

VICTORIA CITY COUNCIL
September 14, 2010

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, September 14, 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
 John Kaminski, Director, Development Services
 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, Director, Communications
 Darryl Lesak, Asst. Director Environmental Services
 Scarlet Swoboda, City Secretary

ITEMS FROM COUNCIL

Cm. Hagan requested that a report on the yard mowing be placed on the next agenda. Staff advised that an amended ordinance with potential changes addressing that was already scheduled for the September 21, 2010 meeting.

Cm. Soliz commented that Thursday is Mexican Independence Day, and sent best wishes to natives of Mexico.

CITIZENS COMMUNICATION

Nancy Alkek, 2701 Leary Lane, Trailer 5 expressed concerns with students walking down Leary Lane since East High School opened. She stated that the ditches were full of water and there were snakes, and fences are overgrown and unmaintained, resulting in the students walking in the roadway. She questioned what the possibility was of getting a sidewalk extension between John Stockbauer and Dean Cook, or some safe way for them to make a pathway. She commented that there has a big focus on University of Houston's students having a safe way to get over to the University, and the minor children trying to get home from the high school have been forgotten. City Manager, Charles E. Windwehen suggested having a report at the next meeting to address her concerns.

ORDINANCES AND OTHER ITEMS WITH PUBIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

THIRD PUBLIC HEARING ON THE 2010-2011 FISCAL YEAR BUDGET

The third Public Hearing on the City of Victoria Budget for Fiscal Year 2010-2011 was held. Gilbert P. Reyna, Jr.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

THIRD PUBLIC HEARING FOR THE 2010-2011 FISCAL YEAR TAX RATE

The third Public Hearing on the 2010-2011 City of Victoria Tax Rate was held. Gilbert P. Reyna, Jr.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

Mayor Armstrong closed the public hearings.

ORDINANCE 2010-2011 – APPROVING AND ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR THE CITY OF VICTORIA

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-2011, which approves and adopts a budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2010, and ending on September 30, 2011; appropriates money for the various funds and purposes of such budget including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness; and repeals all conflicting ordinances and appropriations. Third Reading. Gilbert P. Reyna, Jr.

Cm. Hagan moved to amend the budget to reduce the \$207,000 above the 20% fund balance left over, by taking \$136,000 from that to keep the tax rate at \$.645, with Cm. Truman seconding the motion. The motion **failed** by the following vote:

AYES: Council Members Soliz, Hagan, and Truman

NAYS: Council Members Rangel, Polasek, Halepaska, and Mayor Armstrong

City Manager, Charles E. Windwehen explained that those funds over the fund balance were unallocated, but gives the Council financial flexibility, and could be used for Capital Improvement Projects (CIP) or next year's budget. He pointed out that there were many needs that had been deferred to balance the budget, but would still be out there to address eventually, so the more that is cut today; the harder it will be to do those things in the future. He stated that if they want to do that, then he would rather Council go ahead and cut a program now.

Cm. Polasek commented that this was a non-reoccurring source of revenue and compared it to paying your home mortgage out of your savings account, without a way to put funds back in. He emphasized that Council was not raising taxes, the proposed tax rate was below the effective tax rate, and the majority of taxpayers would see no increase because the valuation of their property had gone down or stayed the same.

Cm. Polasek 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, Polasek, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz, Hagan, and Truman

Caption:

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; REPEALING ALL CONFLICTING ORDINANCES AND APPROPRIATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

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RESOLUTION 2010-147R – RATIFYING TAX RATE

The resolution ratifies the property tax increase reflected in the budget for operating the municipal government of the City of Victoria for the Fiscal Year beginning October 1, 2010, and ending on September 30, 2011 as required by Texas Local Government Code § 102.007(c). Gilbert P. Reyna, Jr.

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, Polasek, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz, Hagan, and Truman

ORDINANCE 2010-21 – SETTING THE TAX RATE FOR THE 2010-2011 FISCAL YEAR

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-21, which sets the Tax Rate at a total rate of \$0.6500 per \$100 of property valuation and levy's a tax upon all property subject to taxation within the City of Victoria, Texas for the 2010 Tax Year for the use and support of Municipal Government of the City of Victoria, provides for the assessment and collection of taxes, apportions said levy among the various funds and items for which revenue must be raised includes providing a sinking fund for the retirement of the bonded debt of the City, and provides for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code. Third Reading. Gilbert P. Reyna, Jr.

Cm. Polasek 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, Polasek, Halepaska, and Mayor Armstrong

NAYS: Council Members Soliz, Hagan, and Truman

Caption:

AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$0.6500 PER \$100 OF PROPERTY VALUATION AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2010 TAX YEAR FOR THE USE AND SUPPORT OF MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

CITY MANAGER REPORTS

- **Pedestrian Crossings at Schools** – Police Chief, Bruce Ure reported that children crossing mid-block was legal as long as they yield to the vehicles. He also advised that climbing over barricades was legal as well. However, it was the City's position to cross at intersections. He advised that the schools would be encouraging the students to cross at controlled intersections. He further advised that a school crossing guard does not have legal authority to stop traffic, and did not believe that would be a cost effective approach.

EXECUTIVE SESSION


Mayor Armstrong announced that Council would recess into Executive Session at 5:55 p.m., in accordance with:

**CITY COUNCIL MINUTES
September 14, 2010**

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. Thomas A. Gwosdz.

The Council took no action and had nothing to report. There being no further business, the meeting was adjourned at 6:15 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
September 21, 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, September 21, 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
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
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
Dayna Williams-Capone, Director, Library
Cheryl Marthiljohni, Director, Human Resources
Rick Henrichs, Director, Information Technology
Jerry James, Director, Environmental Services
O. C. Garza, Director, Communications
Jared Mayfield, Deputy Dir., Development Services
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Denise Rangel

ITEMS FROM COUNCIL

Cm. Truman thanked Mayor Armstrong for his efforts and leadership in getting the University of Houston system to commit to downward expansion of their local campus to a four-year university. He looked forward to working with them and committed himself to help in any way he could.

Cm. Polasek asked what the status was on the drainage problems around Torres Elementary. Director of Development Services, John Kaminski advised that a courtesy email was sent to Victoria Independent School District (VISD) about complaints of tall grass and drainage issues. VISD responded there was a major drainage problem along Lone Tree and Anthony Road and requested that the City assist them by analyzing and fixing the drainage problem. Mr. Kaminski stated that