

**CITY COUNCIL MINUTES**

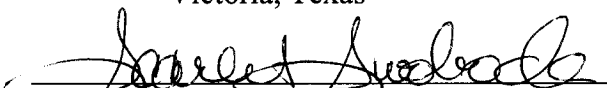
**September 2, 2008**

but he also wanted to know if the transit system had expanded their operations too rapidly and what the ridership numbers were. Mr. Kaminski suggested that Council would probably need to decide how much they wanted to give to the transit system, and then they would have to make it work. Cm. Polasek also requested a utilization rate to measure success across years.

**EXECUTIVE SESSION**

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:55 p.m.

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL**

**September 9, 2008**

**CALL TO ORDER**

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:03 p.m. Tuesday, September 9, 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  
 Miles Risley, City Attorney  
 Jason J. Jakob, Assistant City Attorney  
 Gilbert P. Reyna, Jr., Director, Finance  
 Lynn Short, Director, Public Works  
 John Kaminski, Director, Development Services  
 Doug Cochran, Director, Parks and Recreation  
 James Stewart, Director, Library  
 Danette Respondek, Director, Human Resources  
 Rick Henrichs, Director, IT  
 Steve Trevino, Director, IMS  
 Roy Boyd, Deputy Chief of Police  
 Jimmy Roach, Deputy Director, Public Works  
 Jared Mayfield, Planning Manager  
 Ray Miller, Deputy Director, Development Services  
 Andrew Jacob, Assistant Finance Director  
 Darryl Lesak, Asst. Director Environmental Services  
 Scarlet Swoboda, City Secretary

**CITIZENS COMMUNICATION**

Mayor Armstrong announced that there would be a five-minute limitation per person for those wishing to address Council.

John Griffin, 507 S. DeLeon, President-elect of the Victoria Bach Festival, advised that since its beginning in 1974, it has attracted thousands of visitors to the City and hundreds of musicians.

September 9, 2008

He thanked the Council for supporting the Victoria Symphony by tentatively designating \$15,000 to that organization and requested that Council also support the Victoria Bach Festival in the same amount.

Wilber Collins, 202 Cherokee Lane, advised that he was a charter member of the Victoria Bach Festival and encouraged Council to grant their request.

Jack A. Mullins, 224 Ridgewood Drive, pointed out that the Victoria Bach Festival has operated for 35 years, presumably without taxpayer's money for all that time. If they want \$15,000 this year, when will it end, and how much will they want next year. He suggested that little by little volunteerism was being crowded out by government subsidies.

Diane Dinker, 8254 Coletoville Road, with Keep Victoria Beautiful, advised that they had been working on their headquarters "The Cottage" to restore it and get rid of the termite damage. Their board had tried raising the money, but they needed the additional \$5,000 that they originally requested. She asked Council to reconsider their decision because although they have volunteers to do the work, they needed the additional funds to purchase the required supplies.

### **ITEMS FROM COUNCIL**

Mayor Armstrong asked the City Manager to brief the Council on Hurricane preparations. City Manager, Charles E. Windwehen advised that they were watching the situation and making preparations, and the Emergency Operations Center (EOC) would be operating and staffed in the morning.

Mayor Armstrong advised that it may be necessary for members of Council to go to Austin to address the Texas Highway Department a few times in regards to rerouting trains around Victoria on the Kansas City Southern (KCS) line.

### **PUBLIC HEARINGS AND ACTION**

Mayor Armstrong opened a public hearing on the following items:

### **ORDINANCE 2008-8 – AMENDING CHAPTER 24, FEES OF THE VICTORIA CITY CODE BY AMENDING SECTION 24-121 “WATER SERVICE CHARGES” AND SECTION 24-122 “SEWER SERVICE CHARGES”**

City Attorney, Miles Risley, read the caption of Ordinance 2008-8, which amends Chapter 24, Fees of the Victoria City Code by amending Section 24-121 "Water Service Charges" and Section 24-122 "Sewer Service Charges" to establish revised water and sewer rates. Second and Third Reading. Lynn Short.

Mayor Armstrong asked if there were any questions from Council or the audience.

Cm. Polasek shared a chart prepared by staff showing the life cycle of the pipes in the City and where the funds have gone. Director of Public Works, Lynn Short advised that they would like to have a 70-year life cycle on the pipes, but the problem was they were dealing with very old pipes. Replacing the underground pipes could be deferred, but there could be a catastrophic problem if they are not taken care of.

Cm. Hagan commented that citizens were going through tough times and water was a necessity of life and he did not want to raise rates on something that was not a discretionary item.

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

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

NAYS: Council Member Hagan

Caption:

**AN ORDINANCE AMENDING CHAPTER 24, FEES OF THE VICTORIA CITY CODE BY AMENDING SECTION 24-121 "WATER SERVICE CHARGES" AND SECTION 24-122 "SEWER SERVICE CHARGES" TO ESTABLISH REVISED WATER AND SEWER RATES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2008-2009 – APPROVING AND ADOPTING THE 2008-2009 BUDGET FOR THE CITY OF VICTORIA**

City Attorney, Miles Risley, read the caption of Ordinance 2008-2008, which approves and adopts a budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2008, and ending on September 30, 2009, and appropriates money for the various funds and purposes of such budget, including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness. Second Reading. Gilbert P. Reyna, Jr.

Mayor Armstrong asked if there were any questions from Council or the audience.

Director of Finance, Gilbert P. Reyna, Jr. presented a handout showing changes to the proposed budget as directed by Council at previous meetings, and advised that an amendment would need to be made to reflect those changes.

Jack A. Mullins commented on the increased funding request from the Transit System, suggesting that it cost the taxpayer \$16 per person that rides the transit buses. It was his opinion that those needing transportation, and were unable to afford transportation could find a friend or relative that could get them to and from work. He also suggested that there were churches and civic organizations that would help out if it were for medical care. He stated that it looked like the Transit System has been run as a jobs program for drivers, mechanics, and supervisors and it should be terminated.

Wilber Collins commented that although he does not ride the buses, he knows a lot of people that do, and it was his opinion that it was one of the finest things that the City has invested in.

Joe Brannan, Executive Director of the Golden Crescent Regional Planning Commission, 902 Edinburgh, advised that the request was higher because of the cost of fuel. He provided a handout showing details of their budget. The overall system cost has increased, support from the Federal Government has increased, State revenues have been static, the City's contribution has increased, and there have been contributions from the Texas Workforce Solutions. There have been changes over the past several years by extending hours, and adding new routes, with a small fare increase. They currently charge \$0.75 per ride with no charge for transfers, and he advised that ridership had also increased.

Following lengthy discussion, it was the consensus of Council to fund the Transit System at the requested amount. Members of Council suggested looking at increasing the fares and making adjustments to some of the routes and eliminating those that were not being used. The Council supported the Transit System and understood from the beginning that it would be an ongoing battle.

Following discussion of the Motel Tax Fund, it was the Council's desire for the Cultural Council to redefine their mission. It was suggested to fund them half the amount of their request of \$85,000 and reassess any additional funding at a later date. Following discussion concerning the request from the Victoria Bach Festival, it was the consensus of Council to deny their request. It was also the consensus of Council to deny the \$5,000 additional requested by Keep Victoria Beautiful and leave the funding at \$20,000.

Cm. Neitsch stated that he hoped that a lot of these organizations understood that they were serious about doling out money and next year would be a different story. Mayor Armstrong stated that funds for marketing the various organizations needed to be coordinated through one agency. The Council can not afford to fund eight or nine different organizations that come to Council asking for money to fund their marketing plan. The motel tax needed to be used in a qualified marketing plan and he felt like next year there would be some other plan.

Cm. Polasek moved to amend the ordinance by adding a \$2,000 increase for the Boys and Girls Club, \$40,000 for furniture, \$22,000 for landscaping and irrigation, and \$50,000 for fencing at Fire Station #4, bringing the new General Fund total to \$43,612,925; amending the Motel Tax Fund to reflect the Cultural Council receiving \$42,500, Texas Settlement Region receiving \$4,000, Victoria Performing Arts Center receiving \$61,400, African American Chamber of Commerce receiving \$25,000, Victoria Symphony receiving \$15,000, Victoria Regional Museum Association receiving \$15,000, and Children’s Discovery Museum receiving \$5,000 bringing the new total to \$999,446; and amending the Environmental Services Fund in the amount of \$4,388,282, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

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

NAYS: Council Member Hagan

Cm. Guittard moved that the ordinance pass on second reading, with Cm. Polasek seconding the motion. The ordinance passed, as amended, on second reading by the following vote:

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

NAYS: Council Member Hagan

Caption:

**AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING ON SEPTEMBER 30, 2009; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; REPEALING ALL CONFLICTING ORDINANCES AND APPROPRIATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2008-10 – SETTING THE PROPERTY TAX RATE FOR THE CITY OF VICTORIA**

City Attorney, Miles Risley, read the caption of Ordinance 2008-10, which sets the Tax Rate at a total rate of \$0.6562 per \$100 of property valuation and levying a tax upon all property subject to taxation within the City of Victoria, Texas for the 2008 Tax Year for the use and support of Municipal Government of the City of Victoria, provides for the assessment and collection of taxes, apportions said levy among the various funds and items for which revenue must be raised, and includes providing a sinking fund for the retirement of the bonded debt of the City. First Reading. Gilbert P. Reyna, Jr.

Cm. Wyatt moved that property taxes be increased by the adoption of a tax rate of \$0.6562 on each \$100 property valuation, with Cm. Guittard seconding the motion.

Mayor Armstrong asked if there were any questions from Council or the audience.

Cm. Hagan moved to amend the ordinance to lower the proposed tax rate to \$0.6339 for a no revenue increase. The motion died for lack of a second.

Cm. Polasek moved to amend the ordinance to lower the proposed tax rate to \$0.6500 on each \$100 property valuation, with Cm. Neitsch seconding the motion. The ordinance was adopted, as amended, on first reading by the following vote:

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

NAYS: Council Members Guittard, Hagan, and Wyatt

Caption:

**AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$0.6562 PER \$100 OF PROPERTY VALUATION AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2008 TAX YEAR FOR**

CITY COUNCIL MINUTES

September 9, 2008

THE USE AND SUPPORT OF MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- **Challenger League** – Director of Parks and Recreation, Doug Cochran, reported that several months ago they received a request for assistance to provide a place for the challenged youth to participate in baseball and other activities. At that time staff proposed two fields and a five-year lease agreement, which they accepted. Recently they changed their name to Challenged Athletes Dream Complex and have determined that they needed a longer lease. Mr. Cochran recommended a new five-year lease agreement with an automatic renewal of five-years. It was the consensus of Council to develop a lease agreement with the City Attorney.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:51 p.m., in accordance with:

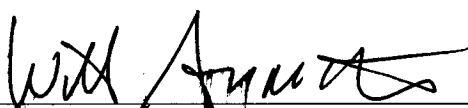
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal issues related to the cases of *Buckner v. City of Victoria, et al* and *Doss v. City of Victoria, et al*). Miles Risley and Kevin Cullen.

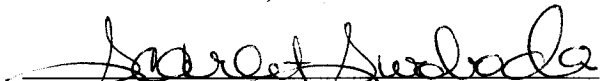
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party. Miles Risley.

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. Scarlet Swoboda and Miles Risley.

The Council reconvened in regular session at 8:00 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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