

CITY COUNCIL MINUTES

April 14, 2009

RESOLUTION 2009-48R – AWARDING A BID FOR THE EMERGENCY SANITARY SEWER LINE REPLACEMENT (POLK STREET FROM RETAMA STREET TO NIMITZ) PROJECT TO FALCON LEASE OPERATING COMPANY D/B/A FALCON COMPANY

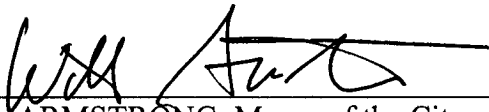
The resolution awards a bid for the Emergency Sanitary Sewer Line Replacement (Polk Street from Retama Street to Nimitz) Project to Falcon Lease Operating Company d/b/a Falcon Company of Victoria, Texas, in the amount of \$32,916. Darrell Seibert.


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

There being no further business, the meeting was adjourned at 5:52 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL

April 21, 2009

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Pro-Tem Neitsch at 5:01 p.m. Tuesday, April 21, 2009 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

Lewis Neitsch, Mayor Pro-Tem
Philip Guittard
Paul Polasek
David Hagan
Jim Wyatt
Tom Halepaska

STAFF PRESENT

Charles E. Windwehen, City Manager
Charmelle Garrett, Deputy City Manager
George E. Hyde, Interim City Attorney
Linda Champion, 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
Rick Henrichs, Director, IT
Jerry James, Director, Environmental Services
Donald Reese, Public Services Manager
Jimmy Roach, Deputy Director, Public Works
Andrew Jacob, Assistant Finance Director
Darrell Seibert, Public Works Engineer
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Will Armstrong, Mayor

APPROVAL OF MINUTES

The minutes of the special meetings of March 24, 2009 and March 27, 2009 were approved as presented.

CITIZENS COMMUNICATION

James Stewart, 5008 Evergreen encouraged Council to include the downtown sidewalks in the Downtown Utilities Projects. He commented that there are no curb cuts in the downtown area and the sidewalks are not handicap accessible, and that does not look good for the responsible body. The downtown area needs to be accessible to everyone, and if you are going to do something, it only takes a little more to make it attractive. We have been trying to encourage merchants to bring businesses into downtown to revitalize the area and having attractive sidewalks is a vital part of that.

Hector Deases, 7006 Elk Street commented about his concerns on the sidewalk issue. He informed Council that as of today he had contacted the Mexican American Legal Defense and Education Fund and the Department of Justice in Washington D.C. and has filed a formal six count complaint against the City of Victoria and the purpose of its beautification purpose on the sidewalk issue.

Russell Pruitt, 402 Sherwood informed the Council that Pat McEnroe one of the members of the Charter petition group had passed away. He was a great American hero and recipient of the Purple Heart and had probably instructed some of them on the correct display of the American flag. He asked Council to join him in bowing their heads for a minute of private prayer.

O. D. Atwell, 217 Grand Oak Drive invited the Council to attend a meeting on Friday, April 24th at 6:00 p.m. at the Victoria Electric Cooperative auditorium hosted by the Citizens for Responsible Government.

Martson Mason, 3001 Arroyo Drive addressed the possible overpass projects on Loop 463, commenting that he was a young entrepreneur and knew a little bit about grants. He suggested that there may be some Federal grants available, and it was smart for the local governmental entities to offer some of their own funds for this project. He indicated that he would like to offer whatever help he could, because it was important to look to the future, and it was something the City needed. Mayor Pro-Tem Neitsch suggested that Mr. Mason also address the Commissioners Court on this same topic.

ITEMS FROM COUNCIL

Interim City Attorney George E. Hyde advised that the Plumbing Board would need to replace an individual and asked whether Council wanted to place that item on the next regular meeting agenda. Staff needed to know if Council wanted them to present names for consideration, or if members of Council wanted to recommend candidates. The name or names of those individuals being recommended would need to be sent to the City Secretary ahead of time for placement on the agenda.

