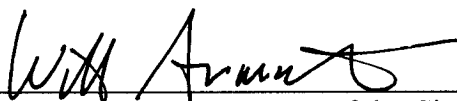



CITIZENS COMMUNICATION

Jim Wyatt, 1111 Owen thanked the Council for the work that they were able to accomplish over the years working together. It has been his pleasure to serve at-large in the City and in Super District 5, and it was a joy to speak for those that have no voice, those that will not come to meetings, but call. He encouraged the new members to keep their ears to the ground and be a voice for those that have no voice. He stated to the City Manager and the staff, continue to be the professionals that you are, and recognized that they worked very hard with him on the tedious things they did, District 5 was in the older part of town. Some of the things that applied to the more modern side of the City were not able to be done in his district, but they used common sense and judgment in the spirit of the ordinances.

He encouraged the new members to always read your packet, be prepared, and do not to be afraid to ask staff questions. He applauded all, commenting that he would be around and would help anyway that he could. He loves Victoria and took great trepidation in leaving, but his grandkids call. He commented that he was the first African American elected in this region, and not only was he a Council Member for Victoria, he got calls from surrounding areas, and he was thankful for all the support and prayers that he had. Again, congratulations to all.

There being no further business, the meeting was adjourned at 5:20 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
May 19, 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 19, 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
Gabriel Soliz
Paul Polasek
David Hagan
Joe Truman
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
Roy Boyd, Deputy Chief of Police

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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

APPROVAL OF MINUTES

The minutes of the regular meeting of April 21, 2009 the special meeting of April 27, 2009 and the regular meeting of May 5, 2009 were approved as presented.

CITIZENS COMMUNICATION

Mayor Armstrong announced that citizens wishing to address Council would be given a five-minute time limit.

Russell Pruitt, 402 Sherwood, expressed concern with the proposed pay raise for the City Manager, suggesting that it was not good timing. He commented that when the Council rewrote his groups charter amendments he called the City Manager and was told that there was nothing that he could do about it. He felt the City Manager should have spoken to some of the issues during the charter controversy instead of being silent, and he and his group opposed a pay raise.

O. D. Atwell, 217 Grand Oak Drive, Inez, Texas commented that the Mayor kicked the fire out of them on the charter amendments and the rewrite really hurt them. There are homes for sale and people are struggling, he requested compassion on the people, and to take care of them.

Lewis Neitsch, 2906 Wildwood, commented that he was compelled to come and voice his opinion and concern, and asked that they really consider the City Manager's salary increase, not just because of longevity, but because of merit. Do not make it a political standstill, do it on what he has done in the past three years, if he is worth it give it to him, if not it is a mute point.

ITEMS FROM COUNCIL

Cm. Hagan commented that he had given the pay raise question a lot of thought and consideration since they gave the City Manager 10% the first year and 5% last year. He suggested giving a 14% increase for every fireman and policeman that is not on probation or under indictment. They should focus on that and making that comparable to other municipalities, verses raising the salary of the highest paid executive in the City. He requested a resolution be placed on a future agenda to consider a 14% increase for every fireman and police officer in the City of Victoria across the board, with the exception of probation and indictment.

Cm. Halepaska commented on complaints about people parking on the grass at the Sports Complex. He was informed that "no parking on the grass" signs have been posted and the Police would be enforcing them.

Cm. Polasek advised that he had taken the Oath of Office earlier in the day and apologized for not being at the last meeting. He asked if some sections of sidewalk near the Hike and Bike Trail could be attached to the trail, asking staff to look into that. He asked about maps along the trail, with staff responding that kiosk would be constructed along the trail and several sections of the trail. Cm. Polasek expressed concern with people removing posts in Riverside Park to park next to the picnic tables, asking staff to look into that as well. He then announced that Friday, May 22, 2009 there would be a question and answer forum on property appraisals, in the open area near Dillard's in Victoria Mall. He suggested that the information may be something that could be placed on the government TV channel in the future.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

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. Second and Third Reading. Andrew K. Jacob.

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

Cm. Hagan 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, Soliz, Polasek, Hagan, Truman, 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 2009-11 – 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. Second and Third Reading. John Kaminski.

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. Halepaska seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Soliz, Polasek, Hagan, Truman, 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. Second and Third Reading. Doug Cochran.

Mayor Armstrong asked if there were any questions from Council or the audience.

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Cm. Truman commented that alcohol was legal and expressed concern with prohibiting legal activities in the Parks. He commented that some concessions in the parks are allowed to have permits to sell alcoholic beverages, yet the ordinance prohibits the use elsewhere. He was informed that the intent of the ordinance was to address one primary area, but liberty was taken at this time to include all park areas in the City. The Community Center parking lot near the Adult Softball Complex has become a problem area. Cm. Truman questioned whether leaving any prohibitions in the park areas was still necessary and asked the Police Chief to address calls regarding issues in the parks. The Police Chief advised that there were not a lot of calls, but that may be because of the ordinance that is currently in place.

Cm. Truman moved to table the ordinance, with Cm. Polasek seconding the motion. The ordinance was **tabled** by the following vote:

AYES: Council Members Guittard, Soliz, Polasek, Hagan, Truman, 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. Second and Third 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 second and third reading, with Cm. Truman seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Soliz, Polasek, Hagan, Truman, 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.

ORDINANCE 2009-15 – AMENDING SECTION 17-2 OF THE VICTORIA CITY CODE TO EXPAND THE AREAS VEHICLES ARE PROHIBITED

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-15, which amends Section 17-2 of the Victoria City Code to expand the areas vehicles are prohibited by including all City property. First Reading. Doug Cochran.

Mayor Armstrong 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, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong
 NAYS: None

Caption:

AN ORDINANCE AMENDING SECTION 17-2 OF THE VICTORIA CITY CODE TO EXPAND THE AREAS VEHICLES ARE PROHIBITED BY INCLUDING ALL CITY PROPERTY, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2009-16 – CALLING A RUNOFF ELECTION TO FILL THE VACANCY ON THE CITY COUNCIL OF THE CITY OF VICTORIA FOR DISTRICT 1

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-16, which calls a runoff election to fill the vacancy on the City Council of the City of Victoria for District 1, establishes procedures for holding this election, designates the precincts and polling places, and appoints certain officers to conduct said election. Emergency Reading. Scarlet Swoboda.

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

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

AYES: Council Members Guittard, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong
 NAYS: None

Caption:

AN ORDINANCE CALLING A RUNOFF ELECTION TO FILL THE VACANCY ON THE CITY COUNCIL OF THE CITY OF VICTORIA FOR DISTRICT 1, ESTABLISHING PROCEDURES FOR HOLDING THIS ELECTION, DESIGNATING THE PRECINCTS AND POLLING PLACES, APPOINTING CERTAIN OFFICERS TO CONDUCT SAID ELECTION; PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND PROVIDING AN EFFECTIVE DATE.

The drawing to determine the order in which the names of the candidates are to appear on the ballot was conducted immediately after adoption of the ordinance.

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- Discuss need to fill Board and Commission vacancies resulting from election results affecting Cm. Philip Guittard, Cm. Lewis Neitsch, and Cm. Jim Wyatt's councilmember status. It was the consensus of Council to wait until after the Runoff Election and address it again at the first meeting in July. Scarlet Swoboda.
- The American Recovery & Reinvestment Act CDBG Allocation and proposed sidewalk projects were included in the packet. Victoria would receive \$168,728 additional for its current CDBG budget. Staff recommended adding the funds to the existing \$40,000 budget for sidewalks to combine the two projects into one larger sidewalk project. A resolution would be placed on the June 2, 2009 agenda for Council consideration. John Kaminski.

RESOLUTION 2009-73R – ELECTING A MAYOR PRO-TEM

The resolution elects Tom Halepaska as Mayor Pro-Tem. Scarlet Swoboda.

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Cm. Guittard moved to nominate Tom Halepaska as Mayor Pro-Tem, with Cm. Polasek seconding the motion. Cm. Halepaska was elected Mayor Pro-Tem by the following vote:

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

NAYS: None

RESOLUTION 2009-74R – APPOINTING TOMMY PULLIN TO THE PLUMBING BOARD OF ADJUSTMENTS AND APPEALS

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

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

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

NAYS: None

RESOLUTION 2009-75R – AMENDING THE CONTRACT WITH TEXAS LANDFILL MANAGEMENT, L.L.C. (TLM) FOR COMPOSTING OF BIOSOLIDS

The resolution amends the contract between the City of Victoria and Texas Landfill Management, L.L.C. (TLM) for composting of biosolids, to change the contract term and various composting operations. Jerry James.

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

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

NAYS: None

RESOLUTION 2009-76R – RATIFYING CONTRACT FOR THE PURCHASE OF PROPERTY LOCATED ADJACENT TO THE BALL AIRPORT ROAD EXTENSION FOR FIRE STATION #6

The resolution ratifies a contract for the purchase price and related closing and transfer fees not to exceed \$100,000, for the acquisition of approximately four (4) acres of real property located adjacent to the Ball Airport Road Extension described in the Victoria County Deed Records as part of SA & MG RR ABST 322, Victoria, Texas to be used in the future for Fire Station #6 and authorizes execution of other documents necessary to purchase and accept said property. Vance Riley.

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, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2009-77R – AWARDING THE RED RIVER STREET RECONSTRUCTION (N. MAIN ST. TO N. VINE ST.) PROJECT TO TRIPLE B SERVICES, LLP

The resolution awards the Red River Street Reconstruction (N. Main St. to N. Vine St.) Project to Triple B Services, LLP, of Huffman, Texas in the amount of \$865,670. Lynn Short.

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

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

NAYS: None

RESOLUTION 2009-78R – VARIANCES TO SECTIONS 10-115 AND 21-59(D) OF THE VICTORIA CITY CODE FOR NURSERY ROAD AND US HIGHWAY 87 NORTH OWNED BY GEORGE T. BOOZALIS INVESTMENTS, LTD.

The resolution grants variances to Sections 10-115 and 21-59(d) of the Victoria City Code, which prohibit a person from installing a septic tank within 1 mile of an existing sanitary sewer service main, to a 92.09 acre tract of land out of the J.M. Carbajal Survey, Abstract 12, in Victoria County, Texas, and being a portion of the residual 98 acre tract of land conveyed from Patricia Ann Sheffield to Patricia Ann Sheffield and dated December 15, 2005 as recorded in Official Records Instrument #200600420 of Victoria County, Texas located at Nursery Road and US Highway 87 North, which is owned by George T. Boozalis Investments, LTD. Lynn Short.

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

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

NAYS: None

RESOLUTION 2009-79R – ACQUISITION OF REAL PROPERTY AT 1302 E. POLK, VICTORIA, TEXAS OWNED BY EMILE L. AND DOROTHY M. FORTUNE

The resolution authorizes contracts and other documents necessary for the acquisition of real property at 1302 E. Polk, Victoria, Texas owned by Emile L. and Dorothy M. Fortune, in an amount not to exceed \$110,000 which includes closing costs, for the Laurent Street Reconstruction Project – Phase II. Lynn Short.

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

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

NAYS: None

RESOLUTION 2009-80R – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2008 SUPPLEMENTAL DISASTER RECOVERY FUND TO PURCHASE AND INSTALL A STAND ALONE GENERATOR AT WATER PUMPING PLANT #3

The resolution authorizes all documents necessary to apply for and accept a grant from the Office of Rural Community Affairs (ORCA) Disaster Recovery Program, funded by the Texas Community Development Block Grant Program 2008 Supplemental Disaster Recovery Fund: Hurricanes Dolly and Ike, in the amount of \$160,000, with no City matching funds required, which will be used to purchase and install a 600 kW stand alone generator at Water Pumping Plant #3. Lynn Short.

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, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor
Armstrong

NAYS: None

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RESOLUTION 2009-81R – PROFESSIONAL SERVICES AGREEMENT WITH AVALANCHE CONSULTING, INC. TO DEVELOP A MARKET ANALYSIS AND FEASIBILITY STUDY FOR THE VICTORIA COMMUNITY CENTER

The resolution authorizes a Professional Services Agreement between the City of Victoria and Avalanche Consulting, Inc. of Austin, Texas, for consulting services to develop a Market Analysis and Feasibility Study for the Victoria Community Center, in an amount not to exceed \$34,500. Doug Cochran.

Cm. Polasek inquired about the utilization rate of the Community Center. Cm. Halepaska commented that the arena was not used as often as other areas of the Community Center and it was the Parks Commissions desire to turn it into something more useful. This contract was an effort to get a better market analysis and what might be possible.

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, Soliz, Hagan, Truman, Halepaska, and Mayor Armstrong
NAYS: Council Member Polasek

ACTION ITEMS

Mayor Armstrong announced that there may be comments in advance before going into Executive Session.

(b) To consider the method and process to be used to select the new City Attorney.

City Manager, Charles E. Windwehen advised that staff recommended hiring a personnel consulting firm. Walters Consulting was a company with the most experience and they have recently done a search for a City Attorney for the City of Lubbock, and he recommended using them. Their fee would be approximately \$17,500 plus miscellaneous expenses for travel. It was staffs estimation that it would take approximately four to five months from start to finish. He recommended that staff work with the firm to narrow the candidates down to two or three, then bring them those candidates to Council for interviews. He also recommended limiting their search to attorneys in Texas.

