

CITY COUNCIL / CHARTER COMMITTEE MINUTES

January 20, 2009

City official ever. Mr. Mullins commented that there was a lot of case law drawing clear distinction between officials and employees.

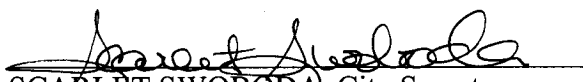
Mr. Risley presented a modification provision that would provide that the prohibition on payment to the inductees did not require termination of previously indicted officials. That means if a Police Officer were indicted and found not guilty the City would not have to fire them. A proposed amendment would specify that said section prohibition on expenditure of public funds for indicted officials solely prohibits the expenditure of City funds for the criminal defense of indicted City officials and does not prohibit compensation to City officials for their services.

Cm. Polasek commented that the decision of whether or not to pay any fees should be left up to the City Council. Cm. Wyatt commented that under some circumstances the Council needs to support their officials.

Mr. Risley presented another moderation provision which would allow the legal fees of innocent officials to be reimbursed after their case was no longer pending. Mr. Mullins commented that no one was ever found innocent.

Mayor Armstrong announced that the next meeting would be held on Thursday, January 22, 2009 at 3:30 p.m. With no further business, the meeting was adjourned at 4:50 p.m.

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

ATTEST: 
 SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
January 20, 2009

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:02 p.m. Tuesday, January 20, 2009 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

MEMBERS ABSENT

Tom Halepaska

STAFF PRESENT

Charles E. Windwehen, City Manager
 Miles Risley, City Attorney
 Linda Champion, Assistant City Attorney
 Gilbert P. Reyna, Jr., Director, Finance
 Lynn Short, Director, Public Works
 Dayna Williams-Capone, Assistant Director, Library
 John Kaminski, Director, Development Services
 Bruce Ure, Police Chief
 Vance Riley, Fire Chief
 Doug Cochran, Director, Parks and Recreation
 Rick Henrichs, Director, IT
 Jerry James, Director, Environmental Services
 Roy Boyd, Deputy Chief of Police
 Darryl Lesak, Asst. Director Environmental Services
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of January 6, 2009, the regular meeting of January 6, 2009 and the special meeting of January 8, 2009 were approved as presented.

CITIZENS COMMUNICATION

Ray Pilsner, 408 Royal Oak Drive, expressed concerns with the lack of handicap accessibility in the downtown area. He commented that there were very few handicap parking spaces either. He suggested making the business owners contribute 50% of the cost to upgrade the sidewalks in front of their place of business, with no grandfather clause, and no rear entrances. He also commented that cobblestone made it difficult to maneuver for those with wheelchairs and canes.

Hector Deases, 5006 Elk Street, commended Council for wanting to beautify and comply with the Americans with Disabilities Act (ADA) in the downtown area, but pointed out that there are very few sidewalks along Navarro Street. He advised that he and the majority of others with disabilities do not come downtown and encouraged Council to do something along Navarro.

Darlene Lanhem, Associate Director of Public Affairs for Texas Municipal Police Association, 1310 Broadmoor Drive, Austin, Texas advised that she represented 15,000 police officers throughout the State of Texas. Their mission was to promote professionalism in law enforcement through education and representation. She addressed the proposed Charter amendment that would limit public funds to any City official. She commented that a broad read of the amendment suggested that no salary, benefits, or any kind of public money would be able to be given to a public official who was indicted. She interpreted that to mean that Police officers in the scope of their duties could be terminated if indicted of a felony. The Association felt it would cause a significant financial and public safety impact to the community. Holding elections costs a lot of money and opening this question to an election every time an officer was simply indicted, not convicted or charged would cost money to the City. It could open the City to lawsuits under equal protection laws of the constitution. They were also concerned about the public impact in the community, because recruiting would become much more of a challenge than it already was. These unintended consequences could cause problems in the community. Cm. Hagan responded that the City Attorney had addressed some of those concerns at the Charter Review Committee meeting. Ms. Lanhem offered to work with the City to provide input, if a policy team were put together.

