

CITY COUNCIL MINUTES
August 12, 2010

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

RESOLUTION 2010-124R – APPLICATION FOR ECONOMIC DEVELOPMENT PROJECT AND SETTING PUBLIC HEARING

The resolution accepts an application for designation of a Reinvestment zone and a Tax Abatement Agreement from Caterpillar, Inc., and sets a public hearing for consideration of such application. Dale Fowler.

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

RESOLUTION 2010-125R – LETTER OF INTENT FOR DEVELOPMENT OF LONE TREE BUSINESS CENTER


The resolution authorizes the City Manager to execute a Letter of Intent between the City of Victoria and Victoria Sales Tax Development Corporation (VSTDC) to provide \$1,000,000 funding for the 2010-2011 fiscal year to VSTDC, to be used for site-related infrastructure development at the Lone Tree Business Center. Gilbert P. Reyna, Jr.

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

There being no further business, the meeting was adjourned at 9:58 a.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
August 17, 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, August 17, 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

STAFF PRESENT

Charles E. Windwehen, City Manager
Charmelle Garrett, Deputy City Manager
Thomas A. Gwosdz, City Attorney

Gabriel Soliz
David Hagan
Joe Truman
Tom Halepaska

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
Cheryl Marthiljohni, Director, Human Resources
Rick Henrichs, Director, Information Technology
Jerry James, Director, Environmental Services
O. C. Garza, Public Information Officer
Scarlet Swoboda, City Secretary

ITEMS FROM COUNCIL

Cm. Rangel commented that she was unable to attend the meeting on Thursday, August 12, 2010 because of work obligations, but she was thrilled about Caterpillar coming to Victoria and would have voted for it if she had been there.

Cm. Hagan asked staff to look at re-doing Del Papa Street at the same time as the Red River Street Project. He also asked staff to look at the parking lot across from the jail, the sidewalk along that area was obstructed by gravel and parking cones.

Cm. Halepaska asked that the report on the StarTek property, which he had asked for, be delayed to a future agenda.

CITIZENS COMMUNICATION

Bridgette Bise, Executive Director, Convention and Visitors Bureau announced that at the recent Texas Association of Convention and Visitors Bureaus Annual Conference the “Bring your Boots” campaign was entered in the tourism awards categories. Victoria received four first place, and a second place award in marketing, advertising, branding, and website.

ORDINANCE 2010-15 –TRAFFIC REGULATIONS AND FEES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-15, which adopts schedules of one-way streets, parking restrictions, and speed limits; adopts maps pertaining to truck routes and parking restrictions, and provides that schedules of such traffic regulations and fees shall be maintained for public inspection. Second and Third Reading. Lynn Short.

Cm. Soliz 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 ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS; ADOPTING MAPS PERTAINING TO TRUCK ROUTES AND PARKING RESTRICTIONS, PROVIDING THAT SCHEDULES OF SUCH TRAFFIC REGULATIONS AND FEES SHALL BE MAINTAINED FOR PUBLIC INSPECTION, PROVIDING A PENALTY NOT TO EXCEED \$200.00 UPON CONVICTION, REPEALING PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, PROVIDING FOR SAVINGS; AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2010-17 – UTILITY SYSTEM REVENUE BONDS

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-17, which authorizes the issuance, sale, and delivery of City of Victoria Utility System Revenue Bonds, Series 2010, in an amount not to exceed \$7,830,000. Emergency Reading. Gilbert P. Reyna, Jr.

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

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

NAYS: None

Caption:

**EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF
CITY OF VICTORIA UTILITY SYSTEM REVENUE BONDS, SERIES 2010, IN AN
AMOUNT NOT TO EXCEED \$7,830,000.**

PUBIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2010-16 – LIVE ANIMAL SALES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-16, which amends Section 4-43 of the Victoria City Code to prohibit the sale of live animals from an outdoor location visible from an arterial or collector street. First Reading. Thomas A. Gwosdz.

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

Michael Welton, 2602 E. Loma Vista, commented that this was an important step to prohibit the sale of animals on the side of the roads.

There was discussion between Council Members about property rights, and some felt that the problem should be enforced with vendor permits and health certificates on the animals. There were questions about which streets were addressed in the proposed ordinance, and who was responsible for enforcing the ordinance if passed. The City Attorney provided a list of streets affected and advised that the proposed ordinance amended Chapter 4 of the City Code, and that section of the code as a whole was enforced by the Health Department. He further advised that the Director of the Health Department had expressed a preference to handling citations through the Municipal Court rather than impounding the animals. Some members suggested voting on the ordinance on first reading, as they may come back with some recommendations for changes at the next reading.

Cm. Hagan 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 SECTION 4-43 OF THE VICTORIA CITY CODE TO
PROHIBIT THE SALE OF LIVE ANIMALS FROM AN OUTDOOR LOCATION VISIBLE
FROM AN ARTERIAL OR COLLECTOR STREET, 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 2010-18 – AMENDING CHAPTERS 12, 21 & 22

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-18, which amends Chapters 12, 21 and 22 of the Victoria City Code to amend various development regulations. John Kaminski.

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. 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 12, 21 AND 22 OF THE VICTORIA CITY CODE TO AMEND VARIOUS DEVELOPMENT REGULATIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2010-19 – REGULATIONS FOR TELECOMMUNICATION TOWER

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-19, which amends Chapter 21 of the Victoria City Code to amend regulations for telecommunication towers. First Reading. John Kaminski.

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

Cm. Halepaska moved that the ordinance pass on first reading, with Cm. Truman 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 21 OF THE VICTORIA CITY CODE TO AMEND REGULATIONS FOR TELECOMMUNICATION TOWERS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- **Presentation of FY2010-2011 Texas Zoo Budget.** Andrea Blomberg. Report was postponed until August 24, 2010.
- **Delivery of Fiscal Year 2010-2011 City of Victoria Proposed Annual Budget to Mayor and City Council.** Charles E. Windwehen.
- **Delivery of Certified Tax Roll to Mayor and City Council.** Gilbert P. Reyna, Jr.

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CONSENT AGENDA: All consent agenda items listed are considered routine by the City Council and are enacted by one motion. There is 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 were available for public review.

1. **APPROVAL OF MINUTES** – The special meeting of July 27, 2010 and regular meeting of August 3, 2010.
2. **RESOLUTION 2010-126R – School Resource Officers:** The resolution authorizes a Letter of Agreement with the Victoria Independent School District (VISD) to fund the School Resource Officer (SRO) Program from September 1, 2010 through August 31, 2011. Bruce Ure.
3. **RESOLUTION 2010-127R – Liquid Sodium Chlorite:** The resolution awards an Annual Supply Contract for Liquid Sodium Chlorite to International Dioxide, Inc., of North Kingston, Rhode Island, in the amount of \$844 per ton, for a total of approximately \$101,280.00, based on an estimated quantity. Lynn Short.

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

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

NAYS: None

The following item was pulled from the consent agenda:

4. **RESOLUTION 2010-128R – Sam Houston Drive Reconstruction Project:** The resolution (1) awards a bid for the Sam Houston Drive Reconstruction Project (Laurent Street to Houston Hwy) to SER Construction Partners, Ltd. of Pasadena, Texas, in the amount of \$17,997,550.90, (2) authorizes the City Manager to execute contracts for construction testing services with TSI Laboratories in a total amount not to exceed \$130,000, (3) authorizes the City Manager to execute Contribution-in-Aid-of-Construction Agreements for Electric Distribution Service between the City of Victoria and American Electric Power (AEP) to install street lights in a total amount not to exceed \$200,000, (4) authorizes the City Manager to execute agreements with private utility companies to provide for relocation of their utilities, in a total amount not to exceed \$170,000, and (5) declares the reservation of construction contingency funds to cover unanticipated project costs and changes related to the aforementioned Project, in an amount not to exceed \$1,000,000. 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, Truman, Halepaska, and Mayor Armstrong

NAYS: None

The City Attorney advised that Robert's Rules of Order was a procedural guide, and it was permissible to use an alternate method to vote on nominations. It was the consensus of Council to use an alternate voting procedure for appointments to the Parks and Planning Commissions. After receiving nominations, the following nominees were appointed.

RESOLUTION 2010-129R – PARKS COMMISSION APPOINTMENTS

The resolution appointed Vic Caldwell, James Wearden, Jamie Brown, Susannah Porr, and Ashley Walyuchow to the Victoria Parks and Recreation Commission. Scarlet Swoboda.

RESOLUTION 2010-130R – PLANNING COMMISSION APPOINTMENTS

The resolution appointed Jeff Bauknight, Omar Rachid, and Keith Williams to the Planning Commission. Scarlet Swoboda.

RESOLUTION 2010-131R – SPECIAL NEEDS ASSISTANCE PROGRAM GRANT

The resolution approves and accepts a Federal Home Loan Bank of Dallas grant and authorizes the City Manager to execute a Programmatic Agreement with Community Action Committee of Victoria to assist with the Special Needs Assistance Program, in the amount of \$64,600. John Kaminski.

Cm. Rangel 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 2010-132R – PUBLICATION OF “NOTICE OF EFFECTIVE TAX RATE”

The resolution authorizes the publication of the “Notice of Effective Tax Rate” schedules in accordance with Section 26.04 of the Texas Tax Code Rules of the Texas Comptroller as the calculated effective tax rate data has been delivered to the City by the Tax Assessor. Gilbert P. Reyna, Jr.

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 2010-133R – APPOINT REPRESENTATIVE TO PERFORM TAX RATE CALCULATIONS

The resolution appoints Gilbert P. Reyna, Jr., C.P.A. as the representative to perform the effective tax rate and rollback calculations according to Section 26.04(c) of the Texas Tax Code. Gilbert P. Reyna, Jr.

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 2010-134R – PROPOSING TAX RATE OF \$.65 PER \$100 VALUATION

The resolution proposes a decrease of \$.0021 from the currently effective tax rate of \$.6521 per \$110 valuation to \$.65 per \$100 valuation for Fiscal Year 2010-2011; a public hearing for the proposed tax rate shall be held on September 2, 2010, September 7, 2010, and September 9, 2010 at 5:00 p.m., in the City council Chambers, 107 W. Juan Linn, Victoria, Texas; and the proposed tax rate shall be considered for a vote each night of public hearing. Gilbert P. Reyna, Jr.

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

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

RESOLUTION 2010-135R – SETTING BUDGET PUBLIC HEARINGS

The resolution sets Public Hearings on the Proposed Fiscal Year 2010-2011 City of Victoria Budget for September 2, September 7, and September 9, 2010. Gilbert P. Reyna, Jr.

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 2010-123R – ECONOMIC DEVELOPMENT PROJECT PROPOSED BY VSTDC

The resolution authorizes an economic development project proposed by Victoria Sales Tax Development Corporation (VSTDC). Second Reading. Thomas A. Gwosdz.


Cm. Rangel moved that the resolution be adopted on second reading, 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

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:05 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
August 24, 2010

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, August 24, 2010 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.