

VICTORIA CITY COUNCIL
September 19, 2006

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, September 19, 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
 Jim Wyatt
 Tom Halepaska

MEMBERS ABSENT

David Hagan

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
 Richard Jones, Chief of Police
 Vance Riley, Director, Fire and EMS
 Doug Cochran, Director, Parks and Recreation
 James Stewart, Director, Library
 Charmelle Garrett, Director, Human Resources
 Rick Henrichs, Director, IT
 Lynn Short, Director, Utilities
 Gilbert P. Reyna, Jr., Director, Finance
 Steve Trevino, Director, IMS
 Jerry James, Director, Environmental Services
 Lee Cantu, Safety Officer
 Laura Castillo, Deputy City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of August 29, 2006 and regular meeting of September 5, 2006 were approved as presented.

PRESENTATION TO CITY MANAGER

Mayor Armstrong presented City Manager, Denny Arnold with a special retirement plaque in recognition of his many years of service as an employee and then as City Manager.

CITIZENS COMMUNICATION

Eddie Overbay, 609 Mallette Drive, Director of the Texas Zoo, advised that the Master Plan for the Zoo had been completed and a presentation would be presented at an upcoming meeting. He thanked the Council for their support.

ITEMS FROM COUNCIL

Cm. Tom Halepaska recognized Allyson Hahn a government student at Victoria College, who was in attendance to observe City Council deliberations as part of an assignment. He also reported on the Metropolitan Planning Organization (MPO) meeting and a resolution that was passed at that meeting concerning the Texas Urban Mobility process which judges congestion in the rural communities. He further reported that they voted to fund a study and hire a consultant to run a traffic study (Alternative Analysis), which would look at the extension of numerous roadways.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

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ORDINANCE 2006-14 – ABANDONING 94 SQUARE FEET OF GLASGOW RIGHT-OF-WAY NEXT TO 8701 N. NAVARRO AND TRANSFERRING TO RETAIL PROPERTY PARTNERS, LTD.

An ordinance to consider authorizing the City Manager to abandon 94 square feet of the Glasgow Street right-of-way located next to 8701 N. Navarro Street and transfer said abandoned right-of-way to the adjacent landowner, Retail Property Partners, Ltd., in exchange for said landowner's transfer of 310 square feet of Lot 1, Block 1, Northcrest Estates addition, located at 8621 N. Navarro Street, to the City of Victoria, and authorizing execution of all documents necessary to effectuate said abandonment and swap of interests in real property. Emergency Reading. John Johnston.

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

There were no reports.

RESOLUTION 2006-157R – AUTHORIZING HOTEL-MOTEL TAX REVENUE SERVICE AGREEMENTS

The resolution authorizes the City Manager to execute;

- (1) a Zoological Park Management Services Agreement with the South Texas Zoological Society, Inc. in the amount of \$150,000,
- (2) a Hotel-Motel Tax Revenue Arts Promotion Services Agreement with the Cultural Council of Victoria, Inc., in the amount of \$85,000,
- (3) a Hotel Occupancy Tax Revenue Agreement between the City of Victoria and The Texas Settlement Trails, Inc. for Historical Renovation and Preservation in an amount not to exceed \$4,000,
- (4) a Hotel-Motel Tax Revenue Tourism/Convention Promotion Services Agreement with the Victoria Chamber of Commerce, in an amount not to exceed \$202,000, and
- (5) a Hotel-Motel Tax Revenue Cultural and Historical Activities Promotion Services Agreement with the Victoria Regional Museum Association, in an amount not to exceed \$4,000,

and approves the budget and funded activities for the aforementioned entities for the 2006-2007 fiscal year. Gilbert P. Reyna, Jr.

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, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

RESOLUTION 2006-158R – APPOINTING ONE MEMBER TO THE VICTORIA LIBRARY ADVISORY BOARD

The resolution reappoints Larry Young to the Victoria Public Library Advisory Board. Scarlet Swoboda.

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

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

RESOLUTION 2006-159R – APPOINTING ONE MEMBER TO THE CULTURAL COUNCIL

The resolution appoints Deborah Branch to the Cultural Council. Scarlet Swoboda.

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, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

RESOLUTION 2006-160R – AUTHORIZING AN AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY AND A MEMORANDUM OF UNDERSTANDING WITH VICTORIA COUNTY

The resolution authorizes the City Manager to execute (1) an Agreement with Sam Houston State University (SHSU) to receive \$36,580 of funding pursuant to the 2006 Project Safe Neighborhoods Anti-Gang Initiative Grant, and (2) a Memorandum of Understanding with Victoria County to provide it with \$10,000 of the funds received from the aforesaid grant. Richard Jones.

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

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

RESOLUTION 2006-161R – ACCEPTING CHEMICAL BIDS FROM ALTIVIA CORPORATION, U.S. FILTER WASTEWATER GROUP, INC., PENNCO, INC., BRENTAG SOUTHWEST, INC., AND SIMPLY AQUATICS, INC.

The resolution authorizes the City Administration to accept the bids (1) of Altivía, Corporation, of Houston, Texas for annual supply contracts for Aluminum Sulfate in the amount of \$107.90 per liquid ton for a total of approximately \$151,065.32, and for Chlorine in the amount of \$519 per ton container for a total of approximately \$62,280; (2) of U.S. Filter Wastewater Group, Inc., for Sodium Chlorite in the amount of \$788 per liquid ton for a total of approximately \$94,560; (3) of Pennco, Inc. of San Felipe, Texas for Ferrous Sulfate in the amount of \$81.04 per liquid ton for a total of approximately \$21,881.34; (4) of Brenntag Southwest, Inc., of Houston, Texas for Ferrous Chloride in the amount of \$185 per liquid ton for a total of approximately \$33,300; (5) of Simply Aquatics, Inc. of Kirbyville Texas for Phosphate-Based Corrosion Inhibitors in the amount of \$581 per liquid ton for a total of approximately \$43,575. Lynn Short.

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

RESOLUTION 2006-162R – AUTHORIZING CHANGE ORDER NUMBER 5 TO NAVARRO STREET WATER AND SEWER LINE REPLACEMENT PROJECT

The resolution authorizes the Director of Utilities to execute additive Change Order Number 5 to the Navarro Street Water and Sewer Line Replacement Project, for additional work due to conflicts with existing utilities while installing pipe and making tie-ins at Ash Street, Oak Street, Colorado Street, East Circle Street, Park Avenue, Polk Street, Anaqua Street, Crestwood Drive, Rosebud Street, and Airline Road intersections, which will increase the contract amount by \$64,983.82, bringing the total contract price to \$3,251,923.79. Lynn Short.

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

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

RESOLUTION 2006-163R – AUTHORIZING A CONTRACT WITH A&A CONSTRUCTORS, INC., FOR THE 2005-2006 SIDEWALK PROJECT – PHASE II

The resolution authorizes the City Manager to execute a contract with A&A Constructors, Inc., of Victoria, Texas for the 2005-2006 Sidewalk Project–Phase II in an amount not to exceed \$35,880. Lynn Short.

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, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

RESOLUTION 2006-164R – APPROVING AND ADOPTING PROGRAM GUIDELINES FOR SWAN CROSSING

The resolution approves and adopts Program Guidelines for the New Housing Initiative at Swan Crossing. John Kaminski.

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, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

RESOLUTION 2006-165R – AUTHORIZING AND ACCEPTING THE PROPOSAL FROM RANDY MALOUF BUILDERS FOR CONSTRUCTION OF SINGLE FAMILY HOMES IN SWAN CROSSING

The resolution authorizes the City Manager to execute all documents necessary to accept the proposal of Randy Malouf d/b/a Randy Malouf Builders, of Conroe, Texas, for the construction of single family homes in the Swan Crossing Subdivision, including, but not limited to, documents conveying land and real property interests in said subdivision to said entity and subsequent owners, subject to the Program Guidelines for the New Housing Initiative at Swan Crossing, securing the City's interests in said properties, and otherwise effectuating and maintaining the public purpose of the New Housing Initiative at Swan Crossing. John Kaminski.

Cm. Wyatt moved to amend the resolution to reflect the information in the September 14, 2006 memorandum from John Kaminski to the City Council, indicating 1,102 square feet cost at \$69.145, 1,161 square feet cost at \$68.819, 1,259 square feet cost at \$65.254, and 1,324 square feet cost at \$64.690, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

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

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

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

RESOLUTION 2006-166R – AUTHORIZING A CONTRACT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL FOR WORKERS’ COMPENSATIONS COVERAGE

The resolution authorizes the City Manager to execute a contract with the Texas Municipal League Intergovernmental Risk Pool to provide workers’ compensations coverage (\$350,000 per occurrence retention and \$1,000,000 annual aggregate retention) in the amount of \$122,164 for the annual contribution, plus a loss fund deposit of \$67,270. Lee Cantu.

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

RESOLUTION 2006-167R – AWARDING THE BID FROM E.T. LANDSCAPING SERVICES FOR THE MAINTENANCE OF EVERGREEN CEMETERY

The resolution awards a bid for the Maintenance of Evergreen Cemetery to Eric Treaster d/b/a E.T. Landscaping Services of Port Lavaca, Texas, for one year with the option to renew for four additional one year periods in the amount of \$31,270. 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, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

ORDINANCE 2006-14 – ABANDONING 94 SQUARE FEET OF GLASCOW RIGHT-OF-WAY NEXT TO 8701 N. NAVARRO AND TRANSFERRING TO RETAIL PROPERTY PARTNERS, LTD.

City Attorney, David A. Smith, read the caption of Ordinance 2006-14, which authorizes the City Manager to abandon 94 square feet of the Glasgow Street right-of-way located next to 8701 N. Navarro Street and transfer said abandoned right-of-way to the adjacent landowner, Retail Property Partners, Ltd., in exchange for said landowner’s transfer of 310 square feet of Lot 1, Block 1, Northcrest Estates addition, located at 8621 N. Navarro Street, to the City of Victoria, authorizes execution of all documents necessary to effectuate said abandonment and swap of interests in real property; waiving the condition of the City’s driveway variance granted to 8701 N. Navarro Street, approved on March 7, 2000 via resolution 2000-38R and license agreement executed pursuant thereto. Emergency Reading. John Johnston.

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

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

Caption:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ABANDON 94 SQUARE FEET OF THE GLASCOW STREET RIGHT-OF-WAY LOCATED NEXT TO 8701 N. NAVARRO STREET AND TRANSFER SAID ABANDONED RIGHT-OF-WAY TO THE ADJACENT LANDOWNER,


CITY COUNCIL MINUTES

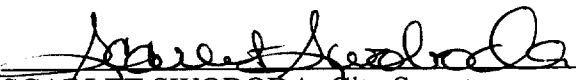
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RETAIL PROPERTY PARTNERS, LTD., IN EXCHANGE FOR SAID LANDOWNER'S TRANSFER OF 310 SQUARE FEET OF LOT 1, BLOCK 1, NORTHCREST ESTATES ADDITION, LOCATED AT 8621 N. NAVARRO STREET, TO THE CITY OF VICTORIA, AUTHORIZING EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE SAID ABANDONMENT AND SWAP OF INTERESTS IN REAL PROPERTY; WAIVING THE CONDITION OF THE CITY'S DRIVEWAY VARIANCE GRANTED TO 8701 N. NAVARRO STREET, APPROVED ON MARCH 7, 2000 VIA RESOLUTION 2000-38R AND LICENSE AGREEMENT EXECUTED PURSUANT THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 5:58 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
