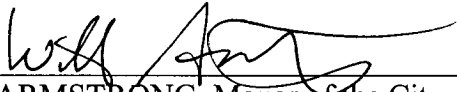



APPROVED:   
WILL ARMSTRONG, Mayor of the City of  
Victoria, Texas

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
November 4, 2008

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, November 4, 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  
Gilbert P. Reyna, Jr., Director, Finance  
Lynn Short, Director, Public Works  
Jerry James, Director, Environmental Services  
John Kaminski, Director, Development Services  
Bruce Ure, Police Chief  
Doug Cochran, Director, Parks and Recreation  
Rick Henrichs, Director, IT  
Andrew Jacob, Assistant Finance Director  
Ken Gill, City Engineer  
Scarlet Swoboda, City Secretary

**OTHERS PRESENT**

Joe Brannan, Executive Director,  
Golden Crescent Regional Planning  
Commission (GCRPC)  
Don Polzin, Executive Director, Gulf  
Bend Center

**APPROVAL OF MINUTES**

The minutes of the special meeting of October 20, 2008 and the regular meeting of October 21, 2008 were approved as presented.

**CITIZENS COMMUNICATION**

No one wished to address Council.

**ITEMS FROM COUNCIL**

Cm. Wyatt asked staff to look at the feasibility of placing a sidewalk on Odem Street between Laurent and Callis. A lot of students walk in the street on the way to school and he would like to address it when there was funding to do so. He had also received an email complaining that the smoking ordinance was not being enforced, and had made the Police Chief aware of the complaint.

**Discussion of Possible City Charter Revisions**

Mayor Armstrong requested consensus from Council to establish a charter revision study group, and proposed meeting in the Council Chambers at 3:30 p.m. on the same days as Council

## CITY COUNCIL MINUTES

November 4, 2008

meetings. He also proposed citizen input by having each Council Member bring a citizen advisor with them to the meetings. He suggested that it was a lot more complicated to change the charter than most people suspect.

Cm. Guittard commented that he was not in favor of having the committee, because there were so many other issues to address, but if there was going to be a committee he would be happy to serve on it. He wanted to know the rationale for the committee.

Mayor Armstrong explained that there currently was a committee working for charter amendments, and he did not know if they were working with an attorney. He had asked the City Attorney to send a letter to that group letting them know that they or their attorney could contact the Legal Department to coordinate their efforts to make sure that the process was done according to the provisions of the law regulating that process. He stated that if they were successful and he felt they would be, he was opposed to a number of their proposed charter revisions. He felt this proposed committee would come up with some alternatives to their provisions. He further felt the analysis would help to determine where in the charter, the City may not be in compliance with Texas law.

City Attorney, Miles Risley, advised that the City had hired Charles Zech, the leading expert on City Charters in Texas to review the City of Victoria's Charter. He would be doing a written analysis of the charter and proposed charter revisions. Information on Mr. Zech and his analysis of 290 City Charters in Texas would be placed on the City website for public review.

Cm. Hagan questioned how much would be spent on the expert in this endeavor, which the City had no intention of doing until the group, "Citizens for Responsible Government" decided to take a look at the charter themselves. He felt that when experts are hired it was usually to beat down the laypeople of the community. He questioned how far they were going to push the power of the government over the people? He did not think this sends the right message to the public, but he would serve on the committee, even though he did not feel this was the right thing to do. He questioned the rationale, suggesting the timing was to oppose the popular referendum being brought forth by the above mentioned group.

Cm. Wyatt commented that he appreciates any citizens that wanted to see change in the community, and at the end of the day the citizens would speak. The charter had not been reviewed in a while, so if an expert was needed to look at it to make sure that it was updated properly, it could all be done at one time and be less expensive. He would not be party to just forming a committee to make sure that a particular referendum did not exist. He was always concerned with the voters and disagreed with Cm. Hagan on the concept of just forming the committee in order to beat back a surge in the community. He would be part of making sure that any signatures received would be validated and on the ballot properly. Whatever suggestions this committee brought forth could be on the ballot also. It had a two fold purpose and could be done all at once.

Cm. Polasek agreed with Cm. Wyatt and advised that when he was first elected to the Council he was approached by one of the group members and asked about charter changes. He had always thought the charter should be addressed, especially in regards to the 5% tax cap as well as some of the areas that are not in compliance with current State Law. He did not feel that forming a committee was in any way to oppose that group. That group had a right to do what they were doing, it was a democratic process. He asked that the discussions be held in public so that the pros and cons could be heard by all.

Mr. Risley advised that Mr. Zech has been tasked to analyze the entire City Charter, not merely the proposals provided. It was not a task to oppose a particular viewpoint; it would be a complete analysis. Mr. Zech would be paid \$185 per hour for approximately 15-20 hours to complete the project.

Cm. Halepaska commented that it would be better to look at the charter in this manner to make sure no mistakes are made, and would like for everyone to have a say in this. The better and more accurate we can be, the easier it will be to do it right the first time around.

Cm. Hagan continued to suggest that the charter review was not addressed until this group brought it to the public, and the primary objective was to undermine their efforts. He would serve on the committee and represent the voice of the citizens in his district.

Cm. Neitsch stated that the committee was a good idea and he would be happy to serve on it.

Mayor Armstrong suggested that the first Charter Committee meeting could be held at 3:30 p.m. prior to the regular scheduled Council meeting on November 18, 2008. He further hoped that it would take only six meetings.

### CITY MANAGER REPORTS

- **Status of Lone Tree Road Reconstruction, Laurent Street Reconstruction, and Lone Tree Channel Improvements and Trail Projects** – City Engineer, Ken Gill, provided and update on the above mentioned projects.
- **Purchasing Department Organization** – Assistant Finance Director, Andrew K. Jacob presented a PowerPoint presentation to explain the organization and steps that were being taken to streamline the purchasing process. A detailed memo was provided in the packet.
- **Victoria Transit Services** - Joe Brannan, Executive Director of GCRPC, 902 Edinburgh, reported back to Council per their request to provide information to achieve savings to existing services. He provided information on a revised orange route that provides service to North Navarro, Loop 463, over to Highway 87N, and back down to Airline. He also reported that fares were proposed to increase to \$1. He further advised that they have reduced costs as much as they could at this time. Don Polzin, Executive Director of Gulf Bend Center advised that the revisions being offered were workable for them and their new location along the route. They were committed to working with the Transit System and the City with whatever decisions needed to be made.
- **Tuscany Subdivision Utility Reimbursement Agreement** – Director of Development Services, John Kaminski reported that the City's standard reimbursement policy calls for the first payment to be made one year after completion of the infrastructure. He presented three options to the developer's proposal and the timing of reimbursement; 1) agree to developer's request to reimburse the City's full portion of \$222,620 immediately upon completion of the construction of off-site water and sanitary sewer lines (this option would require a budget amendment), 2) a standard reimbursement agreement with first payment one-year after completion, with minimum payments of 20% per year for five years, and 3) a reimbursement agreement with a shortened payout, the first payment made one year after completion – under this scenario, the City could agree to one lump sum payment after one year or any other payment schedule of less than five years. There was some concern about not wanting to set precedence. It was the consensus of Council to move forward with option 3 and work out a compromise.
- **Proclamation - Geographic Information Services (GIS) Day** – Mr. Kaminski reported that that GIS Day was November 18, 2008. The first five years of the program were focused on the elementary schools, this year it would be taken to the middle schools. The GIS staff was recognized.
- **Youth Sports Complex fees - Little League and Girls Softball** – Director of Parks and Recreation, Doug Cochran presented the recommended fees and reported that he had met with the youth groups twice. The Little League requested a lower participation fee, so the recommendation was to lower that particular fee to \$20 from \$35. It was Council consensus to lower the fee.
- **Update on Automated Solid Waste Pick-Up** – Director of Environmental Service, Jerry James reported that the carts for the final phase of automation would be delivered on the week of November 10<sup>th</sup>, and pick-up would begin December 1, 2008. The old brush site at the Airport has been shutdown and the new site at the Landfill has been opened.

