

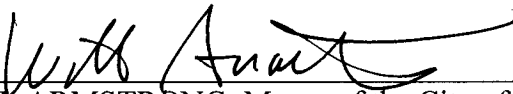
**CITY COUNCIL MINUTES**

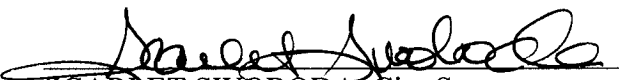
**October 6, 2009**

- **Emergency Management Office Update.** Emergency Management Coordinator, Jeb Lacey presented a mid-year report on the strategic plan for 2009. He spoke about the efforts made with the public-private partnerships in the community. He advised that partnerships with non-governmental agencies, businesses, and volunteer organizations have been established.

**EXECUTIVE SESSION**

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 8:27 p.m.

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

\*\*\*\*\*

**VICTORIA CITY COUNCIL  
 October 20, 2009**

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, October 20, 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  
 Denise Rangel  
 Gabriel Soliz  
 Paul Polasek  
 David Hagan  
 Joe Truman

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
 Charmelle Garrett, Deputy City Manager  
 Thomas Gwosdz, 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  
 Jerry James, Director, Environmental Services  
 Rick Henrichs, Director, IT  
 O. C. Garza, Public Information Officer  
 Andrew Jacob, Assistant Finance Director  
 Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Tom Halepaska, Mayor Pro-Tem

**OTHERS PRESENT**

Randy Vivian, CEO  
 Chamber of Commerce  
 Bridgette Bise, Executive Director,  
 Convention and Visitors Bureau (CVB)  
 Ginny Stafford, CEO  
 Mid-Coast Family Services

**CITIZENS COMMUNICATION**

Mayor Armstrong asked that any citizens that wished to speak about the yard waste issue to hold their comments until that report is addressed later in the meeting. Any other comments could be made at this time.

**CITY COUNCIL MINUTES**  
**October 20, 2009**

Toni Marek, 329 Golden Eye Loop expressed concern that public comments would be eliminated or moved to the end of the meeting, and also eliminated from the public broadcast channel. She requested a resolution to prohibit such action.

Bill Richter, 401 Dundee, addressed concerns regarding the Lower Guadalupe Water Supply Project (LGWSP) which would pipe water from the Lower Guadalupe River basin up to the I-35 corridor to enhance development in that area. He also expressed concern that groundwater would be in jeopardy at some point. He asked for aggressive opposition and action regarding this project from the Council.

Wanda Ulrey, 409 Versailles commented on the possibility of a city ordinance regarding restricting sex offender registry residencies. She asked that Council consider the facts and the constitutionality of any action taken. The registries encompass a lot of people not just those offenders regarding children, there are a lot of different circumstances which should be considered. There are restrictions already in place regarding schools and places where children meet.

Theresa Keyser, 604 S. Main expressed concerns with sex offenders in the City and asked the Council to consider enacting a more stringent ordinance which would restrict where sex offenders can reside. She advised that a high risk sex offender lives 5 blocks from her and she would like for them not to be allowed to live within the city limits of Victoria. She requested residency restrictions and increased police patrol in areas that offenders live. She wanted something done immediately and did not care how much she was taxed to take care of this. She asked Council to address this immediately.

City Attorney, Thomas Gwosdz advised that this topic was not posted on the agenda and because of that, Council Members would not be able to respond, with the exception of asking for this topic to be placed on a future agenda.

Cm. Hagan requested having it placed on a future agenda, and asked for information on the strictest measures that could be taken.

Altinacho (Nacho) Trevino, 708 Morning Glory expressed concerns with some issues at the Youth Sports Complex and Adult Softball fields. He puts on tournaments and now that there is a concessionaire, the parents are no longer allowed to bring snacks for their teams. He also did not care for the fact that the concessionaire profits on a tournament that he has brought in. He expressed concerns with selling alcohol in the parks suggesting that it has turned into a sports bar instead of a family oriented recreational area. He also commented that the fees to rent the park were too high for little league teams and asked for that to be looked into, the fields were built for them and now they are too expensive for them to play on. He expressed concern with the lack of supervision and authority at the parks as well, and encouraged the Council to go out there and see what was really going on.

Brian Bruns, 103 Deerchase expressed concern with the newly installed rumble strips on Airline because of the noise nuisance they are causing. He lives next to where they were installed and asked that they be removed.

Joe Harper, Director of the Small Business Development Center (SBDC), commented that some financials had been presented and represented, reflecting the quality of the SBDC program. Point of clarification, he provided a letter and copy of the seal so that Council would know when the financials are presented and if they are clearly the work of the SBDC they would bear that seal.

The following individuals expressed support for the Convention and Visitors Bureau Director, the 2010 Marketing Plan, and funding request. They encouraged City Council support: Janak Patel, owner of Best Western at 8106 NE Zac Lentz Parkway; Jeff Lyon, 704 W. Commercial; Charles Grant 7103 N. Navarro, representing Holiday Inn Express and Candlewood Suites; Jeremy Perez, General Manager of the Hampton Inn, 7006 N. Navarro; Martha Hamilton, Director of Sales with the Candlewood Suites, 7103 N. Navarro; Sue Prudhomme, Director of the Museum of the Coastal Bend, 2200 Red River; Dan Pedone, 206 Champions Row; and Doug Giles, President of the Texas Zoo, 605 Chimney Rock.

**CITY COUNCIL MINUTES**  
**October 20, 2009**

Chad Byrd, 2304 E. Mistletoe commented that everyone should heed Mr. Richter's warnings about the water concerns, also civil rights issues need to be considered with the sex offender issue. He expressed concern with the proposed water park incentive package suggesting that the City should proceed cautiously. He questioned the salary projections of \$32,000 a year and would encourage the City to scrutinize the numbers being presents. He advised that he was not against building a water park, but he did not think it was the City's responsibility. He expressed concerns with information presented by the Victoria Economic Development Corporation (VEDC) suggesting that failed businesses or businesses leaving the area should also be included in the information. He asked the City to not bend the laws of economics, especially not at the expense of the taxpayer.

Adrian Cannady, Vice President of Marketing, VEDC, 1804 Plantation Drive addressed the issue of the water park, advising that the VEDC does consider it to be a valued asset to the community, he clarified that the meeting that they had was strictly to understand the project better and understand what might be available to them. VEDC did not help derive some of the numbers that had been put forth. He would welcome conversation with anyone interested in economic development to contact the VEDC. He further commented that they support the water park in what it could do for the community and hope that it will be very successful.

Jeff Williams, 702 Santa Fe agreed with some of the concerns expressed by Mr. Trevino concerning the softball and little league fields. He suggested that the City was limiting those parks. He also expressed concern with the entire hike and bike trail again, especially the John Stockbauer crossing. The problems of rumble strips and crossing were not there before the trail was built.

Cm. Hagan requested placing the hike and bike trail concerns and little league field issues on a future agenda.

**ITEMS FROM COUNCIL**

**Solid Waste Service Programs** – Mayor Armstrong gave Cm. Halepaska credit for suggesting a tipper on the back of a garbage truck to deal with the yard waste pickup instead of purchasing an automated truck. He also commented that he liked the idea of those individuals paying for the service if they used it, and wanted staff to engineer a program and go forward with uninterrupted service in January. Cm. Polasek commented that he was under the impression that Council never decided to end that program. Several months ago staff proposed a \$3.84 increase to continue the current yard waste services and Council voted to allow a \$2.50 increase, but he did not recall ending the service. He proposed keeping the service as it is, and suggested taking methane out of landfill right away, which would offset those costs. It would also help maintain the landfill closure fund. He would like to keep doing the service and see what kind of money can be made off the methane. Mayor Armstrong commented that he was comfortable agreeing with Cm. Polasek's suggestion, but he thought they did agree to discontinue the service. It was the consensus of Council to continue the service.

