

**CITY COUNCIL MINUTES  
June 1, 2010**

Cm. Polasek moved to amend the resolution by striking the words "and execute" on page 2 of paragraph 2 to instead read, "the City Council hereby authorizes the City Manager to negotiate and develop a MOU between the City and KCSR to govern such rail relocation efforts," with Cm. Truman seconding the motion. The resolution was amended by the following vote:

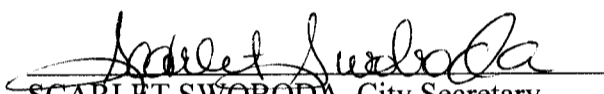
AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong  
NAYS: None

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

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

There being no further business, the meeting was adjourned at 7:03 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL  
June 15, 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, June 15, 2010 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
- Paul Polasek, Mayor Pro-Tem
- Denise Rangel
- Gabriel Soliz
- David Hagan
- Joe Truman
- Tom Halepaska

**STAFF PRESENT**

- Charles E. Windwehen, City Manager
- Charmelle Garrett, Deputy City Manager
- Thomas A. Gwosdz, City Attorney
- Linda Champion, Assistant City Attorney
- John Kaminski, Director, Development Services
- Lynn Short, Director, Public Works
- Bruce Ure, Police Chief
- Vance Riley, Fire Chief
- Doug Cochran, Director, Parks and Recreation
- Rick Henrichs, Director, Information Technology
- Jerry James, Director, Environmental Services
- O. C. Garza, Public Information Officer
- Jesse Turner, Police Captain
- Andrew Jacob, Assistant Finance Director
- Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

Cm. Soliz asked staff to check on the streetlights that were out on Ben Wilson.

Cm. Truman commented that he had received calls from residents in the Cherry and Catalpa area that there were a number of vehicles with expired inspections stickers and asked staff to check into whether they were junked vehicles. He further commented that as chair of the Food Bank they have the opportunity to apply for stimulus money that would require the Food Bank to partner with the Parks and Recreation Department to be a distribution site for food. He receive consensus from Council to move forward with his request.

Cm. Polasek asked for clarification on the median being built on Main Street out by Regional Hospital. The Director of Public Works advised that the median was being put in as a TxDOT project funded by stimulus money through the Metropolitan Planning Organization (MPO) as was the traffic light at Conti Lane and Tropical Drive. Cm. Polasek commented that Red River near Riverside Park was completed ahead of schedule and thanked staff. He asked how many hours had been cut back at the Victoria Public Library because of the decrease in sales tax. Staff responded that the Library closes on Wednesday at 5:30 instead of 9:00 p.m. Cm. Polasek further commented that drainage ditches would not be mowed as often for the same reason. Finally, he commented that the most recent sales tax report was encouraging and going in the right direction, he expressed hope that it continues to go up.

Mayor Armstrong commented on the wreck involving a truck hauling hazardous material. He suggested that Council should do everything possible to route hazardous material outside of the city limits. Kansas City Southern (KCS) Railroad has started using the track from Houston, which will increase rail traffic through Victoria. He stated that the City might have an opportunity to work with them on a rail bypass. However, the bypass would not affect Union Pacific trains along the Cuero highway. Mayor Armstrong also received calls about selling animals along the highway and suggested looking at that issue. Staff would bring that a report on the selling of live animals.

Cm. Hagan commented that even though the City was looking at KCS building a bypass around Victoria, because of the fact that it would not affect Union Pacific Railroad, he still wanted to look at quiet zones. Staff would bring a report back in six to ten weeks.

Cm. Polasek asked that the executive session item regarding comments made by the Mayor at a recent meeting be discussed in open session. He understood that it would mean waiving attorney client privilege.

City Attorney, Thomas A. Gwosdz advised that complaints had been filed against Mayor Armstrong and did not know if all of Council Members would be comfortable waiving their attorney client privilege without knowing a little bit more about them. He proposed having Council recess into executive session to get an overview of what has happened in order to make an informed decision. He advised that a majority vote of the entire Council was required to waive attorney client privilege.

Mayor Armstrong commented that he would like to have the discussion in open session.

City Attorney Gwosdz advised Council that attorney client privilege was one of the most sacrosanct privileges in law. It protects communications between the attorney and the client in order to foster clear communication, free of any potential outside influence. He did not recommend ever waiving the attorney client privilege. He advised that if the Council waived that privilege, then it was Council's decision to do so.

Cm. Hagan moved to waive the attorney client privilege in respect to the following discussion on the City's judicial response to mayoral complaints and two associated written opinions, with Cm. Polasek seconding the motion. The motion passed by the following vote:

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

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**CITY COUNCIL MINUTES**  
**June 15, 2010**

City Attorney Gwosdz advised that this action stemmed from complaints made by Henry Perez, Homer Hill, and Jeff Williams. The complaints by Mr. Perez and Mr. Williams with the Police Department alleged violations of the Article XII, Section 9 of the City Charter. The Police Department then sought legal advice from the City Attorney. City Attorney Gwosdz advised that in order to avoid public perception that his office might have a conflict of interest; he sought independent legal review from the law firm of Denton, Navarro, Rocha & Bernal, the City's special counsel. It was the opinion of both City Attorney Gwosdz and the special counsel that the Municipal Court did not have jurisdiction over crimes created solely in the City Charter, and because the First Amendment to the U.S. Constitution would protect any defendant from conviction.

Police Chief, Bruce Ure read a statement regarding the complaint, concluding that it was the Police Department's opinion that a violation did not occur, the case had been administratively closed, and letters had been sent to the complainants informing them of this action.

City Attorney Gwosdz advised that the discussion had concluded, ending the point and time that the Council waived their attorney client privilege on this subject.

Mayor Armstrong advised that he had filed a correction affidavit this afternoon with the City Secretary after a complaint filed with the Texas Ethics Commission by Jeff Williams. He further advised that he had also reported the correction to the Texas Ethics Commission and would let the public know what their finding were on this matter.

**CITIZENS COMMUNICATION**

Michael Welton, 2602 E. Loma Vista expressed concern with the sale of animals on public streets and areas in the City. He wanted to work with Council and staff to develop an ordinance to prohibit this practice. He also wanted to see an ordinance prohibits people from hauling dogs in the back of pickups.

Cindy Snyder, 320 Cromwell Drive, advised that she works with Pets Are Worth Saving (PAWS) to help promote the spay and neuter program, and expressed concern with the number of animals being euthanized each year. She proposed an ordinance to ban the outdoor sale of live animals except by non-profit organizations and rescue groups.

Matt Ocker, 2307 FM 2615 commented that he felt the May 27, 2010 City Council work session minutes were too brief and should be pulled from the consent agenda for discussion. He commented that after obtaining an audio copy of the meeting and listening to it, he had gained new respect for Cm. Halepaska and his words of wisdom. He suggested that the Council publish on the City website the visionary statement that they wrote. He commented that he did not agree with some of the comments made by the Mayor at that meeting. He further suggested that the opinions of legal counsel regarding the complaints against Mayor Armstrong would give the Mayor free reign of the Council and the council chambers.

Jeff Williams, 702 Santa Fe complimented the City Attorney for doing a great job of sweeping his complaint under the covers. He suggested that there was a difference between freedom of speech and slander. He felt sad that this was the leadership of the City. He also suggested that the public get a copy of the work session on May 27, 2010 expressing concern with some of the comments made. He commented that he did not trust the Council in what they say, or the decisions they make.

**ORDINANCES AND OTHER ITEMS WITH PUBIC HEARINGS****ORDINANCE 2010-11 – HOTEL AND MOTEL OCCUPANCY TAX PAYMENTS**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-11, which amends Section 8-34 of the Victoria City Code to provide for monthly payment and reporting of Hotel and Motel Occupancy Tax to the Director of Finance. Second and Third Reading. Gilbert P. Reyna, Jr.

Cm. Halepaska moved that the ordinance pass on second and third reading, with Cm. Rangel 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 8-34 OF THE VICTORIA CITY CODE TO PROVIDE FOR MONTHLY PAYMENT AND REPORTING OF HOTEL AND MOTEL OCCUPANCY TAX TO THE DIRECTOR OF FINANCE, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2010-12 – EXTENSION TO AEP TEXAS CENTRAL COMPANY POWER FRANCHISE**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-12, which grants an extension to AEP Texas Central Company, a Texas corporation, and successors and assigns, an electric, light, heat and power franchise. Second Reading. Thomas A. Gwosdz.

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

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

Caption:

**AN ORDINANCE GRANTING AN EXTENSION TO AEP TEXAS CENTRAL COMPANY, A TEXAS CORPORATION, AND SUCCESSORS AND ASSIGNS, AN ELECTRIC, LIGHT, HEAT AND POWER FRANCHISE, AND DECLARING AN EFFECTIVE DATE.**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2010-10 – PROPERTY MAINTENANCE ENFORCEMENT**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-10, which amends Chapters 10, 13, 14 and 21 of the Victoria City Code to address issues related to property maintenance enforcement. First Reading. John Kaminski.

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

Jeff Williams, 702 Santa Fe commented that the ordinance did not include the definition of open storage.

Cm. Polasek moved that the ordinance pass on first reading, with Cm. Rangel 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 CHAPTERS 10, 13, 14 AND 21 OF THE VICTORIA CITY CODE TO ADDRESS ISSUES RELATED TO PROPERTY MAINTENANCE ENFORCEMENT, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING A PENALTY NOT TO EXCEED \$2,000 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

CITY COUNCIL MINUTES  
June 15, 2010

Mayor Armstrong closed the public hearing.

**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.

2. **RESOLUTION 2010-83R – Septic Tank Variance for Christ Presbyterian Church:** The resolution grants variances to Sections 10-115 and 13-27 of the Victoria City Code, which prohibit a person from installing a septic tank within 1 mile of an existing city sewer service main and require the extension and compulsory use of City water service, to a 3 acre tract in the JL Carbajal Survey, T-107, Abstract 12, Victoria County, located on Glasgow Road just north of the Bianchi Drive intersection, which is owned by Christ Presbyterian Church, PCA. Lynn Short.
4. **RESOLUTION 2010-85R – CW&A Contract:** The resolution awards the Annual Supply Contract for Processed Base to CW&A, Inc., of Victoria, Texas for \$9.95 per ton, for a total of approximately \$79,600, based on an estimated quantity. Lynn Short.
5. **RESOLUTION 2010-86R – Badger Meters, Inc. Contract:** The resolution awards the Annual Supply Contract for Cold Water Meters to Badger Meter, Inc., of Milwaukee Wisconsin, for \$85,000, based on an estimated quantity of meter purchases. Lynn Short.
6. **RESOLUTION 2010-87R – Red River Street Sanitary Sewer & Rehabilitation/Overlay Project:** The resolution awards the Red River Street Sanitary Sewer and Rehabilitation/Overlay Project (Sam Houston Dr. to Ben Jordan St.) to Lester Contracting, Inc. of Port Lavaca, Texas for their low bid of \$2,149,467. Lynn Short.
7. **RESOLUTION 2010-88R – 2009-10 Sidewalk Project-Phase I:** The resolution awards the 2009-10 Sidewalk Project-Phase I (Hike and Bike Trail, Ben Jordan St., Houston Highway, and Red River St.) to Cesar Amador d/b/a Ranger Constructions, of Galena Park, Texas for their low bid of \$160,686.25. Lynn Short.
8. **RESOLUTION 2010-89R – 2009-10 Sidewalk Project-Phase II:** The resolution awards the 2009-10 Sidewalk Project-Phase II (Laurent St., Ben Wilson St.) (HUD Block Grant #B-09-MC-48-0510) to Cesar Amador d/b/a Ranger Constructions, of Galena Park, Texas for their low bid of \$68,140. Lynn Short.
9. **RESOLUTION 2010-90R – Main Street and DeLeon Plaza Project Change Order #1:** The resolution authorizes an additive Change Order #1 to the Main Street and DeLeon Plaza Improvements project, for the installation of low voltage up-lighting inside 48 metal tree grates within the project, increases the amount of the contract by \$89,397.00, and brings the new contract amount to \$2,257,672. Lynn Short.
10. **RESOLUTION 2010-91R – Main Street & De Leon Plaza Project Change Order #2:** The resolution authorizes an additive Change Order #2 to the Main Street and DeLeon Plaza Improvements project, for the re-wiring and new control box for the existing 12 historical 5-light fixtures around DeLeon Plaza, increases the amount of the contract by \$26,400, and brings the new contract amount to \$2,284,072. Lynn Short.
11. **RESOLUTION 2010-92R – Tax Resale at 2208 Depot:** The resolution approves the sale of tax resale property at 2208 Depot (PID R59252) to David Monzano for \$14,600. Jeff Rutledge.
12. **RESOLUTION 2010-93R – Tax Resale at 804 Sabine:** The resolution approves the sale of tax resale property at 804 Sabine (PID R56350) to Moises Chavez for \$7,300. Jeff Rutledge.
13. **RESOLUTION 2010-94R – Tax Resale at 2505 Prince:** The resolution approves the sale of tax resale property at 2505 Prince (PID R39696) to Andrew Lee Prince for \$2,200. Jeff Rutledge.

14. **RESOLUTION 2010-95R – Tax Resale at 705 Park:** The resolution approves the sale of tax resale property at 705 Park (PID R59290) to Moises and Laura Chavez for \$4,000. Jeff Rutledge.
15. **RESOLUTION 2010-96R – Tax Resale at 1008 Hunding:** The resolution approves the sale of tax resale property at 1008 Hunding (PID R49338) to Platinum Home Investments, LLC for \$1,400. Jeff Rutledge.
16. **RESOLUTION 2010-97R – Tax Resale at County Road & U.S. Highway 59:** The resolution approves the sale of tax resale property on County Road, at the intersection of County Road and U.S. Highway 59 (PID R38098) to Raquel Rodriguez for \$5,000. Jeff Rutledge.
17. **RESOLUTION 2010-98R – Tax Resale at 1402 Bottom:** The resolution approves the sale of tax resale property at 1402 Bottom (PID R60730) to Moises and Laura Chavez for \$600. Jeff Rutledge.
19. **RESOLUTION 2010-100R – Annual Audit Amendment #1:** The resolution authorizes the Proposal and Amendment #1 to the Proposal of Harrison, Waldrop & Uherek, L. L. P., to perform the City’s annual audit for the year ending September 30, 2010, in an amount of approximately \$46,500. Andrew Jacob.

Cm. Hagan 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, Halepaska, and Mayor Armstrong  
NAYS: None

The following items were removed from the consent agenda and voted on separately:

1. **APPROVAL OF MINUTES** – The work session of May 27, 2010 and regular meeting of June 1, 2010.

Cm. Soliz moved to approve the regular minutes of June 1, 2010, with Cm. Hagan seconding the motion. They were approved by the following vote:

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

Cm. Truman moved to attach the written report from Dr. Margaret Rice to the minutes of the work session of May 27, 2010. The motion died for lack of a second.

Cm. Soliz moved to amend the work session minutes of May 27, 2010 to state that there was an audio recording available for the public, with Cm. Hagan seconding the motion. The motion passed by the following vote:

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

Cm. Halepaska moved to approve the work session minutes of May 27, 2010 as presented, with Cm. Rangel seconding the motion. The minutes were approved, as amended, by the following vote:

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

3. **RESOLUTION 2010-84R – Alamo Concrete Contract:** The resolution renews the Annual Supply Contract for Bagged Type I Portland Cement with Alamo Cement Company, of San

**CITY COUNCIL MINUTES**  
**June 15, 2010**

Antonio, Texas for \$6.55 per 93-pound bag, for a total of approximately \$52,400 based on an estimated quantity. Lynn Short.

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

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

18. **RESOLUTION 2010-99R – Fourth of July Fireworks Event Vendors Variance:** The resolution grants variances to Sections 14-52(a), 14-55(a), 14-56(a), and 14-60(a) of the Victoria City Code, which govern the City's requirements for Itinerant Vendors, Solicitors, and Outdoor Sales to vendors operating at the Fourth of July Fireworks Event on July 4, 2010. Scarlet Swoboda.

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 2010-101R – FRANCHISE AGREEMENT FEES EVALUATION**

The resolution authorizes a Utility Cost Review Agreement with Exmarc Solutions, Inc. to review and analyze certain franchise agreements and the associated collection of fees. Andrew Jacob.

Cm. Polasek 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 2010-102R – RECORDS MANAGEMENT SOFTWARE FOR POLICE, FIRE AND MUNICIPAL COURT**

The resolution accepts the proposal for the Police and Fire CAD, Records Management and Municipal Court software from SunGard Public Sector, Inc. of High Point, North Carolina, in an amount not to exceed \$864,666. Jesse Turner.

Cm. Polasek 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 7:00 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 possible exchange of property with Mt. Salem Baptist Church and the purchase of property for a potential rail bypass). Thomas G. 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 (including, but not limited to City’s judicial response to mayoral complaints). Thomas A. Gwosdz. **This item was addressed in open session after waiving attorney client privilege.**

There was no action taken, and there being no further business, the meeting was adjourned at 7:32 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
June 22, 2010

**CALL TO ORDER**

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 2:00 p.m. Tuesday, June 22, 2010 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  
Paul Polasek, Mayor Pro-Tem  
Denise Rangel  
Gabriel Soliz  
David Hagan  
Joe Truman - arrived at 2:29 p.m.  
Tom Halepaska

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
Charmelle Garrett, Deputy City Manager  
Thomas A. 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  
Doug Cochran, Director, Parks and Recreation  
Dayna Williams-Capone, Director, Library  
Danette Respondek, Director, Human Resources  
Rick Henrichs, Director, Information Technology  
Jerry James, Director, Environmental Services  
O. C. Garza, Public Information Officer  
Michel Belt, Battalion Chief  
Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

Cm. Halepaska commented that Council had appointed him and Cm. Soliz to review the Convention and Visitors Bureau’s budget. He asked that the report be placed on a future agenda.