

VICTORIA CITY COUNCIL
September 16, 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, September 16, 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
 Bruce Ure, Police Chief
 Vance Riley, Fire Chief
 Doug Cochran, Director, Parks and Recreation
 James Stewart, Director, Library
 Danette Respondek, Director, Human Resources
 Rick Henrichs, Director, IT
 Steve Trevino, Director, IMS
 Jerry James, Director, Environmental Services
 Andrew Jacob, Assistant Finance Director
 Darryl Lesak, Asst. Director Environmental Services
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of August 28, 2008 and the regular meeting of September 2, 2008 were approved as presented.

CITIZENS COMMUNICATION

Kathy Lowe, 1307 Love Street, Executive Director of the Children's Discovery Museum, complimented the City for broadcasting the City Council meetings on the television. She spoke as both a taxpayer and Director of the Children's Museum and appreciated that the Council had talked about fiscal responsibility. As a taxpayer she wanted some of her tax dollars spent in support of the arts organizations that have requested funding. Without those agencies, Victoria would be a dismal place. As Executive Director she had revised her budget downward from the original request of \$9,000 to \$7,300. Although she appreciated the tentative allocation of \$5,000 from the motel tax fund, she asked that Council reconsider their decision and grant the revised budget request.

Mayor Armstrong advised that there seemed to be some support from Council to redo the Convention and Visitors budget and come up with a different plan on how to market those agencies. He indicated that funding for the numerous agencies requesting funds for advertising and promotions would not be available next year.

Russell Pruitt, 402 Sherwood, again plead to not exceed the \$.6339 tax rate for \$100 valuation. He also expressed concern with the new automated garbage collection and the proposed ordinance, suggesting that wording in the ordinance concerning fines would make criminals out of the citizens.

ITEMS FROM COUNCIL

There were none.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

CITY COUNCIL MINUTES
September 16, 2008

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

City Attorney, Miles Risley, read the caption of Ordinance 2008-2009, 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. Third Reading. Gilbert P. Reyna, Jr.

Mr. Risley advised that the ordinance should be amended to adopt the new attachments that had been provided to Council, and the budget numbers that were amended into the budget at the last meeting.

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

Cm. Hagan inquired whether the additional funding request was included for the Transit System. He felt that the Transit System had a place in the community, but they needed to make the most efficient use of their funding level just like everyone else. He pointed out concerns with the economy and felt that funding should be kept at the current level. Cm. Halepaska advised that he was not comfortable with funding them fully either, and was waiting for further information from the Transit System.

Joe Brannan, 902 Edinburgh, Executive Director of the Golden Crescent Regional Planning Commission, presented information on reduction of bus routes with a revised budget of \$181,097.96 reduced from \$231,000.

Cm. Hagan moved to amend the ordinance to leave the funding for the Transit System at the current level of \$149,405. The motion died for lack of a second.

Cm. Halepaska moved to amend ordinance to reflect the \$181,097.96 as presented by the Transit System, with Cm. Neitsch 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. Wyatt wanted to look at incorporating an additional \$0.25 into the fares in the near future. Mr. Brannan requested coming back at a Work Session to discuss increasing the fares. He further advised that they would have to go through the public hearing process to consider any increase in fares as suggested by Council.

Cm. Guittard moved to amend the ordinance to fund the Victoria Bach Festival out of the Motel Tax Fund in the amount of \$15,000, with Cm. Wyatt seconding the motion. The ordinance was amended by the following vote:

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

NAYS: Council Member Hagan, Halepaska, and Polasek

Cm. Wyatt moved to amend the ordinance as recommended and pass the ordinance on third reading, with Cm. Neitsch seconding the motion. The ordinance passed on third reading, as amended, 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

September 16, 2008

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.

RESOLUTION 2008-137R – RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE 2008-2009 BUDGET

The resolution ratifies the property tax increase reflected in the 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 as required by Texas Local Government Code § 102.007(c). By adopting the budget, it is understood that the property tax is above the effective tax rate. Gilbert P. Reyna, Jr.

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

Cm. Neitsch 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, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: Council Member Hagan

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 \$0.65 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. Second and Third Reading. Gilbert P. Reyna, Jr.

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

Cm. Hagan moved to amend the ordinance to lower the property tax by adopting a tax rate of \$0.6339 on each \$100 property valuation. The motion died for lack of a second.

Cm. Wyatt advised that he believed that the effective tax rate in order to generate the same amount as the last budget session was a good thing; however he felt that as a City they should be able to reap the benefits of new growth in the City in addition to the appraised value.

Cm. Polasek moved to amend the ordinance to reflect a reduction in Maintenance and Operation to reflect the rate of \$0.3959 which causes a reduction of \$11.90 per \$100 valuation, with Cm. Neitsch 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. Neitsch moved that the property taxes be increased by the adoption of a tax rate of \$0.65 on each \$100 property valuation on second and third reading, with Cm. Polasek seconding the motion. The ordinance passed, as amended, on second and third reading by the following vote:

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

CITY COUNCIL MINUTES
September 16, 2008

Caption:

AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$0.65 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, 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.