Mayor Armstrong asked for staff to bring three to five candidates, not limiting the number of candidates for consideration. It was the consensus of Council to move forward as recommended. There was no need to address the topic further in Executive Session.

(a) To consider adjustments to the compensation of the City Manager in consideration of his annual evaluation.

Mayor Armstrong advised that Council reviews the City Manager on a regular basis and it is time to take this into consideration.

Cm. Hagan commented that a lot of folks were losing their jobs or having their hours cut back; it was a tough time for the community. It has not hit Victoria as hard as other parts of the country but it was beginning to trickle down to this area. It is not about whether Mr. Windwehen is worth it or not, it is about the signal it sends the community. He did not think it was the right thing to do at this time. If anyone was going to get a raise it should be the police and fire as suggested earlier.

Cm. Halepaska asked what the projected increase was for the rank and file employees. The City Manager responded that they had not made a decision on that yet.

Cm. Hagan commented that if we are talking about what people are worth, and what is comparable to other cities, the information he was looking at and amount a city manager makes, they needed to bump the fire and police up 14% to get them in the range of the cities that Mr. Windwehen was talking about for himself. He would rather give that to the firemen and police on the beat who have kids, who are trying to squeak by a living, verses the guy that is the highest paid person in the

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City. That is not to say he is worth it or not, but he is not struggling the way rank and file employees are.

Cm. Soliz asked if this was the time of year that this is taken under consideration. Mayor Armstrong advised that April 1 is the evaluation date. Cm. Soliz commented that the public was concerned about the percentages and the fact that they were talking about a budget related issue. He stated that he would feel more comfortable waiting until the natural budget time to talk about this.

Cm. Truman asked if this was a raise or renegotiation of a contract. Mayor Armstrong responded that he would like to think of it as a renegotiation of a non-existing contract.

Mayor Armstrong commented that any decision made would be a Council decision. He advised that he planned to propose what he thought was right for the future of Victoria. He was convinced that the petition that was circulated by Russell Pruitt, Jack Mullins, and Cm. David Hagan and others caused Miles Risley to look for a job elsewhere. In his opinion Miles was a quality person and the finest City Attorney that the City has ever had, and now they were going to hire another City Attorney to head up the Legal Department. To get the right person they would have to pay fair market price to attract that person. No one can really put a number on the cost of hiring the wrong person or having the wrong person on your staff, but it is dangerously expensive. Most people have not thought about how much it will cost to hire a City Attorney or pay a City Manager. Our City Manager is in charge of \$155 million dollar budget and about 600 people. Charles Windwehen is the right person and is doing an outstanding job as City Manager. There is salary information from 15 managers from 15 cities with populations between 50,000 and 70,000, and Mr. Windwehen's salary is the lowest of the lot. He is doing a good job, way better than average and would like to see him paid the average pay of what those city managers make. He suggested that it is a sound business decision to pay what the average city managers make in the cities that they have looked at. It is a political decision to pay Mr. Windwehen less than what he is worth, to pay him a substandard wage. His heart and vote goes with making a sound business decision, and he trusts and looks to do what is best for Victoria.

Cm. Polasek commented that he respected the desire to do some of this in executive session, but Mr. Windwehen put together a pretty good package explaining his rationale of the work he has done. He asked Mr. Windwehen to explain his management philosophy and efficiencies.

City Manager, Charles E. Windwehen responded that he knew this question was coming, because Cm. Polasek had asked him some questions earlier that afternoon, so he prepared a statement. He explained his management philosophy which his whole management team has adopted; they have been successful as a management team because of the people in the audience. He stated that "It is because of those people that I am successful." Another reason for his success is a Council that works together making good public decisions and working as a team. Without those things a City Manager can not be successful. He addressed ways he has improved his management team, through best business practices, organizational structure efficiencies, quality of life issues, management accountability, he has prepared the City for growth, reorganized the Development Center, built new fire stations and purchased land for future fire stations. He has been proactive in improving the organization by taking the initiative to make things better and not wait until it is broken, and finds the best way to do a task, through technology, people, and process. He provided a list of areas that have been reorganized or implemented such as the health plan, long term liability, wastewater treatment plan, and automated solid waste collection, which have resulted in cost savings to the City. He has continued to look at ways to find cost savings, and has been able to reduce the tax rate over the past three years. He advised that approximately \$300 million worth of capital improvements have been put in the ground and approximately \$55 million were under contract now. He added that he has been with the City for 34 years and 5 months, and during that time was in the Finance Department as the assistant, was the Chief Financial Director for 17 years, Assistant City Manager for 12 years, and City Manager for 3 years.

Cm. Polasek commented that a number of his constituents had asked him some of those questions and felt it was important for them to be addressed in open session. In his observation, the City has never been a leader in the pay grades and has always been playing catch-up. He suggested that some want to catch everyone up to average but not the City Manager position. He did not however advocate a 22% increase.

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Cm. Hagan commented that he would like to see a 0-5% increase for the City Manager like every other employee. He advised that he was familiar with dealing with large figures and he understand compensation packages. He advised that when he first got on Council they gave Mr. Windwehen a 10% increase to get him more in line, then last year he got a 5% increase, and he thought Mr. Windwehen's increase should be in the 5% range. He would have gotten a 20% increase in pay over the last three years, suggesting that was pretty fair compensation. Especially when the public may not realize that he has a \$138,000 base salary, \$19,000 a year deferred compensation payment, and a car allowance with a total compensation package of roughly \$161,000. The average family in Victoria makes about \$36,000 to \$38,000 a year compared to Missouri City where the average median family income is approximately \$83,000. The metropolitan areas that were utilized in the study provided by Mr. Windwehen do not jive with our demographics or with the median incomes. He commented that he had a lot of respect for Mr. Windwehen and this was not personal or political, but other City employees know that they have not gotten a 22% raise and have not gotten a 15% raise in the last couple of years. He suggested that they have to be fair; people are going to be unhappy if we do not do something that is kosher and fair.

Charles stated that he did not pick those cities, those were the cities that Council directed him to use along with information from the Texas Municipal League (TML) salary surveys. Cm. Soliz asked if they had looked at other cities that were more demographically parallel to Victoria. Mr. Windwehen responded that they did not think it would make a difference, the city managers in Corpus Christi, Harlingen, and McAllen make a lot more.

Cm. Polasek suggested that some day when Mr. Windwehen leaves, the City would have to pay market rate, recognizing that they could not bring him up all at once, but he wanted to work toward that to treat him just as they do other department heads.

Deputy City Manager, Charmelle Garrett advised for the benefit of the new Council Members that employees are eligible for pay-for-performance on their anniversary date or date of promotion, and it was 0-5% with a 3.5% average.

Mayor Armstrong commented that several years ago substantial raises were given to the police department, and he was in favor of looking forward at the police, fire, and other departments as they get into the budget process. He suggested that one does not offer under market price when hiring, and it was not fair to pay someone under market price because they were already here. He commented if they gave the City Manager a raise, it would not prevent other employees from being fairly compensated.

Cm. Hagan commented that right now the police and fire departments are probably 14% off of the cities being used to compare the City Manager's salary. We need to take care of the employees in the trenches before addressing the most compensated person in the City, the one at the top should make the most sacrifices.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:30 p.m., in accordance with:

Sections 551.074 and 551.071, Texas Government Code, with regard to personnel matters to deliberate and to conduct the annual evaluation of City Manager Windwehen and to deliberate the appointment, employment, evaluation and duties of the City's City Attorney. Scarlet Swoboda and George E. Hyde.

The Council reconvened in regular session at 7:54 p.m. to consider and act on the following:

To consider adjustments to the compensation of the City Manager in consideration of his annual evaluation.

Cm. Guittard moved to give the City Manager a 16% raise to his salary effective June 1, 2009, with Cm. Truman seconding the motion.

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Mayor Armstrong commented that the motion if passed would put Mr. Windwehen's salary at the 40% range compared to what the 15 city managers are making in those cities that his was compared with.

Cm. Polasek moved to amend the motion by splitting the increase into two separate increments of 8% of the base salary now, and 8% of new base salary six months from now, with Cm. Soliz seconding the motion. The motion to amend **failed** by the following vote:

AYES: Council Member Polasek

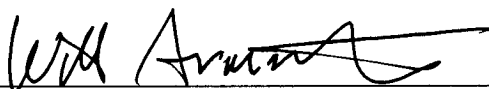
NAYS: Council Members Guittard, Soliz, Hagan, Truman, Halepaska, and Mayor Armstrong

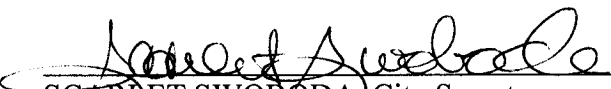
The original motion passed by the following vote:

AYES: Council Members Guittard, Polasek, Truman, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz and Hagan

There being no further business, the meeting was adjourned at 8:10 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
