

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

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

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 8:25 p.m., in accordance with:

Texas Government Code § 551.072, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, legal issues related to the sale of property located in Swan Crossing Subdivision). Thomas A. Gwosdz.

The Council reconvened in regular session at 8:35 p.m. and considered the following:

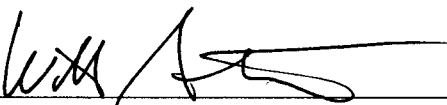
**RESOLUTION 2010-46R – RELEASE OF LIEN AT 3412 SWAN DRIVE**


The resolution authorizes all documents necessary to accept payment of \$11,250 from Rokyta Custom Homes, LLC., and release a lien against 3412 Swan Drive, Lot 13, Block 1, and Swan Crossing Subdivision. 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 Rangel, Soliz, Polasek, Truman, Halepaska, and Mayor Armstrong  
NAYS: None

There being no further business, the meeting was adjourned at 8:36 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
April 20, 2010

**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, April 20, 2010 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

CITY COUNCIL MINUTES  
April 20, 2010

**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  
Thomas A. Gwosdz, City Attorney  
Linda Champion, Assistant City Attorney  
Jerry James, Director, Environmental Services  
Lynn Short, Director, Public Works  
John Kaminski, Director, Development Services  
Bruce Ure, Police Chief  
Vance Riley, Fire Chief  
Doug Cochran, Director, Parks and Recreation  
Rick Henrichs, Director, Information Technology  
Donald Reese, Assistant Director, Public Works  
Jared Mayfield, Deputy Dir., Development Services  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

**Demolition Delay on Historical Structures** – Cm. Denise Rangel requested a 60 day moratorium on demolition of historical structures. This would allow the City or other interested parties to negotiate a preservation solution with the property owner, allowing persons who would like to purchase, preserve, rehabilitate, remove, or restore such buildings instead of demolishing them. The properties in question could be in the Historic District, buildings built before 1950, or properties listed on the National Register of Historic Places. Mayor Armstrong commented that there may be ordinances that address some of the concerns, suggesting that the City Attorney explore the request from Cm. Rangel. There was consensus of Council to explore the options.

Cm. Truman advised that he and Cm. Hagan had witnessed a travesty today, following a meeting with the Committee for the Area Agency on Aging regarding their financing. The City of Victoria has lost \$67,000 of the funding to feed the elderly through the Senior Centers in Victoria, which was a 55 percent reduction in funding. The little bit of good news was that Victoria County received an increase of \$25,000. He commented that the most important citizens in the community were at risk of going hungry, stating that it was up to the community to come forward with ways to help with community fundraisers. The public could contact him for more information.

**Railwood Drive Closure** - Mayor Armstrong requested consensus from Council to move forward with a resolution to permanently close Railwood Drive in the Woodway Subdivision. There was consensus from Council to move forward with a resolution at the next meeting.

City Manager Windwehen advised that the Animal Control Unit was managed and financed totally by the County and has been that way since 2007. Animal Control performs the services within the City, but under the management of the Health Department. In 2007 the County took full responsibility for the Health Department and the City took full responsibility of the Public Library.

Cm. Halepaska requested placing an item on a future agenda to change the fee structure for selling eggs at the Victoria Farmers Market. City Attorney Gwosdz commented that an ordinance would be placed on either the next agenda or the one thereafter.

**CITIZENS COMMUNICATION**

Robby Burdge, 101 Willow Way commented that he was in support of a Main Street Program, but asked the Council to take a step back and allow him to come back with a specific plan with respect to the implementation of the program and sustainability plan for 20 years. He commented that there were many wonderful organizations in Victoria that were out there working hard to move the entire City forward. He stated that we just need to get these organizations working together. It should be one voice, one vision, and one direction. He commented that this program should not be funded solely by taxpayers and the City. He requested the opportunity to bring back a proposal that specifically defines how to bring public and private funds together, and how they will

sustain this for the long term, prior to the deadline dates. It was the consensus of Council to accept his offer.

Joni Brown, Executive Director, Keep Victoria Beautiful, 1707 N. Moody reported that on April 10, 2010, 205 volunteers participated in the Great King/Oliver Cleanup. The value of the work done by those volunteers and the donations made totaled \$29,449.50.

**ORDINANCES AND OTHER ITEMS WITH PUBLIC HEARINGS**

**ORDINANCE 2009-2010G – AMENDING THE 2009-2010 FISCAL YEAR BUDGET ENVIRONMENTAL FUND**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2009-2010G, which amends the 2009-2010 Fiscal Year Budget of the City of Victoria by transferring (1) \$127,000 from the Environmental Services Operating Fund fund balance to the Environmental Services Fund Brush and Bulky Collections Department Capital Replacement line item, and (2) \$127,000 from the VES Fund fund balance to the VES Fund Vehicles Capital line item, to provide funding for the purchase of one knuckle-boom chassis and body for the Brush and Bulky collections operation. Second and Third Reading. Gilbert P. Reyna, Jr.

Cm. Halepaska 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 2009-2010 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING (1) \$127,000 FROM THE ENVIRONMENTAL SERVICES OPERATING FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND BRUSH & BULKY COLLECTIONS DEPARTMENT CAPITAL REPLACEMENT LINE ITEM, AND (2) \$127,000 FROM THE VES FUND FUND BALANCE TO THE VES FUND VEHICLES CAPITAL LINE ITEM, TO PROVIDE FUNDING FOR THE PURCHASE OF ONE KNUCKLE-BOOM CHASSIS AND BODY FOR THE BRUSH & BULKY COLLECTIONS OPERATION, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2010-5 – DRIVEWAY ORDINANCE**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-5, which amends Sections 20-80 and 20-90 of Chapter 20 of the Victoria City Code, clarifies provisions regarding the reconstruction of nonconforming driveways, to update such sections and provides for the repeal of all ordinances or parts of ordinances in conflict herewith. Second and Third Reading. Thomas A. Gwosdz.

Cm. Truman moved that the ordinance pass on second and third reading, with Cm. Halepaska seconding the motion. The ordinance passed on second and third reading by the following vote:

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

Caption:

**AN ORDINANCE AMENDING SECTIONS 20-80 AND 20-90 OF CHAPTER 20 OF THE VICTORIA CITY CODE, CLARIFYING PROVISIONS REGARDING THE RECONSTRUCTION OF NONCONFORMING DRIVEWAYS, TO UPDATE SUCH SECTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR CODIFICATION AND PUBLICATION; AND DECLARING AN EFFECTIVE DATE.**

## CITY COUNCIL MINUTES

April 20, 2010

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2010-6 – STORM SYSTEM ORDINANCE**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-6, which amends Chapter 13, Municipal Utilities and Services of the Victoria City Code by adding Article V, “Prohibition of Pollution of the Municipal Separate Storm Sewer System (MS4)”. First Reading. Lynn Short.

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

Assistant Director Public Works, Donald Reese, reported that the ordinance is designed to prevent the introduction of pollutants in the storm water system. Also to protect City personnel and the general public from hazardous pollutants, and authorize the City to put in place a system of storm water monitoring, compliance, and administrative review process procedures. An illicit discharge as defined in the ordinance is any discharge other than storm water, and defines an illegal discharge as any substance that is prohibited by a Federal or State law. The ordinance also makes provisions for the allowance of such discharges as firefighting water, water from main flushing, swimming pool backwash, water from charitable car washes, and residential washing activities.

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

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

NAYS: None

Caption:

**AN ORDINANCE AMENDING CHAPTER 13, MUNICIPAL UTILITIES AND SERVICES OF THE VICTORIA CITY CODE BY ADDING ARTICLE V, “PROHIBITION OF POLLUTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)”.**

**REPORT AND PUBLIC HEARING ON THE DRAFT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2010-2015 CONSOLIDATED PLAN AND STRATEGY**

Deputy Director Development Services, Jared Mayfield presented the consolidated plan and went over the goals and objectives of the draft plan, explaining the priority rankings. He reported that there had been a whole series of community participation in drafting the plan, they had met with nonprofits, social service providers, and the 30 day citizen comment period was ongoing. The first of two public hearings was being held at this meeting. The plan consists of three elements: Community Profile, Needs Assessment, and Strategic Plan. The goals are: 1) increase the supply of affordable single family housing for low income households, 2) supporting affordable rental housing, 3) preserving and creating suitable neighborhoods and living environments, 4) expand housing services for special needs of low income population, and 5) promote funding to organizations that address economic and social service needs of the low income population. He reported that a five-year budget was included in the plan, which included a large portion for the Women’s Crisis Center, and funding one code enforcement officer for those five-years. It would also expand the neighborhood Clean Sweep Program partnership with Keep Victoria Beautiful to three times a year. Following a question from Council regarding the Women’s Crisis Center, Executive Director of Mid-Coast Family Services, Ginny Stafford reported that if funded at the amount proposed in the plan budget they would be funded at approximately 80 percent. She reported that they may be able to break ground in 90 days, with an eight month time for completion.

Mayor Armstrong closed the public hearings.

**CITY MANAGER REPORTS**

- **A report of the kick-off of our SOAP (Sex Offender Accountability Program) Operation** – Police Chief, Bruce Ure reported that the program was developed to make sure that each registered sex offender was where they said they would be. If they were not at the location that they were supposed to be, they would be charged. He felt this program would be significantly more effective than an ordinance, and would be a continuing program. Cm. Hagan commented that he appreciated the efforts in this important matter. Cm. Rangel announced that this was National Sexual Assault Month and thanked the Chief and his staff for all they do.
- **Convention and Visitors Bureau (CVB) Budget Requirements** – City Manager, Charles E. Windwehen advised that the CVB states that there will be two members of Council appointed by the Mayor to meet with CVB, to go over their budget. Mayor Armstrong appointed Cm. Halepaska and Cm. Soliz.
- **Funding and Application Process for Texas Historical Commission Main Street Urban Program.** Thomas A. Gwosdz. Mayor Armstrong asked the City Attorney to forward the information to Mr. Burdge so that he could review it prior to submitting his proposal to the Council regarding the Main Street Program.

City Manager, Charles E. Windwehen proposed placing an item on an agenda in May to bring options for downtown street lighting. That was something that was in the specifications originally and was taken out because of cost reasons. The budgets on the sidewalks came in significantly under and citizens in the community have expressed interest to put them back in. There was consensus from Council to place a report on the next meeting agenda.

**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 was available for public review.

1. **APPROVAL OF MINUTES** – The special meeting of March 29, 2010 and regular meeting of April 6, 2010.
2. **RESOLUTION 2010-49R – Automobile Burglary and Theft Prevention Grant:** The resolution authorizes the City Manager to execute all documents necessary to apply for and accept an Automobile Burglary and Theft Prevention Authority (ABTPA) Grant from the Texas Department of Transportation Automobile Burglary and Theft Prevention Authority in an amount of approximately \$121,025 from the state, which will require a City match in an amount not to exceed \$30,280. Bruce Ure.
3. **RESOLUTION 2010-50R – 2010 Border Security Enhancement Grant:** The resolution ratifies the Deputy City Manager's execution of an Application for the 2010 Border Security Enhancement Grant: Edward Byrne Memorial Justice Assistance Grant Program for police overtime, operating expenses and the purchase of equipment, in the total amount of \$134,000, with no City matching funds required, and authorizes the Deputy City Manager to execute all documents necessary to accept said grant and to satisfy all requirements of the Office of the Governor, Criminal Justice Division. Jesse Turner.
4. **RESOLUTION 2010-51R – Employee Benefits Consulting Services:** The resolution authorizes the City Manager to execute a Professional Services Agreement between the City of Victoria and Holmes, Murphy & Associates, Inc. of Des Moines, Iowa, for employee benefits consulting services in the amount of \$40,000. Danette Respondek.

## CITY COUNCIL MINUTES

April 20, 2010

5. **RESOLUTION 2010-52R – Home Rehab Program:** The resolution awards a bid and authorizes the City Manager to execute a Memorandum of Understanding with All-Tex Building & Restoration, Inc of Conroe, Texas to provide rehabilitative construction services in the FY2009-2010 CDBG Home Rehabilitation Program, in an amount not to exceed \$278,102.26. John Kaminski.
6. **RESOLUTION 2010-53R – Challenger League Lease Agreement Amendment:** The resolution authorizes the City Manager to execute an Amendment to the Lease Agreement with the Challenged Athletes Dream Complex, Inc. (Challenger League) for use of two athletic fields at 3103 N. Vine Street (McCright and Vine). Doug Cochran.
7. **RESOLUTION 2010-54R – July 4, 2010 Fire Works Display:** The resolution accepts the proposal for the July 4, 2010 Exhibition and Display of Fireworks from Zambelli's Fireworks Manufacturing Company of New Castle, Pennsylvania, in the amount of \$25,000 (\$14,000 from the City of Victoria General Fund- Recreation Budget and \$11,000 donation from Hartman Distributing Company).

Cm. Rangel moved that the consent agenda items 1 through 7 be adopted, with Cm. Polasek seconding the motion. It was adopted by the following vote:

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

Items 8 and 9 were pulled from the consent agenda and voted on separately.

8. **RESOLUTION 2010-55R – Drainage Ditch And Outfall Mowing Amendment:** The resolution authorizes Amendment No. 1 to the FY 2010 Mowing of Drainage Ditches and Outfalls Contract between the City of Victoria and Winston Wilson d/b/a W. W. Services, which will provide for a decrease in the scope and/or quantity of work, reduces the original contract amount by \$76,925, and brings the total contract amount to \$207,900. Doug Cochran.

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

9. **RESOLUTION 2010-56R – All-Star Fleet Maintenance:** The resolution authorizes the City Manager to enter into an Agreement between the City of Victoria and All Star Fleet Services, LLC, for Municipal Fleet Management and Maintenance Services for the operation of the City of Victoria fleet maintenance facility in the amount of \$894,323 per year for the first three years of the term of the contract. Jerry James.

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

**RESOLUTION 2010-57R – HABITAT FOR HUMANITY GRANT FOR SWAN CROSSING LOTS**

The resolution authorizes the City Manager to enter into an agreement with Habitat for Humanity, Victoria, to grant \$82,500 in CDBG funds and real property located at 3402, 3403, 3404, 3405, 3406, 3407, 3408 and 3409 Swan Drive (originally obtained with CDBG funds) to Habitat in exchange for Habitat's agreement to construct at least eight single-family housing units thereon, and to construct at least three single family housing units at 810A Virginia, 810B Virginia and 1010 Park

Avenue (currently owned by Habitat), and transfer said units to heads of low-income households in accordance with the regulations of the U.S. Department of Housing and Urban Development. John Kaminski.

Deputy Director of Development Services, Jared Mayfield proposed an amendment to the resolution to change the addresses on Swan Drive that would go to Habitat for Humanity to the following: Change 3402 to 3411, 3404 to 3413, 3406 to 3501 and 3408 to 3503.

Cm. Polasek moved to amend the resolution by changing the addresses on Swan Drive from 3402 to 3411, 3404 to 3413, 3406 to 3501, and 3408 to 3503, with Cm. Rangel seconding the motion. The motion to amend passed by the following vote:

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

NAYS: Council Member Soliz

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

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

NAYS: Council Member Soliz

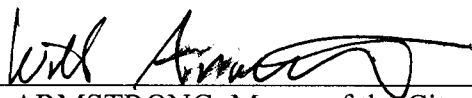
**EXECUTIVE SESSION**


Mayor Armstrong announced that Council would recess into Executive Session at 6:12 p.m., in accordance with:

Texas Government Code § 551.072, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, the proposed purchase of property adjacent to Riverside Park). Thomas A. Gwosdz.

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 (to include, but not limited to *James Wayne vs. City of Victoria*). Thomas A. Gwosdz.

There was no action taken and being no further business, the meeting was adjourned at 6:37 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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