

CITY COUNCIL MINUTES  
December 7, 2004

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2004-202R – APPOINTING ONE MEMBER TO THE CITY OF VICTORIA PLANNING COMMISSION**

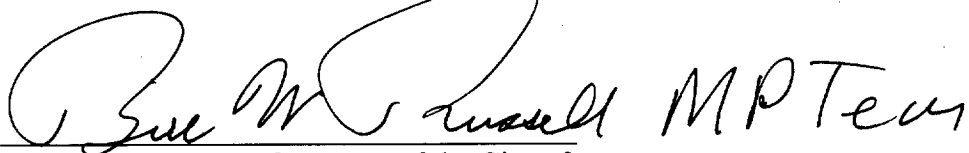
The resolution appoints Matt Alvarez to the City of Victoria Planning Commission. Scarlet Swoboda.

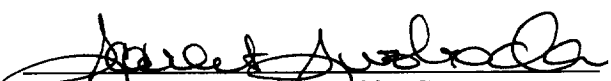
Cm. Halepaska moved that the resolution be adopted, with Cm. Russell seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

There being no further business, the meeting was adjourned at 7:17 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
January 4, 2005

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Pro-Tem Bill Russell at 5:03 p.m. Tuesday, January 4, 2005 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

**MEMBERS PRESENT**

- Bill Russell, Mayor Pro-Tem
- Philip Guittard
- Lewis Neitsch
- Shirley Buckert
- Jim Wyatt
- Tom Halepaska

**STAFF PRESENT**

- Denny Arnold, City Manager
- Charles Windwehen, Assistant City Manager
- David A. Smith, City Attorney
- Miles Risley, Senior Assistant City Attorney
- John Johnston, Director, Public Works
- John Kaminski, Director, Planning
- Lynn Short, Director, Utilities
- Steve Trevino, Director, IMS
- Doug Cochran, Director, Parks
- Wendi DuVall, Deputy City Secretary

**MEMBERS ABSENT**

- Will Armstrong, Mayor

**APPROVAL OF MINUTES**

The minutes of the regular meeting of December 7, 2004 were approved as presented.

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**CITIZENS COMMUNICATION**

No one wished to address Council.

**ITEMS FROM COUNCIL**

Mayor Pro-Tem Russell recognized Bruce Chin, Derek Thigpen and David Chin of Boy Scout Troop 364. He also reminded the audience that Thursday evening was movie night in the Bronte Room of the Library.

**CITY MANAGER REPORTS**

**2004-2005 Street Maintenance Program**

John Johnston, Director of Public Works, presented the 2004 Street Inventory and Maintenance Program. Mr. Johnston advised that he would be requesting recommendations from Council for the 2004-2005 overlay projects at the next meeting. He advised that streets listed were in alphabetical order, using worst to best quality, and listed by subdivision or neighborhood, taking into account quality of streets in neighborhoods. He also advised that a copy of the inventory had been given to the Library and was also posted on the City website.

**Proposed Community Center Fee Ordinance**

Doug Cochran, Director of Parks and Recreation, presented a power point display with the recommendations made by the Parks Commission and the community center staff. He stated that when they started the process, their goal was to reduce the complexity of the existing reservation process for customers. Mr. Cochran stated that one of the charges that was given to Shane Simon, Community Center Manager, when he was hired was to look at the policies and procedures and make recommendations for updating the process and recommend changes. Those recommendations are as follows:

1. Change from a block time rental system to an all day system
2. Implement a charge for chairs, tables and risers
3. Change the down payment to a non-refundable fee
4. Change the late pay fee of \$25 to 10% of contract or half day rental fees
5. Change the time allowed to reserve facilities

Cm. Wyatt requested additional information on the lessee's of the community center, such as how many were non-profit, for-profit, or religious organizations. Also, how many weeks out of the year the facilities were rented, as well as weekend and weekday rental numbers. It was the wishes of Council to receive information on exactly whom these changes would impact.

Mayor Pro-Tem Russell inquired about the financial status of the community center and whether the fees were covering the variable costs of operation. Gilbert Reyna, Jr., Finance Director, advised that the Community Center receives approximately \$150,000 to \$200,000 in rental income, but the majority of revenue comes from Hotel/Motel Tax.

