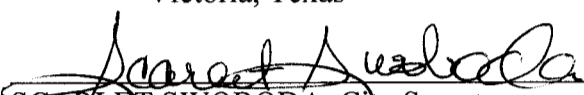


**CITY COUNCIL MINUTES  
November 16, 2010**

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

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**VICTORIA CITY COUNCIL  
December 7, 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, December 7, 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**

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  
Dayna Williams-Capone, Director, Library  
Rick Henrichs, Director, Information Technology  
Jerry James, Director, Environmental Services  
O. C. Garza, Director, Communications  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

**CITY MANAGER REPORTS**

- **Ethel Lee Tracy Park Amphitheater Stage Donation.** Jan Scott on behalf of the Ethel Lee Tracy Foundation read a letter and presented a check for \$105,000 to Doug Cochran, Director of Parks and Recreation for the balance of the original \$150,000 grant.
- **Recognition of City Employees for 20, 25, and 30 Years of Service.** Charmelle Garrett presented the following employees with awards of recognition: Rick Henrichs and Jesse Gonzales for 30 years, Trudie Sandberg, Michael Beyer, Denyce Beyer, and Santos Olvera for 25 years, and Lana Schultz, Margie Montgomery, Sylvester Diggs, and Robert Santellana, for 20 years.

Mayor Armstrong advised that one of the items on the agenda was to consider the Hotel Occupancy Tax funds and allocation to various entities. He stated that he considered the Theatre the cornerstone of the Downtown Improvement Project, then allowed Omar Rachid to address the Council. Mr. Rachid, 101 Hampton Court, President of the Victoria Theatre Board of Directors asked to withdraw the application for Victoria Theatre at this time, because the previous Executive Director submitted the application without appropriate approval from the Theatre Board or the Victoria Performing Arts Center Board. He asked that Council give them until February 2011 to come back with a modified version of that application.

### ITEMS FROM COUNCIL

Mayor Armstrong asked the City Attorney what the ramifications would be for the Council to grant Mr. Rachid's request to withdraw their application at this time. Mr. Gwosdz responded that they did meet the initial deadline set by Council, so it would be within Council's discretion to consider that application later. Mayor Armstrong asked Cm. Polasek and Cm. Rangel to meet with the Theatre group then bring back information on how things were going before the application is considered again.

Cm. Soliz commented that in the month of September he had approached the City Manager and City Attorney about wanting to put together a Code of Conduct Policy. He asked the other members to consider his request in order to instill public trust with the community. Cm. Truman felt the voters hold them up to their code of conduct at every election and was not sure it needed to be a formal policy. Cm. Polasek asked how it would be enforced, with Cm. Truman stating that the Council currently follows Roberts Rules of Order. Cm. Halepaska suggested addressing Cm. Soliz request at a workshop. Cm. Soliz stated that he would bring back examples from other cities.

Cm. Soliz commented that at the unveiling of the boots for the "Bring your Boots" campaign he noticed that one of the boot designs has the city seal on it. He wanted to know if the city seal could be used for profitable items, or if there were restrictions. He further asked for a copy of the Main Street Project bylaws. Cm. Rangel advised that by virtue of her position as Council member from District 1, she was on the Board as an ex-officio member and would get Cm. Soliz a copy.

**Potential Early Hire of Assistant City Manager.** Mayor Armstrong commented that Ms. Garrett was putting in some long hours, and suggested allowing her to make that hire when she was ready instead of waiting until March 1, 2011. He advised that it might require a budget amendment for the differences in salaries. There was Council consensus to move forward.

### CITIZENS COMMUNICATION

Sharon Steen, 104 N. Liberty, expressed her gratitude for Council's support of the Theatre. As the President of Victoria Regional Museum Association and Chairperson of the Exhibits Committee she commented that she supported the arts because they change our lives for the better, and she could not imagine living in a community that did not support the arts. One can turn to the arts for inspiration and hope, and there is a profound need for it. She asked the Council to support the groups that come to them for funding. She further commented that she supported the Council regardless of their decisions.

Tim Williams, Pastor of Northside Baptist Church, 4100 N. Laurent addressed concerns with the use of synthetic marijuana and other synthetic drugs that go by the name of K2. He stated that other cities have banned these drugs and encouraged the Council to consider banning the sale and use these types of drugs in Victoria. Cm. Rangel stated that she thought the State was looking at making these drugs illegal, with the Police Chief responding that a number of bills had been filed for the Legislative Session starting January. He further commented that as a member of the Texas Police Chief Legislation Committee, he was watching it closely, but did not believe it was going to go very far on a State level.

Bill White, 106 Garden Place had compliments for the Youth Sports Complex, the Downtown sidewalks, and the City Secretary's Office. He further addressed support of the Quilt Guild, stating that they were not asking for a lot of funds from the Hotel Occupancy Tax. They put on about 20 days of activities that are open to the public every year. He stated that Paducah,

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**CITY COUNCIL MINUTES**  
**December 7, 2010**

Kentucky brings in approximately 70,000 people a year for quilt related activities, partly because the American Quilting Society is located there. He commented that a large amount of money had been spent on the "Bring their Boots" to Victoria campaign, but after they bring their boots, they have to have something to do. If they do not find anything to do, they will go home and tell their friends that they brought their boots, but there was not anything to do. That will not put heads in beds. He suggested that the common sense approach would be to have a big campaign to have something to do once you got here.

Wilbur Collins, 202 Cherokee Lane expressed concern that there were five streetlights burned out in a five-block area along Main Street (US 87) and had been for a month. He stated that he had called the City and was told that someone outside the city limits was in charge of the streetlights. He stated surely, there was somebody who knew something about the electricity for the streets, suggesting they needed to do their job. He further asked Council to please support the arts. Ms. Garrett advised that AEP takes care of the streetlights, and the Public Works Department does report those outages to them.

### **CITY MANAGER REPORT**

- **Riverside Parking Lot Update.** Lynn Short provided a handout with the original proposal along with an alternative layout and proposal with current construction estimates.
  - Original Proposal: 136 spaces at an estimated cost of \$128,225, with the developer paying for 13 spaces on private property (estimated cost of \$15,000) plus underground lighting in the amount of \$31,200.
  - Alternative Proposal: 107 spaces near Pumphouse Restaurant plus 40 spaces adjacent to the Zoo at an estimated cost of \$156,744. Developer pays for 13 spaces on private property (estimated cost of \$15,000) plus \$48,527 for the additional 54 spaces on park property (67 total spaces). City pays for the remaining 40 spaces near the Pumphouse plus the additional 40 spaces near Zoo at an estimated cost of \$108,217. Mr. Short advised that City staff would do the labor for this project and a contractor would do the overlay.

Mayor Armstrong stated that he wanted to vote on the project and ask for a motion so that there could be discussion.

Cm. Truman asked Council to give consensus for the Parks Department to develop a Parks Master Plan for the parks system, instead of building parking lots without a structured plan. Cm. Halepaska commented that this proposal was presented to the Parks Commission at their last meeting, and they were eager to have additional parking, especially near the Zoo. Cm. Truman commented that he would feel better if these types of things are planned and budgeted, and then proceed in a structured manner. Mr. Cochran advised that there used to be a Parks Master Plan, however, it was no longer valid, and the Parks Commission was now looking at a new one.

Cm. Hagan questioned who would own and maintain the parking lots, and be responsible for the trash. In addition, would there be any restrictions or preferential treatment in the use of those lots. Mr. Short advised that the spaces on park property would belong to the public. Cm. Polasek commented that the developer was willing to pay for parking spaces on park property, donating them to the City. He stated that the property was surrounded by designated park property, which the City could not sell if we wanted to. He suggested that the parking issue was created by the City, although a good problem, when the paddling trail access point was built in Riverside Park. He stated there was a need for parking.

Cm. Hagan stated that he supported the restaurant and a small number of parking spaces for the paddling trail, but the magnitude of the project and number of spaces was excessive. Cm. Soliz commented that when the property was purchased he was under the assumption that the property owners had to create their own parking lot. He expressed concern with the developer purchasing the property and then coming back to the City to foot the bill on public property with public money. He felt that information should have been disclosed at the time of purchase.

Cm. Halepaska reminded the Council that it would have taken \$250,000 to tear down the historical building in question, plus the expense of removing the tanks for a building that the City no longer needed. The restaurant will put approximately \$1 million back on the tax rolls, not to mention the sales tax revenue that the City will receive. He felt this was a great opportunity to get a parking lot for the benefit of the whole park.

