

CITY COUNCIL MINUTES  
November 4, 2008

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

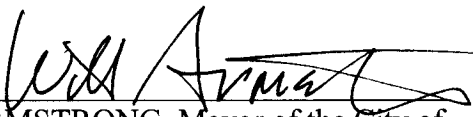
**RESOLUTION 2008-174R – AUTHORIZING THE REMODELING OF THE FINANCE  
DEPARTMENT AND/OR VEDC OFFICES AT 700 MAIN CENTER**

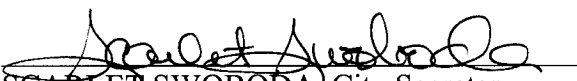
The resolution authorizes a contract for the Remodeling of the Finance Department and/or  
VEDC Offices at 700 Main Center in an amount not to exceed \$49,632. Andrew Jacob.

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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VICTORIA CITY COUNCIL  
and  
CHARTER REVIEW COMMITTEE  
November 18, 2008

**CALL TO ORDER**

A special meeting of the Victoria City Council and Charter Review Committee was called to  
order by Mayor Will Armstrong at 3:30 p.m. Tuesday, November 18, 2008 in the Council Chambers,  
107 W. Juan Linn, Victoria, Texas.

**MEMBERS PRESENT**

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

**COUNCIL ADVISORS PRESENT**

Jan Scott  
Terry McGowan  
Sharon Steen – *Absent*  
Gary Middleton  
Jack A. Mullins  
Joseph Capers  
Bill Russell - *Absent*

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**CITY COUNCIL / CHARTER COMMITTEE MINUTES****November 18, 2008****STAFF PRESENT**

Charles Windwehen, City Manager  
Charmelle Garrett, Deputy City Manager  
Miles Risley, City Attorney  
Debbie Rains, Legal Assistant  
O. C. Garza, Public Information Officer  
Scarlet Swoboda, City Secretary

**ANNOUNCEMENTS**

Mayor Armstrong announced that citizen comments concerning the City Charter would be heard during the regular meeting of the City Council at 5:00 p.m. He stated that the next two meetings would be held on December 2, and December 16, 2008 in the Council Chambers at 3:30 p.m. After January 1, 2009 the Charter Review Committee may meet more often. He advised that the Charter was last modified by the voters in 1994, and all suggested Charter changes would be presented to the voters at the May 9, 2009 General Election.

**CHARTER OVERVIEW**

City Attorney, Miles Risley advised that he would provide the Committee Members the legal analysis of the City Charter by Charles Zech, one of the leading charter experts in Texas, and a link to Mr. Zech's General City Charter Analysis of 340 city charters.

Mr. Risley presented a PowerPoint presentation, which explained the city charter process and addressed five areas:

1. City charters and amendments
2. Overview of the Victoria City Charter
3. Citizens for Responsible Government's requested changes to Victoria City Charter
4. Policy directed charter changes
5. State Law charter changes

He advised that it is suggested that charters be reviewed every 10 years. A city charter is the constitution of a Home Rule municipality. The Texas Constitution and State Law provides that cities may by a majority vote adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature. In general, State Law provides that no charter or ordinance shall contain any provision inconsistent with the Constitution of the State or the General Laws enacted by the legislature of the State. Home Rule cities have a great deal of power to do that which is not prohibited to them.

State Law provides that no city charter shall be altered, amended, or repealed more often than two years. A governing body may submit proposed charter amendments to voters for their approval at an election. A governing body shall submit a proposed charter amendment if that charter amendment is supported by a petition of 5% of the qualified voters. A charter amendment may not contain more than one subject, which is a specific limitation of Texas Local Government Code 9.004. It also states that the ballot shall be prepared so that the voter can approve or disapprove any one or more amendments without having to approve all of the amendments.

Mr. Risley explained the Council/Manager form of government, which Victoria operates under, as do approximately 74% of Texas cities. He also explained the terms of office for the Council Members and the Mayor, pointing out that the Mayor is elected at large, which is the case for 93% of Texas cities. The Mayor in Victoria is also a council member with a vote.

He advised that the City Manager is appointed by the City Council as are the City Attorney, Municipal Court Judge, Municipal Court Clerk, and City Secretary. City Attorney's are appointed by city councils in 80% of the cities in Texas, the rest are selected subject to city council approval. There is one city in Texas that selects a City Attorney by election; however they bypass that method by using a private law firm.

CITY COUNCIL / CHARTER COMMITTEE MINUTES

November 18, 2008

Cm. Polasek asked whether the statement, that an amendment may not contain more than one subject, would affect the petition efforts of the group planning to submit a set of changes. Mr. Risley advised that their proposals have not been submitted as a formal petition at this point. A copy of the document that they have shared with Council appears to be written as a single amendment. If that is the case, it may be that the City's hands are tied and it may have to be treated as a single amendment. Cm. Polasek stated that it needed to be real clear, because that group had put a lot of time into gathering signatures and he did not want there to be a problem.

Mr. Risley advised that if their petition was submitted as a single amendment with only a single set of petitions attached, it may be that the City would not have the authority to look beyond that, and would have to assume as a ministerial duty that it be treated as a single amendment on the ballot. The City would seek an opinion from someone with a great deal of expertise in election law and city charter law before a final recommendation was made on that.

Cm. Hagan stated that it was his understanding that even though the petition was an effort to get those amendments onto the ballot; they would stand alone on the ballot. He indicated that they do have legal counsel and they would continue to seek their own legal counsel. It was his understanding that the petition being submitted would merely get those items onto the ballot, freestanding each of them by themselves.

Mr. Risley briefly pointed out the amendments being proposed by the Citizens for Responsible Government. He addressed one of the proposed amendments which dealt with an affidavit requirement on a petition. Mr. Risley advised that the anti-fraud provision in the City Charter is to prevent petitions from being left in a location for anyone to sign, opening up the possibility of someone signing another person's name, which could cause a verification problem.


Jack Mullins commented that the charter amendment process does not require that type of activity to get a proposed charter amendment on the ballot. It follows the State rules that are more modern and streamline than the current Victoria City Charter. Mr. Risley advised that State law recognizes the validity of city charter requirements that petitions be circulated with a city's own anti-fraud provision, by saying that those cities that have adopted anti-fraud provisions prior to 1985 may retain them.


Mr. Risley went over the structure of the City Charter and advised that he would be emailing Charles Zech's analysis of proposed legal changes of the City Charter to the committee members before the next meeting, at which time debate on the issues could start.

Mayor Armstrong asked whether the restriction of campaigning for another political person applied to a Council Member telling a citizen they would be a good candidate for City Council. He wanted to put that on the list of things for clarification.

Mr. Risley advised that in order to be in compliance with election dates and ordinance requirements to place items on the ballot, the review process should be completed by the end of January 2009.

The meeting was adjourned at 4:51 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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