**RESOLUTION 2008-171R – APPOINTING LINDA CHAMPION ASSISTANT CITY ATTORNEY**

The resolution confirms appointment of Linda Champion as Assistant City Attorney. Miles Risley.

Cm. Hagan 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 2008-172R – GRANTING A VARIANCE FROM RIGHT-OF-WAY REQUIREMENTS AT 703 N. MAIN STREET, OWNED BY SPEEDY STOP STORES, LLC**

The resolution grants a variance to Section 21-54(b)(2) of the Victoria City Code, which requires the dedication of ½ of the right-of-way necessary to bring a street into conformity with the City’s Master Thoroughfare Plan, to Rio Grande Main Victoria, LLC, located at 703 N. Main Street, owned by Speedy Stop Stores, LLC. John Kaminski.

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 2008-173R – AUTHORIZING HOTEL-MOTEL TAX REVENUE SERVICE AGREEMENTS**

The resolution authorizes (1) a Zoological Park Management Services Agreement with the South Texas Zoological Society, Inc., in the amount of \$162,500,

(2) a Hotel-Motel Tax Revenue Arts Promotion Services Agreement with the Cultural Council of Victoria, Inc., in the amount of \$42,500,

(3) a Hotel Occupancy Tax Revenue Agreement with Texas Settlement Trails Inc., for Historical Renovation and Preservation, in the amount of \$4,000,

(4) a Hotel/Motel Occupancy Tax Revenue Tourism Promotion Services Agreement with the African-American Chamber of Commerce in the amount of \$25,000,

(5) a Hotel/Motel Tax Revenue Cultural and Historical Activities Promotion Service Agreement with the Victoria Regional Museum Association in the amount of \$15,000,

(6) a Beautification Services Agreement with Keep Victoria Beautiful in the amount of \$20,000,

(7) a Hotel/Motel Tax Revenue Services Agreement with the Children’s Discovery Museum, Inc., in the amount of \$5,000,

(8) a Hotel/Motel Tax Revenue Services Agreement with the Victoria Symphony Society, Inc. in the amount of \$15,000,

(9) a Hotel/Motel Tax Revenue Services Agreement with the Victoria Bach Festival Association, Inc. in the amount of \$15,000,

(10) a Hotel/Motel Tax Revenue Services Agreement with the Victoria Performing Arts Center, Inc. in the amount of \$61,400; and

approves the budget and funded activities for the aforementioned entities for the 2008-2009 fiscal year. Gilbert P. Reyna, Jr.

Cm. Polasek moved to amend the Zoological Park Management Services Agreement to release the total amount up front, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

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

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

NAYS: None

**RESOLUTION 2008-174R – AUTHORIZING THE REMODELING OF THE FINANCE DEPARTMENT AND/OR VEDC OFFICES AT 700 MAIN CENTER**

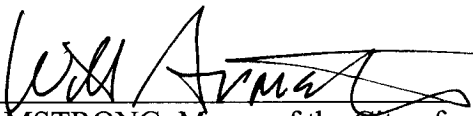
The resolution authorizes a contract for the Remodeling of the Finance Department and/or VEDC Offices at 700 Main Center in an amount not to exceed \$49,632. Andrew Jacob.

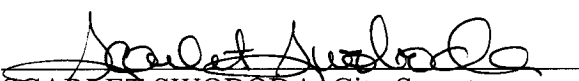
Cm. Hagan moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:

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

NAYS: None

There being no further business, the meeting was adjourned at 6:27 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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