

CITY COUNCIL MINUTES
March 28, 2005

MEMBERS ABSENT

Philip Guittard
Shirley Buckert

STAFF PRESENT – Continued

Richard Jones, Chief of Police
Ray Miller, Assistant Planning Director
Scarlet Swoboda, City Secretary

CITIZENS COMMUNICATION

No one wished to address Council.

RESOLUTION 2005-43R - AUTHORIZING EMPLOYMENT OF SUCH PERSONS NEEDED FOR THE NAVARRO-HATHAWAY CONNECTOR STREET PROJECT

The resolution authorizes the employment of such persons and lawful means for the City of Victoria to construct a public street, including emplacement of any necessary utilities, between Hathaway Street and North Navarro Street, provided that all necessary documents, deposits, payments and escrow agreements for this Navarro-Hathaway Connector Street Project have been executed by R. Eric Seitz d/b/a The Seitz Group and Target, Inc.; \$100,000 has been deposited with the City by R. Eric Seitz d/b/a The Seitz Group; Hull Storey, or its nominee, has deeded to the City 0.586 acres of land necessary for a portion of this street; and Target, Inc. has executed an escrow agreement with the City whereby Target, Inc. will deposit \$400,000 of which \$200,000 can be used to defray costs of the construction of this street, all (1) in a form acceptable to the City Attorney and (2) all received by April 15, 2005. David A. Smith


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

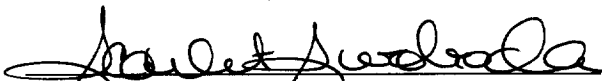
AYES: Council Members Neitsch, Russell, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for and Executive Session.

There being no further business, the meeting was adjourned at 12:25 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
April 5, 2005

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, April 5, 2005 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

CITY COUNCIL MINUTES
April 5, 2005

MEMBERS PRESENT

Will Armstrong, Mayor
Lewis Neitsch
Bill Russell
Shirley Buckert
Jim Wyatt
Tom Halepaska

MEMBERS ABSENT

Philip Guittard

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
Miles Risley, Senior Assistant City Attorney
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Richard Jones, Chief of Police
Gilbert P. Reyna, Jr., Director, Finance
Jerry James, Director, Environmental Services
Vance Riley, Director, Fire and EMS
Lynn Short, Director, Utilities
Brian Jahn, Traffic Engineer
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of March 8, 2005, regular meeting of March 15, 2005, special meeting of March 28, 2005 were approved as presented.

CITIZENS COMMUNICATION

Phyllis Hunt, 106 Windcrest, thanked Council for the City's support of the "Keep Victoria Beautiful" cleanup held over the weekend in the Mayfair Addition. Mayor Armstrong thanked all the volunteers for their participation.

ITEMS FROM COUNCIL

Cm. Buckert advised that she had spoken with Cam Scott, the Director of Field Government Relations, with the American Cancer Society. He is a liaison between government entities and the cancer society, and has agreed to come to a work session to help advise the Council on whether to go forward with a smoking ban. Cm. Buckert also advised that thirty two cities in Texas have smoking bans. There was a consensus of Council to hold a work session on this topic on May 10, 2005.

Cm. Wyatt thanked John Johnston and the Public Works Department for addressing the dangerous intersection at Ben Jordan and Business 59. He also praised the efforts of the "Keep Victoria Beautiful" cleanup in the Mayfair area.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

RESOLUTION 2005-46R – RATIFYING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY

The resolution considers ratifying an interlocal agreement with Victoria County that will allocate funds from the 2005 Byrne Justice Assistance Program Grant. Richard Jones.

Richard Jones, Chief of Police, advised that this is a different type of grant that will be shared with Victoria County. The City will receive 60 percent of the grant as agreed upon by the County Judge and City Manager.

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

ORDINANCE 2005-7 – AMENDING THE CITY'S DROUGHT CONTINGENCY PLAN

The ordinance considers amending Sections 13-76 and 13-78 of the Victoria City Code to update and amend the City's Drought Contingency Plan to insert mandatory language to comply with statutory changes. Lynn Short.

CITY COUNCIL MINUTES**April 5, 2005**

Mayor Armstrong asked if there were any questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

ORDINANCE 2004-2005C – AMENDING THE 2004-2005 FISCAL YEAR BUDGET TO INCREASE THE FUNDING FOR THE VICTORIA CHAMBER OF COMMERCE

Mayor Armstrong removed the ordinance from the agenda.

CITY MANAGER REPORTS

National Public Safety Communications Week.

Mayor Armstrong presented a proclamation to Police Chief Richard Jones declaring April 10, 2005 through April 16, 2005 “National Public Safety Communications Week.”

Delinquent Tax Collection Activity Report

Chip Sutton, with Linebarger, Goggan, Blair, and Sampson, LLP., presented the annual year end delinquent tax collection activity report. He advised that his firm had collected \$682,069 in delinquent taxes on behalf of the City. He advised that he was also working with the City Attorney’s Office to use the property tax warrant tool to get vacant properties into the hands of individuals that will mow them, take care of them, and thereby cut the expenses of the different entities.

Airport Brush Site Issues

Jerry James, Director of Environmental Services, advised that some time back he had spoken with Council about a composting operation at the brush site. He reported that requests for quotes had gone out and were due back by April 27, 2005. He advised that once the proposals are received and evaluated the two with the best proposals will be given the opportunity to make a presentation to staff, at which time the project would be evaluated, an in-depth financial analysis would be done, and then it would be brought forward to Council with a recommendation. Mr. James advised that two companies have already approached the City to do this type of project, and they are very sure that they would be able to offer a very attractive package. Several members of Council expressed the desire to visit a composting site in San Antonio to get a better idea of what all is involved.

RESOLUTION 2005-44R – APPLYING FOR AND ACCEPTING THE 2005 ASSISTANCE TO FIREFIGHTERS GRANT

The resolution authorizes all documents necessary to apply for and accept a grant from the Federal Emergency Management Agency’s 2005 Assistance to Firefighters Grant Program in the amount of \$75,246.50 of federal funds, which will be used to purchase software to locate future fire stations (estimated cost = \$27,495) and purchase four fire station diesel exhaust removal systems (estimated cost = \$80,000), subject to the City’s 30% matching funds obligation in an amount not to exceed \$32,248.50 (for a total program maximum amount of \$107,495.00). Vance Riley.

RESOLUTION 2005-45R – AUTHORIZING ADDITIONAL SOFTWARE AGREEMENT WITH NEW WORLD SYSTEMS FOR POLICE DEPARTMENT

The resolution authorizes an Additional Software Agreement with New World Systems to increase the Victoria Police Department digital imaging license limit from 50 users to an unlimited number of users and add mugshot capability to the City’s CAD (computer aided dispatch) program, in the amount of \$26,770, to be funded by the 2004 State Homeland Security Law Enforcement Terrorism Prevention Program (LETTP) Grant. Richard Jones.

RESOLUTION 2005-46R - RATIFYING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY FOR THE 2005 BYRNE JUSTICE ASSISTANCE PROGRAM GRANT

The resolution ratifies an interlocal agreement with Victoria County that will allocate funds from the 2005 Byrne Justice Assistance Program Grant, with \$31,779 of the \$52,965 grant being

CITY COUNCIL MINUTES

April 5, 2005

allocated to the City, which will be used to purchase software maintenance, tasers, internet cards, and other equipment and training. Richard Jones.

RESOLUTION 2005-47R – AUTHORIZATING THE PURCHASE OF EQUIPMENT TO UPGRADE THE EMERGENCY OPERATIONS CENTER FROM VICTORIA COMMUNICATIONS SERVICES, INC.

The resolution authorizes the purchase of equipment to upgrade the Emergency Operations Center from Victoria Communications Services, Inc. of Victoria, Texas, in the amount of \$25,076.33, to be funded by the 2004 State Homeland Security Program grant. Richard Jones.

Cm. Wyatt moved that resolutions 2005-44R through 2005-47R be adopted, with Cm. Neitsch seconding the motion. The resolutions were adopted by the following vote:

AYES: Council Members Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor

Armstrong

NAYS: None

RESOLUTION 2005-48R – APPROVING THE SALE OF TAX RESALE OF PROPERTY ON SAN ANTONIO STREET

The resolution approves the sale of tax resale property on San Antonio Street (Lots 5 & 6, Block 90, Jessels Addition or North Heights Addition, as described in Volume 902, Page 567, Deed Records of Victoria County) to Dante H. Garza in the amount of \$17,750. Chip Sutton.

RESOLUTION 2005-49R – APPROVING THE SALE OF TAX RESALE OF PROPERTY AT 108 N. NAVARRO

The resolution approves the sale of tax resale property at 108 N. Navarro to Henry Guajardo for \$15,000. Chip Sutton.

RESOLUTION 2005-50R – APPROVING THE SALE OF TAX RESALE OF PROPERTY ON HAND ROAD

The resolution approves the sale of tax resale property on Hand Road (approximately .14 acre out of Lots 1 and 2, Block 1, Range 1, East Below Town, Original Four League Grant to the Town of Victoria, as described in Volume 901, Page 330, Deed Records of Victoria County) to Dante H. Garza for \$3,500. Chip Sutton.

RESOLUTION 2005-51R – APPROVING THE SALE OF TAX RESALE OF PROPERTY ON BROWN STREET

The resolution approves the sale of tax resale property on Brown Street (Lot 1, Block 1, Melvin Crawford Subdivision) to Jose P. Rodriguez and Raquel C. Rodriguez for \$5,800. Chip Sutton.

RESOLUTION 2005-52R – APPROVING THE SALE OF TAX RESALE OF PROPERTY IN THE 400 BLOCK OF EAST CHURCH STREET

The resolution approves the sale of tax resale property in the 400 Block of East Church Street (Lot 1, Block 171, Original Townsite) to Dante H. Garza for \$2,500. Chip Sutton.

RESOLUTION 2005-53R – APPROVING THE SALE OF TAX RESALE OF PROPERTY IN THE 300 BLOCK OF SOUTH DEPOT

The resolution approves the sale of tax resale property in the 300 Block of South Depot (Lot 2, Block 216, Original Townsite) to Dante H. Garza for \$3,000. Chip Sutton.

CITY COUNCIL MINUTES
April 5, 2005

RESOLUTION 2005-54R – APPROVING THE SALE OF TAX RESALE OF PROPERTY AT 1004 SAN ANTONIO

The resolution approves the sale of tax resale property at 1004 San Antonio to Patsy Bailey for \$2,500. Chip Sutton.

RESOLUTION 2005-55R – APPROVING THE SALE OF TAX RESALE OF PROPERTY AT 1508 SYCAMORE

The resolution approves the sale of tax resale property at 1508 Sycamore to Dante H. Garza for \$300. Chip Sutton.

Cm. Buckert moved that resolutions 2005-48R through 2005-55R be adopted, with Cm. Wyatt seconding the motion. The resolutions were adopted by the following vote:

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

NAYS: None

RESOLUTION 2005-56R – AUTHORIZING A CONTRACT WITH L&M WOOD WASTE RECYCLING, INC., FOR BRUSH GRINDING AT THE AIRPORT BRUSH SITE

The resolution authorizes a contract with L&M Wood Waste Recycling, Inc. for brush grinding services at the Victoria Regional Airport Brush Site in the amount of \$.82 per cubic yard of unground material, in a total amount of approximately \$72,160. Jerry James.

