



CITY COUNCIL / CHARTER COMMITTEE MINUTES

January 22, 2009

It was the general consensus of the Committee to let the petition proposals go on the ballot as presented. There was agreement that the language was poorly written and could cause a lot of problems in the future. They agreed that a lot of time had been spent going over “what if” scenarios and it could be confusing to the public to try and explain which would be good and which would not. It was pointed out that if the proposed amendments passed at the May election it would be two years before any changes could be proposed to cleanup the language. The majority of the Committee was opposed to all of the proposed amendments presented by the Concerned Citizens for Responsible Government. It was further pointed out that Mr. Risley was one of the best attorneys in Texas and potentially could lose his job if one of the proposals passed.

Mayor Armstrong and Cm. Neitsch thanked the members of the Committee for their service and appreciated their input. With no further business, the meeting was adjourned at 4:25 p.m.

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

ATTEST: 
 SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
 February 3, 2009**

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, February 3, 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
- Tom Halepaska

STAFF PRESENT

- Charles E. Windwehen, City Manager
- Charmelle Garrett, Deputy City Manager
- Miles Risley, City Attorney
- Linda Champion, Assistant City Attorney
- Gilbert P. Reyna, Jr., Director, Finance
- Lynn Short, Director, Public Works
- Bruce Ure, Police Chief
- Vance Riley, Fire Chief
- Doug Cochran, Director, Parks and Recreation
- Rick Henrichs, Director, IT
- Jerry James, Director, Environmental Services
- Ken Gill, City Engineer
- 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

APPROVAL OF MINUTES

The minutes of the special meeting of January 20, 2009, the regular meeting of January 20, 2009, and special meeting of January 22, 2009 were approved as presented.

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, representing the "Concerned Citizens for Responsible Government" advised that the petition they circulated to amend the City Charter stated on the front of the petition that it was an amendment, but if signed it was for the amendments on the reverse side of the document. The amendments were listed individually on the back of the petition and he requested that they go on the ballot as separate ballot items. His group was concerned that the City Council would not place the items on the ballot as requested.

David Brown, 116 Creekside, representing the Woodway Homeowners Association and Suzannah Porr, 302 Chimney Rock, expressed concerns with the traffic on Railwood Drive in the Woodway Subdivision, and asked that the street be closed for the safety of the residents in that subdivision.

Mayor Armstrong stated that he lived in that subdivision and it was a valid request. He then requested that an ordinance be placed on the February 17, 2009 meeting to close the street. Cm. Halepaska suggested that they listen to the report on that street first.

ITEMS FROM COUNCIL

Cm. Polasek requested an update on the striping of streets. Director of Public Works, Lynn Short advised that a contract would be coming to Council in the near future to have a number of streets striped. It should take approximately eight months for the project to be completed.

Cm. Polasek also requested an update on the expenditures related to the four cases pending and legal fees associated with those cases at a future agenda. It was the consensus of Council to place a report on an upcoming agenda.

Cm. Hagan wanted to clarify his views on the legal fees regarding the Police Department personnel. He advised that when the time came to pay legal fees he was for paying the legal fees for the Police Chief and Police Lieutenant; however he thought they should be placed on paid leave. He had also asked that the Chief and Lieutenant be separated out on the vote from the Mayor and former City Attorney. He felt it was a mistake to lump them together, and felt that the more prudent thing would have been to separate them out.

Cm. Wyatt asked who enforced non-compliance with the regulations for automated trash pick up. Assistant Director of Environmental Services, Darryl Lesak responded that the Solid Waste Department sends the residents two letters before sending it to Code Enforcement to be resolved.

Cm. Neitsch requested a report on Municipal Court and their computer problems at a future meeting. The City Attorney advised that he would provide a report to Council.

Mayor Armstrong requested an in-house staff analysis of the feasibility, practicality, and estimated cost of curbside recycling. Director of Environmental Services, Jerry James advised that in the current contract with R.W. Beck one of the tasks was to do a Recycling Master Plan, and they were in the process of doing that work. It should be approximately 30 to 60 days to complete that task and bring the information to the Council.

Mayor Armstrong also advised that he sent letters of thanks and appreciation to those that served on the City Charter Review Committee.

