

**VICTORIA CITY COUNCIL**  
**July 5, 2006**

**CALL TO ORDER**

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Wednesday, July 5, 2006 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  
Paul Polasek  
David Hagan  
Jim Wyatt  
Tom Halepaska

**STAFF PRESENT**

Charles Windwehen, Assistant City Manager  
Miles Risley, Senior Assistant City Attorney  
Gilbert P. Reyna, Jr., Director, Finance  
Charmelle Garrett, Director, Human Resources  
John Johnston, Director, Public Works  
John Kaminski, Director, Planning  
Doug Cochran, Director, Parks and Recreation  
James Stewart, Director, Library  
Lynn Short, Director, Utilities  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the special meeting of June 12, 2006 and the regular meeting of June 20, 2006 were approved as presented.

**CITIZENS COMMUNICATION**

**Cuero Youth Fest 2006**

Vollie Griffin, 805 W. Courthouse, representing Trinity Church in Cuero, invited the City Council and the citizens of Victoria to "Youth Fest 2006" which would be held Saturday, August 12, 2006 at Chisholm Trail Church, 400 E. Sarah Street, Cuero, Texas. She stated that there would be free games, entertainment, food, and more as area churches present the youth extravaganza.

Cm. Wyatt stated that Ms. Griffin was an outstanding citizen in the community of Cuero and thanked her for the invitation.

**Keep Victoria Beautiful Award**

Emily Weatherly, 4405 N. Navarro, Keep Victoria Beautiful Coordinator, announced that they had just received "Gold Star Status" from the State affiliate Keep Texas Beautiful. She advised that this was the second year to receive the distinction of gold star status, which means that Victoria goes above and beyond other communities in Texas. She thanked the Council and staff for all of their support and partnership.

**Boy Scouts**

Mayor Armstrong extended a special welcome to the Boy Scouts in attendance stating that he appreciated them being at the meeting.

**ITEMS FROM COUNCIL**

Mayor Armstrong advised that Russell Pruitt and a group he was affiliated with had contacted him about looking at the City Charter, specifically the portion of the charter concerning petitioning for an election. He asked Council whether they wanted a work session on this topic or address it at a regular meeting; it was the consensus of Council to allow them to voice their concerns at a regular meeting.

**CITY COUNCIL MINUTES****July 5, 2006**

Cm. Wyatt announced that at the Golden Crescent Regional Planning Commission's Council of Governments (COG) Annual Conference, citizenship awards are presented to individuals and law enforcement personnel that have done something above and beyond the call of duty. He stated that he would be glad to take the name of anyone who has done something outstanding in our community back to the selection committee for consideration of that award.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2005-2006J – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR RETIREMENT AND TRANSITION COSTS FOR THE CITY MANAGER**

The ordinance considers amending the 2005-2006 Fiscal Year Budget of the City of Victoria General Fund by increasing the City Manager Department Regular Payroll line item by \$42,500 to provide additional funding for retirement and transition costs for the City Manager. Andrew Jacob.

Andrew Jacob, Assistant Finance Director, requested that the ordinance be amended to \$51,500 as the Texas Municipal Retirement System (TMRS) was not included in the original calculations.

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

**ORDINANCE 2005-2006K – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE LONE TREE ROAD RECONSTRUCTION PROJECT**

The ordinance considers amending the 2005-2006 Fiscal Year Budget of the City of Victoria General Fund by increasing the Street Department Streets and Roadways line item by \$350,000 and increasing the Water Wastewater Fund Water Department Mains & Hydrants line item by \$350,000, to add \$700,000 of funding for the Lone Tree Road Reconstruction Project. Andrew Jacob.

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

**ORDINANCE 2005-2006L – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE LA SALLE CROSSING PROJECT**

The ordinance considers amending the 2005-2006 Fiscal Year Budget of the City of Victoria General Fund by increasing the Street Department Streets & Roadways line item by \$200,000 to provide additional funding for the construction of the La Salle Crossing (Hathaway Street to N. Navarro). Andrew Jacob.

No public hearing required because the City received payment from Target.

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

**CITY MANAGER REPORTS****Condition of Whispering Creek Outfall, 101 Tracy Lane, and the Jim Branch Outfall**

Lynn Short, Director of Utilities, reported on the condition of three different outfalls after receiving complaints concerning them.

- Whispering Creek Outfall has an erosion issue adjacent to the property at 408 Tampa Drive. Although there is some erosion occurring there, it is well within the drainage easement and is posing no threat to adjacent structures. The entire Whispering Creek Outfall needs to be cleaned out and reshaped, but that will be a very extensive and expensive project that needs to be done some time in the future. The recommendation of

## CITY COUNCIL MINUTES

July 5, 2006

staff was to not make repairs at this time but include such repairs in a larger drainage project.

