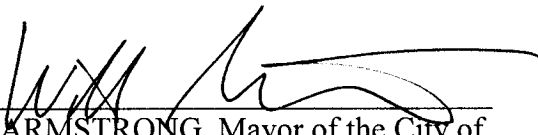



**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 5:02 p.m., in accordance with:

Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding the criminal allegations brought against City employees and officials in *State v. Ure*, *State v. Smith*, *State v. Buentello*, *State v. Armstrong* and related appellate proceedings (including 13-09-380-CR - *In Re: The State of Texas, Ex Rel. Stephen B. Tyler, Criminal District Attorney of Victoria County, Texas* filed in the Texas Thirteenth Court of Appeals). George E. Hyde.

There being no further business, the meeting was adjourned at 7:40 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL  
July 21, 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, July 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**

- Will Armstrong, Mayor
- Tom Halepaska, Mayor Pro-Tem
- Denise Rangel
- Gabriel Soliz
- Paul Polasek
- David Hagan
- Joe Truman

**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
- Dayna Williams-Capone, Director, Library
- Terri Kurtz, Assistant Director, Human Resources
- Rick Henrichs, Director, IT
- Jerry James, Director, Environmental Services
- Roy Boyd, Deputy Chief of Police
- Jimmy Roach, Deputy Director, Public Works
- Ken Gill, City Engineer

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**CITY COUNCIL MINUTES**  
**July 21, 2009**

Jared Mayfield, Planning Manager  
Ray Miller, Deputy Director, Development Services  
Andrew Jacob, Assistant Finance Director  
Darryl Lesak, Asst. Director Environmental Services  
Scarlet Swoboda, City Secretary

**CITIZENS COMMUNICATION**

James Wayne, 15 Spring Creek Road, requested that Mayor Pro-Tem Halepaska be recused from all discussion in open and closed session until the law suit filed against him is settled.

Donna Rodriguez, 407 N. Craig, presented a handout on her tenure on the Planning Commission and indicated that she would like to be reappointed.

Jeff Williams, 702 Santa Fe, expressed concern with the way the sales tax revenues were reported. He asked how many months out of the last seven payments to the City have they been less than they were for the last two years, and how far back in history does the City have to go to show that same level of decline in sales tax rebates. He referenced a newspaper article that stated the sales tax revenue has taken a big drop and suggested that the economy is a lot worse than the Council will admit to. He also commented that he heard at one meeting that there had not been a rate increase for solid waste in over 10 years, yet his bill has gone up. He further commented that if the citizens felt strongly that everything that came from the Council was accurate, they would not object to a \$3.85 increase for garbage pickup as long as services were not reduced. He commented that the General Fund expenditures for Victoria were growing ten times the rate of the population, whereas Missouri City was growing at 1.6 times the population growth. If Missouri City is going to be used as the benchmark for the City Manager, Police, and Fire salaries, all of the statistics of the cities needed to be used not just a few.

Jack A. Mullins, 224 Ridgewood Drive, commented that unemployment rates in Victoria had grown from 5.9% to 6.8% from January to May of this year. Last year the rates descended from 3.9% in January to 3.6% in May. More plant workers are being terminated in the months ahead and normally summer unemployment rates tend to rise. Also minimum wage will increase which will result in layoffs, price increases, and termination of new hires. More residences are up for sale and the City is in trouble. He suggested that during the budget planning, this was the year to be careful about spending money on anything other than essentials.

Dan Mikulanka, 304 Masters Drive, commented that he submitted an application for Planning Commission and would like to be appointed.

Barbara Allen-Lampley, 2103 Bon Aire, commented that she hoped that the citizens thank the City and the Council for the steps that have been taken to insure that Victoria has enough good clean water. She also advised that she had submitted an application to serve on the Victoria Parks and Recreation Commission for the September appointments.

