

CITY COUNCIL MINUTES
September 20, 2005

Cm. Russell expressed concerns with the broad general language of the ordinance and suggested postponing the ordinance for a week.

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

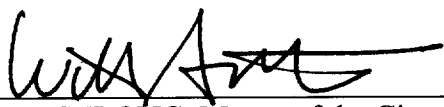
AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, Halepaska, and Mayor Armstrong
NAYS: Council Member Russell


Caption:

AN ORDINANCE AMENDING THE 2004-2005 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$300,000 FROM THE GENERAL FUND FUND BALANCE TO THE 0001-01NON-720100 "TRANSFER TO FEMA FUND" LINE ITEM TO PAY FEMA-REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY, INCLUDING CONTRACTS WITH LANDLORDS AND SERVICE PROVIDERS, TO PAY FOR FEMA-REIMBURSABLE EXPENSES FOR HURRICANE KATRINA EVACUEES AND OBTAIN FEMA REIMBURSEMENT FOR SAID EXPENSES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

It was announced that a special meeting would be scheduled for next Tuesday night for an update on Hurricane Rita.

There being no further business, the meeting was adjourned at 8:35 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
October 4, 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, October 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

Will Armstrong, Mayor
Philip Guittard
Lewis Neitsch
Bill Russell
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
Ken Gill, City Engineer
Ray Miller, Assistant Planning Director
Richard Jones, Chief of Police
Vance Riley, Director, Fire and EMS

CITY COUNCIL MINUTES
October 4, 2005**STAFF PRESENT - Continued**

James Stewart, Director, Library
Gilbert P. Reyna, Jr., Director, Finance
Steve Trevino, Director, IMS
Scarlet Swoboda, City Secretary

CITIZENS COMMUNICATION**4-H Week**

Mayor Armstrong presented a proclamation declaring October 2-8, 2005 "4-H Week," in Victoria, Texas. Jordan Brown, representing the Victoria County 4-H Ambassadors, advised that National 4-H Week was an annual event. He stated that Victoria County has over 450 enrolled members in the program and this was the time to promote and involve the community in 4-H activities. A basket of baked goods was presented to the City Council in appreciation for their support.

Chamber of Commerce Week

Mayor Armstrong presented a proclamation declaring October 10-14, 2005 "Chamber of Commerce Week" in Victoria, Texas. The Victoria Chamber of Commerce was recognized along with the many dedicated volunteers for their steadfast work on behalf of the community.

ITEMS FROM COUNCIL

Cm. Russell stated that he was very impressed with the City and County staff during the Hurricane Rita preparation and expressed a job well done.

Cm. Neitsch requested the status of the compost situation at the airport, with Jerry James, Director of Environmental Services, responding that staff was in the process of negotiating a contract with Texas Landfill Management, and also in the process of obtaining permission from the Federal Aviation Administration (FAA) to use the site at the airport. Cm. Neitsch inquired about a contingency plan if the FAA did not approve the permit. Mr. James advised that the alternate plan would be to use the current landfill on some additional land that the City was in the process of obtaining. Mr. James responded to a question about the status of a proposed entry road at the landfill, stating that an agreement with Browning Ferris Industries (BFI) was currently being reviewed and would be brought to Council at a meeting in November.

Cm. Guittard advised that he intended to meet with the City Attorney's Office to draft an ordinance to ban smoking in restaurants, with the hope that it would be put on the agenda of the next regular scheduled meeting on October 18, 2005. He stated that he felt the Council needed to act on this issue to get it resolved one way or the other, so that the Council could move on to other things.

Cm. Wyatt inquired whether the City's bullet proof vests had been evaluated in light of concerns with some of the vests being produced. Richard Jones, Police Chief, advised that an assessment had already been done and some of those in question were being replaced.

Mayor Armstrong advised that a citizen group had requested changing the speed limit on Ben Jordan, south of Airline from 40 mph to 35 mph, and requested that an ordinance be prepared to reflect their request. He was informed that a speed study was required by state requirements to justify changing the speed limit. The earliest that study could be done and an ordinance presented to Council would be at a meeting in November.

