

CITY COUNCIL MINUTES
October 19, 2010

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 the termination of the Tax Abatement Agreement with StarTek USA, Inc.). Thomas A. Gwosdz.

The Council reconvened in regular session at 5:55 p.m. and considered the following:

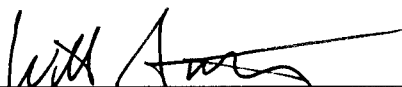
RESOLUTION 2010-173R – TERMINATION OF STARTEK USA, INC., TAX ABATEMENT

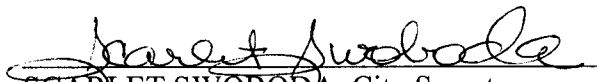
The resolution authorizes the City Manager to execute all documents necessary to terminate the Tax Abatement Agreement between the City of Victoria, Victoria County, and StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC. Thomas A. Gwosdz.

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

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

There being no further business, the meeting was adjourned at 5:57 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
November 2, 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, November 2, 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
Tom Halepaska

STAFF PRESENT

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

MEMBERS ABSENT

David Hagan
Joe Truman

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
Scarlet Swoboda, City Secretary

ITEMS FROM COUNCIL

Cm. Polasek encouraged citizens to find an alternate route on Sam Houston because of the construction on that street. He asked for possible solutions to improve the congestion at some of the intersections. Director of Public Works, Lynn Short advised that staff was looking at splitting the phase of the signal lights at some of the intersections to relieve vehicle backup.

Cm. Rangel requested that a report be placed on the November 16, 2010 agenda from the Texas Main Street Program group.

Cm. Polasek addressed the railroad by-pass issue in regards to the Kansas City Southern (KCS) Railroad and an article in the newspaper that KCS was committed to the rail by-pass project. He stated that the by-pass would not include the rail traffic along Main Street, and wanted the citizens to understand that this project would not address all rail traffic within the City.

City Attorney, Thomas A. Gwosdz advised that at the last meeting there was consensus from Council to not move forward on the grant application because of outstanding issues that the proposal included the City purchasing all of the right-of-way needed, and then hold onto it until the railroad was able to do their construction. In addition, the City did not know how much money would be asked for to contribute to that project, because there was a 10% match. KCS came back and continued dialogue after that meeting, and they have stated that they would be willing to put up the money for that 10% match on the grant program. They did expect the City to purchase the right-of-way until the construction begins. Unfortunately, that all happened since the last meeting and the Council has not been able to assemble to discuss their proposal, and the grant application filing deadline has passed. Because the deadline has passed that proposal is off the table, and there is no opportunity to file for a grant. There is an opportunity to continue dialogue if there is another grant opportunity or if KCS is willing to pursue under different circumstances.

Cm. Polasek asked that the City continue to work with KCS on this project. He pointed out that the railroad also has the authority to implement eminent domain and condemnation, but they wanted the City to do that.

Cm. Halepaska addressed Riverside Park parking in the area of Memorial Drive and John F. Lee Drive. He advised that the Pump House Restaurant owner would be willing to contribute funds to the project. The additional parking would be beneficial to the Zoo and the Paddling and Frisbee golf groups. He would like to pursue this and place the project on the Capital Improvement Projects list. Director of Public Works, Lynn Short provided construction cost estimates of \$182,202.50 to put in 117 parking spaces. He also provided cost estimates of \$31,200 to put in lighting in the parking area. Cm. Halepaska advised that the restaurant owner was offering to pay for the lighting costs. Andrea Bloomberg, Director of the Zoo, commented that the Zoo would appreciate the additional parking, because of the number of activities that they hold at the Zoo. Cm. Halepaska asked for the consensus of Council to move forward with the proposal. Deputy City Manager, Charmelle Garret advised that there would need to be a budget amendment if Council wanted to proceed with this project. There was consensus of Council to proceed.

CITIZENS COMMUNICATION

No one wished to address Council.

CITY COUNCIL MINUTES
November 2, 2010

CITY MANAGER REPORTS

- **Convention and Visitors Bureau (CVB) Quarterly Report** - Bridgette Bise, Executive Director of CVB presented the third quarter report. She reported that \$312,086.43 had been collected in hotel occupancy taxes during that period. She reported on her revised budget advising that two addition staff were included, with one working on sports tournaments and the other would be the tourism coordinator for conventions and trade shows. She reported that 65% of the total budget is used for advertising and marketing.
- **Report on the rumor watch page on the web site** - O.C. Garza, Director of Communications advised that it was a way to correct misinformation heard out in the community.

RESOLUTION 2010-182R – HOTEL/MOTEL OCCUPANCY TAX REVENUE AGREEMENT WITH CHAMBER OF COMMERCE

The resolution authorizes a Hotel/Motel Occupancy Tax Revenue Agreement with the Victoria Chamber of Commerce for Tourism/Convention Promotion Services, to operate its Convention and Visitors Bureau, for \$750,000 and approves the budget and funded activities for the aforementioned entity for the 2010-2011 fiscal year, contingent upon funding. Gilbert P. Reyna, Jr.

Director of Finance, Gilbert P. Reyna, Jr. suggested amending the resolution to allow two-months reserve instead of one-month as stated in the contract.

Cm. Polasek moved to amend the resolution to allow the contract to be amended to include two-months reserve instead of one, with Cm. Rangel seconding the motion. The resolution was amended by the following vote:

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

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

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

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 regular meeting of October 19, 2010.
2. **RESOLUTION 2010-175R – 2011 Permanent Emergency Medical Service and Trauma Care Tobacco Endowment:** The resolution ratifies the Deputy City Manager's execution of a contract to accept the grant award from the Texas Department of State Health Services 2011 Permanent Emergency Medical Service and Trauma Care Tobacco Endowment, which provides for the purchase of mounting systems for the LifePak 12 cardiac monitors in ambulances, with a total cost not to exceed \$2,694 with no City matching funds required. Vance Riley
3. **RESOLUTION 2010-176R – Victoria College use of Fire Department Facilities:** The resolution authorizes the City Manager to execute all documents necessary for an Interlocal Cooperation Agreement between The Victoria College and City of Victoria for use of Victoria Fire Department facilities and equipment to meet the resource needs of the college's fire fighting program. Vance Riley.

4. **RESOLUTION 2010-177R – Keep Victoria Beautiful Professional Services Agreement:** The resolution authorizes the City Manager to execute a Professional Services Agreement with Keep Victoria Beautiful for \$25,000 and approves the budget and funded activities for the aforementioned entity for the 2010-2011 Fiscal Year. Jerry James.
5. **RESOLUTION 2010-178R – Abandon and Sell a section of Joshua Street:** The resolution authorizes the City Manager to execute all documents necessary to abandon, close and sell a 165’ section of Joshua Street, described as a 0.19 acre tract of land situated in the Joshua Subdivision, plat recorded in Volume 2, Page 67 of the Map and Plat Records of Victoria County, Texas, and being that portion of Joshua Street southwest of the Southern Pacific Railroad right-of-way, to J. Ramon Lozano, Sr., President of Rain Seal Masters, for \$4,065. John Kaminski.
6. **RESOLUTION 2010-179R – Extend Agreement with Bernard T. Klimist:** The resolution approves an extension to a Downtown Preservation Incentive Program Agreement with Bernard T. Klimist and authorizes the City Manager to execute an amendment. John Kaminski.
7. **RESOLUTION 2010-180R – Interlocal Agreement with VISD for Fiber-Optic Cable Installation:** The resolution authorizes the City Manager to execute an interlocal agreement with Victoria Independent School District (VISD) to allow VISD to install fiber-optic cable in City right-of-way at no cost to the City, for the purpose of providing for effective utility communications, and to route the fiber to the City’s existing concrete polymer hand hole at the corner of Laurent and Crestwood. Rick Henrichs.
8. **RESOLUTION 2010-181R – Media Access Agreement with Saga Broadcasting:** The resolution authorizes the City Manager to execute a Media Access Agreement for use (monitoring only) of public safety radio system with Saga Broadcasting, LLC. Bruce Ure.

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

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

RESOLUTION 2010-183R – TAX ABATEMENT AGREEMENT WITH CATERPILLAR, INC.

The resolution approves the terms and conditions of a tax abatement agreement between the City of Victoria, Texas and Caterpillar, Inc., provides for a commercial/industrial tax abatement for Caterpillar, Inc., for a period of 10 years, and authorizes execution of the agreement by the City Manager. 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, Halepaska, and Mayor Armstrong
NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:54 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 (to include, but not limited to Municipal Court arraignment procedures). Thomas A. Gwosdz.

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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 the Memorandum of Understanding with the Kansas City Southern Railway Company regarding a rail by-pass). Thomas A. Gwosdz. **The item was discussed in open session.**

There was no action taken and nothing to report. There being no further business, the meeting was adjourned at 6:23 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