Cm. Truman made a motion to direct staff to move forward with the alternative proposal, with Cm. Rangel seconding the motion. The motion passed by the following vote:

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

**RESOLUTION 2010-208R - ALLOCATING HOT FUNDS TO OUTSIDE AGENCIES**

The resolution allocates funding to outside agencies from the 2010-2011 Hotel Occupancy Tax funds, subject to the approval of a subsequent budget amendment and the execution of a funding agreement with said agencies. Gilbert P. Reyna, Jr. and Thomas A. Gwosdz.

Cm. Halepaska made a motion to fund all agencies at the requested levels, with the exception of Theatre Victoria which was being set aside at this time, funding Victoria Regional Museum Association in the amount of \$27,000, and the result of that would leave a fund balance of approximately \$85,674, with Cm. Hagan seconding the motion.

Cm. Truman made a motion to amend the resolution to allocate \$30,000 to Victoria Regional Museum Association, with Cm. Rangel seconding the motion. The motion to amend passed by the following vote:

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

The original motion to the resolution was adopted, as amended, by the following vote:

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

**PUBIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2010-25 - AMEND CHAPTER 24 "FEES"**

City Attorney Gwosdz read the caption of Ordinance 2010-25, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees therein. First Reading. Scarlet Swoboda, Doug Cochran, Lynn Short, and Dayna Williams-Capone.

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

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

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

Caption:

**AN ORDINANCE AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES THEREIN, REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.**

**CITY COUNCIL MINUTES**  
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**RESOLUTION 2010-195R – 2011 MEDICAL TRANSFER SERVICES PERMITS**

A resolution authorizes the issuance of Medical Transfer Services Permits to Charles Sargent d/b/a Quality Ambulance Service, ALS Ambulance Services, Inc. d/b/a Regional Ambulance Service, and Clay Wiatrek d/b/a Sacred Heart Medical Service. Scarlet Swoboda

Cm. Halepaska 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

**ORDINANCE 2010-2011C - AMEND BUDGET FOR PROFESSIONAL SERVICES TO REVIEW CATERPILLAR PLANS**

City Attorney Gwosdz read the caption of Ordinance 2010-2011C, 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 Inspections Department Professional Services line item, to provide funding for third party review of Caterpillar plans and construction documents. First Reading. Andrew Jacob.

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

Cm. Polasek made a motion that the ordinance pass on first reading, with Cm. Truman seconding the motion. The ordinance passed on first 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 INSPECTIONS DEPARTMENT PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE FUNDING FOR THIRD PARTY REVIEW OF CATERPILLAR PLANS AND CONSTRUCTION DOCUMENTS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2010-2011D - AMEND BUDGET FOR ADDITIONAL FUNDING FOR 2010 VSTDC BUSINESS PARK 2**

City Attorney Gwosdz, read the caption of Ordinance 2010-2011D, which amends the 2010-2011 Fiscal Year Budget of the City of Victoria by transferring (1) \$250,000 from the General Fund fund balance to the General Fund Non Department Transfer line item, and (2) \$250,000 from the Water Wastewater Fund fund balance to the Water Wastewater Fund Non Department Transfer line item, to provide additional funding for the purchase of land by the Victoria Sales Tax Development Corporation (VSTDC) for the 2010 VSTDC Business Park 2 Project. First Reading. Andrew Jacob.

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

Cm. Truman made a motion that the ordinance pass on first reading, with Cm. Rangel seconding the motion. The ordinance passed on first 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 (1) \$250,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND NON DEPARTMENT TRANSFER LINE ITEM, AND (2) \$250,000 FROM THE WATER WASTEWATER FUND FUND BALANCE TO THE WATER WASTEWATER FUND NON DEPARTMENT TRANSFER LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF LAND BY THE VICTORIA SALES TAX DEVELOPMENT CORPORATION (VSTDC) FOR THE 2010 VSTDC BUSINESS PARK 2 PROJECT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

**CITY MANAGER REPORTS**

- **Emergency Operations Center Construction Update.** Charmelle Garrett reported that Victoria County received bids for the Emergency Operations Center, which would be a joint center for both the City and County. The bids were over \$2 million and the County has grants of \$1.6 million. The remainder would be split between the City and County, which would be approximately \$200,000 per entity. This may necessitate a budget amendment later in the year when construction starts.

**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 16, 2010.
2. **RESOLUTION 2010-196R – Transfer Police Department Equipment to Victoria College:** The resolution authorizes the City Manager to execute all documents necessary to transfer ownership of outdated body armor vests and outdated weapon holsters from the Victoria Police Department to The Victoria College to be used as training equipment. Bruce Ure.
3. **RESOLUTION 2010-197R – Media Agreement with the Victoria Advocate:** A resolution authorizes the City Manager to execute a Media Access Agreement for use (monitoring only) of public safety radio system with the Victoria Advocate Publishing Company. Bruce Ure.
4. **RESOLUTION 2010-198R – Loan Star Libraries Grant Agreement:** The resolution authorizes the City Manager to execute the Loan Star Libraries Grant Agreement with the Texas State Library and Archives Commission, in the amount of \$24,435, with no City matching funds required. Dayna Williams-Capone.
5. **RESOLUTION 2010-199R – Appointments to Victoria Sales Tax Development Corporation:** The resolution appoints Tom Halepaska as Council Representative, and Jan Scott and Bob Martin as the Citizen Representatives to the Board of Directors of the Victoria Sales Tax Development Corporation. Scarlet Swoboda.
6. **RESOLUTION 2010-200R – Appointments to Victoria Housing Finance Corporation:** The resolution appoints City Council Members David Hagan, Denise Rangel and Paul Polasek to the Victoria Housing Finance Corporation. Scarlet Swoboda.
7. **RESOLUTION 2010-201R - Downtown Street Overlay, ADA Ramp, and Crosswalk Improvements Project:** The resolution awards a bid for the Downtown Street Overlay and ADA Ramp and Crosswalk Improvements project to Brannan Paving Co., Ltd., of Victoria, Texas, in the amount of \$1,034,000.16. Lynn Short.
8. **RESOLUTION 2010-202R - Greenbriar Addition Water Line Improvement Project:** The resolution awards a bid for the Greenbriar Addition Water Line Improvement Project to Saenz

CITY COUNCIL MINUTES  
December 7, 2010

Utility Contractors, Ltd., of Edcouch, Texas, in the amount of \$765,765. Lynn Short.

9. **RESOLUTION 2010-203R - Interlocal Agreement for VSTDC to Purchase Property:** The resolution adds and modifies Victoria Sales Tax Development Corporation (VSTDC) programs and expenditures for Fiscal Year 2010-2011, and authorizes the City Manager to execute an interlocal agreement with the Victoria Sales Tax Development Corporation that provides for the VSTDC to purchase real property in conjunction with the 2010 VSTDC Business Park 2 Project, in an amount not to exceed \$500,000. Andrew Jacob.
10. **RESOLUTION 2010- 204R - Amend VSTDC Bylaws:** The resolution authorizes and approves an amendment to the Bylaws of the Victoria Sales Tax Development Corporation and approves procedures related thereto. Andrew Jacob.
11. **RESOLUTION 2010-205R - Purchase Uniforms for Fire Department:** The resolution authorizes the City Manager to execute all documents necessary to renew the annual supply contract for the purchase of stationwear uniforms for the Fire Department with Service Supply, of Victoria, Texas, in the amount of approximately \$37,000. Vance Riley.
12. **RESOLUTION 2010-206R - Extend Current Electric Supply Agreement:** The resolution of the City of Victoria, Texas, authorizes the South Texas Aggregation Project, Inc. (STAP) to negotiate an extension to the current electric supply and necessary related services agreement with Next Era for a fixed price per kWh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; authorizes STAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizes the chairman of STAP to execute an extension to the current electric supply agreement for deliveries of electricity effective January 1, 2011 or as soon after finalization of a contract as possible; and commits to budget for energy purchases and to honor the City's commitments to purchase power through STAP for its electrical needs through December 31, 2018. Gilbert P. Reyna, Jr.
13. **RESOLUTION 2010-207R - Agreement to Install Railroad Crossing Gates:** The resolution authorizes the City Manager to execute a Texas Department of Transportation Railroad Crossing License and Force Account Agreement between the Texas Department of Transportation, Union Pacific Railroad Company and City of Victoria for the installation of a highway-grade crossing warning system at John Stockbauer Drive south of Houston Hwy. Lynn Short.


Cm. Halepaska 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

Mayor Armstrong asked the members of Council if they wanted to schedule a special meeting on December 14, instead of holding the regular meeting on December 21, 2010. There was consensus from Council to change the date of the meeting.

There being no further business, the meeting was adjourned at 6:42 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary