehicle. He advised that cameras were placed at five intersections in Victoria to conduct sample testing, with 1,590 violations in a 30 day period. It was pointed out that these are civil violations not criminal.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-7 – AUTHORIZING THE ANNEXATION OF APPROXIMATELY 7.044 ACRES OF LAND, AT THE REQUEST OF R. L. DENISON, JR. AND ADOPTING A SERVICE PLAN

City Attorney, Miles Risley, read the caption of Ordinance 2008-7, which authorizes the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 7.044 acres of land, at the request of R. L. Denison, Jr. and adopts a service plan for the territory to be annexed. Second and Third Reading. John Kaminski.

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

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

NAYS: None

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 7.044 ACRES OF LAND, AT THE REQUEST OF R. L. DENISON, JR., ADOPTING A SERVICE PLAN FOR THE TERRITORY

CITY COUNCIL MINUTES

August 5, 2008

TO BE ANNEXED, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, AND PROVIDING AN EFFECTIVE DATE

ORDINANCE 2007-2008K – AMENDING FISCAL YEAR 2007-2008 BUDGET TO PROVIDE FUNDING FOR METHANE GAS SYSTEM IMPROVEMENTS AT THE LANDFILL

City Attorney, Miles Risley, read the caption of Ordinance 2007-2008K – which amends the 2007-2008 Fiscal Year Budget of the City of Victoria by transferring \$358,038.00 from the Environmental Services Fund Landfill Closure fund balance to the Environmental Services Fund Solid Waste Department Other Structures Capital line item to provide funding for Methane Gas System Improvements at the Victoria Landfill. Emergency Reading. Gilbert P. Reyna, Jr.

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

Cm. Wyatt moved that the ordinance pass on emergency reading, with Cm. Halepaska 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 AMENDING THE 2007-2008 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$358,038.00 FROM THE ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND SOLID WASTE DEPARTMENT OTHER STRUCTURES CAPITAL LINE ITEM TO PROVIDE FUNDING FOR METHANE GAS SYSTEM IMPROVEMENTS AT THE VICTORIA LANDFILL, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2008-114R – APPROVING THE CDBG 2008-2009 ANNUAL ACTION PLAN

The resolution approves the Community Development Block Grant (CDBG) 2008-2009 Annual Action Plan and authorizes the City Manager to submit all required documentation for the Fiscal Year 2008-2009 CDBG Program and its amendments to the U.S. Department of Housing and Urban Development. 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

Mayor Armstrong closed the public hearings.

RESOLUTION 2008-115R - AUTHORIZING CORRECTION DEED TRANSFERRING LOTS IN EVERGREEN CEMETERY TO THE AMERICAN LEGION

The resolution authorizes the City Manager to execute a Correction Deed transferring Lots 1 and 2 of Block 52 of Evergreen Cemetery to the Leon Zear Post No. 166 of the American Legion, in consideration of any claims to rights in Lots 1 and 2 of Block 53 of Evergreen Cemetery, which was erroneously described in City Council minutes and grant of November 15, 1923. Doug Cochran.

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

August 5, 2008

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

NAYS: None

RESOLUTION 2008-116R – AUTHORIZING ACCEPTANCE OF 2007 HOMELAND SECURITY GRANT TO PURCHASE VHF RADIOS

The resolution authorizes the City Manager to execute all documents necessary to submit, accept, and expend a 2007 Homeland Security Grant from the Governor's Division of Emergency Management, (GDEM) in the amount of approximately \$16,086, 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. 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 2008-117R – RATIFYING BORDER STAR EQUIPMENT AND TECHNOLOGY GRANT

The resolution ratifies the City Manager's execution of an Application for State Assistance with the Governor's Division of Emergency Management (GDEM) for the Border Star Equipment and Technology (BSET) Grant in the amount of \$274,705, with no city matching funds required and authorizes the City Manager to execute all documents necessary to accept said grant. Jesse Turner.

Cm. Polasek 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 2008-118R – AUTHORIZING AGREEMENT WITH DURO-LAST ROOFING, INC., FOR INSTALLATION OF THERMOPLASTIC MEMBRANE ROOFING AT 700 MAIN CENTER AND 911 COMMUNICATIONS CENTER

The resolution authorizes the City Manager to execute an agreement with Duro-Last Roofing, Inc. of Saginaw, Michigan, for the installation of a thermoplastic membrane roofing system at 700 Main Center and 911 Communications Center (702 & 702-B N. Main St.) in the amount of \$131,946.77, and further authorizes the City Manager to execute all other documents necessary to purchase the aforementioned item through the Texas Procurement and Support Services (TPASS) Texas Multiple Award Schedule (TXMAS) Program. Steve Trevino.

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

NAYS: None

RESOLUTION 2008-119R – AUTHORIZING PURCHASE OF 2009 CLASS 6 TRUCK CAB AND CHASSIS FROM HENNA CHEVROLET

The resolution authorizes the purchase of one 2009 Class 6 truck cab and chassis with service body from Henna Chevrolet in Austin, Texas, in the amount of \$66,248.00, plus options totaling \$1,117.24, for a total cost of \$67,365.24. Steve Trevino.

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

CITY COUNCIL MINUTES**August 5, 2008**

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

NAYS: None

RESOLUTION 2008-120R – APPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE BUILDING AND STANDARDS COMMISSION

The resolution reappoints Harold Cade, Nick Hinojosa, Rawley McCoy, Eric Murphy, and C. W. Settles, as members to the Building and Standards Commission and John Acosta, Dorothy Harris, Dan Hiller, Scott Lee, Alex Solis, and Albert Totah as alternate members. 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 2008-121R – APPOINTING MEMBERS TO THE GCRPC GENERAL ASSEMBLY AND BOARD OF DIRECTORS

The resolution reappoints David Hagan and Tom Halepaska to the General Assembly of the Golden Crescent Regional Planning Commission and David Hagan to the Board of Directors. Scarlet Swoboda.

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 2008-122R – APPOINTING MEMBERS TO THE PARKS AND RECREATION COMMISSION

The resolution was postponed.

RESOLUTION 2008-123R – APPOINTING MEMBERS TO THE PLANNING COMMISSION

The resolution appoints Dennis Caka, Richard Janecka, and Greg Spears to the Planning Commission. Scarlet Swoboda.

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 2008-124R – APPOINTING MEMBERS TO THE VICTORIA HEALTH FACILITIES DEVELOPMENT CORPORATION

The resolution reappoints Philip Guittard, Tom Halepaska, and Paul Polasek to the Victoria Health Facilities Development Corporation. Scarlet Swoboda.

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


August 5, 2008


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

NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:26 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
August 12, 2008**

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, August 12, 2008 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

STAFF PRESENT

Will Armstrong, Mayor
Philip Guittard
Lewis Neitsch
Paul Polasek
David Hagan
Jim Wyatt
Tom Halepaska

Charles E. Windwehen, City Manager
Charmelle Garrett, Deputy City Manager
Miles Risley, City Attorney
Gilbert P. Reyna, Jr., Director, Finance
Lynn Short, Director, Public Works
John Kaminski, Director, Planning
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
James Stewart, Director, Library
Danette Respondek, Director, Human Resources
Rick Henrichs, Director, IT
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, addressed the effective tax rate, expressing concern with the cost of all services and cost of living in general. Also, the Appraisal District increased the property values by 9.85% adding stress to residents and businesses. He stated that a fair tax rate for Victoria would promote growth, and he would like to see the tax rate lowered, or consider homestead exemptions including some type of relief for the businesses. He further stated that tax abatements were not a fair way to grow the City because all it does is promote competition for the locals and the business usually leaves once the abatement ends.

ITEMS FROM COUNCIL

Cm. Polasek advised that he had a lot of contact with folks about the Chamber of Commerce Visitors Bureau (CVB). The problems and expectations have been laid out to the Chamber and he felt it was important to reassure the Chamber that Council would make the best decision they can and not to overreact.