Russell Hamilton, Executive Director of the Texas Water Utilities Association (TWUA), 1106 Clayton Lane, Austin, Texas, thanked the City for their support. TWUA was a training provider for water and wastewater operators around the State, and he recognized the Director of Public Works, Lynn Short as the Past President of the organization and presented him with a plaque.

Robert Lowe, 6018 Country Club Drive, expressed excitement that Victoria was getting new development with the planned townhouses on Main Street. He thanked the Planning Department and Planning Commission for working with the developer on this project and hoped for more development in the future.

**Fire Station Communication**

John Griffin, 507 S. DeLeon, Representative for Roth Construction, commented that a few weeks ago a resolution was pulled from the agenda. After that the Fire Chief had certified that Roth Construction had represented the best value for the project with a proposal of \$119,000 less than another contractor. He stated that today the agenda item did not list a contractor but suggested that a

contract could be authorized that did not exceed \$2,100,000. He suggested that this was done because another contractor, whose bid was outside the City's budget complained. The Council under the law has the requirement to determine what the best value for the City is based on the criteria and the scores. There was a reason that the Council placed price as the most important consideration when placing best value, because it is taxpayer money. The City should award the bid to the lowest bidder or place the project out for re-bid.

**Resolution 2009-131R – Contractor for Fire Station No. 2:**

The resolution selects a contractor through the sealed proposal process who offers the best value for the City of Victoria (City) based on the City's published selection criteria and the City's Ranking Evaluation for the City of Victoria Fire Station No. 2 Project, selects said entity for negotiations therewith, authorizes the City Manager to execute a contract with said entity in a total amount not to exceed \$2,100,000 for the construction of the project. Vance Riley.

Interim City Attorney, George E. Hyde, explained the law regarding competitive seal proposal process and best value selection. Architect selection is triggered by who applies, and then the most qualified is chosen to create the documents for the bid process. Questions are submitted to the bidders during the bid process, which all twelve of the bidders complied with. The design of the process is to be fair and give all bidders an opportunity, which is what the City did. In those proposal documents there are 10 criteria provided and a weight that applied to each of those criteria. 40% of those criteria are selected to determine best value. He stated that sometimes it costs more to get better value.

By State law the City is required to use two things in the bid, best value based on the selection criteria, and ranking by the Architect. Under that overall ranking structure Don Krueger Construction Company was the overall best value selected by the Architect recommended to the Council. The Fire Department innocently, but mistakenly believed that a bid which exceeded the disclosed total project budget was properly excluded from the process, therefore they initially recommended Roth Construction, Inc., who possessed the second highest score. A recommendation that was not based on the selection criteria and ranking evaluation, and was inconsistent with that legal process. That was the reason for pulling the resolution at the last meeting. The number overall ranking was provided by Don Krueger Construction Company according to the Architect. The time period provided to rank those proposals has expired. The City needs to either accept or reject the ranking and instruct staff to follow the ranking procedure under the State provision, or move to go out for new proposals for the project.

Mr. Hyde advised that once the City has selected the best contractor based on the ranking and criteria based on the answers in their bid, then the contract is to be awarded to that contractor providing the best value. Then negotiations begin on the scope and time of the project to insure that the City gets the best value for the best work. The Statute specifically states that money is not everything. It was his recommendation that Council either adopt the ranking evaluation provided by the Architect in the resolution, which would allow City Administration to begin negotiations on scope and time to insure that the best value and the best construction for the citizens of Victoria or pull the item.

Mr. Hyde advised that there were twelve proposals received, with Krueger Construction receiving and overall best value score of 91.5 and Roth Construction receiving 87.5 best value score. The total budget for the project was \$2.1 million, with Krueger's bid \$14,000 over the budgeted amount.

Mayor Armstrong commented that if negotiations with Don Krueger Construction Company broke down and did not work out, then the second best value contractor would be available. He commented that it was his opinion that the price needed to be negotiated down by at least \$100,000.

There was discussion from Council concerning the timeline of rebidding and the cost of rebidding. It was pointed out that if the project were re-bid all the bidders would know what the others had bid originally and they may end up with the same results. Ray Holliday, with BRW Architects went over the ten criteria items, noting that the price counted for 60 points out of a total of 100 points. It was also pointed out that the State has been using this process for about 10 years.

**CITY COUNCIL MINUTES**  
**July 21, 2009**

Cm. Truman moved that the proposed resolution be adopted with the inclusion of Don Krueger Construction Company of Victoria, Texas in the spaces provided on the resolution, with Cm. Polasek seconding the motion. The resolution was adopted by the following vote:

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

**ITEMS FROM COUNCIL**

- **Recognize Hartman Distributing for Fireworks Show** – Cm. Rangel previously had asked to recognize the aforementioned. Members of the Hartman family were thanked and it was noted that there has been a great partnership between them and the City for the past 30 years.
- **Additional Kayak Access Point** – Mayor Pro-Tem Halepaska advised that the paddling trail is an approved Texas Parks and Wildlife River and/or Coastal Paddling Trail. There are several points of access along the Guadalupe River; one at the old water plant #1, one at Nursery, one on Loop 463 above town, one on South Street, and one on U.S. 59 below town. This is one more recreational opportunity to draw visitors to the area.
- **Sidewalks and Wi-Fi** – Cm. Truman asked to have an item placed on the next regular agenda to address using Community Development Block Grant (CDBG) funds to build bus stop shelters instead of sidewalks. He also asked for a report on Wi-Fi in Downtown for the next agenda.

**ORDINANCES AND OTHER ITEMS WITH PUBLIC HEARINGS AND ACTION**

Mayor Armstrong opened a public hearing on the following items:

**Ordinance 2008-2009L – Budget Amendment for Election Costs**

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009L, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$46,666.91 from the General Fund fund balance to the General Fund City Secretary Department Professional Services line item, to provide additional funding for the City's cost share of the 2009 Joint General and Special Election, including the Runoff Election for City Council District No. 1. Second and Third Reading. Andrew Jacob.

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

Cm. Rangel 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 Rangel, 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 \$46,666.91 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND CITY SECRETARY DEPARTMENT PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE CITY'S COST SHARE OF THE 2009 JOINT GENERAL AND SPECIAL ELECTION, INCLUDING THE RUNOFF ELECTION FOR CITY COUNCIL DISTRICT NO. 1, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**Ordinance 2008-2009M – Budget Amendment for Landfill Gas Feasibility Study**

Interim City Attorney, George E. Hyde, read the caption of ordinance 2008-2009M, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$96,000 from the Environmental Services Closure Fund fund balance to the Environmental Services Fund Landfill Closure Department Engineering capital line item, to provide funding for a landfill gas to energy feasibility study and provide procurement support at the Victoria Landfill. First reading. Andrew Jacob.

Mayor Armstrong asked if there were any questions from Council or the audience. There were questions from Council Members concerning timeline of the project, potential for making money on the gas, and the possibility of looking at wind turbines. Director of Environmental Services, Jerry James, responded that there was potential for all, and all were being looked at.

Cm. Polasek moved that the ordinance pass on first reading, with Mayor Pro-Tem Halepaska seconding the motion. The ordinance passed on first reading by the following vote:

AYES: Council Members Rangel, 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 \$96,000 FROM THE ENVIRONMENTAL SERVICES CLOSURE FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE DEPARTMENT ENGINEERING CAPITAL LINE ITEM, TO PROVIDE FUNDING FOR A LANDFILL GAS TO ENERGY FEASIBILITY STUDY AND PROVIDE PROCUREMENT SUPPORT AT THE VICTORIA LANDFILL, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**Ordinance 2009-19 – Amend Section 14-62(E) of The Victoria City Code to Expand the Type of “Home-Grown” Products offered for Sale at the Victoria Farmer’s Market**

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-19, which amends Section 14-62(e) of the Victoria City Code to expand the type of “home-grown” products offered for sale at the Victoria Farmer’s Market. Second and Third Reading. Scarlet Swoboda

Mayor Armstrong asked if there were any questions from Council or the audience. Mayor Pro-Tem Halepaska suggested amending the permit fee for selling yard eggs at a future meeting.

Mayor Pro-Tem 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 Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

**AN ORDINANCE AMENDING SECTION 14-62(E) OF THE VICTORIA CITY CODE TO EXPAND THE TYPE OF “HOME-GROWN” PRODUCTS OFFERED FOR SALE AT THE VICTORIA FARMER’S MARKET, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.**

Mayor Armstrong closed the public hearings.

CITY COUNCIL MINUTES  
July 21, 2009**CONSENT AGENDA**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Approval Of Minutes** – The special meeting of June 19, 2009, work session of June 23, 2009, work session of June 25, 2009 and regular meeting of July 7, 2009.
2. **Resolution 2009-115R – Annual Contract for Gasoline and Diesel Fuel:** The resolution authorizes the City Manager to execute all documents necessary to renew the annual supply contract for gasoline and diesel fuels with New Distributing Co., Inc., of Victoria, Texas in the amount of the Victoria/Placedo Oil Price Information Service (OPIS) daily average price for an estimated total amount not to exceed \$990,000. Darryl Lesak.
3. **Resolution 2009-116R – Purchase Library Furniture:** The resolution authorizes the City Manager to execute all documents necessary to purchase library furniture, through the Local Government Purchasing Cooperative (Buyboard), from Library Interiors of Texas, LLC, of Austin, Texas, in the amount of \$196,582.09. Dayna Williams-Capone.
4. **Resolution 2009-117R – Appointments to Victoria Sales Tax Development Corporation:** The resolution appoints Joe Truman and Gabriel Soliz as Council Representatives, and Lewis Neitsch as the Citizen Representative to the Board of Directors. Scarlet Swoboda.
5. **Resolution 2009-118R – Appointment to Victoria Health Facilities Development Corporation:** The resolution appoints City Council Member Denise Rangel. Scarlet Swoboda.
6. **Resolution 2009-119R – Appointment to Victoria Housing Finance Corporation:** The resolution appoints City Council Member Denise Rangel. Scarlet Swoboda.
7. **Resolution 2009-120R – Appointment to Minimum Housing Board of Adjustments and Appeals:** The resolution reappoints Ernest Guajardo, Jr. Scarlet Swoboda.
8. **Resolution 2009-121R – Appointment to the Victoria Metropolitan Planning Organization (MPO):** The resolution appoints City Council Member Gabriel Soliz. Scarlet Swoboda.
9. **Resolution 2009-122R – Appointment to Plumbing Board of Adjustments and Appeals:** The resolution reappoints Ray Caraway. Scarlet Swoboda.
10. **Resolution 2009-123R – Appointments to Victoria Development Commission:** The resolution appoints City Council Members David Hagan, Denise Rangel, and Joe Truman. Scarlet Swoboda.
11. **Resolution 2009-124R – Water Right Amendments:** The resolution authorizes the City Manager to prepare, execute, and pursue Water Right Amendments with the Texas Commission on Environmental Quality for Certificate of Adjudication No. 18-3858, Permit No. 4117, and other water rights that the City of Victoria may acquire. Jerry James.
12. **Resolution 2009-125R – Landfill Gas Feasibility Study:** The resolution authorizes the City Manager to execute a Professional Services Agreement between the City of Victoria and R. W. Beck, Inc. of Austin, Texas, for Professional Services for Work Related to a Landfill Gas Feasibility Study and Procurement Assistance for the City of Victoria, in an amount not to exceed \$90,000. Jerry James.

The consent agenda was approved upon a motion by Mayor Pro-Tem Halepaska and seconded by Cm. Polasek and adopted by the following vote:

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

**RESOLUTIONS**

**Resolution 2009-126R – Appointments to Victoria Planning Commission**

The resolution reappoints Donna Rodriguez and appoints Dan Mikulenska and Sharon Steen to the City of Victoria Planning Commission. Scarlet Swoboda.

Cm. Truman nominated Donna Rodriguez, with Cm. Hagan seconding the nomination. She was reappointed by the following vote:

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

Cm. Polasek nominated Dan Mikulenska, with Cm. Rangel seconding the nomination. He was appointed by the following vote:

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

Mayor Pro-Tem Halepaska nominated Lewis Neitsch, with Cm. Polasek seconding the nomination. He received the following vote:

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

Cm. Hagan nominated James Wayne, with Cm. Rangel seconding the nomination. He received the following vote:

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

Cm. Polasek nominated B.J. Davis, with Mayor Pro-Tem Halepaska seconding. He received the following vote:

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

Cm. Truman nominated Sharon Steen, with Cm. Polasek seconding. She was appointed by the following vote:

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

**Resolution 2009-127R – Appointment to Victoria Parks and Recreation Commission**

The resolution appoints Matt Wickham to the Victoria Parks and Recreation Commission.

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

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

CITY COUNCIL MINUTES  
July 21, 2009

**Resolution 2009-128R – Variance for Barbed-Wire Fencing at 4100 N. Vine Street**

The resolution grants a variance to Section 20-10 of the Victoria City Code, which states that it will be unlawful for any person to erect, build or maintain barbed-wire fencing across or along any lot or part of any block within the city, to 4100 N. Vine Street, which is owned by Warren Alkek. John Kaminski.

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

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

**Resolution 2009-129R – Variance for The Verandahs on Main**

The resolution grants a variance to Sections 21-54(b)(2) 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 Thoroughfare Master Plan for a portion of the 500 block of Main Street and 3 off-street parking spaces for townhouse residential lots to 102-120 E. Power Avenue and 107-115 E. Stayton Avenue (Original Townsite Resubdivision No. 68/The Verandahs on Main), owned by Donald A. Elder. John Kaminski.

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

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

**Resolution 2009-130R – Variance for Driveway at 1401 N. Wheeler**

The resolution grants a variance to Section 20-82(b) of the Victoria City Code, which limits the number of driveways allowed for a commercial lot, to a portion of Lot 5 and all of Lot 6, Block 3 of Thurmond Addition, located at 1401 N. Wheeler Street, which is owned by James Wayne. John Kaminski.

Mayor Pro-Tem Halepaska recused himself from the discussion.

Director of Environmental Services, John Kaminski advised that Staff did not recommend the variance, however the Planning Commission approved the request by a 5-3 vote.

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

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, and Mayor Armstrong  
NAYS: None  
ABSTENSION: Mayor Pro-Tem Halepaska

**CITY MANAGER REPORTS**

- **Status of City’s Water Supply** – Director of Public Works, Lynn Short thanked the citizens for working with the City during the drought conditions. Water has been captured from Canyon Dam and the off-channel reservoir waters have been replaced. The South Texas Water Master is allowing the City with special permit to draw water from the Guadalupe River with the condition that water is replaced with groundwater. It allows for the water to be treated at one location so as to maintain consistent high quality of water for the citizens. He recommended staying in Stage 2 of the Drought Contingency Plan. Transfer pumps have been set up to pump from the off-channel reservoirs if needed. Mayor Armstrong commended Mr. Short and his staff for their innovative thinking during the drought.

- **Review of Victoria Transit Operations by the Texas Transportation Institute (TTI).** Ray Miller, Jr. introduced Jeff Arndt, Research Scientist, who presented a PowerPoint presentation on peer performance, how Victoria Transit compares to other small transit providers throughout Texas, cost revenues, budget, policies and procedures. He complimented the Golden Crescent Regional Planning Commission (GCRPC) for holding quarterly budget review sessions, which is very rare for small transit systems to do. They are very technologically savvy and have solid dispatch procedures. He pointed out that it was a very favorable report for a system Victoria's size.
- **Police Department briefing on "Operation Compliance" with associated community partnerships, including Keep Victoria Beautiful** – Police Chief, Bruce Ure reported on the new program targeted at fixing community blights. The Police Department was partnering with Victoria Economic Development Corporation (VEDC), Code Enforcement, the Fire Department, and Keep Victoria Beautiful (KVB) to get neighborhoods involved with cleaning up their neighborhoods with the hope that this would help lower crime in those areas.
- **Keep Victoria Beautiful** - Joni Brown, Executive Director of KVB presented a handout on KVB's return on investment "2008 Cost Benefit Analysis of KVB", which she prepared to prequalify for Keep America Beautiful. It defined what volunteers, participants, and attendees are. They found out the value of television, print media, brochures, and worked with City workers that they have cooperative relationships with. She advised that the National average for return on investment for a governmental agency is \$12 per dollar. KVB's return on investment is \$12.91 to the dollar. Members of Council applauded her for her efforts and were impressed with the paperwork.
- **Sales Tax Report** – Director of Finance, Gilbert P. Reyna, Jr. reported that after nine months into the Fiscal Year the City was within 1% of budget. The purpose of the budget is to provide a forecast of revenues and expenditures. Throughout the year they do comparisons of budget sales tax verses actual collections for that month. The City has to be able to navigate financially through these times. The Fiscal Year 2009 sales tax budget was budgeted with a down economy and conservative numbers. Victoria is doing very well if you compare us to other cities that are dependent on sales tax and budgeted above normal. Sales tax charts are available on the City Website. Through July more sales tax was collected over last year in July. Council wanted the Finance Department to continue to budget conservatively, but the City does need to plan for the future.
- **Stand-by for Emergency Medical Vehicle at Youth Sports Complex** – Fire Chief, Vance Riley recommended using the Bicycle Medic Team to serve at those events, because they did not have the assets to have stand-by ambulances at those events.
- **Solid Waste Fees, Service Level and Related Items** – Director of Environmental Services, Jerry James reported that at a recent meeting there was a recommendation to reduce the solid waste fees from the originally recommended amount of \$3.84 to \$2.50. Options for reduction: 1) discontinue the yard waste service, which would require reassigning four personnel to other departments; 2) close the Pine Street Recycling Center - staff has been looking at relocating the Huvar site to a more central location; and 3) Cardboard is being used locally in compost site and that is working well. Some customers will want to have the yard waste recycling, that would require another garbage route and the purchase of another automated truck. In order to provide that service efficiently staff would recommend a survey to see who or how many would sign up for the service, with 1,000 customers to make it worthwhile. If the demand was not there staff would discontinue that service. Staff would need the survey completed by October. It was the consensus of Council to do the survey, and instructed the Administration to prepare the budget with the \$2.50 increase.

#### EXECUTIVE SESSION

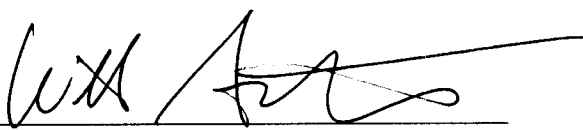
Mayor Armstrong announced that Council would recess into Executive Session at 7:55 p.m., in accordance with:

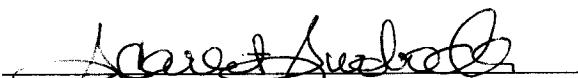
**CITY COUNCIL MINUTES**  
**July 21, 2009**

Texas Government Code § 551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding anticipated litigation by Roth Construction against the City of Victoria and legal issue related to the competitive sealed proposal process used for Victoria Fire Station #2. George E. Hyde. **The item was addressed in open session.**

Texas Government Code § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Victoria and with which the City of Victoria and County of Victoria are jointly conducting economic development negotiations with (including, but not limited to, proposed development near Victoria Regional Airport). George E. Hyde.

There being no further business, the meeting was adjourned at 8:06 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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