

Texas Government Code § 551.072, 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 issues related to the interpretation of legal documents and parties involved in the proposed purchase of property for a wastewater treatment plant. George E. Hyde, Linda Champion, and Lynn Short.

The Council reconvened in regular session at 5:52 p.m. with City Manager, Charles E. Windwehen announcing that the Council gave staff direction to not pursue purchasing the property at this time. The majority feel that it was too close to the City limits and housing, and the smell would be a problem. They instructed staff to do some more searching for other parcels not as close to the City and that is what staff intends to do.

Cm. Neitsch commented that this was an excellent piece of property and Mr. Short did his due diligence. The Council was not going to chastise Mr. Short; he was looking out for the interest of the City.

Cm. Wyatt commented that he was glad that the other members listened to his concerns because that property was only five-tenths of a mile from the Convent and Hopkins School. That would have been a good piece of property engineering wise, but we owed it to the citizens in the community to make sure that they felt comfortable and safe. Under no circumstances did they feel that Mr. Short went beyond his duty.

Cm. Polasek thanked the members of the Zoo Board for giving Council the chance to bid and discuss the property. Financially it was the right piece of property, but because of the other issues stated by his colleagues, they decided it was not.

There being no further business, the meeting was adjourned at 5:55 p.m.

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

ATTEST: Scarlet Swoboda
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
May 5, 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, May 5, 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
- 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

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Bruce Ure, Police Chief
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
Rick Henrichs, Director, IT
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
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of April 7, 2009 and special meeting of April 14, 2009 were approved as presented.

CITIZENS COMMUNICATION

Mario Villarreal, 1205 N. Moody, expressed concern with the noise ordinance and toxic fumes. He asked to have the noise ordinance changed from 10:00 p.m. to 5:00 p.m. According to the Police Department there were approximately 118 calls between 5:00 p.m. and 10:00 p.m. because of noise complaints, totaling 637 calls in a 12 month period and 1,274 calls over a 24 month time period. He suggested eliminating the decibel meter, and allowing an officer or officers to determine by hearing whether something was too loud. Some things would have to be exempt, such as City employees working on streets, parades, special events, and the Fire Department. He also expressed concern with clean air in Victoria and the ozone. He advised that it was legal to paint a vehicle inside a building with a paint booth, illegal to paint a vehicle inside a building without a paint booth, yet you could paint a vehicle on a private driveway causing toxic fumes throughout the air, which happens in his neighborhood. The police officers are heroes but they are limited by their powers, and he asked Council to give them the power they need to perform their job duties to protect and serve the public.

Joni Brown, 873 Boehm Road, Executive Director of Keep Victoria Beautiful gave an update on the progress they have made concerning litter. Year-to-date there had been 15 litter pickups and 1,100 hours of volunteer service, the monetary value of that volunteer time was over \$22,000. In the first quarter 20.5 tons of litter had been collected and 28 educational presentations had been held. They were trying to involve the entire community, and are planning to index the entire City to determine where the most litter was. They were focusing on results and positive enforcement and she thanked the Council for their support.

Russell Pruitt, 402 Sherwood, advised that the citizen's group that circulated the petition was going around to the people that signed the petition to show them how the rewrite related to how they presented the petition.

Citizen Comments concerning variance requests for development on Main Street

Chip Dence, 302 Hummel, Board member of the Builders Association, the National Builders Association, Codes and Standards Committee and served on the City's code rewrite committee several years ago, and serves on the Regional Museum Association expressed opposition to the variance requests for the Verandah townhouses. He commented that Council must deny the requests as they meet none of the variance review criteria required by the City and mandated by the Planning Commission. The hardship is self imposed because the property will not accommodate the number of units being proposed. A townhouse project can be designed to fit within the property boundaries and well within the provisions of the ordinance, because it is bare ground. The curb extensions are dangerous and cause a safety hazard. Allowing garage spaces to constitute off-street parking would be a huge departure from historical interpretation of the ordinance and set a terrible precedent, as would allowing 12 garage doors to face Liberty Street, which would look like a block long storage shed. It would also create an emergency response issue. The Planning Commission denied two of the variances and the Council should also deny the variances.

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Gary Dunnam, 104 N. Liberty, commented that when he heard about the project he thought it was a great thing for the downtown area. The draft of the project showed the units with the fronts facing Liberty Street and Main Street with the garages in the interior of the block. He was surprised when he saw the new plans to find that the garages would be facing the streets and the fronts would be facing a center courtyard. He felt it lacked the historic character that he expected to see; the rows of garage doors resembled more of a fortress. The project could be a visual asset to the historic downtown and he hoped the project would go forward, but in a way that reflects the historical character of one of Texas oldest cities. Whatever is done on this project will set a precedent for whatever is done in the future.

Guy Dioguardi, 201 E. Stayton, advised that he lives directly across from the development and owns several properties downtown. His concerns were primarily public safety concerns with visibility and parking issues. Those streets have high volumes of traffic when there is a train and the addition of more cars parked on the streets, less visibility and curb extensions were a detriment to public safety.

James Wearden, 507 S. Liberty, provided information to the Council concerning children's visitation to the McNamara House Museum, and commented that the museum welcomed the idea of residential development across from their facility. However, they believe that it should be done in a safe and responsible way. The Verandah's on Main, as proposed, disregard the neighboring properties and create potential detriment to public safety with regard to both vehicles and pedestrians. There are over 1,500 children that attend the museum functions and exhibits over the course of a year and they expect that to double in the near future. The use of Liberty Street is fundamental to the museum because guests are received at the front door which faces Liberty Street.

He commented that the Planning Commissions denial to the setback and off-street parking variance request was correct because the granting of the request would be detrimental to public safety and injurious to surrounding property. The three story structures would reduce visibility because they are too close to the property line, many cars park on the streets, and there would be no off-street parking on the Liberty side because all of that will be dedicated to driveways. The short distances of the driveways from the intersections would create problems for oncoming traffic because of reduced visibility as well as reduced distance for the cars to see. He did not believe that curb extensions were a solution, but potentially an additional liability because the street width would be a detriment to car, truck and bus traffic on Liberty Street as well as Main Street and Power. The hardship is self imposed because the development could be planned in a way that townhouse requirements could be met. The three quarters of a block are not unique; it is a blank slate that could easily be transformed into living spaces that fall within the safe guidelines of the ordinance. He urged the Council to respect the decision of the Planning Commission and vote to send this development back to the drawing board. Any other course of action would be detrimental to public safety and create a bad precedent to future downtown development and would negatively reflect on the City's adoption and enforcement of the City's ordinance.

Mayor Armstrong commented that originally this was presented in an informal way and he was very excited about the project. He was still excited, but this was not the project that was put on the conference table several weeks ago. He asked the developer Donald Elder who was in attendance whether he would withdraw his proposal and go back to some of the original diagrams. Mr. Elder indicated that he would not.

Director of Development Services, John Kaminski restated the variances and what they would do. Staff recommended approval of all of the variances to the Planning Commission subject to several conditions listed in the packet materials. The Planning Commission recommended approval of the first two and denied the last two for exterior side yard and parking, on the bases that the variances would be detrimental to safety, health, and welfare. The applicant has appealed the Planning Commission decision. If the resolution, as written, is approved all variances would be granted, so if the Council chooses to deny any of them the resolution would need to be amended. If any of the variances are denied, the applicant would have to re-submit for a new plat.

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RESOLUTION 2009-67R – VARIANCE TO SECTIONS 21-54(B)(2), 21-82(D)(1), 21-82(D)(5) AND 21-82(D)(11)(A) OF THE VICTORIA CITY CODE TO A PORTION OF THE 500 BLOCK OF MAIN STREET, OWNED BY DONALD A. ELDER - DENIED

The resolution considered a variance to Sections 21-54(b)(2), 21-82(d)(1), 21-82(d)(5) and 21-82(d)(11)(a) of the Victoria City Code, which require the dedication of ½ of the right-of-way necessary to bring a street into conformity with the City's Master Thoroughfare Plan, minimum lot size of 2500 square feet, minimum 15 foot exterior side yard setback, and 3 off-street parking spaces for townhouse residential lots to a portion of the 500 Block of Main Street (Original Townsite Resubdivision No. 68/The Verandahs on Main), owned by Donald A. Elder. John Kaminski.

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

AYES: None

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

RESOLUTION 2009-68R – VARIANCE TO SECTION 20-83(A) OF THE VICTORIA CITY CODE TO A PORTION OF THE 500 BLOCK OF MAIN STREET, OWNED BY DONALD A. ELDER - DENIED

The resolution considered a variance to Section 20-83(a) of the Victoria City Code, which defines the minimum distance between a street intersection and a driveway, for driveways to a portion of the 500 Block of Main Street (Original Townsite Resubdivision No. 68/The Verandahs on Main), owned by Donald A. Elder. John Kaminski.

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

AYES: None

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

ITEMS FROM COUNCIL

City Secretary, Scarlet Swoboda provided the names of individuals who were mechanical contractors to consider for appointment to fill the vacant position on the City of Victoria Plumbing Board of Adjustments and Appeals. Cm. Halepaska suggested Tommy Pullin and asked that a resolution be prepared for appointment to that Board.

Cm. Hagan asked staff to look at some of the indentations next to the curbs in the Brownson Terrace Addition. He thanked the Public Works Department for being very responsive to his concerns.

Cm. Polasek advised that he had a meeting with the Cultural Council and Chamber of Commerce regarding expenditures related to the Visitors Bureau. They were collaborating on grants and a marketing package and would be coming to Council in the near future to give an update on their progress.

Plaques of appreciation were presented to outgoing Cm. Philip Guittard who served from 1997 to 2009, and Cm. Jim Wyatt who served from 1988 to 1995, was Mayor Pro-Tem from 1990 to 1995, and served again from 2000 to 2009.

Randy Bena, with the Texas Department of Transportation (TxDot) advised that the Victoria County Commissioners approved funding participation in the proposal from TxDot to construct overpasses at Salem Road and Mockingbird intersections on Loop 463. That afternoon the Metropolitan Planning Organization (MPO) also met and approved a resolution supporting and providing funds. TxDot had already agreed to fund \$1 million toward the project, and because there had been such good local support and participation from the City and the County, the Yoakum District agreed to add an additional \$1 million of discretionary funds towards the project to buy

down the investment of the City and the County. TxDot would be putting a total of \$2 million towards the project.

Deputy Director of Development Services, Ray Miller presented information on how the City would issue debt for the construction costs of the two overpasses estimated to cost \$27.7 million. He reported that the County Commissioners passed a resolution agreeing to split the financing costs with the City of Victoria with each contributing approximately \$3 million. State monies already set aside to be used in Victoria County total \$14 million, along with the \$2 million from the Yoakum District, the application would request approximately \$12 million to make the project a reality.

Cm. Halepaska commented that if the overpasses are built, stop lights would have to be installed at those intersections until the overpasses are completed, because of the new high school traffic.

RESOLUTION 2009-70R – 2009 PASS-THROUGH FINANCING OF HIGHWAY PROJECTS APPLICATION FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

The resolution authorizes City Administration to execute the 2009 Pass-Through Financing of Highway Projects Application from the Texas Department of Transportation, and authorizes the execution of all documents necessary to apply for and accept the Pass-Through Financing Agreement. John Kaminski, Ray Miller, and Gilbert P. Reyna, Jr.

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, Halepaska, and Mayor Armstrong
- NAYS: None

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-2009H – AMENDING THE 2008-2009 FISCAL YEAR BUDGET 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. Second and Third Reading. Andrew K. Jacob.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

Cm. Polasek 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 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,

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

ORDINANCE 2008-2009I – AMENDING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE PURCHASE OF LAND FOR FIRE STATION #6

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009I, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$100,000 from the General Fund fund balance to the General Fund Fire Department Assets capital line item, to provide funding for the purchase of land for future construction of Fire Station #6. First Reading. Andrew K. Jacob.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Hagan seconding the motion. The ordinance passed on first 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 TRANSFERRING \$100,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND FIRE DEPARTMENT ASSETS CAPITAL LINE ITEM, TO PROVIDE FUNDING FOR THE PURCHASE OF LAND FOR FUTURE CONSTRUCTION OF FIRE STATION #6, REPEALING ALL CONFLICTING ORDINANCES, 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 CITY CODE FOR THE DEVELOPMENT SERVICES DEPARTMENT TO ADMINISTER

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. Second and Third Reading. John Kaminski.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

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 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 2009-10 – AMENDING CHAPTER 5 OF THE 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. Second and Third Reading. John Kaminski.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

Cm. Neitsch 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, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

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.

ORDINANCE 2009-11 – AMENDING SECTION 14-10 OF THE VICTORIA CITY CODE TO AMEND THE DEFINITION OF SCHOOLS TO INCLUDE BOTH PUBLIC AND PRIVATE SCHOOLS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-11, which amends Section 14-10 of the Victoria City Code to amend the definition of schools to include both public and private schools. First Reading. John Kaminski.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

Jeffery Tisdale, 2401 Ridgewood, Houston, Texas commented that he was interested in opening a Country Western Dance Club at 8903 N. Navarro and requested a variance because a church was located across the street. He was informed that he would need to submit an application requesting the variance.

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, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

AN ORDINANCE AMENDING SECTION 14-10 OF THE VICTORIA CITY CODE TO AMEND THE DEFINITION OF SCHOOLS TO INCLUDE BOTH PUBLIC AND PRIVATE SCHOOLS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-12 – AMENDING SECTION 17-7 OF THE VICTORIA CITY CODE TO PROHIBIT ALCOHOLIC BEVERAGES WITHIN PARKS AND OTHER NON-PARK AREAS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-12, which amends Section 17-7 of the Victoria City Code to prohibit alcoholic beverages within parks and other non-park areas. First Reading. Doug Cochran.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

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

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

Caption:

AN ORDINANCE AMENDING SECTION 17-7 OF THE VICTORIA CITY CODE TO PROHIBIT ALCOHOLIC BEVERAGES WITHIN PARKS AND OTHER NON-PARK AREAS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-13 – AMENDING SECTION 17-5 OF THE VICTORIA CITY CODE TO PROHIBIT GLASS BEVERAGE CONTAINERS IN SPORTS FACILITIES AND NON-PARK AREAS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-13, which amends Section 17-5 of the Victoria City Code to prohibit glass beverage containers in sports facilities and non-park areas. First Reading. Doug Cochran.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

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:

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

Caption:

AN ORDINANCE AMENDING SECTION 17-5 OF THE VICTORIA CITY CODE TO PROHIBIT GLASS BEVERAGE CONTAINERS IN SPORTS FACILITIES AND NON-PARK AREAS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **Status of Lone Tree Road Reconstruction, Laurent Street Reconstruction, and Lone Tree Channel Improvements and Trail Projects** – City Engineer, Ken Gill reported that the Lone Tree Road project was 99% complete. Laurent was progressing on the north side of Red River. The Trail was complete from Airline to John Stockbauer and John Stockbauer into the school property, and the lighting along the trail would be complete by June. Current parking lot associated with the trail is located at the East High School campus across from

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the Carriage Point Subdivision. There is a proposal to have another parking lot at Airline and funding for that is tied in with a parks grant.

- **A report explaining the opportunity for the City of Victoria to apply for approximately \$605,700 through the Energy Efficiency and Conservation Block Grant** – Planning Manager, Jared Mayfield and Geoff Howland with the Chevron Corporation provided information about the grant, advising that the grant application was due June 25, 2009. They were asking for Council to give permission to seek proposals from energy service companies that would do a strategy city wide that would allow the City to capitalize on other ways the City can improve energy efficiency with some of the buildings, air handlers, and numerous other areas. It was the consensus of Council to move forward.

RESOLUTION 2009-59R – ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS

The resolution adopts guidelines and criteria for Tax Abatement agreements entered into by the City of Victoria. There were no changes recommended. Dale Fowler.

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 2009-60R –AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY (ABTPA) GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION AUTO THEFT PREVENTION AUTHORITY

The resolution authorizes the City Manager to execute all documents necessary to apply for and accept an Automobile Burglary and Theft Prevention Authority (ABTPA) Grant from the Texas Department of Transportation Auto Theft Prevention Authority in an amount of approximately \$118,420 from the state, which will require a City match in an amount not to exceed \$24,020. Bruce Ure.

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, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-61R – PURCHASE OF POLICE UNIFORMS FROM LONE STAR UNIFORMS, INC.

The resolution accepts the bid submitted by Lone Star Uniforms, Inc. of Houston, Texas for the annual supply contract for the purchase of police uniforms in the amount of \$28,389.60. Jesse Turner

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 2009-62R – 2009 COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING RECOVERY PROGRAM GRANT

The resolution ratifies the City Manager's execution of an Application for the 2009 Community Oriented Policing Services (COPS) Hiring Recovery Program Grant for the salary of 8 full time police officers for up to 3 years, in the total amount of \$1,383,549, with no City matching

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funds required during the 3 years, and authorizes the City Manager to execute all documents necessary to accept said grant. Jesse Turner.

Cm. Neitsch 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, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-63R – GRANT FROM THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION REGIONAL ENVIRONMENTAL RESOURCE ADVISORY COMMITTEE (RERAC) FOR FEASIBILITY STUDY OF A PERMANENT HOUSEHOLD HAZARDOUS WASTE SITE

The resolution authorizes the City Manager to execute all documents necessary to apply for a grant from the Golden Crescent Regional Planning Commission Regional Environmental Resource Advisory Committee (RERAC) for a Feasibility Study of a Permanent Household Hazardous Waste Site in the amount of \$23,000, with no City matching funds required. Jerry James.