Cm. Guittard requested that a resolution to appoint Sharon Steen to represent the City on the Texas Settlement Trails Board be placed on the next regular agenda.

Mr. Hyde advised that the State vs. Ure Executive Session provision with regards to that particular issue would not be called this evening.

Mayor Pro-Tem Neitsch announced that there would be a special meeting Monday, April 27 at 5:00 p.m. in reference to purchasing property for a wastewater plant.

City Manager, Charles E. Windwehen asked whether the Council was interested in discussing the concept of a consent agenda at a future date. It was suggested to wait until after the May election to place that topic on an agenda.

PUBLIC HEARINGS AND ACTION

Mayor Pro-Tem Neitsch opened a public hearing on the following items:

ORDINANCE 2008-2009F – AMENDING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR LEGAL FEES ASSOCIATED WITH THE PERMITTING OF WATER RIGHTS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009F, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$50,000 from the Water/Wastewater Fund fund balance to the Water/Wastewater Fund Environmental Department Professional Services line item to provide funding for legal fees associated with the permitting of water rights. Second and Third Reading. Andrew K. Jacob.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience. There were none.

Cm. Halepaska moved that the ordinance pass on second and third reading, with Cm. Hagan seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch
NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$50,000 FROM THE WATER/WASTEWATER FUND FUND BALANCE TO THE WATER/WASTEWATER FUND ENVIRONMENTAL DEPARTMENT PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE FUNDING FOR LEGAL FEES ASSOCIATED WITH THE PERMITTING OF WATER RIGHTS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2008-2009G – AMENDING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR ITEMS FOR AUTOMATED GARBAGE SERVICES AND IMPROVEMENTS TO THE VICTORIA CITY LANDFILL

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009G, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$433,153 from the Environmental Services Closure Fund fund balance to (1) Environmental Services Fund Recycling Department Other Equipment capital line item, (2) Environmental Services Fund Solid Waste Department Tipping Fees line item, (3) Environmental Services Fund Solid Waste Department Office Equipment capital line item, (4) Environmental Services Fund Solid Waste Department Other Equipment capital line item, (5) Environmental Services Fund Solid Waste Department Small Tools line item, and (6) Environmental Services Fund Landfill Closure Department Construction capital line item, to provide funding for items for Automated Garbage Services and improvements to the Victoria City Landfill. Second and Third Reading. Gilbert P. Reyna, Jr.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience. There were none.

Cm. Guittard moved that the ordinance pass on second and third reading, with Cm. Polasek seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch
NAYS: None

April 21, 2009

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$433,153.00 FROM THE ENVIRONMENTAL SERVICES CLOSURE FUND FUND BALANCE TO (1) ENVIRONMENTAL SERVICES FUND RECYCLING DEPARTMENT OTHER EQUIPMENT CAPITAL LINE ITEM, (2) ENVIRONMENTAL SERVICES FUND SOLID WASTE DEPARTMENT TIPPING FEES LINE ITEM, (3) ENVIRONMENTAL SERVICES FUND SOLID WASTE DEPARTMENT OFFICE EQUIPMENT CAPITAL LINE ITEM, (4) ENVIRONMENTAL SERVICES FUND SOLID WASTE DEPARTMENT OTHER EQUIPMENT CAPITAL LINE ITEM, (5) ENVIRONMENTAL SERVICES FUND SOLID WASTE DEPARTMENT SMALL TOOLS LINE ITEM, AND (6) ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE DEPARTMENT CONSTRUCTION CAPITAL LINE ITEM, TO PROVIDE FUNDING FOR ITEMS FOR AUTOMATED GARBAGE SERVICES AND IMPROVEMENTS TO THE VICTORIA CITY LANDFILL, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-8 – ADOPTING A STORM WATER MANAGEMENT PROGRAM (SWMP) FOR THE CITY OF VICTORIA

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-8, which adopts a Storm Water Management Program (SWMP) for the City of Victoria. Second and Third Reading. Donald Reese.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience. There were none.

