


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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
October 5, 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, October 5, 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  
Andrew Jacob, Assistant Finance Director  
Jared Mayfield, Deputy Director Development Services  
Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

Cm. Rangel commented that today was "National Night Out" and 29 block parties would be celebrating this evening to work on crime prevention.

Cm. Polasek asked the Director of Development Services, John Kaminski to explain what the school district was required to do in regards to the entrances at the new schools. Mr. Kaminski responded that Victoria Independent School District (VISD) was required to do their own site plans for each campus. The civil engineers, landscape architects, and architects designed their plan and submitted them to his department for review. The original plans for the East High School campus had three proposed driveways, a second driveway going to John Stockbauer, which his staff had approved. The school district chose not to build that driveway, his staff strongly encouraged them to build that second point of access, but it was a decision that the school district made. Mr. Kaminski advised that it was his staff's job to review their plans and make sure that they met the minimum requirements of the City's ordinance, and they did. They could still build another entrance at the East campus, as there are a number of viable locations that one could be built. He advised that the West

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campus might not be able to put another point of access on the highway. He stated that the extension of Tropical Drive was on the Master Thoroughfare Plan and the right-of-way was preserved for that extension when the time came, and there were funds available to build it.

Cm. Hagan asked if the light at the intersection of Mockingbird and Loop 463 could flash when school was not in session. Staff responded that was a Texas Department of Transportation (TxDOT) question; however, it was further suggested that his concern be taken to the Metropolitan Planning Organization (MPO).

### **CITIZENS COMMUNICATION**

Russell Pruitt, 402 Sherwood expressed concern with comments reported in the newspaper concerning taxes and the shortfall in revenue because of the tax freeze for those 65 and older or handicapped. He pointed out that those seniors still pay taxes, their taxes are just frozen at a set rate. He also expressed concern with reports in the newspaper about candidate campaign finance reports. He suggested that some information was left out or reported inaccurately.

Genaro Macias, 111 N. Willard Street expressed concerns with the lack of sidewalks and entrances to East and West High Schools. He stated that he had contacted both TxDOT and VISD and they both told him that it was a City problem. He advised that he had done a petition with 1,806 signatures to try to convince the City to fix the problems. He expressed safety issues from students nearly being hit by cars and an emergency vehicle hindrance because of only one entrance. He showed a picture of where he would like sidewalks built along Mockingbird, and suggested using some of the reserve funds to fix the problems. He asked members of the Council to sign his petition.

Karen Wright, 204 Marilyn Drive expressed concerns with the drainage problems on Marilyn and Billy Drive. She asked Council to keep this drainage issue in mind when they make decisions on the Capital Improvement Projects.

Lewis Neitsch, 102 Ashton Glen, President of the Victoria Sales Tax Development Corporation (VSTDC) asked Council to be cautious as they go through the CIP project list, asking that they keep some money back for economic development. VSTDC was glad that they were able to help Caterpillar come to Victoria, and other companies may be looking at Victoria too.

Mario Perez, 3307 Linda Drive expressed concern with flooding issues in his neighborhood. He has made flood repairs numerous times, and now he is unable sell the home for the appraised value, and he cannot afford to keep fixing it. He asked Council to listen to the concerns of his neighborhood and find a solution.

### **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. Second and Third Reading. Jared Mayfield.

Cm. Hagan commented that he would vote against the ordinance because he did not feel that it was constitutional to require a citizen to mow a City right-of-way. He suggested repealing the original ordinance.

There was discussion that every property line in Victoria stops short of the street because that is where the utility right-of-way is. One problem discussed is when a citizen lives on a thoroughfare and there is no gate at the back of their property for them to access the area to be mowed. There was a suggestion that the Homeowners Associations take care of those hard to access areas. Another issue dealt with open ditches and citizen responsibility to mow those as well. It was pointed out that the ordinance had been on the books for a very long time, and the proposed amendment was an attempt to have uniform enforcement. There was a suggestion to develop a policy to address low income, senior, and/or disabled property owners who may not be able to mow the required areas.

Cm. Soliz 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 Rangel, Soliz, Polasek, Truman, Halepaska, and Mayor Armstrong  
NAYS: Council Member Hagan

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.**

**PUBLIC HEARING**

Mayor Armstrong opened a public hearing on the following item:

**ORDINANCE 2010-24 – REGULATIONS FOR DEMO OF HISTORIC STRUCTURES**

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-24, which amends Section 5-5 of the Victoria City Code to establish regulations delaying the demolition of historic structures. First Reading. John Kaminski.

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

Matt Ocker, 2307 FM 2615 expressed concern with telling a property owner what they can do with their property. He commented that just because something was old, did not necessarily make it historical.

Gary Dunnam, 104 N. Liberty commented that as Executive Director of Victoria Preservation, Inc. he is asked to advise the City Inspections Department about the history of buildings being red tagged and recommended for demolition. The majority of them are not worthy of being saved even if they are over 50 years old. The historic districts contain a wealth of historic homes and the fact that someone of note lived in that home is of historic value. Many of the structures are historically significant or architecturally significant. As more of these structures are saved, the neighborhoods are becoming more attractive for residents, visitors, and add to the tax rolls. The proposed moratorium would give more time to evaluate a structure and deem whether or not it should be saved. He encouraged approval of the ordinance.

Others speaking in support of the ordinance were Helen Walker, 407 E. Santa Rosa, Bill Rigby, 406 S. Liberty, and James Wearden, 507 S. William. Ms. Walker advised that in 1961, the Court House was very nearly demolished, stating that thankfully that historic building was saved and restored. Mr. Rigby thanked the Council for their efforts for downtown economic development and revitalization. People come to see historic structures and that benefits the downtown area and the community.

Deputy Director of Development Services, Jared Mayfield advised that similar ordinances exist in a number of cities throughout the State. He further pointed out that the ordinance would only apply to the three designated historic districts in the City.

A number of citizens and Council Members thanked Cm. Rangel for bringing this ordinance forward.

Cm. Rangel moved to amend the ordinance to strike the phrase "*or relocate*" from paragraph (b)3) and the phrase "*or relocation*" from paragraph (b)3)(a) to limit the delay procedures to applications for demolition permits only, and not for permits for relocation, with Cm. Halepaska seconding the motion. The ordinance was amended by the following vote:

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

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Cm. Rangel moved that the ordinance pass on first reading, with Cm. Truman seconding the motion. The ordinance passed, as amended, on first reading by the following vote:

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

Caption:

**AN ORDINANCE AMENDING SECTION 5-5 OF THE VICTORIA CITY CODE TO ESTABLISH REGULATIONS DELAYING THE DEMOLITION OF HISTORIC STRUCTURES, 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.**

Mayor Armstrong closed the public hearing.