Kathy Hunt, 210 King Arthur, Voter Service Chairman for the League of Women Voters, thanked the City for providing the Channel 15 broadcast. Her board was planning to hold a public information meeting prior to the election and invited both the citizens group and the City Council to participate in their forum. They would like to set a date and format to help the voters understand the proposals. She commented that the forum would probably be held sometime in April along with candidate forums as well.

Russell Pruitt, 402 Sherwood, addressed Charter amendments relating to the comments of Ms. Lanhem. He pointed out that no Police or Fire Officers legal fees have ever been paid and the Charter amendment was proposed to address City officials due to recent actions taken by the City Council. The Charter Review Committee appeared to be taking the hard line on all of the amendments. He commented that some good things had been discussed at the Charter Review Committee meeting held prior to this meeting. There was some good clarification, but there was also some hard line, and if that was how the Council was going to interpret the Charter amendments, his group would be compelled to push for that.

City Attorney, Miles Risley advised that they had heard a lot about the intent of the distributors of the petition, unfortunately when an ambiguous law is interpreted by the courts, the intent of the distributors of a petition is not one of the rules of construction that is utilized by the court. The court first looks at the language, then resolves the ambiguity based on accepted rules of construction. One of those could be potentially the intent of the legislatures and a legislative document, but the intent of a distributor or a petition or the intent of the signer of a petition is irrelevant to a court. Cm. Hagan commented that from the municipal attorneys he had spoken to, he had been informed that appellate courts were very sympathetic to the intentions of citizen groups who put forth charter amendments.

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Katherine Barnes, 110 Ridgeview, President of Rough Riders 4-H Club and Mattie Nichol, 2901 John Stockbauer, President of Memorial High School FFA Chapter advised that they were in support of the Victoria Horseman's Club. There was no other place in Victoria to hold the type of activities that they participate in.

Helen Walker, 407 E. Santa Rosa, thanked each of the Council for running for office because they catch a lot of flack, much of it not earned. She also spoke on behalf of citizens who serve on committees, commenting that they do not deserve to be called names in the newspaper or anywhere else. It was her experience that unless a body that selects a committee does not listen to that committee before making their decision, and they have to take insults, the next time they are asked, they probably will not serve. She also spoke in support of the downtown sidewalk study with no commitment to do the project unless funding was available. She commented that it was important to develop the downtown in order for it to be a Heritage Tourism economic development tool. She advised that because Victoria County through the Victoria County Historical Commission was designated as a Preserve America Community, there was a possibility that in the future there may be a grant available to Victoria. There are also individuals ready to help procure those funds.

ITEMS FROM COUNCIL

Cm. Hagan commented that none of the Charter amendments were his and he was not a member of the citizens group. He advised that he supported the Police department and would not like to see any unintended consequences. He voted against expending legal fees because it had not been done before and it was his desire that all Victorians and employees were treated equally. He suggested that the intent of the City Attorney today was to see that the concerns of the citizens group are addressed about fairness to the taxpayers of Victoria, and fairness to all to be treated equally. He felt that it could be cleared up in a way that addressed the public concerns and at the same time can address the concerns that the men in blue are treated with the protection and respect that they deserve.

Mayor Armstrong asked Miles Risley to review again the comments about the differences of a person performing their duty inside the scope of their duties as opposed to a criminal act outside the scope of their duties. Mr. Risley advised that the City Council made a determination when it approved the funds for the legal defense of the four persons indicted that the acts of those persons were in furtherance of an official policy of the City. He gave examples of when an act might not be considered within the scope of ones duties. However, when a communication to a third party is made on the basis that is directed by the City, and does exactly what the City policy is, then the City Council can make the determination that if those acts result in wrongful criminal allegations, the City Council can stand behind that person.

Cm. Wyatt requested that staff look at any projects that may qualify for any future stimulus packages that may be forthcoming.

Cm. Polasek thanked Code Enforcement for doing a good job commenting that they have been very responsive to locations that citizens have contacted him about. He also had a number of calls about high speeds along Glasgow in the Northcrest Subdivision and requested that staff look at some type of traffic slowing device for that area. Finally, he commented that people were leaving their garbage carts out twenty-four hours a day, seven days a week and inquired about the timeline on reminding people to put their new garbage carts up and not leaving them out. He was informed that residents were still being contacted about those issues. Also, on Monday, January 26, 2009 those not following the guidelines would be tagged and garbage would not be picked up.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2009-1 – AMENDING CHAPTER 5 OF THE VICTORIA CITY CODE TO ADD ARTICLE XV, "LANDSCAPE IRRIGATION SYSTEMS"

City Attorney, Miles Risley, read the caption of Ordinance 2009-1, which amends Chapter 5 of the Victoria City Code to add Article XV, "Landscape Irrigation Systems", which will include

Sections 5-185, 5-186, and 5-187 and regulate the installation of landscape irrigation systems as required by State law. Second and Third Reading. John Kaminski.

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, and Mayor Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING CHAPTER 5 OF THE VICTORIA CITY CODE TO ADD ARTICLE XV, "LANDSCAPE IRRIGATION SYSTEMS", WHICH WILL INCLUDE SECTIONS 5-185, 5-186, AND 5-187 AND REGULATE THE INSTALLATION OF LANDSCAPE IRRIGATION SYSTEMS AS REQUIRED BY STATE LAW, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-2 – RELEASING OUTSTANDING PAVING ASSESSMENT LIENS ORIGINALLY ESTABLISHED TO IMPROVE CITY STREETS BETWEEN 1961 AND 1983

City Attorney, Miles Risley, read the caption of Ordinance 2009-2, which releases the outstanding Paving Assessment Liens and receivables associated therewith originally established to improve City streets between 1961 and 1983. First Reading. Gilbert P. Reyna, Jr. and Miles Risley.

Cm. Neitsch moved that the ordinance pass on first reading, with Cm. Guittard seconding the motion. The ordinance passed on first reading by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, and Mayor Armstrong
NAYS: None

Caption:

AN ORDINANCE RELEASING THE OUTSTANDING PAVING ASSESSMENT LIENS AND RECEIVABLES ASSOCIATED THEREWITH ORIGINALLY ESTABLISHED TO IMPROVE CITY STREETS BETWEEN 1961 AND 1983, REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2008-2009D – AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA AND AUTHORIZING A HOTEL/MOTEL OCCUPANCY TAX REVENUE AGREEMENT WITH THE CHAMBER OF COMMERCE TO OPERATE ITS CONVENTION AND VISITORS BUREAU (CVB)

City Attorney, Miles Risley, read the caption of Ordinance 2008-2009D, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by (1) transferring \$202,000 from the Motel Tax Fund Community Center Building Line Item to the Motel Tax Fund Victoria Chamber of Commerce Line Item, (2) decreases the Community Center Fund Transfer from Motel Tax Building Line Item by \$202,000, and (3) transfers \$25,000 from the General Fund fund balance to the General Fund Non-Departmental Victoria Chamber of Commerce Line Item; authorizes the City Manager to execute a Hotel/Motel Occupancy Tax Revenue Agreement between the City of Victoria and the Victoria Chamber of Commerce for Tourism/Convention Promotion Services to operate its Convention and Visitors Bureau (CVB); and approves the budget and funded activities for the CVB. First Reading. Gilbert P. Reyna, Jr.

Randy Vivian, Executive Director of the Chamber of Commerce, commented that the contract was fine, but asked what the intent was to have the City Council appoint one member to the Board of Directors. He understood it was to oversee and have input, but to appoint someone to the Board of Directors would mean that they would be involved in everything that the Chamber does. He advised that the Chamber would be putting together an advisory board that would be a functioning subcommittee of the Board of Directors. He further noted that the number of members on the Board of Directors would have to be amended for this requirement.