City Manager, Charles E. Windwehen commented that staff thought they were very clear on what the consensus of Council was. He and staff went back and listened to the meetings and it was clear in those minutes and recordings that staff had gone down a path to end the service on December 31, 2009. The rate passed would not fund the service, and the additional condition Council asked was to do a survey of the community to see if there were enough subscribers for it to pay for itself. It can continue it as is, but a budget amendment will have to be brought back to Council in January to pay for this service. The earliest that methane gas would be able to contribute to these costs would be approximately 18 to 24 months. The fund balance will continue to be pulled down. Mr. Windwehen advised that the original recommendation was to continue the current service to all for an addition of \$3.84 a month. It was the consensus of Council to continue service with a rear load truck with no additional fee.

**CITIZENS COMMUNICATIONS**

Dale Hunt, 204 Willow Way, commented that he has always gotten a quick response from City staff on a number of occasions when he has called on a particular service. He has followed the

**CITY COUNCIL MINUTES**  
**October 20, 2009**

yard waste issue and commented that he was appalled that Council could sit there and say that they did not know what they did. That was a major issue and it was hard for him to understand that they did not know what the vote was. He watched the Council meetings and saw the presentation that was made, heard the debate about the increase in the rate, and the vote taken. If some of the money needs to come out of the General Fund, which is part of the big picture it needs to be looked at. Also, there has not been an increase in 10 years, and he asked what business can operate, with insurance costs, wage costs without an increase. He did not think it was a good idea to discontinue the service, but he was willing to pay \$5 for an additional can. He appreciated the willingness of Council to do the right thing.

Chad Byrd, 2304 E. Mistletoe echoed Mr. Hunts comments about the good service and response from staff. In regards to the methane gas, he suggested that instead of using the revenue from that to pay for additional programs, to instead shave the budget in that amount, instead of placing it in the General Fund.

Bill Richter, 401 Dundee commented that he was pleased with the automated pickup, but regarding the yard waste, his choice was to do nothing. The two options on the questionnaire were \$5 for an additional cart or get rid of the service. He commented that there should have been a third option to do nothing. A lot of yard waste is stuffed in the garbage containers and if staff looks at the landfill avoidances there should be enough money to offset the costs. He also suggested that there was too much plastic going into landfill.

Lewis Neitsch, 102 Ashmore was glad that Council was going to postpone the decision and commented he thought that they needed to add the \$1.34 to the adopted \$2.50 City wide until the methane gas is brought online to see what the revenue will be.

It was the consensus that the service would not cease at the end of the year. An ordinance would be brought back as a budget amendment in January.

Cm. Truman commended Ms. Keyser for coming forward regarding the sex offender issue, commenting that it is an issue that has a lot of pitfalls and traps. He requested staff to provide a report and recommendation for a future agenda. He also commented that at the last meeting he brought up the graffiti problems in Victoria and thanked the newspaper for taking the ball and running with it. He also thanked Police Chief Bruce Ure and asked for a report on what other cities were doing and have a staff recommendation on how to proceed with graffiti abatement in Victoria.

**National Friends of the Library Week Proclamation** – Director of the Victoria Public Library, Dayna Williams-Capone introduces the Friends of the Library Board President, Susan Hyak. A proclamation was read and presented to Ms. Hyak proclaiming the week of October 19, 2009 as “National Friends of the Library Week.”

### **CITY MANAGER REPORTS**

- **Update on Library services** – Director of the Victoria Public Library, Dayna Williams-Capone reported that the three-year renovation project had been completed and encouraged the Council to visit the Library. Their website has been redesigned and updated. She provided information on the new reorganization of personnel, introducing Michelle Wendel, Claire Coleman, Sandy Thigpen, Jo Ann Oliphant, and Katherine Henley. She advised that they had formed partnerships with the Victoria County Genealogical Society, the Lyceum Series, and Keep Victoria Beautiful (KVB). They were partnering with KVB and the Parks and Recreation Department on October 30 at the Hiller House and Nature Trail for a program “Scary Tales on the Trail.”
- **Community Development Block Grant (CDBG) Funding request for a new Women’s Crisis Center from Mid-Coast Family Services** – Director of Development Services, John Kaminski reported that the shelter is the only emergency shelter within 80 miles and over the last two years it has served 435 victims including 230 children. The shelter is often filled to capacity forcing staff to turn victims away. The organization has plans for a new facility to meet the need for their services. It will have 42 adult beds, youth beds, modern safety and

**CITY COUNCIL MINUTES**  
**October 20, 2009**

security features and other related services. The City has received a request to help fund this center, which would fall within the criteria to receive CDBG money. The City currently has funds in two existing CDBG activities that could be reprogrammed for this purpose; 1) land acquisition activity that was funded to purchase vacant lots to donate to Habitat for Humanity, and 2) the sidewalk program came in under budget. The CDBG budget could be amended to provide \$100,000 for funding of the shelter. Staff supports the request and it would be an excellent use of the block grant funding. Ginny Stafford, CEO Mid-Coast Family Services advised that they needed to raise \$2 million and they currently have \$400,000 in the bank or actual pledges. The first million will be the hardest to raise and the \$100,000 would help in the fund raising, and shows the City's support on the project. It was the consensus of Council to move forward now.

- **Convention and Visitors Bureau (CVB) Marketing Plan/Budget.** Executive Director of the Convention and Visitors Bureau, Bridgette Bise, and CEO of the Chamber of Commerce, Randy Vivian presented a PowerPoint presentation showcasing the CVB Marketing Plan and Budget. Mr. Vivian advised that Hotel/Motel tax money is not general revenue fund, not property tax and cannot be used for general revenue purposes. It can only be used for the promotion of tourism and the convention and hotel industry. It cannot be used for general revenue purposes of the municipality, not for streets, raises, or any project other than the promotion of tourism in Victoria. It is not collected from the taxpayers of Victoria it is collected from visitors to the City. The amount requested for the total budget was \$750,000, which would be \$540,000 additional to the current contract. City Manager Windwehen advised that the item would be placed on the first meeting in November's agenda to look at how much of those funds would be needed for the Community Center. It also needed to be determined how their request would affect other areas of the budget and others requesting funds. It would be appropriate to have those discussions at that time.

Mayor Armstrong announced a short break at 7:15 p.m. The Council reconvened at 7:26 p.m.

- **Update on Economic Incentive package for potential Water Park** – City Attorney, Thomas A. Gwosdz advised that he and Deputy Director of Development Service, Ray Miller, met with Homer Escalante to let him know what he needed to do to bring his projects forward. In terms of planning and development as well as if he wants the City to buy into some sort of support under a 380 agreement. Mr. Escalante was asked to provide plans, a completed business plan, the numbers he was using and how he derived those numbers, primary and secondary jobs he was creating and how he derived those projections. He was also asked to provide information on what he was specifically asking of the City. A meeting was tentatively scheduled for later this week and once that information is received he would be able to provide more information to Council. Mr. Gwosdz advised that any potential development should be tied to performance of that Water Park, and the City needed to make sure that if it invested in this venture it would be getting its monies worth.

Mayor Armstrong commented that not having seen any of these reports, he was not in a position to advocate that the City give any financial incentives before the facts are known. Upfront investments do not fit the requirements that are normally put out there by VEDC and he did not want to reinvent other requirements. He commented that would like to see this project succeed.

City Manager Windwehen commented that if Council wanted to consider ventures of this type there needed to be a policy with criteria to handle it. Mayor Armstrong was opposed to the City doing incentive investments with entertainment businesses. Cm. Soliz commented that he thought this was going to go through the Victoria Sales Tax Development Corporation (VSTDC) not VEDC. Finance Director, Gilbert Reyna, Jr. advised that regardless who you go through criteria would still need to be established.

Adrian Cannady with VEDC advised that the only incentive guidelines that the City has developed are for tax abatement (property tax). The City has never given a direct incentive other than tax abatement; the only time that any other incentive has been given it has gone

CITY COUNCIL MINUTES  
October 20, 2009

through the VSTDC. Incentives have been based on investment, job creation, and minimum wage. VEDC has never done a 380 agreement. Mr. Gwosdz advised that the City does not have a policy to determine how to spend their one cent of sales tax that they collect. Cm. Soliz requested placing and item on an agenda to develop policies and procedures for potential 380 agreements. Mr. Gwosdz advised that it would probably take until sometime in January to provide a recommendation. It was the consensus of four members of Council to develop policies and procedures that might guide future 380 agreements. Cm. Polasek commented that this process needed to be completely separated from the Water Park. It was also consensus of Council that any further negotiations with the developers of the Water Park were in their court.

- **Report on Region L (South Central Texas Regional Planning Group) water plan** – Director of Environmental Service, Jerry James provided background information on the local region which represents the Guadalupe and San Antonio River Basins. In 2006 the Lower Guadalupe Basin Water Project never happened, and in place of that Guadalupe-Blanco River Authority (GBRA) put together another project. That project included very senior water rights that GBRA owns with Dow Chemical and takes those rights and transfers them through a pipeline to customers in the I-35 corridor. House Bill 3776 was passed to provide that the Region L plan be passed after the due date. A provision in that bill was that GBRA would work with Region L participants and other public and private water rights owners in the basin to support the development of a voluntary strategy to promote environmental stewardship and to provide for the prudent management and environmental resources of the San Antonio and Guadalupe River Basins and the San Antonio Bay estuary system. Region L was able to pass that plan, and now they are putting together a strategy on how to address that lower basin water plan. Also in the plan was an off-channel capacity of 200,000 acre feet and a desalinization plant which had not been vetted yet. The feeling of the committee was they did not want to see this on the recommended list, the wishes of the group were to take the Lower Basin project off the recommended list and put it as an alternate project. The other three projects had not been vetted and they may not be needed. The committee recommended to the Region L Board to look at these other projects so they could be reviewed. Region L is very early in the plan and is not supporting the projects at this time, because they do not know enough about them yet. The community has been against the Lower Basin Project and he voted in that way. Region L will closely watch the process with several representatives in the area, the environmental flows process will be a part of this and all the water rights in the basin have to be satisfied before this junior water right could draw water. In addition to that GBRA has committed that the water right will satisfy all the environmental water flows process. The off-channel reservoir GBRA has committed that there will be no eminent domain used in the acquisition of that off-channel storage. A big concern of the committee and the area is they do not know who the customers would be and where the water would go. Cm. Polasek asked whether the Lower Basin Project included groundwater. Mr. James advised that there is not project that includes groundwater that at this time.

**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 is available for public review.

1. **Resolution 2009-175R – Authorizing Purchase of 13 Replacement Self Contained Breathing Apparatus and Air Bottles:** The resolution authorizes the purchase 13 replacement self contained breathing apparatus and 26 breathing air bottles from Municipal Emergency Services, Inc. of Houston, Texas, in the amount of \$63,499.93, as per the price listing in the quote obtained on April 14, 2009. Vance Riley.
2. **Resolution 2009-176R – Authorizing Purchase of 6 Air Vac-911 Exhaust Removal Systems:** The resolution authorizes the purchase and installation of 6 Air Vac-911 Exhaust Removal Systems, for Fire Station 1, from Air Vacuum Corporation of Dover, New Hampshire, in the amount of \$34,639.00. Vance Riley.

CITY COUNCIL MINUTES  
October 20, 2009

3. **Resolution 2009-177R – Proposed Fire Station #2 Procurement Procedure:** The resolution determines which procurement procedure provides the best value for the governmental entity pursuant to Tex. Local Gov't Code §§ 271.114(a) & 271.116(f), for the proposed Fire Station No. 2; and delegates the City Council's authority to Brown Reynolds Watford Architects, Inc. for the evaluation and ranking of each proposal submitted in relation to the published selection criteria for the proposed Fire Station No. 2. Vance Riley.
4. **Resolution 2009-178R – 2008-09 Grounds Maintenance & Mowing Contract Renewal:** The resolution renews the 2008-09 Grounds Maintenance and Mowing of City of Victoria Properties contracts for an additional year as allowed under the terms of the original contracts between the City of Victoria and Scott Bauer d/b/a Scott Bauer Lawn Service, of Victoria, Texas, for the properties other than Evergreen Cemetery in the amount of \$93,185 and Kevin Brown d/b/a The Edge Landscaping, of Victoria, Texas, for Evergreen Cemetery in the amount of \$56,170. Lynn Short.
5. **Resolution 2009-179R – Railroad Signal at US 87 and Conti Lane:** The resolution authorizes an Advance Funding Agreement between the City of Victoria and the Texas Department of Transportation for the installation of railroad pre-emption for a proposed traffic signal at the intersection of US 87 and Conti Lane, in the estimated amount of \$149,005. Lynn Short.
6. **Resolution 2009-180R – Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Stimulus Grant:** The resolution applies for a grant from the Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Stimulus Grant Program of the Texas Comptroller of Public Accounts, in the amount of \$228,270, with a 20% City match of \$45,654, which will be used to replace 986 incandescent traffic lamps with Light Emitting Diodes (LEDs). Lynn Short.
7. **Resolution 2009-181R – Pre-Disaster Mitigation Grants for Water Treatment Plant #3:** The resolution applies for two Pre-Disaster Mitigation Grants through the Texas Division of Emergency Management, in the approximate amounts of (1) \$224,600.26 with a 25% City match of \$56,150.07, which will be used for the purchase and installation of lightning arrestors and a 600 kW generator at Water Treatment Plant #3, and (2) \$399,983 with a 25% City match of \$99,995.75, which will be used for construction of a storm water pump station located at the intersection of Second and Glass Streets. Lynn Short.
8. **Resolution 2009-182R – Purchase of 2009-2010 replacement computers and accessories:** The resolution authorizes all documents necessary to purchase various computers, computer software, computer peripheral equipment, maintenance contracts, supplies, and phones for FY 2009-2010 from/through the Texas Department of Information Resources (DIR), in an amount not to exceed \$465,521 Rick Henrichs.
9. **Resolution 2009-166R – Emergency Management Interlocal Agreement with Victoria County:** The resolution authorizes the City Manager to execute an Interlocal Agreement with Victoria County for the funding of the Emergency Management Services Program. Gilbert P. Reyna, Jr. *The resolution was pulled from the agenda and no action was taken on it.*
10. **Resolution 2009-183R – Hurricane/Storm Shutters Grant:** The resolution authorizes all documents necessary to apply for a Pre-Disaster Mitigation Grant through the Texas Division of Emergency Management, in the approximate amount of \$100,950 with a 25% City match of \$25,237.50, which will be used for the purchase and installation of hurricane/storm shutters on Fire/EMS and Police facility buildings. Lynn Short.

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

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

**RESOLUTION 2009-184R – 2009-2010 VICTORIA SALES TAX DEVELOPMENT CORPORATION PROGRAMS AND EXPENDITURES**

The resolution approves Victoria Sales Tax Development Corporation programs and expenditures for Fiscal Year 2009-2010. Andrew Jacob.

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, and Mayor Armstrong  
NAYS: None

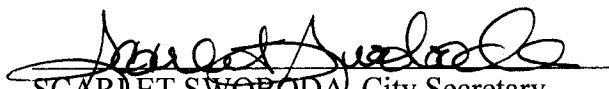
**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 8:20 p.m., in accordance with:

Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party, including but not limited to, legal issues related to the proposed purchase of property for a wastewater treatment plant. Thomas A. Gwosdz.

There being no action or further business, the meeting was adjourned at 8:35 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

\*\*\*\*\*