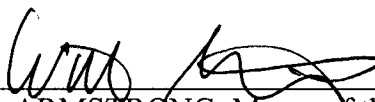



EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 8:02 p.m., in accordance with:

Section 551.074, Texas Government Code, with regard to personnel matters (including, but not limited to, the appointment, employment and evaluation of City Attorney candidates Robert Houston and Thomas Gwosdz). George E. Hyde

There being no further business, the meeting was adjourned at 12:37 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
September 15, 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, September 15, 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
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
Doug Cochran, Director, Parks and Recreation
Bruce Ure, Police Chief
Vance Riley, Fire Chief
Dayna Williams-Capone, Director, Library
Danette Respondek, Director, Human Resources
Rick Henrichs, Director, IT
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

OTHERS PRESENT

Dale Fowler, President Victoria
Economic Development Corporation
Robert Henderson, RBC Capital Markets
and Financial Advisor for the City

CITIZENS COMMUNICATION

Joni Brown, 873 Boehm Road, Director of Keep Victoria Beautiful thanked the Council for their support and indicated that they would earn every dollar.

Russell Pruitt, 402 Sherwood went over past history of his group's relationship with the former City Attorney's and disagreements that they had.

Jeff Williams, 702 Santa Fe, expressed concern that there would be a fatality at the intersection of John Stockbauer where the hike and bike trail crosses. He commented that it was not

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young children, but adults on bikes that do not stop, and something needed to be done. He urged the Council to consider placing a barrier at the John Stockbauer intersection and ending the trail, so that people could cross at that intersection. He also commented that there needed to be a parking lot at the Ben Jordan crossing because vehicles parking there were sticking out into the lane of traffic causing additional safety issues.

Matt Ocker, 2307 FM 2615 presented a packet to each Council Member and thanked them for being gracious enough to speak with him. He commented that most citizens should be proud that they represent them. He stated that comments attributed to him at the last meeting were not comments that he had made and he wanted to clarify that he was not affiliated with the Republican Party, and had not commented about the City Manager's home. He suggested that Council stepped over the line by allowing any member of the Council or staff to call out a citizen at a public meeting without allowing them to defend themselves.

Toni Marek, 329 Golden Eye Loop apologized to the taxpayers for her frustration at the last meeting. She commented that Council Members are elected suggesting that a level of professionalism has been ignored. She commented that Victoria County funds a portion of the Library, Fire, and EMS any person who lives in Victoria County should be able to speak.

ITEMS FROM COUNCIL

Cm. Hagan commented that if we are going to call someone out, we should give them time to respond.

Cm. Rangel thanked Lynn Short and the Public Works Department for resolving the water issue at the intersection of West Street and North Street.

Cm. Polasek asked about the Hiller and Laurent problem. That item would be discussed in executive session. He also asked how the yard waste survey turned out. Director of Environmental Services, Jerry James advised that that they needed 1,140 positive responses that citizens were willing to participate in the service, they only receive 880, which was not enough to provide that service. The current yard waste service will continue through January 1, but would then be discontinued. Mr. James advised that the brush and bulky items, and recycling center programs would continue.

Cm. Hagan expressed concerns with the safety of the John Stockbauer hike and bike trail intersection, and had further concerns that the rumble strips could not be placed at that intersection. He suggested looking at additional measures to make that intersection safer.

Mayor Armstrong suggested placing barriers a few feet apart, forcing the cyclist to get off their bikes to cross the street.

Cm. Polasek thanked the Victoria Board of Realtors for giving the right-of-way to the City for the Sam Houston Reconstruction Project. They recognize the value of a new road and he appreciated their gift.

Discussion of proposed sidewalk along Lone Tree Road – Torres Elementary

Interim City Attorney, George Hyde advised that James Wayne reconsidered an offer made by the City back in April and requested that the City accept that offer. Mayor commented that had Mr. Wayne accepted the offer in April, the sidewalk would have already been built.

Cm. Truman moved to accept the right-of-way transfer agreement executed by the City Manager, accepting a Warranty Deed transfer of a 12.2' x 750.5' strip of property located on the 3800-3900 block of Lone Tree Road for use to build a sidewalk and driveway in exchange for the City releasing a right-of-way easement on Mockingbird Plaza Subdivision Lot 1, Block 1 in favor of Mr. James Wayne, with Cm. Rangel seconding the motion. The motion passed by the following vote:

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

NAYS: None

CITY MANAGERS REPORT

- **Past Economic Development Projects - Dale Fowler.**

Dale Fowler, President of the Victoria Economic Development Corporation (VEDC), reported on the past projects and the marketing of Victoria, commenting that Council was a part of the marketing of Victoria and he thanked them for their support. He recognized his staff and VEDC Board Members. He pointing out that there have been eleven projects since 2003 that have contributed new taxable value of \$186.8 million to the County's tax rolls and \$101.7 million within the city limits of Victoria. The new tax value of cumulative totals is approximately \$5 million to all the taxing entities that these projects are pertinent to, and as those projects roll off the tax phase-in the numbers should increase. In addition there have been 613 new jobs created, and an estimated 920 indirect additional jobs. VEDC wants to be viewed as a profit center to the entities that they serve and they are continuing to market the area. The Lone Tree Business Center was developed and although there is nothing built there yet, it is used extensively to market the community. To date, the Lone Tree Center has been submitted to 68 different projects, 14 of those projects came at least once to the community to evaluate and make a decision, and some are still considering that business park.

Cm. Polasek commented that the Lone Tree Business Park was being held for a larger project that would dictate how that park would develop. Mr. Fowler advised that a large portion of the park had been under option for two years, although that project never happened anywhere.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items: Adopting the budget, ratifying the tax increase, setting the tax rate, and the issuance of Certificates of Obligation.

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

Russell Pruitt, 402 Sherwood stated that he hoped Cm. Hagan would make a motion to delete the \$150,000 in the budget and he could get a second so that it could be discussed. He also requested a neutral tax rate of \$0.6367.

Jack A. Mullins, 224 Ridgewood Drive commented on the portion of the budget going to VEDC, suggesting that there were no results and jobs that supposedly were created. He suggested that VEDC needed to be held accountable and prove that their activity actually brought jobs and caused net benefit to the City.

Donald Day, 207 Brocton commented that he was offended by Mr. Mullins comments stating that not only are taxpayer dollars put into VEDC but personal dollars are as well to help develop Victoria, because that organization wants to see Victoria grow.

Matt Ocker, 2307 FM 2615 commented that you cannot artificially create markets. Businesses that come to town come for a number of reasons, and if VEDC is going to take credit for those that move here, then they need to take credit for the one's that leave too. He also disagreed with tax abatements.

It was pointed out that VEDC does not court retail businesses.

Jeff Williams, 702 Santa Fe asked for Council to look at reducing items in the budget and asked for explanation to the following items: (1) a \$75,000 increase in personnel services in the City Manager and Public Information Offices, which is a 12 percent increase. He questioned how that was possible when there was a 0-3 percent pay-for-performance program in the City; (2) a 90 percent increase in office supplies, resulting in an overall increase of \$128,000 in the City Manager's Office; (3) a 30 percent increase in personnel services for Municipal Court when there were no

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additional personnel added; and (4) a 75 percent increase over the projected expenditures in the current year for drainage mowing.

Finance Director, Gilbert P. Reyna, Jr. explained that in the current budget the City Manager's Office and Public Information Office (PIO) were combined, but were being split into separate accounts in the proposed 2010 budget. The City Manager's Office has a \$58,086 increase in payroll. The PIO and EG Channel were combined with an increase in payroll of \$17,109 and the EG Channel was moved from an Enterprise Fund in the amount of \$37,600. The Legal Department has an increase of \$24,398 in payroll primarily due to the new City Attorney wages, office supplies went up \$2,970, and professional services increased \$24,623. The Municipal Court payroll increased by \$61,401 with that difference mainly due to vacancies during the current year and having to assume that there will be a full staff in the 2010 Fiscal Year. The Parks Department has a similar situation where there were vacancies throughout the year, so the assumption is that \$184,394 is needed for payroll costs for a full staff. The drainage mowing increase of \$128,400 is primarily due to the inclusion of the Lone Tree Creek improvements.

Cm. Polasek asked how many unfilled positions were there in the City. Director of Human Resources, Danette Respondek advised that last year in September 2008 there were 54 vacancies in the City and this year there are about 17 vacancies. The average per month last year was approximately 30. City Manager, Charles E. Windwehen stated that the budget was up about four tenths of one percent, four positions were added in the Police Department, five positions were eliminated in all other places, the tax rate was reduced a half-penny, and an increase of the drainage outfall mowing.

Toni Marek, 329 Golden Eye Loop commented on the City Managers salary, deferred compensation and car allowance suggesting that he should use his own personal money to purchase things like magazines, newspapers, and memberships. She compared the tax rate of Victoria with Sugar Land indicating that Victoria's is double Sugar Land's and Victoria's is higher than Corpus Christi, San Antonio, and Houston, with Dallas as the only major city in Texas that has a higher tax rate. She suggested that the Council needed to make sacrifices just like the taxpayers.

Jason Moore, 2703 E. Poplar Avenue commented that he did not like the way people come to these meetings and bicker. Some of them do not live in the City and do not pay City taxes and a number of them are over 65 and their taxes are frozen. He likes the way the City was run and he would rather see the tax rate remain at \$0.65 so more could be spent on infrastructure and improvements because construction costs are low. Now is the time to do it, and that brings jobs to the City.

Bernie Byrd, 6604 Houston Highway commented that he never heard a good answer on why the drainage ditch mowing was increasing so. The Parks and Recreation Director, Doug Cochran advised that ditches were not being maintained enough and applied those numbers. There are 28 ditches that are mowed, 25 will need more mowing because of population in those areas. The additional mowing will help with the appearance and the storm water runoff. The Hike and Bike Trail is now included in the budget numbers.

ORDINANCE 2009-2010 – ADOPTING 2009-2010 FISCAL YEAR BUDGET

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-2010, which approves and adopts a budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2009, and ending on September 30, 2010; and appropriates money for the various funds and purposes of such budget including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness. Third Reading. Gilbert P. Reyna, Jr.

Cm. Hagan commented that he would vote against the budget because it reflects an increase in the taxes and includes \$150,000 extra for legal fees for City officials.

Cm. Halepaska commented that the budget represents a very measured response and have come down five and a half cents in the last five years. This is one more rate reduction that can be done without harming things. The difference in \$0.65 and \$0.6450 would be \$5 a year on \$100,000

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house. Everyone has worked hard to make sure that some of the infrastructure and improvements could be finished and providing for additional Police and additional pay for first responders.

Cm. Polasek commented that the revenue generated from the budget is a slight increase bringing in approximately \$300,000 more than last year, however more than that amount is going out to Police and Fire for raises. He commented on the economy suggesting that it would pick up.

Cm. Truman commented that during the depression it took three years to hit Victoria and took three years to recover. This is not the time to grow and he would vote no on the budget

Mayor Armstrong commented that he has seen Victoria in good times and bad, but the City needs to buy when concrete and steel are at its lowest prices. If the City does not take advantage of the contractors out there now needing work, the City will be paying more for projects in the future. He expressed excitement about Victoria's future.

Cm. Truman asked about lowering the Fire Station #2 Project amount budgeted. He was advised that the reductions needed to come from reoccurring expenditures and not one time expenditures. The \$2.1 million in the budget not only covers the construction of the building but also the furnishings. The Architect has not lowered the estimates for the project.

There was discussion about whether to reduce the assumptions on fuel costs, with staff indicating that the Council had to decide what the risks would be. Cm. Hagan commented that when gas went up the City found the money to fill those tanks. It was pointed out that reductions in the fuel budget would affect the Fire, Police, Streets, and Parks Departments.

Cm. Hagan moved to amend the budget by reducing the overall fuel budget by \$154,000, with Cm. Truman seconding the motion. The motion to amend **failed** by the following vote:

AYES: None

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

Cm. Hagan and Cm. Truman commented that they would rather the City Manager and the Finance Director find where to make cuts instead of them, and that was the reason they voted no on the amendment. Cm. Hagan suggested adopting the tax rate and then making the budget fit that rate.

Cm. Polasek commented that when the budget process first began he met with the City Administrators as did all of the other Council Members at different times. At that time he told them that he would be looking at a half cent tax decrease and they discussed Police and Fire pay at that same time. They have to start the budget process with a projected tax rate and they built the budget around the same tax rate as the current year.

Cm. Truman moved to reduce the budget to where the effective tax rate can be used. Interim City Attorney, George Hyde suggested a motion to recess to allow the City Manager and Finance Director to find those cuts. City Manager, Charles E. Windwehen advised that if Council wanted to cut the budget further, he recommended reducing the funds for outside agencies, such as the Zoo, Keep Victoria Beautiful, Boys and Girls Club, Transit System, also staffing in some departments, such as clerical from full-time to part-time.

Cm. Truman moved for a recess to instruct the management to come up with budget cuts that would take the City back to the effective tax rate, with Cm. Hagan seconding the motion. The motion to amend **failed** by the following vote:

AYES: Council Members Soliz, Hagan, and Truman

NAYS: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

Cm. Polasek stated that the Council should have the courage to find cuts that is what they were elected to do and suggested that if anyone wanted to make a cut, to make a motion and let it be voted up or down.

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Cm. Soliz suggested having every employee take 2.5 days without pay in order to reduce the budget enough to get to the effective tax rate.

Director of Human Resources, Danette Respondek advised that the Fire personnel has minimum staffing levels that they must maintain to make sure they have enough personnel on the fire trucks and ambulances to run. If someone is out, some other person must be brought in and paid overtime. The Police will have fewer officers on the streets which will affect public safety, Street Department personnel work overtime when they are short staffed. That calculates to approximately 400 of the 600 employees which is the bulk of the City staff. The Administration would not recommend that as the best way to amend the budget.

Cm. Soliz moved to amend the budget to reduce the payroll account to whatever number of days employees needed to take off without pay to equate to \$255,000 overall which would get the tax rate down to the effective tax rate, with Cm. Truman seconding the motion. The motion to amend **failed** by the following vote:

AYES: Council Members Soliz and Truman

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

Cm. Hagan moved to amend the budget by cutting the \$150,000 for legal fees for City officials. The motion to amend died for lack of a second.

Cm. Hagan moved to amend the budget to not fund the current vacant positions, with Cm. Truman seconding the motion. Interim City Attorney, George Hyde informed the Council that the motion as presented would include the hiring of a new City Attorney because that position was currently vacant. Cm. Hagan wanted to know which positions and how many could be left unfilled in the next budget year. City Manager, Charles E. Windwehen stated that he did not know which vacancies without discussing that with his staff. He advised that five positions had already been eliminated from the budget resulting in a savings of approximately \$300,000 and the positions being recommended in the proposed budget staff felt were essential personnel or they would not be in the there. Cm. Polasek commented that he would rather not cut positions in order to give other personnel raises, and would rather cut outside agency funding.

Cm. Hagan moved to amend his original motion to place a hiring freeze on non-essential personnel, with Cm. Truman seconding the motion. The motion to amend **failed** by the following vote:

AYES: Council Members Soliz, Hagan, and Truman

NAYS: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

Cm. Polasek moved that the ordinance adopting the Fiscal Year 2009-2010 Budget pass on third reading, with Cm. Halepaska seconding the motion. The ordinance passed on third reading by the following vote:

AYES: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz, Hagan, and Truman

Caption:

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING ON SEPTEMBER 30, 2010; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; REPEALING ALL CONFLICTING ORDINANCES AND APPROPRIATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2009-152R – RATIFYING PROPERTY TAX INCREASE

The resolution ratifies the property tax increase reflected in the budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2009, and ending on September 30, 2010 as required by Texas Local Government Code § 102.007(c). Gilbert P. Reyna, Jr.

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

ORDINANCE 2009-24 – CERTIFICATE OF OBLIGATION BONDS

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-24, which authorizes the issuance, sale and delivery of City of Victoria, Texas, Certificates of Obligation, Series 2009 in the approximate amount of \$26,520,000; approves and authorizes an official statement and the distribution thereof, a purchase contract, and a paying agent/registrar agreement; approves and authorizes all other instruments and procedures related thereto. Emergency Reading. Gilbert P. Reyna, Jr.

Robert Henderson, with RBC Capital Markets and the City’s Financial Advisor advised that the staff and Council should be congratulated because the City’s bond ratings have been moved from AA- to a full AA. It is amazing for a City this size to have that kind of bond rating and it is reflective of the strong financial practices of the City. This type of rating has immediate financial benefits for the City. For the first time in 20 years the City is in the position of selling bonds without the use of municipal bond insurance because the bond ratings are so high. That amounts to \$175,000 in savings to the City.

As a result of some of the financial difficulties seen nationally and globally the last year has worked to the City’s advantage. A new category of municipal bonds have been created, Build America Bonds (BABS) and were created with the expectation of lowering the cost of borrowing for State and local governments in order to encourage capital projects and create jobs. The results are a savings against the traditional tax exempt methodology of issuing bonds in the amount of \$2,348,000 over the life of this issuance. The City will see a net savings \$1,479,359 plus the \$175,000. Mr. Henderson advised that the City is preserving bank qualified limitations which will allow the City to move forward in refinancing revenue bonds in the near future if the Council so desires. The true interest rate cost is 3.000207 percent on the tax exempt bonds, and on the BAB transaction the taxable rate is 5.86567882 percent bringing the effective tax rate to 3.813 percent. He advised that these are locked in with fixed rate bonds and recommended approval.

Cm. Polasek moved that the ordinance pass on first reading, with Cm. 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:

DISCUSS AND CONSIDER AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF VICTORIA, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2009 IN THE APPROXIMATE AMOUNT OF \$26,520,000; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND THE DISTRIBUTION THEREOF, A PURCHASE CONTRACT, AND A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO;

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DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ORDINANCE 2009-23 - SETTING TAX RATE

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-23, which sets the Tax Rate at a total rate of \$.6450 per \$100 of property valuation and levying a tax upon all property subject to taxation within the City of Victoria, Texas for the 2009 Tax Year for the use and support of Municipal Government of the City of Victoria, providing for the assessment and collection of taxes, apportioning said levy among the various funds and items for which revenue must be raised including providing a sinking fund for the retirement of the bonded debt of the City, providing for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code, repealing all conflicting ordinances; providing for severability; and declaring an effective date Second and Third Reading. Gilbert P. Reyna, Jr.

Cm. Truman moved to amend the ordinance lowering the tax rate to \$0.6367, with Cm. Hagan seconding the motion. The motion to amend **failed** by the following vote:

AYES: Council Members Soliz, Hagan, and Truman

NAYS: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

Mayor Armstrong commented that those that were voting against the tax rate did not hear Mr. Henderson. Those ratings were because of the stability in the community and the management that the City has had from the Administration. Cm. Halepaska commented that lowering the tax rate at this time would be short sighted and would help for one year only. There are a number of long range projects that are going to be mandatory such as a new sewer plant, and other major street projects. Lowering the tax rate would hurt the City in the long run.

Cm. Polasek moved that the property tax rate be increased by the adoption of a tax rate of \$0.6450 on each \$100 property valuation, which is effectively a 1.30 percent increase in the tax rate, with Cm. Halepaska seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz, Hagan, and Truman

Caption:

AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$0.6450 PER \$100 OF PROPERTY VALUATION AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2009 TAX YEAR FOR THE USE AND SUPPORT OF MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE

Mayor Armstrong closed the public hearings and announced a short break at 8:05 p.m. The Council reconvened at 8:12 p.m.

CITY MANAGER REPORTS

- Certificate of Achievement for Planning Excellence. John Kaminski. *Postponed.*
- Presentation of plaques to Bruce Eppinger and Matt Alvarez for their service on the Planning Commission. John Kaminski. *Postponed.*
- Recognizing Sharon Steen, Tom Faulkner and Jesse Perez for their service to the City of Victoria on the Parks and Recreation Commission. Doug Cochran. *Postponed.*
- **Report on using Cooperative Purchasing Agreements for fleet vehicles** – Director of Environmental Services, Jerry James reported that they have been using the aforementioned

agreements and found that they are the lowest bid, and it has streamlined their work load. It makes things more efficient in standardizing the fleet and managing cost savings. He requested Council consensus to make fleet purchases using these agreements. It was the consensus of Council to move forward.

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. Information concerning consent agenda items were available for public review.

APPROVAL OF MINUTES – The special meeting of August 27, 2009 and regular meeting of September 1, 2009 as presented.

RESOLUTION 2009-153R – GIFT DEED FROM THE VICTORIA BOARD OF REALTORS, INC. - The resolution authorizes a Gift Deed with Special Warranty from the Victoria Board of Realtors, Inc. for a 525 square foot piece of property located on the northwest corner of Airline Road and Sam Houston Drive for the Sam Houston Drive Reconstruction Project, Phase I and expressing the City's gratitude for this gift. Lynn Short.

RESOLUTION 2009-154R – 2008-09 SIDEWALK PROJECT – PHASE II - The resolution accepts the low bid submitted by 4-Big Construction & Enterprises, LLC of Zapata, Texas, for the 2008-09 Sidewalk Project-Phase II (Navarro St., Laurent St., Lone Tree Rd.)(HUD Block Grant #B-08-MC-48-0510), in the amount of \$116,730. Lynn Short.

RESOLUTION 2009-155R – RED RIVER STREET RECONSTRUCTION PROJECT - The resolution authorizes a Professional Services Agreement between the City of Victoria and Urban Surveying, Inc. for Surveying Services for the Design of the Red River Street Reconstruction Project (Sam Houston Drive to Ben Jordan Street), in the amount of \$75,405. Lynn Short.

RESOLUTION 2009-156R – AWARDING THE FIBER OPTIC CABLE INSTALLATION PROJECT - The resolution awards a bid for the Installation of Fiber Optic Cable (Victoria County Annex Bldg at 205 N. Bridge St to City of Victoria's Surface Water Treatment Plant at 2902 Bluff St & Victoria County Health Department at 2805 N. Navarro St) Project to T & D Solutions, LLC, of Alexandria, La, in the amount of \$123,317. Rick Henrichs.

RESOLUTION 2009-158R – LIBRARY ADVISORY BOARD APPOINTMENT: The resolution reappoints Larry Young to the Victoria Public Library Advisory Board. Scarlet Swoboda.

Cm. Polasek moved that the consent agenda be adopted, with Cm. Hagan seconding the motion. It was adopted by the following vote:

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

RESOLUTION 2009-157R – SIGN BOARD APPOINTMENTS: The resolution reappoints David Killebrew and Agnes Jewett to the Sign Board of Adjustments and Appeals. Scarlet Swoboda.

Cm. Halepaska moved that the consent agenda be adopted, with Cm. Truman seconding the motion. It was adopted by the following vote:

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

RESOLUTION 2009-159R – SMALL URBAN PUBLIC TRANSPORTATION SYSTEM

The resolution authorizes an Interlocal Agreement with the Golden Crescent Regional Planning Commission (GCRPC) for the continued operation of a Small Urban Public Transportation

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System within the limits of the City of Victoria and providing City funding in the amount of \$181,100, contingent on funding. John Kaminski.

Cm. Soliz 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 2009-160R – AMENDING CDBG MORTGAGE ASSISTANCE PROGRAM GUIDELINES

The resolution amends the Program Guidelines for the Community Development Block Grant (CDBG) Mortgage Assistance Program to increase the grant amount available to first-time homebuyers for down payment and closing costs from \$1,500 to \$2,500. John Kaminski.

Cm. Truman moved that the resolution be adopted, with Cm. Rangel 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 2009-161R – DRIVEWAY VARIANCE – 101 W. GOODWIN AVE.

The resolution grants 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 the property located at 101 W. Goodwin Ave., Lots 1, 2, 3, and 4, Block 114, Original Townsite, known as One O'Connor Plaza. 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 2009-162R – APPOINTING CITY ATTORNEY

The resolution appoints Thomas A. Gwosdz as City Attorney. George E. Hyde

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

RESOLUTION 2009-163R – APPOINTING SPECIAL LEGAL COUNSEL

The resolution appoints Denton, Navarro, Rocha & Bernal, P.C., a municipal law firm, to act as Special Legal Counsel for the City of Victoria. George E. Hyde

Cm. Truman moved that the resolution be adopted, with Cm. Hagan 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


EXECUTIVE SESSION

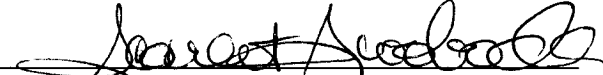
Mayor Armstrong announced that Council would recess into Executive Session at 8:28 p.m., in accordance with:

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 and § 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, legal issues related to the interpretation of legal documents and parties involved in the proposed purchase (to include, but not limited to purchase and/or litigation options related to the proposed sidewalk along Lone Tree Road – Torres Elementary). George E. Hyde.

Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including but not limited to threatened litigation by James Wayne over driveways related to the Laurent Street Reconstruction Project). George E. Hyde.

The Council took no action. There being no further business, the meeting was adjourned at 9:12 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