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Cm. Polasek commented that the advisory board would never have direct authority over the new CVB person. The amount of money coming from the City and having someone directly involved in that supervisory aspect was the reason for wanting a person on the Board of Directors. Cm. Neitsch commented that the City wanted to have their input heard. It was not intended for it to cause a hardship for the Chamber and asked that Mr. Vivian and the Legal Department get together to look at ways to remedy some of the concerns.

Mayor Armstrong thanked Cm. Neitsch and Cm. Polasek for the time that they spent on this project.

Cm. Neitsch moved that the ordinance pass on first reading, with Cm. Polasek seconding the motion. The ordinance passed on first reading by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, and Mayor Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY (1) TRANSFERRING \$202,000 FROM THE MOTEL TAX FUND COMMUNITY CENTER BUILDING LINE ITEM TO THE MOTEL TAX FUND VICTORIA CHAMBER OF COMMERCE LINE ITEM, (2) DECREASING THE COMMUNITY CENTER FUND TRANSFER FROM MOTEL TAX BUILDING LINE ITEM BY \$202,000, AND (3) TRANSFERRING \$25,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND NON-DEPARTMENTAL VICTORIA CHAMBER OF COMMERCE LINE ITEM; AUTHORIZING THE CITY MANAGER TO EXECUTE A HOTEL/MOTEL OCCUPANCY TAX REVENUE AGREEMENT BETWEEN THE CITY OF VICTORIA AND THE VICTORIA CHAMBER OF COMMERCE FOR TOURISM/CONVENTION PROMOTION SERVICES TO OPERATE ITS CONVENTION AND VISITORS BUREAU (CVB); APPROVING THE BUDGET AND FUNDED ACTIVITIES FOR THE CVB; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2009-11R –DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM

The resolution designates certain officials as being responsible for, acting for, and on behalf of the applicant in dealing with the Texas Parks and Wildlife Department, hereinafter referred to as “Department,” for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the “Program”; certifies that the applicant is eligible to receive program assistance; certifies that the applicant matching share is readily available; dedicates the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses; and certifies that the application has been submitted to the appropriate regional council of governments for the Texas Review and Comment System (TRACS) review. Doug Cochran.

Director of Parks and Recreation, Doug Cochran advised that the grant was for \$1 million for the acquisition and development of the Lone Tree Community Park on Airline Road. The City owns approximately 200 acres of land adjacent to the Tangerine and Tanglewood Subdivisions and the grant would convert 125 acres into park land. The City’s portion of the grant would come from the value of the land that the City already owns. The land was purchased in 1999 for flood control by the Public Works Department, and has been identified in the Parks and Recreation Open Space Master Plan since 2002 as a potential park. Staff proposes to construct a water play ground, pavilion, practice soccer, football, softball, and baseball fields. In addition the City will fund the development of restrooms and parking facilities. The total estimate for development is \$1,277,750, with the Texas Parks and Wildlife reimbursing up to \$500,000. The City’s portion would be \$777,750 with \$500,000 accounting for the value of the land. If the City were to receive the grant a future budget would have to allow for the remaining \$277,750 and the project would have to be completed by January 2012.

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, and Mayor Armstrong
 NAYS: None

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **Progress of Capital Improvements Projects Currently Under Construction or in Design at End of the 4th Quarter of 2008** – Director of Public Works, Lynn Short report that the information was included in the Council packet and presented a handout that indicated the committed projects that would be brought to Council in 2009.
- **TV 15 Channel Fees** – Public Information Officer, O.C. Garza, reported that he was proposing fees to allow Victoria Independent School District (VISD) and Victoria College (VC) access to the government TV channel. Both had approached the City expressing interest in purchasing time on the channel. The proposal would be to sell air time at a block rate of \$5,000 per 24 hour block, per week, for a year. He would bring a fee ordinance to Council at a later date. Cm. Polasek commented that the proposal was a great bargain for the College and the citizens of Victoria. Cm. Wyatt complimented Mr. Garza on his recent presentation to VISD.