CITY MANAGER REPORTS

- **Request to Close Railwood Drive** – City Manager, Charles E. Windwehen advised that there were several options that could be considered and requested direction from the Council as to how they wanted to proceed: Option (1) place an ordinance on for first reading at next reasonable meeting, (2) have staff survey the households in that subdivision, (3) wait until after the new high school and middle school open and the traffic light is up to determine traffic flows, or (4) put up barricades and close temporarily. He further advised that there were approximately 300 homes in the subdivision and an average resident generates

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approximately four car trips per day. Deputy Director of Development Services, Ray Miller reported that traffic counts from June 2004 averaged 430 trips on an average weekday and approximately 455 exiting Railwood on a weekend. A recent count showed approximately 450 exiting Railwood, increasing slightly but not out of the norm for that period. He advised that without doing an extensive count survey of each entrance to the subdivision there would be no way to determine whether the traffic was generated from residents or cut through traffic. Mr. Miller advised that 270 questionnaires were sent out to the residents of Woodway Subdivision in 2004, with 132 total responses. There were 83 in favor of closure and 49 against.

Mayor Armstrong commented that he would still be in favor of preparing an ordinance to close that street. Cm. Neitsch expressed concern that there would be a lot of turn around traffic on Railwood if the street were closed. Cm. Halepaska suggested that another survey should be done before closing the street. Cm. Wyatt commented that when this issue came to them before the residents suggested that the traffic was from the residents themselves and not cut through traffic. He felt they should move slower and was very cautious when it came to closing streets. David Brown expressed concern that the traffic would become worse when the new schools opened. It was the consensus of the majority of Council to conduct another survey and not prepare an ordinance at this time.

- **Status of Lone Tree Road Reconstruction, Laurent Street Reconstruction, and Lone Tree Channel Improvements and Trail Projects.** City Engineer, Ken Gill, reported that traffic should be switched over to two-way traffic on a portion of the Laurent Project by March. Lone Tree Reconstruction Project continued to be on schedule for April completion. Lone Tree Channel excavation has been completed and the main part of the Trail was near completion. A change order would be forthcoming to extend the trail to the new high school at Ben Jordan.
- **Request for support of Tax Credit Application - Point Royale Apartments, John Stockbauer Drive.** No report was given it will be placed on the next agenda.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

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. Second and Third Reading. Gilbert P. Reyna, Jr. and Miles Risley.

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, Halepaska, 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. Second and Third Reading. Gilbert P. Reyna, Jr.

Mr. Risley read a proposed amendment as suggested by the City Council at the last meeting. The change to the contract: Item 24 – Appointment to Board of Directors – To assist in monitoring this program and providing accountability for the funds provided hereunder, the City shall have the right to appoint at least one member to *any committee or group that is formed to consider or govern the activities of the CVB* ~~the Board of Directors of the Chamber~~. The appointee shall be designated by the City Manager.

Russell Pruitt commented that the original motion was a wise motion, without the amendment.

Randy Vivian, 2302 Terrace, President and CEO of the Chamber of Commerce, commented that there was representation of the governing policies of the CVB with the proposed amendment.

Cm. Neitsch explained that the City Council did not want to get involved in the Chambers business, but they did want to be involved in the CVB and that was the reason for the amendment. The Council would still have representation and be able to monitor expenditures.

Cm. Wyatt moved to amend the ordinance to delete the Board of Directors of the Chamber in item 24, and add *any committee or group that is formed to consider or govern the activities of the CVB*, with Cm. Polasek seconding the motion. The ordinance 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 ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, on second and third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, 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;

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REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY,
AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-3 – CALLING A JOINT GENERAL ELECTION WITH THE VICTORIA INDEPENDENT SCHOOL DISTRICT ON MAY 9, 2009, FOR THE POSITIONS OF CITY COUNCIL MEMBERS DISTRICT 1, DISTRICT 2, DISTRICT 3 AND DISTRICT 4

City Attorney, Miles Risley, read the caption of Ordinance 2009-3, which calls a Joint General Election with the Victoria Independent School District on May 9, 2009, for the positions of City Council Members District 1, District 2, District 3 and District 4; establishes procedures for holding the election; designates the precincts and polling places for the election; appoints certain officers to conduct the election; and provides for the sharing of expenses. Emergency Reading. Scarlet Swoboda.

Cm. Wyatt moved to amend the ordinance to correct the spelling of Margaret Dear to Margaret Dean who is one of the Election Judge’s named on Exhibit “B” of the ordinance, with Cm. Polasek seconding the motion. The ordinance was amended by the following vote:

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

Cm. Neitsch moved that the ordinance pass on emergency reading, with Cm. Wyatt seconding the motion. The ordinance passed, as amended, on emergency reading by the following vote:

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

Caption:

AN ORDINANCE CALLING A JOINT GENERAL ELECTION WITH THE VICTORIA INDEPENDENT SCHOOL DISTRICT ON MAY 9, 2009, FOR THE POSITIONS OF CITY COUNCIL MEMBERS DISTRICT 1, DISTRICT 2, DISTRICT 3 AND DISTRICT 4; ESTABLISHING PROCEDURES FOR HOLDING THE ELECTION; DESIGNATING THE PRECINCTS AND POLLING PLACES FOR THE ELECTION; APPOINTING CERTAIN OFFICERS TO CONDUCT THE ELECTION; PROVIDING FOR THE SHARING OF EXPENSES; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

RESOLUTION 2009-17R – APPROVING AND ADOPTING THE CURRENT CITY OF VICTORIA INVESTMENT POLICY AND LIST OF QUALIFIED BROKERS

The resolution approves and adopts the current City of Victoria Investment Policy and list of qualified brokers that are authorized to engage in investment transactions with the City of Victoria. Andrew Jacob.

Cm. Neitsch 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 2009-18R – AUTHORIZING GRANTS PURSUANT TO THE DOWNTOWN PRESERVATION INCENTIVE PROGRAM

The resolution authorizes all documents necessary to provide grants pursuant to the Downtown Preservation Incentive Program to (1) Brownson Jecker, Jr. in the amount of \$5,000 for

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205 S. Main Street, (2) Bernard Klimist in the amount of \$5,000 for 204 E. Santa Rosa Street, (3) Babana LLC in the amount of \$5,000 for 106 N. Main Street, (4) Cliff Kuykendall in the amount of \$3,475 for 209 S. Main Street, and (5) Arthur Lapham Family Trust in the amount of \$612.50 for 201 S. Main Street. Jared Mayfield.

Cm. Wyatt 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 2009-19R – AUTHORIZING A BEVERAGE AGREEMENT WITH COCA-COLA ENTERPRISES D/B/A HOUSTON COCA COLA BOTTLING COMPANY FOR POURING RIGHTS AT VICTORIA YOUTH SPORTS COMPLEX

The resolution authorizes a Beverage Agreement between the City of Victoria and Coca-Cola Enterprises d/b/a Houston Coca Cola Bottling Company for Pouring Rights at Victoria Youth Sports Complex, 105 N. Ben Wilson, Victoria, Texas, which will annually provide for an amount to be paid to the City of Victoria of \$12,500 for the first 2,300 cases sold, plus \$2 per case for 2,301 to 2,500 cases sold, plus \$3 per case for 2,501 to 2,700 cases sold, plus \$4 per case for 2,700 plus cases sold, with an initial term of 5 years, and declaring an effective date. Doug Cochran.

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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-20R – TERMINATING THE AMENDED AND RESTATED REGIONAL WASTEWATER DISPOSAL CONTRACT WITH THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA)

The resolution authorizes the City Manager to execute all documents necessary to terminate the Amended and Restated Regional Wastewater Disposal Contract between the Guadalupe-Blanco River Authority (GBRA) and the City of Victoria, Texas, with such termination to be effective December 31, 2010, authorizes the payment of the original purchase price of the land comprising the Victoria Regional Waste Disposal System and acceptance of the deed thereto upon said payment, in the amount of approximately \$33,275, and authorizes payments on the bonds issued pursuant to the aforementioned Contract that become due and payable after December 31, 2010, in the amount of approximately \$788,194, and execute such other documents as are necessary to retire said bonds upon and after said date. Lynn Short.

Cm. Wyatt commented that he was not opposed to the City operating the wastewater plant; however he was opposed to not having a comparison with any other entities that operate wastewater plants, to have a full overview of wastewater opportunities. He thought the constituents should have a more in-depth look at this with other entities that have operated wastewater plants. He did not totally agree with the budgeted numbers and historical data.

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

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

NAYS: Council Member Wyatt

Mayor Armstrong advised that when he was on the Council in the 1970's it was always the City's intent to take that plant back when the finances came together and it could be done. He complimented GBRA for the fine job that they have done over the years that they have run the plant. It has been a good business relationship.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:01 p.m., in accordance with:

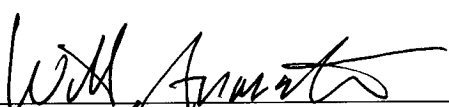
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with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

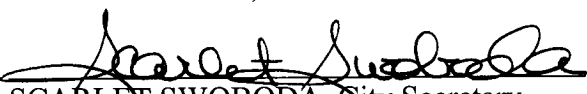
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, the value and purchase of selected properties next to Laurent 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 6:35 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
