


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

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after spending a substantial amount of time discussing the issue with several civil engineers it was determined that the drainage problem was an onsite problem. There is no drainage outfall available for that school site, and they were required to develop, and install storm water detention facilities to keep additional runoff from leaving the site. The City's recommendation to VISD is that they confer again with their engineer of record, who designed that site. It was apparent that parts of that drainage system were not working and the water was not getting to the detention pond.

CITIZENS COMMUNICATION

No one wished to address Council.

ORDINANCE 2010-22 – AMENDING RESIDENTIAL SOLID WASTE COLLECTION RATES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-22, which amends Section 24-141, "Residential Solid Waste Collection" of the Victoria City Code to increase the monthly fee for residential solid waste collection from \$16.25 per month to \$17.37 per month. Second and Third Reading. Jerry James.

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

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

Caption:

AN ORDINANCE AMENDING SECTION 24-141, "RESIDENTIAL SOLID WASTE COLLECTION" OF THE VICTORIA CITY CODE TO INCREASE THE MONTHLY FEE FOR RESIDENTIAL SOLID WASTE COLLECTION FROM \$16.25 PER MONTH TO \$17.37 PER MONTH; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2010-23 – RIGHT-OF-WAY MAINTENANCE ENFORCEMENT

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-23, which amends Chapter 10-41 of the Victoria City Code to address issues related to right-of-way maintenance enforcement. First Reading. Jared Mayfield.

Deputy Director of Development Services, Jared Mayfield advised that the proposed ordinance addressed the distance that a property owner was to mow in areas where the right-of-way was very wide. The proposed revision would limit the amount of right-of-way to 15 feet that a private property owner would be responsible for on the primary and secondary arterial streets. The City would mow the remaining portion up until the thoroughfare was fully developed out, at which time the City maintenance would end. Maps of those streets involved would be placed on the City website.

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

Cm. Hagan commented that one of his constituents suggested this was some sort of involuntary servitude, with City Attorney, Thomas A. Gwosdz responding that the City had police power to require its citizens to take care of certain things for the purpose of public health and safety.

Cm. Truman commented that the right-of-ways belong to everyone, and the property owner benefits because water and sewer lines go through that right-of-way, for the property owner to have access to those services.

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Cm. Polasek commented that this ordinance was a degree of fairness that the City was trying to achieve for the citizens. He suggested looking at drainage ways in the future.

Cm. Halepaska suggested implementing an effort to make businesses clean up their right-of-ways and asked Code Enforcement to address those as well. Mr. Mayfield commented that Keep Victoria Beautiful (KVB) cleans the drainage ditch near the Mall three times a year, but he would work with KVB to address the concerns of Cm. Halepaska.

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

Caption:

AN ORDINANCE AMENDING CHAPTER 10 OF THE VICTORIA CITY CODE TO ADDRESS ISSUES RELATED TO RIGHT-OF-WAY 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.

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- **Recognition of Senior Police Officer Shane Wallace for being selected as a 2010 MLB (Major League Baseball) People Magazine All Stars Among Us, representing the Houston Astros.** Deputy Police Chief, Roy Boyd.
- **Possible nomination to the Victoria Central Appraisal District Board of Directors.** City Secretary, Scarlet Swoboda asked that Council bring forth a nominee at the October 5, 2010 meeting.

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 August 31, 2010, regular meeting of September 7, 2010 and special meeting of September 9, 2010.
2. **RESOLUTION 2010-148R – Victoria Public Library Appointment:** The resolution appoints Dennis Tardan to the Victoria Public Library Advisory Board. Scarlet Swoboda.

Cm. Truman moved that the consent agenda be adopted, with Cm. Polasek seconding the motion. It was adopted by the following vote:

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

RESOLUTION 2010-149R – APPOINTING CHARMELLE GARRETT AS CITY MANAGER

The resolution appoints Charmelle Garrett as City Manager for the City of Victoria as of March 1, 2011, and authorizes the Mayor to execute an employment agreement with Charmelle Garrett for city manager services. Thomas A. Gwosdz.

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

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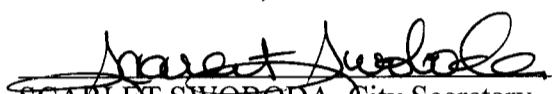
AYES: Council Members Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong
NAYS: None

Mayor Armstrong commented that Cm. Rangel was not in attendance because of her work, but wanted the public to know that she approved of the contract.

Deputy City Manager, Charmelle Garrett commented that she appreciated the vote of confidence and approval of the contract. She commented that the City has a bright, positive future and was glad to be a part of the organizational team.

There being no further business, the meeting was adjourned at 5:37 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