RESOLUTION 2009-12R – AUTHORIZING THE LOAN STAR LIBRARIES GRANT AGREEMENT WITH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

The resolution authorizes the City Manager to execute the Loan Star Libraries Grant agreement with the Texas State Library and Archives Commission, in the amount of \$24,471, with no City matching funds required. Dayna Williams-Capone.

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, and Mayor Armstrong
 NAYS: None

RESOLUTION 2009-13R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH VICTORIA ENGINEERING, INC. DBA URBAN ENGINEERING FOR ENGINEERING SERVICES FOR THE DOWNTOWN SIDEWALK AND STREET IMPROVEMENT PROJECT

The resolution authorizes the City Manager to execute a Professional Services Agreement between the City of Victoria and Victoria Engineering, Inc. dba Urban Engineering for Engineering Services for the Downtown Sidewalk and Street Improvement Project (Main Street from Commercial Street to Juan Linn Street and sections of Forrest Street, Constitution Street and Bridge Street surrounding DeLeon Plaza), in the amount of \$325,322.50. Lynn Short.

Public Works Director, Lynn Short advised that the project area would be from Main Street to Commercial, to Juan Linn, and one block of Forrest, one block of Goodwin, and one block of Bridge Street. In that area the project would include removing and replacing the entire curb, adding curb extensions to comply with ADA requirements. Removing the entire sidewalk and using grooved, colored, or textured sidewalk to make it aesthetically pleasing, with the addition of brick or stone pavers as accents. It would involve installing new hotmix overlay on the streets within the area, installing brick pavers to delineate the crosswalks, installing decorative bollards at those intersections to keep vehicles from driving up on the new handicap ramps. New traffic signal poles within the area that will have a historic décor and five new street lights. Every property owner would have one or two cuts to the streets and/or sidewalks for water and/or sewer lines. Mr. Short advised that the abovementioned amount would include the survey, preliminary engineering, final design, bidding phase, and construction phase services.

Cm. Hagan commented that with the economic difficulties that the Country is having the City needs to stick to only what is absolutely critical and necessary. There are other areas of the City that sidewalks may be more important.

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Cm. Polasek commented that by approving this resolution it does not commit the City to building the sidewalks, but if we do not take this opportunity to rebuild the sidewalks right at this time, they would be nothing but patchwork and the community would ask why we did not do it right the first time.

Cm. Wyatt advised that the State Legislature was in session and they would be evaluating the appraisals, effective tax rates and excess fund balance. This could be a part of the equation when calculating the effective tax and could make a difference on how much could be approved and what tax rates would be.

Cm. Neitsch advised that the funds for this project were coming from sales tax money as approved by the Victoria Sales Tax Development Corporation and not from ad valorem money.

County Commissioner, Gary Burns, advised that the County was coordinating their upcoming building projects with this project.

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, Wyatt, and Mayor Armstrong

NAYS: Council Member Hagan

RESOLUTION 2009-14R – CONSIDERING THE PURCHASE AND INSTALLATION OF SECURITY FENCE FOR FIRE STATION 4

The resolution was pulled from the agenda.

RESOLUTION 2009-15R –GRANTING VARIANCES TO SECTIONS 5-154(A)(3) AND 5-154(C) OF THE VICTORIA CITY CODE, REGARDING BILLBOARDS TO 405 ½ W. CONSTITUTION, OWNED BY BOBBY MUELLER, MITCHELL GLASS CO.

The resolution grants variances to Sections 5-154(a)(3) and 5-154(c) of the Victoria City Code, which require a minimum separation distance between off-premise signs (billboards) of 500 feet, and a setback of 15 feet from the property line for billboards, to Lot 4, Block 67 of Victoria, located at 405 ½ W. Constitution, which is owned by Bobby Mueller, Mitchell Glass Co. John Kaminski.

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, Hagan, Wyatt, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-16R – AUTHORIZING AN AGREEMENT WITH HABITAT FOR HUMANITY, VICTORIA, TO GRANT REAL PROPERTY LOCATED AT 810A AND 810B VIRGINIA, AND 1010 PARK (ORIGINALLY OBTAINED WITH CDBG FUNDS)

The resolution authorizes the City Manager to execute an agreement with Habitat for Humanity, Victoria, to grant real property located at 810A and 810B Virginia, and 1010 Park (originally obtained with CDBG funds) to Habitat in exchange for Habitat's agreement to construct at least three single-family housing units thereon and transfer said units to heads of low-income households in accordance with the regulations of the U.S. Department of Housing and Urban Development. John Kaminski.

Cm. Wyatt 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, and Mayor Armstrong

NAYS: None

RESOLUTION 2008-198R – CONSIDERING VARIANCES TO THE MANUFACTURED HOME REQUIREMENTS AT 608 N. DEPOT STREET OWNED BY MOUNT SALEM BAPTIST CHURCH

The resolution considered granting variances to Sections 12-8(a)(2), 21-82(i)(1), and 21-82(i)(8) of the Victoria City Code, which require a manufactured home that is to be located outside of a manufactured home park or manufactured home subdivision to be owner-occupied and which prohibit the placement of manufactured homes in historic districts, to Lot 3 of Block 224, Original Townsite, located at 608 N. Depot Street, which is owned by Mount Salem Baptist Church. John Kaminski.

Director of Development Services, John Kaminski advised that the Planning Commission recommended approval of the variance allowing the owner-occupied placement of a manufactured home. Staff recommended denial and the Planning Commission denied the placement of a manufactured home in the historic district.

Cm. Wyatt commented that the property in question was on the very northern edge of the historic district. He asked what it would take to remove it from the historic district. Mr. Kaminski responded that in order to remove it from the historic district the Council would have to amend the boundaries of the district. Cm. Wyatt commented that he wanted to be consistent and would rather not grant the variance, but he did ask that Council consider removing that property from the historic district. Mr. Kaminski advised that since it was on the boundary, removing it would not leave a donut hole, but he did point out that the church building itself was a historic structure. If given a choice staff would prefer removing that property from the historic district. It was the consensus of Council to bring an ordinance excluding that area from the historic district.

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

AYES: None

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

RESOLUTION 2009-5R – APPOINTING THREE MEMBERS TO THE VICTORIA SALES TAX DEVELOPMENT CORPORATION

The resolution reappoints Philip Guittard, Jan Scott, and Bob Martin to the Victoria Sales Tax Development Corporation. 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, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-9R – AMENDING THE LEASE AGREEMENT BETWEEN THE CITY OF VICTORIA AND THE VICTORIA HORSEMAN’S CLUB

The resolution authorizes the City Manager to execute an Amended Lease Agreement between the City of Victoria and the Victoria Horseman’s Club. Doug Cochran.

Cm. Hagan 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, Hagan, Wyatt, and Mayor Armstrong

NAYS: None

CITIZENS COMMUNICATION

Darlene Lanhem with the Texas Municipal Police Association requested a final copy of the petition and how the wording would be on the ballot.

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EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 7:09 p.m., in accordance with:

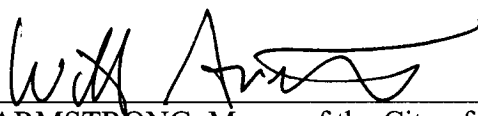
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal issues related to proposed City Charter amendments). Miles Risley.


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 (including, but not limited to, the value of City property on Huvar Street). 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 7:30 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

VICTORIA CITY COUNCIL
and
CHARTER REVIEW COMMITTEE
January 22, 2009

CALL TO ORDER

A special meeting of the Victoria City Council and Charter Review Committee was called to order by Mayor Will Armstrong at 3:31 p.m. Thursday, January 22, 2009 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 - *absent*
- Tom Halepaska

COUNCIL ADVISORS PRESENT

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