There were concerns expressed by Yvonne Smith with the Victoria County Senior Citizens Center, and Herschel VanSickle representing the Victoria Livestock Show, that the new fees may have a negative impact on the non-profit organizations.

**Flood/Disaster Recovery Funding Efforts**

David Martyn, Emergency Management Coordinator, presented an update on the funding efforts for Victoria flood victims. He reported that last week, the Office of the Emergency Management received word from the Federal Government that the President had declined to sign a presidential disaster declaration for Victoria County and the surrounding counties that were effected by the recent rains and flooding. Mr. Martyn stated that currently, he knew of only a few programs that people could apply and possibly be eligible for. He advised that although most programs are for

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rehabilitation of homes for low income applicants, the public should still go ahead and apply, as other funds may be available in the future.

**RESOLUTION 2005-1R – AWARDING 2004-2005 SANITARY SEWER LINE CLEANING PROJECT TO CLEAN SERVE, INC.**

The resolution awards the 2004-2005 Sanitary Sewer Line Cleaning Project to Clean Serve, Inc., of Houston, Texas, in the amount of \$98,852.48. Lynn Short.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

**RESOLUTION 2005-2R – AUTHORIZING THE SALE OF TWO USED POLICE SEDANS TO THE VICTORIA COUNTY SHERIFF'S OFFICE**

The resolution authorizes the sale of two used police cars to the Victoria County Sheriff's Office in the amount of \$1,200 each. Steve Trevino.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

**RESOLUTION 2005-3R – AUTHORIZING THE PURCHASE OF TWO CABS AND CHASSIS FOR REMOUNTING OF AMBULANCE BODIES FROM FRAZER, LTD.**

The resolution authorizes the purchase of two new Chevrolet cabs and chassis, remounting of two modular ambulance bodies, installation of new 5.5 kw generators and structural modifications to two ambulances in a total amount of \$107,600 from Frazer, Ltd., of Houston, Texas. Steve Trevino.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

**RESOLUTION 2005-4R – AWARDING BID FOR PURCHASE OF SEVERAL VEHICLES TO BABY JACK FORD AUTOMOTIVE, LTD.**

The resolution awards the bid for the purchase of one full size ¾-ton crew cab pickup truck with heavy duty chassis, in the amount of \$19,136, minus trade-in allowance of \$2,500 for a 1995 ¾-ton diesel pickup; two full size ¾-ton regular cab pickup trucks with heavy duty chassis in the amount of \$15,739 per truck, minus trade-in allowances of \$2,000 each for a 1995 ¾-ton pickup and a 1994 ½-ton pickup; four full-size ½-ton pickup trucks in the amount of \$13,227 each, minus trade-in allowances in the amount of \$1,500 for a 1994 ½-ton pickup, \$2,000 for a 1995 ½-ton pickup, and \$2,500 for a 1997 F-250 pickup; and one Ford Expedition 4-door SUV in the amount of \$23,387, to Baby Jack Ford Automotive, Ltd., of Caldwell, Texas, in the total amount of \$114,409. Steve Trevino.

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

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AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem  
Russell

NAYS: None

**RESOLUTION 2005-5R – AUTHORIZING DEDUCTIVE CHANGE ORDER NUMBER 1 TO THE WEST OUTFALL DRAINAGE PROJECT – PHASE 1**

The resolution authorizes the deductive Change Order Number 1 to the West Outfall Drainage Project – Phase I, to change the construction at Mead Road crossing from crown span to standard concrete boxes, add a detour on Navarro, adjust quantities, and reduce the contract amount by \$128,554.65, which will bring the total contract price to \$6,029,592.75. John Johnston.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem  
Russell

NAYS: None

**RESOLUTION 2005-6R – AUTHORIZING DEDUCTIVE CHANGE ORDER NUMBER 1 TO THE RECLAIM, OVERLAY PROJECT/RECONSTRUCTION OF LAUREL AVENUE, YUPON AVENUE AND WAGNER WAY**

The resolution authorizes deductive Change Order Number 1 to the Reclaim, Overlay Project/Reconstruction of Laurel Avenue, Yupon Avenue and Wagner Way project, to change the construction of Wagner Way and Vine Street, add Citizens Drive, Continental Street and MacGruder Drive to the project, and make other miscellaneous changes detailed therein, to reduce the contract amount by \$3,196.13, which will bring the total contract price to \$1,879,837.09. John Johnston.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem  
Russell

NAYS: None

**RESOLUTION 2005-7R – APPROVING INSURANCE REQUIREMENTS FOR CITY CONTRACTS**

The resolution approves Insurance Requirements for City of Victoria Contracts. Miles Risley.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem  
Russell

NAYS: None

**RESOLUTION 2005-8R – GRANTING VARIANCES TO THE MINIMUM LOT SIZE REQUIREMENTS AT 4908 AND 5006 N. NAVARRO STREET, OWNED BY KARNES COMMERCIAL REAL ESTATE**

The resolution grants variances to Sections 21-55(k) and 21-83(a)(2) of the Victoria City Code, which require minimum lot frontage for a general commercial lot of at least 100 feet on a public street, for the TCP Victoria Subdivision, Resubdivision No. 1, at 4908 and 5006 N. Navarro Street, which is owned by Karnes Commercial Real Estate. John Kaminski.

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

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AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

**ORDINANCE 2004-18 - AUTHORIZING THE ANNEXATION OF APPROXIMATELY 10.7785 ACRES OF LAND AS REQUESTED BY ROBERT L. DENISON**

City Attorney, David A. Smith, read the caption of Ordinance 2004-18, which authorizes the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 10.7785 acres of land, at the request of Robert L. Denison, Jr., and adopts a service plan for the territory to be annexed. Second and Third Reading. John Kaminski.

Cm. Buckert moved that the ordinance pass on second and third reading, with Cm. Wyatt seconding the motion. The ordinance passed on second and third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

Caption:

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 10.7785 ACRES OF LAND, AT THE REQUEST OF THE ROBERT L. DENISON, JR., ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE 2005-1 - AMENDING CHAPTER 24 "FEES" TO CHANGE MISCELLANEOUS FEES**

City Attorney, David A. Smith, read the caption of Ordinance 2005-1, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees therein. First Reading. Miles Risley.

Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Neitsch seconding the motion. The ordinance passed on first reading by the following vote:

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Pro-Tem Russell

NAYS: None

Caption:

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

**EXECUTIVE SESSION**

Mayor Pro-Tem Russell announced that Council would recess into Executive Session at 6:13 p.m., in accordance with:

Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person (including, without limitation, the purchase of property in the vicinity of the City's currently active sanitary landfill). David A. Smith.

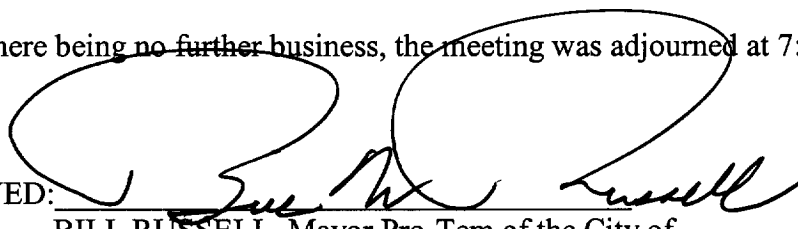
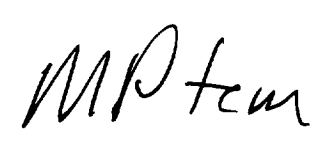
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Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the evaluation and duties of all public officers and employees appointed by the City Council pursuant to the Charter of the City of Victoria). David A. Smith.

The Council reconvened in regular session at 7:05 p.m. and had nothing to report.

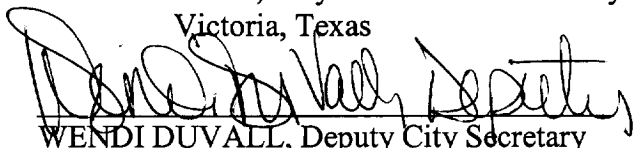
There being no further business, the meeting was adjourned at 7:06 p.m.

APPROVED:

BILL RUSSELL, Mayor Pro-Tem of the City of  
Victoria, Texas

ATTEST:



WENDI DUVALL, Deputy City Secretary

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