ORDINANCE 2008-11 – AMENDING SECTIONS 13-170, 13-174, 13-175, 24-141 OF THE VICTORIA CITY CODE TO PROVIDE PICKUP OF BULKY ITEMS AND SET FEES

City Attorney, Miles Risley, read the caption of Ordinance 2008-11, which amends Sections 13-170, 13-174, 13-175, and 24-141 of the Victoria City Code to require the use of City-provided garbage carts for residential waste removal, provide for once-per-week solid waste collection, and provide landscaping, construction waste, and bulky item removal regulations and fees. First Reading. Jerry James.

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

Russell Pruitt requested clarification on the not to exceed \$500 penalty in the ordinance. He also expressed concern with per minute charges for bulky items. The City Attorney advised that the penalty did not apply to people who failed to pay their fees. The Texas Constitution did not allow a City or any other entity to penalize someone for merely failing to pay a fee. The penalty is aimed at the mandatory provisions relating to landscapers or tree trimmers who leave the debris to be picked up with residential solid waste collection.

Cm. Hagan moved to amend the ordinance to remove fees relating to garbage pick-up and waste and bulky items, wanting to leave the fees at the current level. The motion died for lack of a second.

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, Wyatt, Halepaska, and Mayor Armstrong

NAYS: Council Member Hagan

Caption:

AN ORDINANCE AMENDING SECTIONS 13-170, 13-174, 13-175, AND 24-141 OF THE VICTORIA CITY CODE TO REQUIRE THE USE OF CITY-PROVIDED GARBAGE CARTS FOR RESIDENTIAL WASTE REMOVAL, PROVIDE FOR ONCE-PER-WEEK SOLID WASTE COLLECTION, AND PROVIDE LANDSCAPING, CONSTRUCTION WASTE, AND BULKY ITEM REMOVAL REGULATIONS AND FEES, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE

ORDINANCE 2008-12 – AMENDING SECTIONS 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 AND 21-84 OF THE VICTORIA CITY CODE TO INCREASE THE DISTANCE AT WHICH DEVELOPERS MUST BE FROM WATER AND SEWER LINES TO BE EXEMPT FROM EXTENSION REQUIREMENTS

City Attorney, Miles Risley, read the caption of Ordinance 2008-12, which amends Sections 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 and 21-84 of the Victoria City Code to increase the distance at which developers must be from water and sewer lines to be exempt from extension requirements from $\frac{3}{4}$ mile to 1 mile, increase the minimum lot width of commercial lots, and make other miscellaneous changes to the City's subdivision and development requirements. First Reading. John Kaminski.

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

Cm. Polasek 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 SECTIONS 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 AND 21-84 OF THE VICTORIA CITY CODE TO INCREASE THE DISTANCE AT WHICH DEVELOPERS MUST BE FROM WATER & SEWER LINES TO BE EXEMPT FROM EXTENSION REQUIREMENTS FROM ¼ MILE TO 1 MILE, INCREASE THE MINIMUM LOT WIDTH OF COMMERCIAL LOTS, AND MAKE OTHER MISCELLANEOUS CHANGES TO THE CITY'S SUBDIVISION AND DEVELOPMENT REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND DECLARING AN EFFECTIVE DATE

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **Youth Sports Complex Fees** – Director of Parks and Recreation, Doug Cochran, presented fee recommendations for the complex. It was pointed out that since the Victoria Sales Tax Development Corporation (VSTDC) issued the bonds to build the complex, it was required by law for that entity to establish a fee structure in order to issue that type of bond to finance the facility. Money generated from the fees would not take care of the bond payments. He also recommended securing sponsors for a sponsored name for each field and keeping the complex name under the City of Victoria. It was the consensus of Council to move forward with both recommendations.

RESOLUTION 2008-138R – RENEWING THE CONTRACT WITH W.W. SERVICES FOR MOWING OF DRAINAGE DITCHES AND OUTFALLS

The resolution renews the City's Contract for Mowing of Drainage Ditches and Outfalls with Winston Wilson d/b/a W.W. Services of Victoria, Texas, in the amount of approximately \$134,834.56 per year. Doug Cochran.

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 2008-139R – APPOINTING THREE MEMBERS TO THE VICTORIA PARKS AND RECREATION COMMISSION

The resolution reappoints Maurice Smith and appoints Michael Hummel and Amy Smith to the Victoria Parks and Recreation Commission. Scarlet Swoboda.

Cm. Polasek 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

CITY COUNCIL MINUTES

September 16, 2008

RESOLUTION 2008-140R – ABANDONING A 3’ WIDE AERIAL GUY WIRE EASEMENT AT 703 N. MAIN STREET CURRENTLY OWNED BY SPEEDY STOP FOOD STORES, LLC

The resolution authorizes abandoning a 3’ wide aerial guy wire easement at 703 N. Main Street, Victoria, Texas, which is currently owned by Speedy Stop Food Stores, LLC, and authorizes the City Manager to execute all documents necessary to memorialize said abandonment. Lynn Short.

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 2008-141R – APPROVING VICTORIA SALES TAX DEVELOPMENT CORPORATION PROGRAMS AND EXPENDITURES FOR FISCAL YEAR 2007-2008

The resolution approves Victoria Sales Tax Development Corporation programs and expenditures for Fiscal Year 2007-2008. Miles Risley.

Cm. Guittard 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 2008-142R – APPROVING THE TAX RESALE OF PROPERTY OFF CERVANTEZ TO LUIS CARLOS BURGOS

The resolution approves a sale of tax resale property off Cervantez (PID 46696) to Luis Carlos Burgos for \$9,600. Jeff Rutledge.

RESOLUTION 2008-143R – APPROVING THE TAX RESALE OF PROPERTY ON TIBILETTI TO MICHAEL MARTINEZ

The resolution approves a sale of tax resale property on Tibiletti (PID 53065) to Michael Martinez for \$1,100. Jeff Rutledge.

RESOLUTION 2008-144R – APPROVING THE TAX RESALE OF PROPERTY AT 1212 SIEGMUND TO MELISSA ALLISON

The resolution approves a sale of tax resale property at 1212 Siegmund (PID 49428) to Melissa Allison for \$1,100. Jeff Rutledge.

RESOLUTION 2008-145R – APPROVING THE TAX RESALE OF PROPERTY AT 3106 COFFEY TO NOEL SMITH

The resolution approves a sale of tax resale property at 3106 Coffey (PID R81689) to Noel Smith for \$12,300. Jeff Rutledge.

RESOLUTION 2008-146R – APPROVING THE TAX RESALE OF PROPERTY AT 1305 SYCAMORE TO PLATINUM HOME INVESTMENTS, LLC

The resolution approves a sale of tax resale property at 1305 Sycamore (PID R61049) to Platinum Home Investments, LLC for \$600. Jeff Rutledge.

RESOLUTION 2008-147R – APPROVING THE TAX RESALE OF PROPERTY ON ROBLES STREET TO STEPHANIE YVONNE GARDNER

The resolution approves a sale of tax resale property on Robles Street (PID 52034) to Stephanie Yvonne Gardner for \$1,000. Jeff Rutledge.

RESOLUTION 2008-148R – APPROVING THE TAX RESALE OF PROPERTY AT 211 BASIN TO TERRI SHAW

The resolution approves a sale of tax resale property at 211 Basin (PID R39249) to Terri Shaw for \$2,500. Jeff Rutledge.

RESOLUTION 2008-149R – APPROVING THE TAX RESALE OF PROPERTY AT 911 FORREST TO MARY RODRIGUEZ

The resolution approves sale of tax resale property at 911 Forrest (PID R46857) to Mary Rodriguez for \$2,000. Jeff Rutledge.

RESOLUTION 2008-150R – APPROVING THE TAX RESALE OF PROPERTY AT 109 BASIN TO TERRI SHAW

The resolution approves a sale of tax resale property at 109 Basin (PID R39256) to Terri Shaw for \$2,700. Jeff Rutledge.

Cm. Wyatt moved that resolutions 2008-142R through 2008-150R be adopted, with Cm. Hagan seconding the motion. The resolutions were adopted by the following vote:

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

NAYS: None

RESOLUTION 2008-151R – AUTHORIZING AMENDMENT NO. 2 TO THE CONTRACT WITH THE COMPTROLLER OF PUBLIC ACCOUNTS STATE ENERGY CONSERVATION OFFICE (SECO) TO MODIFY THE BUDGET

The resolution authorizes Amendment No. 2 to the Contract between the City of Victoria and the Comptroller of Public Accounts State Energy Conservation Office (SECO) to modify the budget by adding \$20,000 to the Personnel Budget Category, \$2,000 to the Travel Budget Category, and \$8,000 to the Supplies Budget Category, and extend this contract from September 1, 2008 to August 31, 2009. Jerry James.

Cm. Guittard 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 2008-152R – AUTHORIZING A LETTER OF AGREEMENT WITH VICTORIA INDEPENDENT SCHOOL DISTRICT TO FUND THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM

The resolution authorizes a Letter of Agreement with the Victoria Independent School District to fund the School Resource Officer (SRO) Program from September 1, 2008 through August 31, 2009. Bruce Ure.

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

CITY COUNCIL MINUTES

September 16, 2008

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

NAYS: None

COMMUNICATIONS

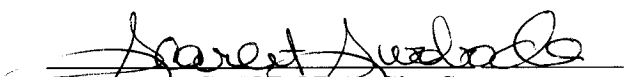
Mayor Armstrong thanked the administration and staff for their execution of duties concerning Hurricane Ike activities. It was pointed out that the public also felt the same way and everything was well done. The Texas Military Forces who worked at the evacuation hub sent a thank you note stating that Victoria was a model community for others. Members of Council were also impressed with the new Emergency Management Coordinator. It was also noted that the Fire Chief was training staff on the Instant Command System (ICS), which makes staff more efficient.

The Council and staff were thanked for their work on the budget.

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 6:38 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