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

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

NAYS: None

RESOLUTION 2005-57R – AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH TANK INDUSTRIES FOR THE REHABILITATION OF WATER TOWERS

The resolution amends the Professional Services Agreement between the City of Victoria and Tank Industry Consultants, Inc for Construction Phase Services Associated with the Rehabilitation of Water Tower #4 and the Exterior Base Cone on Water Tower #1, to increase the estimated time by five weeks and the amount of the contract by \$18,000, which will bring the total “not to exceed” value of the contract to \$64,500. Lynn Short.

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 Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2005-58R – AWARDED THE WATER WELL PLUGGING PROJECT AT VARIOUS WELLS TO FRIEDEL DRILLING COMPANY

The resolution awards the Water Well Plugging Project at Water Well No.’s 12, 18, 22, 24, and 27 to Friedel Drilling Company of Yoakum, Texas, in the amount of \$36,702. Lynn Short.

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

CITY COUNCIL MINUTES

April 5, 2005

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

NAYS: None

RESOLUTION 2005-59R – AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT WITH KDT PARTNERSHIP

The resolution authorizes the City Manager to execute a tax abatement agreement with KDT Partnership, a Texas General Partnership of Kevin R. Krueger, Donice Axelson, and Tracy Krueger, for a period of four years, for property at Lot 1, Block 1 of Lonesome Oak Business Park, to be used for a claims and data processing service that will provide services primarily to areas outside of Victoria County, Texas. Dale Fowler.

Cm. Wyatt moved to amend the resolution to change the number of full time employees from 56 as presented in the resolution to 53, with Cm. Buckert seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

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

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

NAYS: None

RESOLUTION 2005-60R – APPROVING AND ADOPTING THE AMENDED HOME OWNER-OCCUPIED HOUSING ASSISTANCE PROGRAM GUIDELINES

The resolution approves and adopts the amended *HOME* Owner-Occupied Housing Assistance Program Guidelines, modified to amend subsidy recapture language as requested by the Texas Department of Housing and Community Affairs (TDHCA) to make the TDHCA the enforcing entity and forgive assistance loan debts upon the deaths of all benefited property owners, and authorizes execution of documents to effect such clause in the existing *HOME* program. John Kaminski.

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 Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2005-61R – ABANDONING A 10' UTILITY EASEMENT LOCATED AT HOUSTON HIGHWAY AND BEN WILSON

The resolution authorizes abandonment of a 10' utility easement located on Lot 1, Block 1 of Jimmy Mack's Roadhouse Subdivision, Resubdivision #1, located at Houston Highway and Ben Wilson, currently owned by Pegasus Land Group Limited Partnership, a Nevada limited partnership, subject to the Owner's dedication of a 10-foot wide easement along the border of said property. John Kaminski.

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 Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

CITY COUNCIL MINUTES

April 5, 2005

RESOLUTION 2005-62R – GRANTING A VARIANCE TO THE OFF STREET PARKING REQUIREMENT AT 1101 N. NAVARRO OWNED BY JOSEPH GARZA

The resolution grants a variance to Section 21-94(b) of the Victoria City Code, which requires that off-street parking facilities be located and designed to prevent the use and/or encroachment of public or adjacent private property and prevent the backing of automobiles onto public right-of-way, to Lot 17R, Block C of the Buhler-Welder Addition, located at 1101 N. Navarro, which is owned by Joseph Garza, conditioned on the City's continuing right to modify its right-of-way at any time in the future and prohibit the use of its right-of-way for parking at this location if necessary for safety, traffic flow, or street modification. John Kaminski.

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 Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2005-63R – GRANTING VARIANCES TO THE DRIVEWAY REQUIREMENTS TO 1101 N. NAVARRO OWNED BY JOSEPH GARZA

The resolution grants variances to Sections 20-83, 20-84, 20-85 and 20-86 of the Victoria City Code, which regulate driveway location, driveway widths, curb radii, and internal storage (queing space), to Lot 17R, Block C, Buhler-Welder Addition, located at 1101 N. Navarro, owned by Joseph Garza, conditioned on construction in accordance with the site plan, the City's continuing right to remove all encroachments from City right-of-way, and the property not being converted to a use with a higher City-calculated trip generation rate than an office. Brian Jahn.

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

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

NAYS: None

RESOLUTION 2005-64R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ASSOCIATED ENGINEERS AND SURVEYORS FOR THE LONE TREE RECONSTRUCTION PROJECT

The resolution authorizes a Professional Services Agreement with Associated Engineers and Surveyors of Victoria, Texas for right-of-way acquisition surveys for the Lone Tree Road Reconstruction Project, which will include plat maps, land surveys, legal descriptions, and monumentation for 62 properties to be acquired in this project, in an amount not to exceed \$52,500. John Johnston.

Cm. Russell moved to amend the automatic termination clause in the Professional Services Agreement as presented by Senior Assistant City Attorney, Miles Risley, and also add the deadline dates of May 20, 2005 for the first 21 parcels, June 24, 2005 for the second 21 parcels, and July 22, 2005 for the last batch of 20 parcels, with Cm. Buckert seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

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

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

NAYS: None

ORDINANCE 2004-2005D - AMENDING THE 2004-2005 FISCAL YEAR BUDGET FOR FUNDING OF THE LONE TREE RECONSTRUCTION PROJECT

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2004-2005D, which amends the 2004-2005 Fiscal Year Budget of the City of Victoria by transferring \$332,000 from the General Fund fund balance to the Street Department Transfer to Construction Fund line item for the Lone Tree Road Reconstruction Project Engineering and Surveying Contracts. Second and Third Reading. Gilbert P. Reyna, Jr.

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

AYES: Council Members Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2004-2005 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$332,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE STREET DEPARTMENT TRANSFER TO CONSTRUCTION FUND LINE ITEM FOR THE LONE TREE ROAD RECONSTRUCTION PROJECT ENGINEERING AND SURVEYING CONTRACTS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2005-7 – AMENDING THE CITY’S DROUGHT CONTINGENCY PLAN

Senior Assistant City Attorney, Miles Risley read the caption of Ordinance 2005-7, which amends Sections 13-76 and 13-78 of the Victoria City Code to update and amend the City’s Drought Contingency Plan. First Reading. Lynn Short.

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

AYES: Council Members Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING SECTIONS 13-76 AND 13-78 OF THE VICTORIA CITY CODE TO UPDATE AND AMEND THE CITY’S DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION AND PUBLICATION; PROVIDING FOR ENFORCEMENT; REPEALING PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS AND CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:53 p.m., in accordance with:

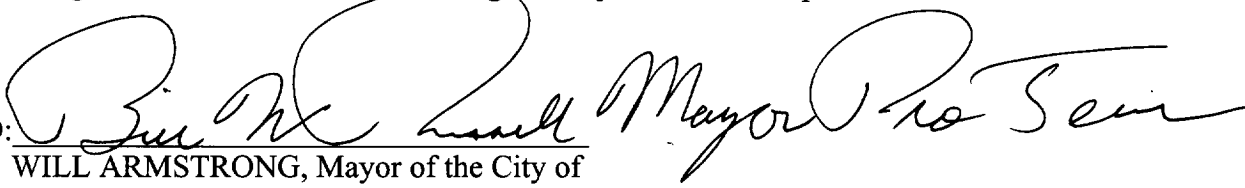
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation or potential litigation in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, sale of tax resale property and acquisition of water rights). David A. Smith.

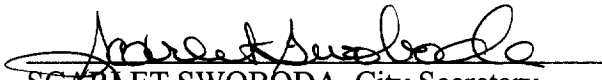
CITY COUNCIL MINUTES
April 5, 2005

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, but not limited to, sale of tax resale property and acquisition of water rights). David A. Smith.

The Council reconvened in regular session at 7:44 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 7:45 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
