

CITY COUNCIL MINUTES  
June 29, 2010

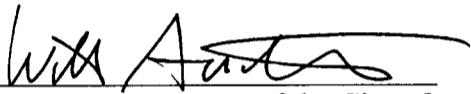
The Council reconvened in regular session at 6:37 p.m. and considered the following:


Cm. Halepaska advised that the Committee recommended offering the position of City Manager to Charmelle Garrett. The Council authorized the City Attorney to go forward with contract negotiations with Ms. Garrett, and that contract would be brought back for Council approval at a later meeting.

Cm. Truman moved to accept the Committee's recommendation, with Cm. Soliz seconding the motion. The motion was approved 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 6:39 p.m.

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
July 6, 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, July 6, 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

**MEMBERS ABSENT**

- 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
- Gilbert P. Reyna, Jr., Director, Finance
- Lynn Short, Director, Public Works
- John Kaminski, Director, Development Services
- 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
- Jared Mayfield, Deputy Dir., Development Services
- Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

Cm. Soliz asked if two members were absent did they still need four votes to pass something. City Attorney, Thomas A. Gwosdz advised that a majority of those present and voting was all that was needed.

Cm. Rangel complimented the Parks Department on the July 4<sup>th</sup> Fireworks display, and Hartman Distributing for their part in the event. Mayor Armstrong echoed Cm. Rangel's comments.

Mayor Armstrong commented that he had been receiving calls about the need to mow drainage ditches. Staff advised that the number of times the grass is mowed have been reduced because of the shortfall in sales tax. Mayor asked if the administration might want to reconsider that decision because of the wet year. City Manager, Charles E. Windwehen advised that had been rethought a number of times before the recommendation was made to reduce the number of cuttings, but if that funding is restored, cuts would have to be made in other areas in the Parks budget. The public might not like those cuts either.

- a. **Discussion and possible action regarding making the recording of the May 27, 2010 work session of Council available online through the City website as requested by Cm. Soliz.** It was the consensus of Council to place the recording on the City website.

**CITIZENS COMMUNICATION**

Michael Welton, 2602 E. Loma Vista; Gerri McCaskell, 2603 E. Poplar; and Karen Brooks-Hodges representing the 48 members of the Dog Obedience Club and the Kennel Club of Greater Victoria encouraged Council to ban the sale of animals on the side of roadways and at Market Days, or auctioned off as a raffle items. They suggested that there should be an exception for non-profit agencies such as Adopt-A-Pet and Dorothy O'Connor Pet Adoption. A hard copy of Harris County's ban was provided to the City Attorney.

**ORDINANCES AND OTHER ITEMS WITH PUBIC HEARINGS**

**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. Third Reading. Thomas A. Gwosdz.

Cm. Soliz moved that the ordinance pass on third reading, with Cm. Rangel seconding the motion. The ordinance passed on third reading by the following vote:

AYES: Council Members Rangel, Soliz, Polasek, Hagan, 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.**

**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. Second and Third Reading. John Kaminski.

Cm. Polasek 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:

**CITY COUNCIL MINUTES**  
**July 6, 2010**

AYES: Council Members Rangel, Soliz, Polasek, Hagan, 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 MANAGER REPORTS**

- **Potential Amendments to Regulation of Roadside Live Animal Sales** – City Attorney, Thomas A. Gwosdz provided two options.
  1. Continue or expand the current permitting process. The people selling on the side of the road most often do not have the required permit. The City could regulate by enforcing the current permit or through the Commercial Animal Establishments. He suggested the establishment of who has the enforcement authority, further suggesting that it not fall upon the Police Department to enforce.
  2. Prohibit the practice through the animal control ordinances of the City. Amend Chapter 4 of the City Code dealing with animals, which already prohibits the sale of animals on public right-of-ways, but does not address selling on private parking lots. The prohibition could be expanded to include a ban on selling live animals on major thoroughfares, arterial or collector streets. If it were determined to give the enforcement to animal control, the Health Authority, Bain Cate, M.D. suggested some type of citation authority, which would then go to Municipal Court.

It was the consensus of Council to have an ordinance brought back to them at a future meeting that prohibits sales from an outdoor location visible from a street, that is either an arterial or collector street, and that uses as an enforcement mechanism, so that animal control citations would come to Municipal Court for prosecution.

- **A report on the “Draft” Community Development Block Grant (CDBG) One-Year Action Plan for FY2010-2011** – Deputy Director Development Service, Jared Mayfield reported that the draft plan was included in the Council packet. He reported that the 2010 allocation from Housing and Urban Development (HUD) was an approximate \$50,000 increase over last year.
- **A report to consider 2010 third quarter appointments to a number of Boards** – City Secretary, Scarlet Swoboda reported that the following Boards or Commissions had appointments to consider in the upcoming months: Planning Commission, Sign Board of Adjustments and Appeals, Golden Crescent Regional Planning Commission, Minimum Housing Board of Adjustments and Appeals, and Parks Commission. Resolutions for appointments would be considered at the July 20, 2010 Council meeting.

**CONSENT AGENDA:** all consent agenda items listed are considered to be routine by the City Council and are enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item is 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 regular meeting of June 15, 2010 and special meeting of June 22, 2010.
3. **RESOLUTION 2010-105R – Rejecting Chemical Bids:** The resolution rejects all bids for the Annual Supply Contract for Liquid Sodium Chlorite. Lynn Short.

5. **RESOLUTION 2010-107R – Purchasing Department Roof:** The resolution authorizes a contract between the City of Victoria and Rain King, Inc. for the Removal of Existing Roof and Construction of Replacement Roof on Purchasing Department Building, for \$29,000. Andrew K. Jacob.

Cm. Polasek moved that consent agenda items 1, 3, and 5 be adopted, with Cm. Hagan seconding the motion. It consent agenda was adopted by the following vote:

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

Items 2 and 4 were pulled from the consent agenda and voted on separately.

2. **RESOLUTION 2010-104R – Annual Chemical Contracts:** The resolution authorizes City Administration to accept the bids for annual supply contracts of (1) DPC Industries, Inc., of Corpus Christi, Texas, for Liquid Chlorine in the amount of \$541 per ton container for a total of approximately \$88,183, (2) Carus Corporation, of Peru, Illinois, for Liquid Phosphate Based Corrosion Inhibitor in the amount of \$738 per liquid ton for a total of approximately \$55,350, (3) Kemira Water Solutions, Inc., of Lawrence, Kansas, for Ferrous Chloride in the amount of \$274.98 per liquid ton for a total of approximately \$68,745, and (4) Kemira Water Solutions, Inc., of Lawrence, Kansas, for Liquid Ferrous Sulfate in the amount of \$77 per liquid ton for a total of approximately \$30,800. Lynn Short.

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

4. **RESOLUTION 2010-106R – Fuel Contract:** The resolution renews the annual supply contract for gasoline and diesel fuels with New Distributing Co., Inc., of Victoria, Texas in the amount of the Victoria/Placedo Oil Price Information Service (OPIS) daily branded low rack price for an estimated total amount not to exceed \$1,220,000. Jerry James.

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

### **WORK SESSION**

#### **Discuss the Proposed FY2010-2011 Budget, including but not limited to, Water/Wastewater Fund.**

Director of Public Works, Lynn Short presented a powerpoint presentation and provided a handout of his presentation to Council on the Water/Wastewater Fund Budget. He advised that revenues for this fund come from water sales and the provision of sewer service. He proposed a FY 2011 budget of \$23,5113,548 that is an increase of \$20,596 over the FY 2010 budget. The increase was due to some one-time expenses, however the reoccurring expenses were estimated to decrease mainly because of the City taking over the operation of the Wastewater Treatment Plant in January 2011. He did not propose any rate increases for water or sewer in FY 2011. He reminded the Council that the City was planning to issue revenue bonds in 2012 for the future Wastewater Treatment Facility. At that time, he would be proposing that the water and sewer rates be increased for an approximate total of \$1.02 per household.

### **EXECUTIVE SESSION**

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

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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 2009-10 Rehabilitation/Overlay Project). Thomas A. Gwosdz.

The Council reconvened in regular session at 6:40 p.m. and considered the following:

**RESOLUTION 2010-108R – RESCIND CONTRACT WITH 4-BIG CONSTRUCTION FOR 2009-10 REHABILITATION/OVERLAY PROJECT**


The resolution rescinds the award of the 2009-10 Rehabilitation /Overlay Project (Anaqua Ave., Industrial Dr., Circle St., Imperial Dr. and Cozzi Circle) to 4-Big Construction and Enterprises, LLC of Zapata, Texas; and declares an effective date.

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

There being no further business, the meeting was adjourned at 6:43 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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