Cm. Halepaska moved that the ordinance pass on second and third reading, with Cm. Guittard seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch
 NAYS: None

Caption:

AN ORDINANCE ADOPTING A STORM WATER MANAGEMENT PROGRAM (SWMP) FOR THE CITY OF VICTORIA; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-9 – AMENDING CHAPTERS 1, 2, 5, 9, 10, 12, 13, 14, 16, 20, 21, AND 24 OF THE VICTORIA CITY CODE TO PROVIDE FOR THE DEVELOPMENT SERVICES DEPARTMENT TO ADMINISTER INSPECTIONS, CODE ENFORCEMENT, DRIVEWAY PERMIT, PLANNING DUTIES, PROVIDE FOR PLANNING COMMISSION REVIEW OF DRIVEWAY VARIANCES, AND MAKE OTHER MISCELLANEOUS CHANGES THERETO

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-9, which amends Chapters 1, 2, 5, 9, 10, 12, 13, 14, 16, 20, 21, and 24 of the Victoria City Code to provide for the Development Services Department to administer inspections, code enforcement, driveway permit, planning duties, provide for Planning Commission review of driveway variances, and make other miscellaneous changes thereto. First Reading. John Kaminski.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience.

Director of Development Services, John Kaminski advised that the ordinance would amend various chapters of the code that will change administrator responsibilities due to reorganization and the creation of the Development Services Department. Most are general housekeeping measures to clarify the responsibilities of that department. One amendment would implement a change of policy, in addition to changing the department responsible for enforcing driveway regulations from Public Works to Development Services; the amendment would modify the driveway variance procedure.

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Cm. Wyatt asked for an example in section 5-33(c)(4) concerning historical downtowns and what in the opinion of the director would be hazardous, complex, and when an architect or engineer was not available. His concern was the added cost that may be added to restoring buildings downtown. Mr. Kaminski responded that they would get that answer for him before the next reading of the ordinance.

Cm. Wyatt 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch

NAYS: None

Caption:

AN ORDINANCE AMENDING CHAPTERS 1, 2, 5, 9, 10, 12, 13, 14, 16, 20, 21, AND 24 OF THE VICTORIA CITY CODE TO PROVIDE FOR THE DEVELOPMENT SERVICES DEPARTMENT TO ADMINISTER INSPECTIONS, CODE ENFORCEMENT, DRIVEWAY PERMIT, PLANNING DUTIES, PROVIDE FOR PLANNING COMMISSION REVIEW OF DRIVEWAY VARIANCES, AND MAKE OTHER MISCELLANEOUS CHANGES THERETO, 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 2008-2009H – AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE FUNDING FOR THE LOWE FIELD LIGHTING PROJECT AND UNANTICIPATED SWIMMING POOL EXPENSES

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009H, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$100,000 from the General Fund fund balance to (1) General Fund Parks Maintenance Department Other Structures capital line item, and (2) General Fund Parks Recreation Department Other Structures capital line item, to provide funding for the Lowe Field Lighting project and unanticipated Swimming Pool expenses. First Reading. Andrew K. Jacob.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience.

Mayor Pro-Tem Neitsch questioned whether these funds were asked for last year, with Director of Parks and Recreation, Doug Cochran responding that the funds were budgeted last year, but they were not able to secure a contract in time due to the design, so that money went back to the General Fund. Cm. Hagan inquired whether the same regulations applied to individuals that had spas and swimming pools regarding the drains, with Mr. Cochran advising that this was a Federal Law.

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

Cm. Wyatt left the room at 5:33 p.m. and was absent for the vote.

AYES: Council Members Guittard, Polasek, Hagan, Halepaska, and Mayor Pro-Tem Neitsch

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$100,000 FROM THE GENERAL FUND FUND BALANCE TO (1) GENERAL FUND PARKS MAINTENANCE DEPARTMENT OTHER STRUCTURES CAPITAL LINE ITEM, AND (2) GENERAL FUND PARKS RECREATION DEPARTMENT OTHER STRUCTURES CAPITAL LINE ITEM, TO PROVIDE FUNDING FOR THE LOWE FIELD LIGHTING PROJECT AND UNANTICIPATED SWIMMING POOL EXPENSES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2009-10 – AMENDING CHAPTER 5 OF THE VICTORIA CITY CODE TO AMEND VARIOUS SIGN REGULATIONS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-10, which amends Chapter 5 of the Victoria City Code to amend various sign regulations. First Reading. John Kaminski.

Cm. Wyatt returned at 5:35 p.m.

Mayor Pro-Tem Neitsch asked if there were any questions from Council or the audience. There were none.

Cm. Guittard 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch
 NAYS: None

Caption:

AN ORDINANCE AMENDING CHAPTER 5 OF THE VICTORIA CITY CODE TO AMEND VARIOUS SIGN REGULATIONS, 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.

Mayor Pro-Tem Neitsch closed the public hearings.

CITY MANAGER REPORTS

- **Report on progress of Capital Improvement Projects (CIP) currently under construction or in design for the end of the first quarter of 2009** – Director of Public Works, Lynn Short advised that most of the projects in the report were complete or near completion.
- **Report detailing the installation of fencing and changes to the parking area at Fire Station #3 located at 4406 Lone Tree Road** – Fire Chief, Vance Riley reported that fencing was needed because of safety concerns for children when the new elementary school opens on Anthony Road near the Fire Station. Council gave consensus to go ahead with the fencing.
- **Zac Lentz Parkway improvements at Mockingbird and Salem Road** – City Manager, Charles E. Windwehen reported that there was no new information at this time.

RESOLUTION 2009-49R – APPOINTING ERIC MURPHY TO THE PLUMBING BOARD OF ADJUSTMENTS AND APPEALS

The resolution appoints Eric Murphy to the City of Victoria Plumbing Board of Adjustments and Appeals. Scarlet Swoboda.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch
 NAYS: None

RESOLUTION 2009-50R – APPOINTING HARVEY KNEZEK AND HAROLD CADE TO THE BUILDING BOARD OF ADJUSTMENTS AND APPEALS

The resolution appoints Harvey Knezek and Harold Cade to the City of Victoria Building Board of Adjustments and Appeals. Scarlet Swoboda.

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

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem
Neitsch
NAYS: None

RESOLUTION 2009-51R – APPOINTING STEPHEN TUREK TO THE ELECTRICAL BOARD OF ADJUSTMENTS AND APPEALS

The resolution appoints Stephen Turek to the City of Victoria Electrical Board of Adjustments and Appeals. Scarlet Swoboda.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem
Neitsch
NAYS: None

RESOLUTION 2009-52R – APPOINTING DAN HILLER AND LUPE MARTINEZ TO THE MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS

The resolution appoints Dan Hiller and Lupe Martinez to the City of Victoria Mechanical Board of Adjustments and Appeals. Scarlet Swoboda.

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

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem
Neitsch
NAYS: None

RESOLUTION 2009-53R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ALAN PLUMMER ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO EVALUATE AND MODIFY THE CITY'S INDUSTRIAL PRETREATMENT PROGRAM

The resolution authorizes a Professional Services Agreement between the City of Victoria and Alan Plummer Associates, Inc. for Professional Services to evaluate and modify the City's Industrial Pretreatment Program, in an amount not to exceed \$47,500. Lynn Short.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem
Neitsch
NAYS: None

RESOLUTION 2009-54R – AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) FOR PHASE I, PROJECTS #1 AND #2 OF THE DOWNTOWN WATER AND SEWER LINE REPLACEMENT PROJECT

The resolution authorizes the City Manager to execute a Second Amendment to the Professional Services Agreement with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) for Surveying, Preliminary Design, Final Design, Permitting, Bidding and Construction Phase Services for Phase I, Projects #1 and #2 of the Downtown Water and Sewer Line Replacement Project, to increase the scope of services to include replacement of approximately 313 linear feet of 8" water line and 1,000 linear feet of 12" water line in the blocks of Bridge Street, Constitution Street and Forrest Street that surround DeLeon Plaza, and increase the amount of said contract by \$38,600, bringing the total amended contract amount to \$460,600. Lynn Short.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch

NAYS: None

RESOLUTION 2009-55R – ACCEPTING RATE CHANGES, PURSUANT TO SECTION 4.02 OF THE CITY OF VICTORIA AGREEMENT WITH TLM (TEXAS LANDFILL MANAGEMENT, L.L.C.)/GARDEN-VILLE FOR COMPOSTING OF BIOSOLIDS

The resolution accepts rate changes, pursuant to section 4.02 of the City of Victoria Agreement with TLM (Texas Landfill Management, L.L.C.)/Garden-Ville for composting of biosolids. Jerry James.

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

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch

NAYS: None

RESOLUTION 2009-56R – DESIGNATING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM TARGET NEIGHBORHOOD FOR PROGRAM YEAR 2009-2010

The resolution designates the King and Oliver Additions as the Community Development Block Grant (CDBG) Program Target Neighborhoods for Program Year 2009-2010. John Kaminski.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch

NAYS: None

RESOLUTION 2009-57R – AWARDING A BID AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH ALL-TEX CONSTRUCTION FOR THE FISCAL YEAR 2008-2009 CDBG HOME REHABILITATION PROGRAM

The resolution awards a bid and authorizes the City Manager to execute a Memorandum of Understanding with All-Tex Construction and Remodeling, Inc. of Willis, Texas for minor rehabilitative construction services in the Fiscal Year 2008-2009 CDBG Home Rehabilitation Program, in an amount not to exceed \$422,227.43. Fifteen homes are scheduled for rehabilitation. John Kaminski.

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

AYES: Council Members Guittard, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch,
NAYS: Council Member Polasek

EXECUTIVE SESSION

Interim City Attorney George E. Hyde announced that Council would recess into Executive Session at 6:04 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

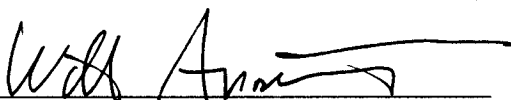
CITY COUNCIL MINUTES

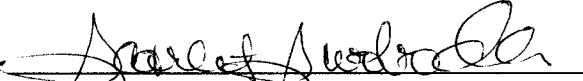
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Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to *State vs. Ure* and legal issues related to properties to be purchased next to Sam Houston Drive and Laurent Street, and the proposed purchase of property in the vicinity of Ball Airport Road Extension area). George E. Hyde.

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, legal issues related to properties to be purchased next to Sam Houston Drive and Laurent Street, and the proposed purchase of property in the vicinity of Ball Airport Road Extension area). George E. Hyde.

The Council reconvened 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

VICTORIA CITY COUNCIL
April 27, 2009

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Monday, April 27, 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, Mayor Pro-Tem
- Paul Polasek
- David Hagan
- Jim Wyatt
- Tom Halepaska

STAFF PRESENT

- Charles E. Windwehen, City Manager
- Linda Champion, Assistant City Attorney
- Gilbert P. Reyna, Jr., Director, Finance
- Lynn Short, Director, Public Works
- Vance Riley, Fire Chief
- Bruce Ure, Police Chief
- Doug Cochran, Director, Parks and Recreation
- Jerry James, Director, Environmental Services
- Jimmy Roach, Deputy Director, Public Works
- 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
- Darrell Seibert, Public Works Engineer
- Scarlet Swoboda, City Secretary