- 101 Tracy Lane also has some erosion but is still within the limits and would again recommend holding up until there is a larger drainage project.
- Jim Branch Outfall (Fillmore Ditch) has a concrete lined spur ditch that runs into a piece of property at 4005 Callis Street which is eroding and the concrete is in disrepair. Staff recommends using \$30,000 included in the fiscal year 2007 Street Department budget to make repairs to this ditch.

Mr. Short advised that he would like to have an outfall maintenance program, but some will require a lot of cost and it is still early in the planning stages. He stated that at some time there will probably need to be a major drainage project with an outside contractor.

Cm. Neitsch suggested placing this on the "to do" list and try to address some of these issues in next years budget.

#### **Maximum Permitted Fees for Tow Truck Rotation List**

Miles Risley. Senior Assistant City Attorney advised that there had been a substantial fee increase request by the tow truck companies. This item was placed on the agenda to give the tow truck operators the opportunity to present their case. There were none in attendance.

Following discussion it was the consensus of Council that they could not make a decision on this request without numbers to justify the increase that was being asked for. It was determined that letters would be sent to each tow truck company asking for additional information.

#### **RESOLUTION 2006-93R – GRANTING A VARIANCE TO THE FREESTANDING SIGN REQUIREMENTS TO 2004 S. LAURENT OWNED BY SOUTHERN FIELD MAINTENANCE, INC.**

The resolution grants a variance from Section 5-153(a)(1) of the Victoria City Code, which limits the number of freestanding, on-premise signs to one per lot which fronts a public street, to Lot 1, Block 3, Range 3, East Below Town, located at 2004 S. Laurent Street, which is owned by Southern Field Maintenance, Inc., conditioned on the construction of (1) no more than two freestanding signs on said lot facing Laurent Street and (2) construction of only monument-style (not pole mounted) signs on said lot. Steve Trevino.

Cm. Wyatt questioned whether the sign ordinance needed to be reviewed because of the number of variances that seemed to be coming before the Council for consideration. He suggested that if we want to be a beautiful city we need to be consistent with our ordinance.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

#### **RESOLUTION 2006-94R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HARRISON, WALDROP & UHEREK, L.L.P. FOR AUDIT SERVICES**

The resolution authorizes a professional services agreement with Harrison, Waldrop & Uherek, L.L.P., for audit services for the fiscal year ending September 30, 2006, in an amount not to exceed \$44,500. Andrew Jacob.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

It was the consensus of Council to go out for bid next year for audit services since it had been approximately 10 years since last bid.

**RESOLUTION 2006-95R – AUTHORIZING CHANGE ORDER NUMBER 6 TO THE VICTORIA COMMUNITY CENTER ROOF REPAIR PROJECT WITH B & B METAL BUILDINGS, INC.**

The resolution authorizes the Director of Parks and Recreation to execute Change Order No. 6 to the Victoria Community Center Roof Repairs Project with B & B Metal Buildings, Inc. of Victoria, Texas to remove a 5' x 25' section of roof panels on the North side wall of the arena, remove a 5' x 64' section of existing roof panels on the Annex Lobby roof, install new roof panels, and increase the contract amount by \$2,855, which will bring the total contract amount to \$206,299.29. Doug Cochran.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**RESOLUTION 2006-96R – AUTHORIZING CHANGE ORDER NUMBER 2 TO THE SWAN CROSSING WATER, SANITARY SEWER, STORM SEWER AND STREETS PROJECT WITH LESTER CONTRACTING, INC.**

The resolution authorizes Change Order No. 2 to the Swan Crossing Water, Sanitary Sewer, Storm Sewer & Streets Project with Lester Contracting, Inc. of Port Lavaca, Texas to add the construction of a perimeter fence for the subdivision in the amount of \$63,925, which will bring the total contract amount to \$681,598.55. John Kaminski.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**RESOLUTION 2006-97R – RATIFYING THE APPLICATION FOR A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) GRANT FOR DISPOSAL AND ADVERTISING COSTS FOR THE 2007 ANNUAL HOUSEHOLD HAZARDOUS WASTE DAY**

The resolution ratifies the application for a grant from the Texas Commission on Environmental Quality via the Golden Crescent Regional Planning Commission for disposal and advertising costs for the 2007 Annual Household Hazardous Waste Day in the amount of \$25,000, and authorizes the City Manager to execute such further documents as are necessary to accept such grant. Jerry James.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

## CITY COUNCIL MINUTES

July 5, 2006

**RESOLUTION 2006-98R – AUTHORIZING THE APPLICATION FOR THE REGIONAL SOLID WASTE GRANTS PROGRAM GRANT FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR IMPROVEMENTS TO HUVAR RECYCLING CENTER**

The resolution ratifies the application for a Regional Solid Waste Grants Program grant from the Texas Commission on Environmental Quality via the Golden Crescent Regional Planning Commission for improvements to the Huvar Recycling Center in the amount of \$25,000, and authorizes the City Manager to execute such further documents as are necessary to accept such grant. Jerry James.

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

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

NAYS: None

**RESOLUTION 2006-99R – ACCEPTING THE BID FOR THE ANNUAL SUPPLY CONTRACT FOR COLD WATER METERS TO HUGHES SUPPLY, INC.**

The resolution accepts the bid for an Annual Supply Contract for Cold Water Meters to Hughes Supply, Inc. of Helotes, Texas in a total estimated amount of \$69,811.25. Lynn Short.

Cm. Halepaska 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2006-100R – ADOPTING THE VANTAGECARE RETIREMENT HEALTH SAVINGS PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC)**

The resolution adopts the VantageCare Retirement Health Savings Plan through the International City Management Association Retirement Corporation (ICMA-RC), authorizes assets to be held in trust, and authorizes the City Manager to execute all documents necessary to enable City employees to enroll in said plan. Charmelle Garrett.

Charmelle Garrett, Director of Human Resources, advised that the health savings plan would allow an employee to set aside a percent or flat amount of their salary, or a lump sum payment, which would be their terminal pay when they left employment, or their annual longevity pay. Those decisions would be irrevocable once an employee made their choice, they could not change their mind until they left employment with the City.

The second decision point for consideration is whether to allow an employee to put up to 80 hours vacation time into this account to help pay for future health funds after retirement. Ms. Garrett recommended allowing 40 hours if they have been employed after 1998 and up to 80 hours if employed before 1998. The funds could be used after the employee left employment for the City on medical expenses only, and it would be taxed deferred going in and tax free going out for medical expenses.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2006-101R – AUTHORIZING A WATER RIGHTS TRANSFER WITH PARADISE RANCH LANDOWNERS ASSOCIATION, INC.**

The resolution authorizes a Water Rights Transfer Agreement with the Paradise Ranch Landowners Association, Inc., provides for the City's acquisition of the right to divert 262.7 acre-feet of water per year from the Guadalupe River, in the amount of \$131,350, plus such closing and regulatory costs as are necessitated by the transaction. Miles Risley.

Cm. Halepaska 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**ORDINANCE 2005-2006J – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR RETIREMENT AND TRANSITION COSTS FOR THE CITY MANAGER**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2005-2006J which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring \$42,500 from the General Fund fund balance to the City Manager Department Regular Payroll line item, to provide funding for retirement and transition costs of the City Manager.

Cm. Wyatt moved to amend the ordinance to change the amount to \$51,500, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

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

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

Caption:

**AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$51,500.00 FROM THE GENERAL FUND FUND BALANCE TO THE CITY MANAGER DEPARTMENT REGULAR PAYROLL LINE ITEM, TO PROVIDE FUNDING FOR RETIREMENT AND TRANSITION COSTS OF THE CITY MANAGER, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2005-2006K – AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE LONE TREE ROAD RECONSTRUCTION PROJECT**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2005-2006K, which amends the 2005-2006 Fiscal Year Budget of the City of Victoria by transferring (1) \$350,000 from the General Fund fund balance to the General Fund Street Department Streets & Roadways line item and (2) \$350,000 from the Water Wastewater Fund fund balance to the Water Wastewater Fund Water Department Mains & Hydrants line item for the Lone Tree Road Reconstruction Project.

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:

CITY COUNCIL MINUTES

July 5, 2006

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

Caption:

**AN ORDINANCE AMENDING THE 2005-2006 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING (1) \$350,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND STREET DEPARTMENT STREETS & ROADWAYS LINE ITEM AND (2) \$350,000.00 FROM THE WATER WASTEWATER FUND FUND BALANCE TO THE WATER WASTEWATER FUND WATER DEPARTMENT MAINS & HYDRANTS LINE ITEM FOR THE LONE TREE ROAD RECONSTRUCTION PROJECT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2005-2006L - AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE LA SALLE CROSSING PROJECT**

No action necessary.

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 6:00 p.m., in accordance with:

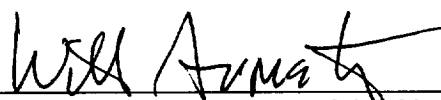
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. (Including, but not limited to, City liability for potential claims against City related to the Whispering Creek Outfall, 101 Tracy Lane, and the Jim Branch Outfall and legal issues related to the City's tow truck ordinance). Miles Risley.


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 party (including, but not limited to, acquisition of water rights). Miles Risley.

Section 551.074, Texas Government Code, with regard to personnel matters (including, but not limited to, appointments to the Planning Commission, Sign Board of Adjustments and Appeals, Victoria Development Commission, Building and Standards Commission, Victoria Health Facilities Development Corporation, and Victoria Housing Finance Corporation). Miles Risley.

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. Miles Risley.

The Council reconvened in regular session at 7:20 p.m. with nothing to report. There being no further business, the meeting was adjourned at 7:21 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary