

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:03 p.m., in accordance with:

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 Pecan Bend Levee). Thomas A. Gwosdz.

The Council reconvened in regular session at 6:47 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned.

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

ATTEST: Scarlet Swoboda
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
July 20, 2010**

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, July 20, 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
Gilbert P. Reyna, Jr., Director, Finance
Lynn Short, Director, Public Works
Bruce Ure, Police Chief
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
Cheryl Marthiljohni, Director, Human Resources
Rick Henrichs, Director, Information Technology
Jerry James, Director, Environmental Services
O. C. Garza, Public Information Officer
Ray Miller, Deputy Director, Development Services
Darryl Lesak, Asst. Director Environmental Services
Scarlet Swoboda, City Secretary

CITY COUNCIL MINUTES
July 20, 2010**ITEMS FROM COUNCIL**

Cm. Halepaska asked Council to delay appointments to the Parks Commission until the August 3, 2010 meeting to give more time for interested individuals to apply. The other Council members agreed with his request.

CITIZENS COMMUNICATION

James LaBeff, 113 Belmore Lane addressed concerns with the way the tall grass enforcement was being applied. He questioned whose responsibility it was to mow grass on the easements and right-of-ways of abutting property. He was advised that staff was conducting an inventory of the mowing policies to get a more consistent practice in place. The City Manager suggested that he visit with staff about the matter.

The following individuals spoke in support of the Main Street Project: Sandra McKenzie-Hardy, 503 E. Constitution, Mercy Rendon, 236 Babcock Road, Helen Walker, 407 E. Santa Rosa, and Wilbur Collins, 202 Cherokee Lane.

Mr. Rendon also asked for leniency to non-profit groups regarding the proposed Community Center rate increases. He also suggested allowing two hours for take down instead of the one-hour limit currently in place.

John Swanson, 205 Cannon commented that the budget for the Police Department was increasing and he wanted to make sure that the City was getting value for all the overhead in that department. He cautioned Council that it was their responsibility to know where the Police Department's money comes from, such as State and Federal funds, and what commitments are tied to receiving those funds. He cautioned that this one department was getting too big. He further commented that the Fire Department sirens were too loud.

RESOLUTION 2010-115R – TEXAS MAIN STREET URBAN CITY

The resolution authorizes participation as a Texas Main Street Urban City and designates City participation. Thomas A. Gwosdz.

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

ORDINANCES AND OTHER ITEMS WITH PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2010-13 – REVISE COMMUNITY CENTER FEES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-13, which considers amending Section 24-91 of the Victoria City Code to revise Community Center fees. First Reading. Doug Cochran.

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

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:

AN ORDINANCE AMENDING SECTION 24-91 OF THE VICTORIA CITY CODE TO REVISE COMMUNITY CENTER FEES, REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- **Convention and Visitors Bureau (CVB) Quarterly Update and FY2010-2011 Proposed Budget.** Executive Director of Convention and Visitors Bureau, Bridgette Bise provided the second quarterly report. She provided information on the “Bring Your Boots Campaign” and all of the marketing efforts accomplished thus far. She provided their financial statement and requested 75 percent of the Hotel Occupancy Tax (HOT) funds for 2011. She advised that CVB would be requesting \$750,000 again for Fiscal Year 2010-2011
- **Right-of-way Mowing Report.** Doug Cochran. The report was postponed and will be placed on the special meeting agenda for July 27, 2010.
- **Railwood Closure: Report on Woodway Traffic Flow Committee Meeting.** Deputy Director, Ray Miller, Jr. provided a written summary of the meeting. He reported that the Homeowners Association was leaning away from permanent closure of Railwood and were looking at left turn options. Staff would be conducting traffic counts in the near future, with temporary closure of Railwood. It was the consensus of Council to allow staff to work with the subdivision on the various options.

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 June 29, 2010 and regular meeting of July 6, 2010.
2. **RESOLUTION 2010-109R – Urban Engineering:** The resolution authorizes a Professional Services Agreement between the City of Victoria and Victoria Engineering, Inc. d/b/a Urban Engineering for Surveying, Preliminary Design (Engineering), Final Design, Bidding, and Construction Phase Services for Phase II, Projects 1 and 2 of the Downtown Water and Sewer Line Replacement Project, for \$297,650. Lynn Short.
3. **RESOLUTION 2010-110R – Minimum Housing Board Appointments:** The resolution re-appoints Milton Bluhm, Charles Jones, and John Kirkpatrick to the Minimum Housing Board of Adjustments and Appeals. Scarlet Swoboda.
6. **RESOLUTION 2010-113R – Sign Board Appointments:** The resolution re-appoints Milton Bluhm and Richard Janecka to the Sign Board of Adjustments and Appeals. Scarlet Swoboda.
7. **RESOLUTION 2010-114R – Golden Crescent Regional Planning Commission Appointments:** The resolution appoints Gabriel Soliz and Joe Truman to the General Assembly of the Golden Crescent Regional Planning Commission and Gabriel Soliz to the Board of Directors. Scarlet Swoboda.

Cm. Hagan moved that items 1, 2, 3, 6, and 7 on the consent agenda be adopted, with Cm. Truman seconding the motion. Those items were adopted by the following vote:

CITY COUNCIL MINUTES
July 20, 2010

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

NAYS: None

4. **RESOLUTION 2010-111R – Parks Commission Appointments:** The resolution appoints four members to the Victoria Parks and Recreation Commission. Scarlet Swoboda. **Postponed.**
5. **RESOLUTION 2010-112R – Planning Commission Appointments:** The resolution appoints three members to the Planning Commission. Scarlet Swoboda. **Postponed.**

RESOLUTION 2010-116R – LANDFILL GAS COLLECTION

The resolution authorizes a Landfill Gas Lease Agreement with Renovar Energy Corp. for the exclusive right to test, evaluate, treat, process, develop, sell and utilize all landfill gas collected by the collection system at the City of Victoria Landfill. Jerry James.

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, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor
Armstrong

NAYS: None

Mayor Armstrong called a short break at 6:53 p.m. The Council reconvened at 7:01 p.m.

RESOLUTION 2010-117R – APPOINT MUNICIPAL COURT JUDGE

The resolution appoints Rachel F. Klotzman, Judge of the Municipal Court of the City of Victoria. Thomas A. Gwosdz.

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

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

NAYS: Council Member Truman

WORK SESSION

Discuss the Proposed FY2010-2011 Budget, including but not limited to, the Solid Waste Budget. City Manager and Departmental Staff.

Director of Environmental Services, Jerry James briefed Council on the Department's functions of air quality, water resources, solid waste, recycling, and fleet services. He reported that the total budget for the Environmental Services Fund proposed was \$3,444,749. He went over the various fees, advising that their goal was to have each department paying for itself. He reviewed the closure and post closure fund, advising that the fund balance of that fund needs to be protected, to protect the liabilities. Mr. James reported that the automated garbage program was saving money, and the only recommended rate increase for Fiscal Year 2010-2011 was \$1.12 per month for yard waste.

Assistant Director of Environmental Services, Darryl Lesak presented options for collection of Household Hazardous Waste and recommended an agreement with Waste Management. Waste Management would pick up those items at the residents home at a cost of approximately \$0.55 to \$0.65 per month. This would be very convenient to the customer and would keep dangerous chemicals out of the Landfill. Council gave their consensus to move forward with this option.

Mr. Lesak also advised that staff was looking at bi-weekly program with Waste Management to implement curbside recycling. Waste Management would provide the cart and the City staff would pick up the contents of the cart on non-residential collection days. All recyclable items would

be placed in the cart together, including glass, and Waste Management would separate those items at their facility. It was the consensus of Council to move forward with research on this suggestion and come back with further information, including cost estimates.

Cm. Truman asked a question about whether the percentages of the motel tax of 10 percent would be adequate to fund the Community Center. Finance Director, Gilbert P. Reyna, Jr. explained that the motel tax does not fund all of the needed items on the operation side and the building account makes up the difference. The time will come when Council will have to decide whether to continue this trend, however things could change if motel taxes increase.

City Manager, Charles E. Windwehen advised Council that staff was planning to send letters of intent to Philpott for the purchase of six police patrol cars. Those cars would be paid for out of the Fiscal Year 2010-2011 budget providing funds were available. He advised that they wanted to get the City's name on the list to order because of the limited number available, reminding Council that there was no guarantee that the City would get them. There was Council consensus to send the letter.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 7:52 p.m., in accordance with:

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 Pecan Bend Levee and the 2009-10 Rehabilitation/Overlay Project (Anaqua Ave., Industrial Dr., Circle St., Imperial Dr. and Cozzi Circle). Thomas A. Gwosdz.

Texas Government Code § 551.074, with regard to personnel matters (including, but not limited to appointment of the Judge of the Municipal Court). Thomas A. Gwosdz.

Texas Government Code § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Victoria and with which the City of Victoria is conducting economic development negotiations. Thomas A. Gwosdz.

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

RESOLUTION 2010-118R – 4-BIG CONTRACT


The resolution reconsiders Resolution No. 2010-108R, which rescinded the award of the 2009-10 Rehabilitation/Overlay Project (Anaqua Ave., Industrial Dr., Circle St., Imperial Dr. and Cozzi Circle) to 4-Big Construction & Enterprises, LLC, of Zapata, Texas, and adopted a settlement agreement and general release. Thomas A. Gwosdz.

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

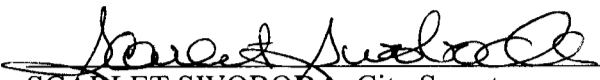
AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong

NAYS: None

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

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

CITY COUNCIL MINUTES
July 20, 2010

ATTEST: 
SCARLET SWOBODA, City Secretary