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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-64R – GRANT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES 2010 PERMANENT EMERGENCY MEDICAL SERVICE AND TRAUMA CARE TOBACCO ENDOWMENT

The resolution accepts a grant from the Texas Department of State Health Services 2010 Permanent Emergency Medical Service and Trauma Care Tobacco Endowment, which will provide for the purchase of (1) Basic and Advanced Life Support training aids, with a total cost not to exceed \$6,250.50, subject to a local match in the amount of \$2,194.50 and (2) Basic and Advanced Life Support training aids, with a total cost not to exceed \$6,610.30, with no City matching funds required. Michael Belt.

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 2009-65R – ACCEPTING BID FROM MUNICIPAL EMERGENCY SERVICES FOR THE ANNUAL SUPPLY CONTRACT

The resolution accepts the bid submitted by Municipal Emergency Services, of Houston, Texas for the annual supply contract for the purchase of 9 Self Contained Breathing Apparatus and accessories, in the amount of \$64,709.37. Michael Belt.

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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-66R – DOWNTOWN PRESERVATION INCENTIVE PROGRAM TO ARTHUR LAPHAM FAMILY TRUST AT 201 S. MAIN STREET

The resolution authorizes all documents necessary to provide a grant pursuant to the Downtown Preservation Incentive Program to Arthur Lapham Family Trust in the amount of \$425 for 201 S. Main Street. John Kaminski.

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 2009-69R – VARIANCE TO SECTIONS 21-54(B)(2), 21-55(1) AND 21-82(A)(2) OF THE VICTORIA CITY CODE TO 609 S. DELMAR, OWNED BY EDWARD MOYA, SR. AND AUGUSTINA MOYA

The resolution grants a variance to Sections 21-54(b)(2), 21-55(1) and 21-82(a)(2) of the Victoria City Code, which require the dedication of ½ of the right-of-way necessary to bring a street into conformity with the City's Master Thoroughfare Plan and a minimum lot frontage of at least 50 feet for general residential lots on a public street to 609 S. Delmar, owned by Edward Moya, Sr. and Augustina Moya. John Kaminski.

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 2009-71R – INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR THE FAILURE TO APPEAR PROGRAM

The resolution authorizes an Interlocal Cooperation Contract with the Texas Department of Public Safety (TDPS) for the Failure to Appear (FTA) Program. Mary Danysh

Cm. Neitsch 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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-72R – APPOINTMENT TO THE TEXAS SETTLEMENT TRAILS, INC. BOARD OF DIRECTORS

The resolution appoints Sharon Steen as the City Council Representative to the Texas Settlement Trails, Inc. (TSTI) Board of Directors. 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, Halepaska, and Mayor Armstrong


NAYS: None

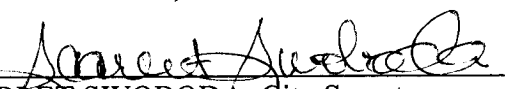
WORK SESSION

City of Victoria Comprehensive Plan Review (2020 Plan), including, but not limited to: Chapter 12-Implementation – Director of Development Services, John Kaminski provided proposed updates, deletions, additions and items completed throughout the current Plan. He recommended using the Planning Commission to get public input, and then come with a recommendation to Council for implementation of a revised Plan. He thanked his staff especially Jared Mayfield for their work. He also advised that all new Council Members would receive a copy of the current Plan, and it could also be accessed from the City website.

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an executive session. There being no further business, the meeting was adjourned at 7:18 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
May 12, 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. Tuesday, May 12, 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
David Hagan
Jim Wyatt
Tom Halepaska

STAFF PRESENT

Charles E. Windwehen, City Manager
Charmelle Garrett, Deputy City Manager
George E. Hyde, Interim City Attorney
Gilbert P. Reyna, Jr., Director, Finance
Lynn Short, Director, Public Works
John Kaminski, Director, Development Services
Doug Cochran, Director, Parks and Recreation
Rick Henrichs, Director, IT
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Paul Polasek

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, expressed appreciation to the Council for all the times he had addressed them and congratulated all of the candidates that ran, and their families for allowing them to run. He congratulated the winners and commented that he was not sorry to see some of the Council Members go, but he would miss what they had, it has always been a valiant effort and he and his group were always treated with respect. He thanked his group, the Concerned Citizens for Responsible Government, for their effort. He conceded that they were beat pretty bad, and did not want to blame it on low voter turnout, because he felt that not voting was a vote. He did believe that