**CITY MANAGER REPORTS**

- **Report on the Rumor Watch Page on the Web Site - O.C. Garza. Postponed.**

**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 September 14, 2010 and the regular meeting of September 21, 2010.
2. **RESOLUTION 2010-150R – PURCHASE SIX 2011 POLICE SEDANS** - The resolution authorizes the purchase of six Year Model 2011 four-door police package patrol sedans from Sam Pack's Five Star Ford of Carrollton, Texas through the State of Texas Purchasing Cooperative contract number 071-A2, in the amount of \$22,358.35 each, including administration fees, and fee for one shop service manual, for a total amount of \$134,325.10 (Ford Crown Victoria Police Interceptors). Darryl Lesak.
3. **RESOLUTION 2010-151R – PURCHASE TWO 2010 LOADER/BACKHOES** – The resolution authorizes the purchase of two 2010 Year Model Loader/Backhoes with Extendahoes from Doggett Heavy Machinery Services, LTD, of Victoria, Texas, through Buy Board contract number 345-10, in the amount of \$180,996, which includes a guaranteed life cycle maintenance and a 5-year/5,000 hour extended warranty on the full machine with a guaranteed repurchase price of \$32,000 per backhoe, for a total purchase of \$116,996. Darryl Lesak.
4. **RESOLUTION 2010-152R – KEEP VICTORIA BEAUTIFUL CLEAN-UP EVENTS** – The resolution authorizes the City Manager to execute an agreement between the City of Victoria and Keep Victoria Beautiful to coordinate three neighborhood clean-up events, for \$35,000 of Community Development Block Grant (CDBG) funds. John Kaminski.
5. **RESOLUTION 2010-153R – WOMEN'S CRISIS CENTER ASSISTANCE** - The resolution authorizes the City Manager to execute an Agreement between City of Victoria and Mid-Coast Family Services, Inc. to assist with the construction of a Women's Crisis Center, for \$400,000 of Community Development Block Grant (CDBG) funds. John Kaminski.
6. **RESOLUTION 2010-154R – SEVEN PROGRAMMATIC AGREEMENTS** - The resolution authorizes the City Manager to execute Community Development Block Grant (CDBG) Programmatic Agreements with (1) The Salvation Army, a Georgia Corp., d/b/a The Salvation Army unit at Victoria, Texas, regarding a Public Facilities Improvement Program, in the amount of \$6,000; (2) Community Action Committee of Victoria, Texas, regarding a Water Bill Assistance Program, in the amount of \$10,000; (3) Community Action Committee of Victoria,

Texas, regarding a Meals on Wheels Program, in the amount of \$10,000; (4) Boys & Girls Clubs of Victoria, Inc., regarding Boys and Girls Club Extended Weekend Hours Youth Program, in the amount of \$15,000; (5) Food Bank of the Golden Crescent, regarding a Kid's Backpack Feeding Program, in the amount of \$10,000; (6) Victoria County Senior Citizens Association, Inc., regarding a Faith, Friends, and Food Program, in the amount of \$9,400; and (7) Mid-Coast Family Services, Inc., regarding a Temporary Displacement Assistance Program, in the amount of \$32,756. John Kaminski.

- 7. **RESOLUTION 2010-155R – AWARD BID TO SER CONSTRUCTION PARTNERS, LTD** - The resolution awards a bid for the Downtown Water and Sewer Line Replacements (PH I - Projects 5 & 6) project to SER Construction Partners, LTD., of Pasadena, Texas, in the amount of \$2,599,428.50. Lynn Short.
- 8. **RESOLUTION 2010-156R – TRANSFER RADIO EQUIPMENT** - The resolution authorizes the City Manager to ratify the acceptance of radio and computer equipment transferred to the Victoria Fire Department's Hazmat Team from the Governor's Division of Emergency Management. Vance Riley.
- 9. **RESOLUTION 2010-157R – ZOOLOGICAL PARK MANAGEMENT AGREEMENT** - The resolution authorizes the City Manager to execute a Zoological Park Management Professional Services Agreement with the South Texas Zoological Society, Inc., for \$150,000 and approves the budget and funded activities for the aforementioned entity for the 2010-2011 fiscal year. Gilbert P. Reyna, Jr.

Cm. Halepaska moved that the consent agenda be adopted, with Cm. Soliz seconding the motion. The consent agenda was adopted by the following vote:

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


**RESOLUTION 2010-158R – NOMINATION FOR VICTORIA CENTRAL APPRAISAL DISTRICT**


The resolution nominates Ross Mansker for possible appointment to the Victoria Central Appraisal District Board of Directors. Scarlet Swoboda.

Cm. Halepaska moved that the resolution be adopted, with Cm. Rangel 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 regular meeting was adjourned at 6:22 p.m.

APPROVED:   
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ATTEST:   
SCARLET SWOBODA, City Secretary