CITY MANAGER REPORT

Denny Arnold, City Manager, reported that 54 City and County staff were sent to Tyler County to help clear brush, provide security, direct traffic, and fix traffic signals. The majority of the help provided was clearing trees and brush off roadways. He advised that the City staff and equipment would be returning home Wednesday and the County staff and equipment would be

October 4, 2005

returning Friday. The County Judge and Mayor in Tyler County were very appreciative of the help that our City and County staff provided.

RESOLUTION 2005-146R – ADOPTING AMENDED PROGRAM GUIDELINES FOR THE CDBG MORTGAGE ASSISTANCE PROGRAM

The resolution adopts the Amended Program Guidelines for the Community Development Block Grant (CDBG) Mortgage Assistance Program, which would, among other changes, limit permissible mortgage payments under this program to a maximum of 30% of a household's monthly gross income. John Kaminski.

The resolution was pulled from the agenda.

RESOLUTION 2005-159R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS FOR INTERNET CONNECTION SERVICE AT THE VICTORIA PUBLIC LIBRARY

The resolution authorizes an Interlocal Agreement between the University of Texas and the City of Victoria for Internet connection service for the Victoria Public Library, in the amount of \$3,480. James Stewart.

RESOLUTION 2005-160R – AUTHORIZING THE APPLICATION AND ACCEPTANCE OF THE 2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG)

The resolution authorizes a grant from the 2005 Byrne Justice Assistance Grant (JAG) Program in the amount of \$52,965, with \$31,779 going to the City and \$21,186 to the County, which will be used to purchase software maintenance agreements, equipment and training, which requires no City matching fund. Richard Jones.

RESOLUTION 2005-136R – AUTHORIZING AN AMENDED AGREEMENT FOR FLEET MAINTENANCE AND MAINTENANCE OPERATIONS WITH TECOM INCORPORATED

The resolution authorizes the City Manager to execute an Amended Agreement for Fleet Management and Maintenance Operations with Tecom Incorporated of Austin, Texas, in an amount not to exceed a target cost of \$639,745. Steve Trevino.

RESOLUTION 2005-161R – AUTHORIZING AN AGREEMENT WITH VICTORIA COLLEGE TO PROVIDE E.M.T. – PARAMEDIC COURSES FOR THE VICTORIA FIRE DEPARTMENT

The resolution authorizes an agreement with Victoria College to provide an emergency medical technician-paramedic course for members of the Victoria Fire Department in the amount of \$24,695, to be adjusted for the number of participating members. Vance Riley.

RESOLUTION 2005-162R – ABANDONING A 10' UTILITY EASEMENT ON THE CORNER OF HOUSTON HIGHWAY AND HOSPITAL DRIVE OWNED BY VICTORIA COUNTY

The resolution abandons a 10' utility easement located on Lot 1R, Block 1 of Citizen's Medical Plaza Subdivision, Resubdivision #1, located in the northeast corner of Houston Highway and Hospital Drive, which is currently owned by Victoria County, and authorizes the City Manager to execute a Quitclaim Deed to the owner of the underlying fee estate. John Kaminski.

RESOLUTION 2005-163R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION FOR OPERATION OF A FIXED ROUTE PUBLIC TRANSPORTATION SYSTEM

The resolution authorizes an Interlocal Agreement with the Golden Crescent Regional Planning Commission (GCRPC) for the continued operation of a Fixed-Route Public Transportation System within the limits of the City of Victoria and provides City funding in the amount of \$66,000. John Kaminski.

CITY COUNCIL MINUTES
October 4, 2005

RESOLUTION 2005-164R – GRANTING A VARIANCE TO THE SIDEWALK REQUIREMENTS TO 9802 N. NAVARRO, OWNED BY DALE & JANET STUBBS

The resolution grants a variance from Section 21-54(e) of the Victoria City Code, which requires sidewalks along lots abutting perimeter streets, to Lot 1, Block 1, Dale and Janet Estates Subdivision, located at 9802 N. Navarro, which is owned by Dale and Janet Stubbs, conditioned on the owner's and subsequent owners execution of a Sidewalk Agreement and Covenant with the City of Victoria, to pay a pro-rata share of the cost of constructing a sidewalk along the street(s) adjacent to the subject property at such time in the future when the sidewalk is constructed. John Kaminski.

RESOLUTION 2005-165R – AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH ASSOCIATED ENGINEERS & SURVEYORS FOR THE LONE TREE ROAD RECONSTRUCTION PROJECT

The resolution amends the Professional Services Contract with Associated Engineers & Surveyors of Victoria, Texas, to add 34 more right-of-way surveys and 76 more drawings to be used in the acquisition of the right-of-ways of the Lone Tree Road Reconstruction Project, and increase the amount of said contract by \$33,090.18, making the total contract amount \$85,590.18. John Johnston.

Cm. Wyatt moved that resolutions 2005-159R, 2006-160R, 2005-136R, 2005-161R, 2005-162R, 2005-163R, 2005-164R, and 2005-165R be adopted, with Cm. Neitsch seconding the motion. The resolutions were adopted by the following vote:

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

RESOLUTION 2005-158R – NOMINATING AND CASTING VOTES FOR APPOINTMENT OF A MEMBER TO THE VICTORIA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

The resolution nominates Bill Russell and casts all votes for his appointment as a member to the Victoria County Appraisal District Board of Directors. Scarlet Swoboda.

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

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

RESOLUTION 2005-145R – APPOINTING THREE MEMBERS TO THE VICTORIA PARKS AND RECREATION COMMISSION

The resolution appoints Diane Smith and reappoints Terry McGowan and Dwayne Bennett to the Victoria Parks and Recreation Commission. Scarlet Swoboda.

Cm. Guittard 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, Buckert, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

CITY COUNCIL MINUTES

October 4, 2005

RESOLUTION 2005-166R – ACCEPTING THE APPLICATION FOR TAX ABATEMENT FROM THE HANOVER COMPANY AT 8193 LONE TREE ROAD AND SETTING A PUBLIC HEARING

The resolution accepts an application for Tax Abatement from The Hanover Company, for a proposed 33,825 square foot shop and paint facility to be located at 8193 Lone Tree Road, and sets a public hearing for consideration of such application. Adrian Cannady.

Russell Scott, Regional General Manager with the Hanover Company, advised that Hanover was the world's largest compression company, with a fleet that is global in nature. He stated that South Texas was their home base, and they liked South Texas for a number of reasons; the gas base is here, production is increasing daily, but the biggest reason for locating here was the labor force. He stated that with the port access, labor access, and crossroads community, Victoria was by far the best decision for Hanover to make for the future shop, making it the largest shop that Hanover has in the organization right now. He advised that this was where they were staking their future for manufacturing operations and looked forward to additional growth here.

Cm. Russell 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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None

RESOLUTION 2005-167R – AUTHORIZING AN EMPLOYMENT CONTRACT WITH LLOYD, GOSSELINK, BLEVINS, BALDWIN & TOWNSEND, P.C., ATTORNEYS AT LAW

The resolution authorizes an Employment Contract with Lloyd, Gosselink, Blevins, Baldwin & Townsend, P.C., Attorneys at Law, for representation of the City regarding the rate application filed by CenterPoint Energy/Entex. David A. Smith.

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

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

RESOLUTION 2005-153R – AWARDING BIDS FOR THE DEMOLITION OF SUBSTANDARD BUILDINGS

The resolution awards bids for the demolition of 18 substandard buildings. Jerry James.

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, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong
 NAYS: None

ORDINANCE 2005-2006A – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO ALLOW FUNDING FOR THE CITY'S ACQUISITION OF WATER RIGHTS

City Attorney, David A. Smith, read the caption of Ordinance 2005-2006A, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$123,500 from the Water/Wastewater fund to the Water Department Water Rights line item to provide funding for the City's acquisition of water rights in the Guadalupe River. First Reading. Gilbert P. Reyna, Jr.

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:

CITY COUNCIL MINUTES
October 4, 2005

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

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$123,500.00 FROM THE WATER/WASTEWATER FUND TO THE WATER DEPARTMENT WATER RIGHTS LINE ITEM TO PROVIDE FUNDING FOR THE CITY'S ACQUISITION OF WATER RIGHTS IN THE GUADALUPE RIVER, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

WORK SESSION**Ground Water Conservation District**

Mayor Armstrong advised that there would be an item on the ballot of the November Joint Special Election to form a groundwater district. With that in mind he requested that information be brought to the City Council so that they could make informed decisions regarding the formation of a groundwater district.

Miles Risley, Senior Assistant City Attorney, presented information from Chapter 36 of the Texas Water Code, which provides the framework for governing a groundwater district. He advised that each district develops and adopts rules and regulation for operation and each district must pass a water management plan that is approved by the Texas Water Development Board. The groundwater district's management plan must be consistent with the regional water plan. Mr. Risley advised that Victoria County was located in Region 15 along with DeWitt, Lavaca, Colorado, Jackson, Wharton, Calhoun, Matagorda, and half of Fayette Counties.

Mr. Risley advised that one of the primary purposes of a groundwater district is to establish production limits for water wells. He stated that they are limited in their ability to control the extraction of that water and then gave examples from the Hill Country, Hudspeth County, and Refugio County water districts and how they regulate the extraction of water. He noted that the board of directors of each groundwater district determines how the water is going to be regulated.

He stated that districts may establish fees pursuant to Texas Water Code 36.205 with a \$1 per acre foot cap for agricultural uses and \$10 per acre foot limit cap for industrial and municipal water uses. Mr. Risley explained that generally a district may not impose more restrictive permit conditions on exporters than on permits for in-district use. A district may establish an export fee; there is a limit on export fees for those districts that have the right to establish taxes, which are known as tax districts.

Mayor Armstrong stated that his main concern was how a groundwater district would affect the City of Victoria. He advised that there was going to be a meeting Monday night to discuss a groundwater district, and advised that he was in favor of creating a groundwater district. He inquired whether it was a fair assumption that he could go to this meeting and represent the municipality and ask for some concessions having to do with the groundwater district in the preliminary stage of the scenario.

The following recommendations were presented:

1. City should identify future well needs
2. City should get actively involved in development of new rules and determine how they would impact new well needs
3. City should work with commissioners to ensure new rules:
 - minimize bureaucratic impediments to new municipal wells
 - do not establish onerous fees for new municipal wells or production from municipal wells

CITY COUNCIL MINUTES

October 4, 2005

- allow jurisdictional limits of City to establish acreage for production limits
- base any production fees on actual production, not mere pumping capability
- recognize the City's continuing right to prohibit placement of new non-municipal wells in the City limits

Mr. Risley explained that the Victoria County Groundwater Conservation District was created by House Bill 3423 of the 2005 Legislature and is governed by five board members. They are elected from the county commissioner's district with one at-large. There would be a confirmation election, if the creation of the district was not confirmed at the confirmation election; the board could hold elections each year thereafter until September 1, 2010.

There was discussion from Council Members concerning whether to allow an entity like St. Joseph High School to drill a well to water their grass or to not permit the drilling of wells in the City limits at all. It was the opinion that if a water district was formed the City would still have the right to prohibit the drilling of new wells. Lynn Short, Director of Utilities, advised that in addition to the revenue that is gained to maintain and replace infrastructure and capital investment over the years, there are other reasons that municipalities should restrict water well drilling. Primarily when a new well is drilled, a conduit is opened from the surface down to the water supply, so a route is being built for improperly completed wells or improperly maintained wells to affect the water quality directly underneath the City. He stated that it was very difficult to insure that an entity with a water well does not connect the piping from that source to some other source resulting in a backflow situation, which can cause a lot of problems.

There was consensus from Council to move forward with the aforementioned recommendations at the community wide meeting scheduled for Monday evening at the Victoria Electric Cooperative sponsored by the Alliance for a Groundwater District. Members of Council stated that they would like to pass a resolution of endorsement at a future meeting in support of a groundwater district.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:24 p.m., in accordance with:

Section 551.071, Texas Government Code, consultation with attorney on litigation or potential litigation or a 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, legal issues related to the Lake Forest development). David A. Smith.

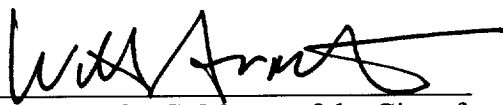
Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the members of the Victoria County Appraisal District Board of Directors). Scarlet Swoboda.

Section 551.087, Texas Government Code, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Victoria and with which the City of Victoria is conducting economic development negotiations. David A. Smith.

The Council reconvened in regular session at 7:37 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 7:38 p.m.

APPROVED:


WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary