

VICTORIA CITY COUNCIL  
December 14, 2010

**CALL TO ORDER**

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, December 14, 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  
Doug Cochran, Director, Parks and Recreation  
John Kaminski, Director, Development Services  
Bruce Ure, Police Chief  
Vance Riley, Fire Chief  
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  
Andrew Jacob, Assistant Finance Director  
Darryl Lesak, Asst. Director Environmental Services  
Scarlet Swoboda, City Secretary

**ITEMS FROM COUNCIL**

Joni Brown was recognized as the outgoing Executive Director of Keep Victoria Beautiful. She introduced the Interim Executive Director, Thomas Yantis, who will take over on January 3, 2011.

Cm. Rangel recognized the City Secretary and her staff, Wendi DuVall, and April Hilbrich for receiving the Exemplary Five Star Award from the Texas Department of State Health Services, Vital Statistics Unit.

**Prohibit the use and sale of Synthetic Marijuana.** Cm. Rangel asked the Police Chief if it was possible to draft an ordinance to ban these products. Chief Ure reported that a draft ordinance to ban the sale and possession of these items had been given to the Legal Department for review. He estimated that 20 or 30 locations in Victoria sell these types of products. It was the consensus of Council to move forward with an ordinance to ban the substances.

**CITIZENS COMMUNICATION**

Dale Zuck, 168 Casablanca thanked the Council for their hard work and not having to layoff a bunch of people when adopting the budget. He thanked Chief Ure for the public service commercials. He thanked Council Members Truman, Hagan, and Soliz for saying no, asking the right questions, and doing what is best for fiscal conservative voters. He expressed disappointment in the way things were handled with regards to providing parking lots for private enterprise. He suggested that there were probably a lot of other streets in the City that needed to be paved instead of a private parking lot. He stated that the appearance of fixing something for private enterprise was not appropriate for this Council or the City. He asked the Council to take a step back and relook at the parking issue for this business. He congratulated Ms. Garrett for her new position as City Manager.

**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. Second and Third Reading. Scarlet Swoboda, Doug Cochran, Lynn Short and Dayna Williams-Capone.

**CITY COUNCIL MINUTES**  
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City Attorney Gwosdz advised that the ordinance was originally scheduled for next week, but because the meeting was moved up a week, there is a small impact in that the ordinance would become effective 10 days after adoption, which would be before the end of this calendar year. It was the intent of staff to have this ordinance go into effect January 1, 2011, so although the ordinance itself will become effective 10 days after adoption, we will hold off on application of the fees until January 1, 2011. He advised that no amendment was needed, we will be sticking true to the original intent.

Cm. Truman made a motion that the ordinance pass on second and third reading, with Cm. Hagan seconding the motion. The ordinance passed on second and third 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.**

**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. Second and Third Reading. Andrew Jacob.

Cm. Truman made a motion that the ordinance pass on second and third reading, with Cm. Rangel seconding the motion. The ordinance passed on second and third 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. Second and Third Reading. Andrew Jacob.

CITY COUNCIL MINUTES  
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Cm. Truman made a motion that the ordinance pass on second and third reading, with Cm. Rangel seconding the motion. The ordinance passed on second and third 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.**

**CITY MANAGER REPORTS**

- **Holiday Solid Waste Pick-up.** Darryl Lesak provided a handout with the holiday schedule.

**RESOLUTION 2010-209R – SUSPEND EFFECTIVE DATE OF CENTERPOINT ENERGY RATE CHANGES**

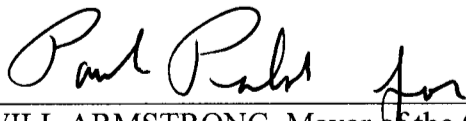
The resolution suspends the January 7, 2011, effective date of CenterPoint Energy Entex and CenterPoint Energy Texas Gas South Texas Division requested rate change to permit the City time to study the request and to establish reasonable rates; approves cooperation with other cities in the CenterPoint South Texas Service area to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; authorizes intervention in GUD No. 10,038 at the Railroad Commission; authorizes legal representation; requires reimbursement of Cities' rate case expenses; finds that the meeting at which this resolution is passed, is open to the public as required by law; and requires notice of this resolution to the company and legal counsel. Thomas A. Gwosdz.


Mayor Armstrong commented that this is an investigation into the company's rate structure, we are not automatically assuming that they are being unfair, he understands that sometime rate increases are necessary.

Cm. Polasek made a motion that the resolution be adopted, with Cm. Truman 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 meeting was adjourned at 5:25 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary