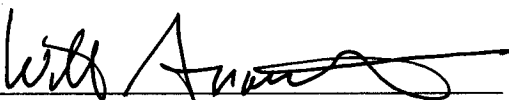
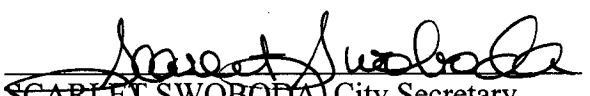


**CITY COUNCIL MINUTES
November 2, 2010**

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 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

**VICTORIA CITY COUNCIL
November 16, 2010**

CALL TO ORDER

A joint meeting of the Victoria City Council and Victoria Sales Tax Development Meeting was called to order by Mayor Will Armstrong and President Lewis Neitsch at 5:00 p.m. Tuesday, November 16, 2010 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

CITY COUNCIL PRESENT

Will Armstrong, Mayor
Paul Polasek, Mayor Pro-Tem
Denise Rangel
Gabriel Soliz
David Hagan
Joe Truman
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
John Kaminski, Director, Development Services
Lynn Short, Director, Public Works
Bruce Ure, Police Chief
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
Cheryl Marthiljohni, Director, Human Resources
Dayna Williams-Capone, Director, Library
Rick Henrichs, Director, Information Technology
Jerry James, Director, Environmental Services
O. C. Garza, Director, Communications
Scarlet Swoboda, City Secretary

VSTDC MEMBERS PRESENT

Lewis Neitsch, President
Bob Martin
Jan Scott
Gabriel Soliz
Joe Truman
Will Armstrong, Mayor

VSTDC MEMBERS ABSENT

Louis Hull Patillo

OTHERS PRESENT

Dale Fowler, President Victoria Economic Development Corporation
West High School Girls Varsity Volleyball Team and Coaches

ITEMS FROM COUNCIL

Mayor Armstrong thanked the Advocate for an editorial that they did in regards to parking in Riverside Park. He commented that he had talked to the engineer that was working with the landowner and City staff, and the project was still a work in progress. He asked staff to bring other options that have been discussed to the next meeting.

Cm. Rangel recognized the coaches and West High School Varsity Volleyball team on their 36-6 record for the season and advancement to the Class 4A Regional Finals, congratulating them on a wonderful season.

Cm. Hagan asked staff to bring back information on the possibility of making Leary Lane a one-way street in the morning and after school near the schools along that street, to help with some of the traffic patterns. He also had some additional questions about the parking lot in Riverside Park and was glad that the Mayor had asked for further information.

Cm. Polasek asked if the City had a Jake brake ordinance, if not he requested that one be placed on a future agenda.

Texas Main Street Program Report. Cm. Denise Rangel asked Robby Burdge to give an update on the Texas Main Street Program. Mr. Burdge advised that Victoria was awarded provisional status, which provides everything that full status does, with the exception of architectural rendering. He advised that historically those cities given provisional status have moved into full status the following year. He advised that the Texas Main Street Board has been seated, they have their Articles of Incorporation and bylaws complete, and the application for 501-C status has been submitted. He advised that their office will be located at 120 Main, and office furniture and a copier have been donated. He further advised that they have raised over \$180,000 in the last week, which was more than half the amount required for a five-year initial sustainability plan. Mr. Burdge stated that they plan to come back in December with another update. The Board would be posting a job announcement for a Main Street Manager position soon.

CITIZENS COMMUNICATION

Amy Wuest, 302 Hampshire Lane expressed concern with the lack of police on the streets and was tired of having items stolen from her home and yard, and she was tired of the drive through traffic in her neighborhood. She suggested that there was a need for more police on the streets. She also expressed concern with the lack of zoning in Victoria. She suggested that there needed to be fewer entrances and exits into the neighborhoods, which might deter theft in those areas. She commented on the City granting incentives to bring in big businesses, but questioned what the City was doing for those people that are already here. Ms. Wuest suggested inconsistency with those subdivisions that get entrances closed and those that do not, using Woodway and the new West High School as an example. Cm. Hagan asked if there was a neighborhood crime watch in her neighborhood and Ms. Wuest did not know.

Ben Price, Secretary of the American Advertising Federation of Victoria, along with the rest of the Board members presented a prepared letter to the City Council. In it, they expressed public displeasure with the City of Victoria, the Victoria Chamber of Commerce, and Victoria Convention and Visitors Bureau for failing to make every effort to spend its \$750,000 advertising and marketing budget with service providers that operate within the City or County of Victoria. The organization's concerns were with the failure of City leaders to recognize the economic impact that was being lost by not supporting local businesses. They strongly urged the Council to make every effort to keep the tax revenue brought into the City by out of town travelers working within the local economy, by requesting that the City Council take the appropriate action to support Victoria businesses. The organizations biggest issue was that the local advertising community had not been given a chance to bid on any of the advertising and marketing projects. Mayor Armstrong suggested that they make their case to the Convention and Visitors Bureau and contact the City Attorney for information on the legal regulations.

CITY COUNCIL MINUTES
November 16, 2010

CITY MANAGER REPORTS

- **Victoria Sales Tax Development Corporation Update.** Assistant Finance Director, Andrew Jacob provided a PowerPoint presentation on the background history and creation of the corporation. He reported that proceeds from the half-cent sales tax collected could be used for economic development, targeted infrastructure, and some sports venues. He reported that approximately \$6 million comes into the corporation a year, and \$85.3 million since its creation. He pointed out that without this source of revenue there was no way that the list of projects he referenced could have been done. It was further pointed out that residential areas did not qualify for VSTDC projects. Cm. Polasek commented that 75% of VSTDC expenses have gone into streets, utilities, and drainage. President Neitsch commented that VSTDC has saved ad valorem taxpayers a considerable amount of money, and they help the City move projects along much sooner. Mr. Fowler commented that many good things have happened because of VSTDC, and Victoria would not have landed Caterpillar without the Lone Tree Business Center that VSTDC developed. Mayor Armstrong commented that with the assistance of VSTDC water rights have been purchased to secure water for Victoria's future.

The Victoria Sales Texas Development Corporation took no action and President Neitsch adjourned their meeting at 5:42 p.m.

- **Library Picture This Contest.** Library Director, Dayna Williams-Capone announced that Victoria had the opportunity to win \$10,000 in a contest with the Playaway Corporation for the Library. She explained that a playaway is a small electronic book, similar to an iPod. They developed a display in the Library using the playaway product, photographed it, and then submitted. She advised that of the 100 entries nationwide, Victoria made it to the top ten. She asked everyone to go out to the internet and vote for Victoria Public Library.
- **Mockingbird Sidewalk Update.** Director of Public Works, Lynn Short reported that at a previous meeting Council instructed staff to abandon the Lone Tree Trail reroute portion of the 2009-2010 Sidewalk Project and then to investigate the possibility of constructing a sidewalk along Mockingbird between John Stockbauer and the new East High School Campus. The reroute portion of the project was \$72,720 and would be removed from the original contract. After negotiations with the contractor doing the sidewalk project, the cost would be \$37,775 to build a sidewalk on the north side of Mockingbird. Alternately, building a sidewalk on the south side of Mockingbird, the cost would be \$52,740. Mr. Short advised doing both, sides would be less than the sum of the two amounts because a portion of the sidewalk on John Stockbauer was included in both totals that had been given. It was the consensus of Council to construct sidewalks on both sides of the street. Mr. Short advised that a change order to the existing contract was all that was needed to move forward and not further action would be required by Council.
- **Hotel Occupancy Tax (HOT) Funding for Outside Agencies.** Finance Director, Gilbert P. Reyna, Jr. provided the applications from the eight entities that submitted them to Council, the amounts requested from each entity, and the amount of funds available. He advised that a resolution to vote on allocation to the outside agencies would be on the December 7, 2010 agenda. Then in February, staff would come back with contracts for final approval. Mr. Reyna advised that information about the application process had been available on Channel TV15, the Victoria Advocate, and the City website.
- **Upcoming Board Appointments: VSTDC and the Victoria Housing Finance Corporation** – City Secretary, Scarlet Swoboda reported on the aforementioned Boards. There was consensus from Council to bring forward resolutions to reappoint current members to the Victoria Housing Finance Corporation as well as a resolution to reappoint Jan Scott and Bob Martin, and appoint Tom Halepaska to the Victoria Sales Tax Development Corporation at the next meeting.

PUBIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2010-2011A – BUDGET AMENDMENT TO FUND OUTSTANDING ENCUMBRANCES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-2011A, which amends the 2010-2011 Fiscal Year Budget of the City of Victoria to provide for the funding of certain encumbrances outstanding at the end of the previous fiscal year. Emergency Reading. Andrew Jacob.

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

Cm. Halepaska made a motion 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:

AN ORDINANCE AMENDING THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE FOR THE FUNDING OF CERTAIN ENCUMBRANCES OUTSTANDING AT THE END OF THE PREVIOUS FISCAL YEAR, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2010-2011B – BUDGET AMENDMENT TO FUND MAGISTRATION SERVICES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-2011B, which amends the 2010-2011 Fiscal Year Budget of the City of Victoria by transferring \$25,000 from the General Fund fund balance to the General Fund Municipal Court Department Professional Services line item to provide funding for the Interlocal Agreement with Victoria County for magistration services. Emergency Reading. Gilbert P. Reyna, Jr.

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

Cm. Truman made a motion that the ordinance pass on emergency reading, with Cm. Hagan 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:

AN ORDINANCE AMENDING THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$25,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND MUNICIPAL COURT DEPARTMENT PROFESSIONAL SERVICES LINE ITEM TO PROVIDE FUNDING FOR THE INTERLOCAL AGREEMENT WITH VICTORIA COUNTY FOR MAGISTRATION SERVICES; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

CITY COUNCIL MINUTES
November 16, 2010

RESOLUTION 2010-194R – INTERLOCAL AGREEMENT FOR MAGISTRATION SERVICES

The resolution authorizes the City Manager to execute an Interlocal Agreement with Victoria County related to magistration services, in an amount not to exceed \$25,000, contingent upon funding. Thomas A. Gwosdz.

Cm. Polasek made a motion that the resolution be adopted, with Cm. Hagan 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

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 November 2, 2010.
2. **RESOLUTION 2010-184R – Fire Department Equipment:** The resolution authorizes an Interlocal Cooperative Purchasing Agreement with the City of Fort Worth, Texas, for the purchase of self-contained breathing apparatus and related accessories. Vance Riley.
3. **RESOLUTION 2010-185R – Fire Department SCBA Apparatus and Tanks:** The resolution authorizes the purchase of 13 Self Contained Breathing Apparatus (SCBA), in the amount of \$55,647.80, 36 SCBA bottles in the amount of \$23,084.64, and 9 SCBA bottles at no cost, from Municipal Emergency Services, Inc. (MES), through the Interlocal Cooperative Purchasing Agreement with the City of Fort Worth, Texas, in the total amount of \$78,732.44. Vance Riley.
4. **RESOLUTION 2010-186R – Fire Station No. 2 Easement, right of way and Electricity Agreement:** The resolution authorizes an Easement and Right of Way with AEP Texas Central Company to provide for the installation and electric delivery service for Fire Station No. 2, located at 2708 Miori Lane. Vance Riley.
5. **RESOLUTION 2010-187R – City’s Health Plan Stop-Loss Insurance:** The resolution awards a contract for the City’s Health Plan Stop-Loss Insurance to Union Labor Life Insurance Company/Fidelity Security of Silver Springs, Maryland, in the amount of \$23.56 per employee per month and \$64.99 per dependent family per month, in an estimated total amount of \$292,957.56 with a \$150,000 deductible, and unlimited maximum lifetime reimbursement. Cheryl Marthiljohni.
6. **RESOLUTION 2010-188R – Minimum Setback Variance at 603 East Murray:** The resolution grants a variance from Section 5-153(a)(5) of the Victoria City Code, which requires a minimum setback of 10 feet from the property line for on-premise signs, to a freestanding sign to be located at 603 East Murray, which is owned by Victoria County Senior Citizens Association. John Kaminski.
7. **RESOLUTION 2010-189R – 2010 Homeland Security Grant:** The resolution authorizes all documents necessary to submit, accept, and expend a 2010 Homeland Security Grant Program (HSGP)/State Homeland Security Program (SHSP) Grant from the Texas Division of Emergency Management (TDEM), in the amount of approximately \$82,796.73, with no City match required, to be expended for the purchase of mobile data computers to be utilized by the Police Department. Jesse Turner.

Cm. Hagan made a motion 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, Hagan, Truman, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2010-190R – OPTING OUT OF CERTAIN HIPAA REQUIREMENTS

The resolution authorizes the City Manager and other persons acting on behalf of the City Manager, including any entity administering the City's health plan (the "plan"), to execute all necessary documents to exclude the City of Victoria from the optional provisions of the Health Insurance Portability and Accountability Act ("HIPAA"). Cheryl Marthiljohni.

Cm. Polasek made a motion 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

RESOLUTION 2010-191R – VENDORS AND SOLICITORS VARIANCE FOR HOLIDAY LIGHTED PARADE

The resolution grants variances to Sections 14-52(a), 14-55(a), 14-56(a), and 14-60(a) of the Victoria City Code, which govern the City's requirements for Itinerant Vendors, Solicitors, and Outdoor Sales to vendors operating at the Lighted Christmas Parade on December 4, 2010. Scarlet Swoboda.

Cm. Rangel made a motion 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

RESOLUTION 2010-192R – APPOINT A MUNICIPAL COURT CLERK

The resolution appoints Tracy Musch as the Municipal Court Clerk and authorizes other personnel actions to be performed by the Clerk of the Municipal Court. Thomas A. Gwosdz.

Cm. Truman made a motion 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

RESOLUTION 2010-193R – APPEAL DECISION AT 208 AVENUE C

The resolution considered an appeal of the decision of October 28, 2010 of the Building and Standards Commission pursuant to Section 5-180, Article XIV, Unsafe Buildings, of Chapter 5 of the Victoria City Code pertaining to a structure located at or adjacent to 208 Avenue C, Victoria, Texas, owned by Jimmy John Montgomery. John Kaminski.

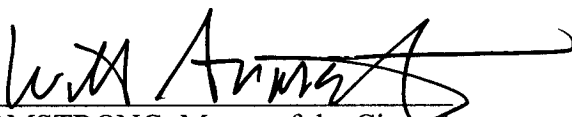
Cm. Polasek made a motion to grant the appeal and find that the building is less than 50% deteriorated, and that this action be sent back to the Building and Standards Commission, and directs the Building and Standards Commission to continue with the process, with Cm. Truman seconding the motion. The motion passed by the following vote:

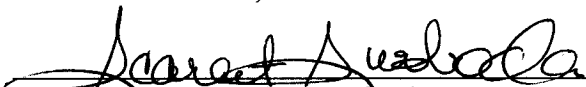
AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong
NAYS: None

CITY COUNCIL MINUTES
November 16, 2010

City Attorney, Thomas A. Gwosdz advised that the impact of this motion was that the Building and Standards Commission at their next meeting would determine the next step in the process and make their determination. Mr. Montgomery was informed that he should get a permit and start making repairs immediately.

There being no further business, the meeting was adjourned at 7:10 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
