



CITY COUNCIL MINUTES  
September 19, 2006

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

\*\*\*\*\*

VICTORIA CITY COUNCIL  
October 3, 2006

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Pro-Tem Lewis Neitsch at 5:00 p.m. Tuesday, October 3, 2006 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

**MEMBERS PRESENT**

Lewis Neitsch, Mayor Pro-Tem  
Philip Guittard  
Paul Polasek  
David Hagan  
Jim Wyatt  
Tom Halepaska

**MEMBERS ABSENT**

Will Armstrong, Mayor

**STAFF PRESENT**

Charles Windwehen, City Manager  
Charmelle Garrett, Assistant City Manager  
David A. Smith, City Attorney  
Miles Risley, Senior Assistant City Attorney  
John Johnston, Director, Public Works  
Gilbert P. Reyna, Jr., Director, Finance  
Richard Jones, Chief of Police  
Vance Riley, Director, Fire and EMS  
Doug Cochran, Director, Parks and Recreation  
James Stewart, Director, Library  
Rick Henrichs, Director, IT  
Lynn Short, Director, Utilities  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
O.C. Garza, Public Information Officer  
Scarlet Swoboda, City Secretary

October 3, 2006

**APPROVAL OF MINUTES**

The minutes of the special meeting of September 12, 2006 and regular meeting of September 19, 2006 were approved as presented.

**CITIZENS COMMUNICATION****4-H Week Proclamation**

A proclamation declaring October 1 through October 7, 2006 as "4-H Week" was read and presented to Kristy Synatschk and Steven Janak, who in turn presented the City Council with a basket of baked goods.

**Overview of Future Zoo Master Plan**

Eddie Overbay, Executive Director of the Texas Zoo, presented a power point presentation of the Zoo Master Plan for a new zoo which is planned to be built on property that was donated to the South Texas Zoological Society. He advised that the Master Plan proposed having African, South American, Texas, Australian, and Eurasia sections complete with animals from those regions. There would also be an amphitheatre, education center, reptile house, petting zoo area, and playground-splash pad water park combination. Mr. Overbay stated that the main entrance to the zoo would resemble an old western town complete with a courthouse.

**PUBLIC HEARINGS**

There were none.

**CITY MANAGER REPORTS**

Doug Cochran, Director of Parks and Recreation, reported on the Sportsplex at the Community Center and handed out a timeline for development. He reported that they were still on track for completion of the design at the end of November 2006, with bidding in December 2006, and awarding a contract in January 2007. He advised that there were three phases of the design portion. He reported that Phase I, which is 40% complete, includes the site layout/installation, drainage, field design, fences, irrigation, lights, and sidewalks. Phase II, which is 5% complete includes the buildings, concessions and maintenance area. Phase III, which is also 5% complete includes the parking. Phase II and III will be designed, bid, and awarded during the construction period of Phase I.

John Johnston, Director of Public Works, reported on the status of the Lone Tree Road Reconstruction Project. He reported that the project was moving ahead as scheduled, bids are scheduled to be opened October 18, 2006, and awarded by Council at the November 7, 2006 meeting, with January 2007 as the anticipated start date.

Charles Windwehen, City Manager made the following announcements:

- Quilt show was going on at the Victoria Public Library.
- Robert Potts would be in town to discuss the Edwards Aquifer Authority.
- Work Session planned for November 14, 2006.
- Victoria's water tower was featured on the front cover of the "Texas Water and Utilities Journal."

**ITEMS FROM COUNCIL**

Mayor Pro-Tem Neitsch recognized Kurt Kotzer a Boy Scout in attendance.

Cm. Polasek advised that he had been in communication with citizens concerned about traffic on Country Club Drive.

## CITY COUNCIL MINUTES

October 3, 2006

**RESOLUTION 2006-168R – AUTHORIZING RECEIPT OF GRANT FROM THE STATE ENERGY CONSERVATION OFFICE FOR “CLEAN CITIES COORDINATOR PROGRAM”**

The resolution authorizes the City Manager to execute all documents necessary to receive a \$75,000 grant from the State Energy Conservation Office, for the administration and other activities associated with a “Clean Cities Coordinator Program,” subject to a required match of \$35,000, to be funded from public outreach funds from the Texas Commission on Environmental Quality air quality grant funded by the 2005 Texas Legislative Session. 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch  
NAYS: None

**RESOLUTION 2006-169R – AUTHORIZING CHANGE ORDER #1 TO THE WEST OUTFALL DRAINAGE PROJECT – PHASE II WOODLAWN AREA – RELOCATION OF UTILITIES ON AIRLINE AND BLUEBONNET**

The resolution authorizes the Director of Streets & Utilities and the Director of Public Works to execute Change Order #1 to the West Outfall Drainage Project - Phase II Woodlawn Area to provide for the relocation of utilities on Airline Road and Bluebonnet Street, add 25 calendar days to the contract time, and provide clarifying language to the bid items. Lynn Short.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch  
NAYS: None

**RESOLUTION 2006-170R – AUTHORIZING CHANGE ORDER #2 TO THE WEST OUTFALL DRAINAGE PROJECT – PHASE II WOODLAWN AREA – INSTALLATION OF UTILITY LINES FOR FUTURE CROSSINGS**

The resolution authorizes the Director of Streets & Utilities and the Director of Public Works to execute additive Change Order #2 to the West Outfall Drainage Project - Phase II Woodlawn Area, to provide for the addition and installation of two 24” steel casings for future water and sewer line crossings across Loop 463 at Mockingbird Lane and one 24” steel casing for a future water line crossing across Loop 463 at Ben Jordan Street, and increase the contract amount by \$170,395, bringing the total contract amount to \$8,751,108. Lynn Short.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch  
NAYS: None

**RESOLUTION 2006-171R – RATIFYING HOUSE BILL 1627 WAIVER AUTHORIZING HEALTH INSURANCE STOP LOSS COVERAGE QUOTES**

The resolution ratifies City Staff’s execution of the House Bill 1627 Waiver authorizing health insurance stop loss coverage quotes in accordance with Article 21.49-16 of the Texas Insurance Code. Charmelle Garrett.

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

CITY COUNCIL MINUTES

October 3, 2006

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem  
Neitsch  
NAYS: None

**RESOLUTION 2006-172R – GRANTING VARIANCE WHICH LIMITS ADVERTISING  
FLAGS AT 2604 N. NAVARRO OWNED BY MILTON GREESON**

The resolution grants a variance from Section 5-156(h) of the Victoria City Code, which limits the number of advertising flags to one per lot, to Lot 1, Block 1, Green Square Subdivision, located at 2604 N. Navarro Street, which is owned by Milton Greeson (Atzenhoffer South) conditioned on the placement of no more than 14 flags on said lot. Steve Trevino.

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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem  
Neitsch  
NAYS: None

**RESOLUTION 2006-173R – AUTHORIZING A PROFESSIONAL SERVICES  
AGREEMENT WITH URBAN ENGINEERING FOR LAURENT STREET  
RECONSTRUCTION PHASE I PROJECT**

The resolution authorizes the City Manager to execute a Professional Services Agreement between the City of Victoria and Victoria Engineering d/b/a Urban Engineering for Engineering Services for the Laurent Street Reconstruction Phase I (Business 59 to Airline) Project, in the amount of \$699,500. John Johnston.

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

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem  
Neitsch  
NAYS: None

**RESOLUTION 2006-174R – AUTHORIZING A PROFESSIONAL SERVICES  
AGREEMENT WITH URBAN SURVEYING, INC., FOR DESIGN OF LAURENT STREET  
RECONSTRUCTION PHASE I PROJECT**

The resolution authorizes the City Manager to execute a Professional Services Agreement between the City of Victoria and Urban Surveying, Inc. for Surveying Services for the Design of the Laurent Street Reconstruction Phase I (Business 59 to Airline) Project, in the amount of \$205,000. John Johnston.

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

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem  
Neitsch  
NAYS: None

**RESOLUTION 2006-175R – AWARDED BID FOR THE MAINTENANCE OF  
EVERGREEN CEMETERY TO THE EDGE LANDSCAPING**

The resolution awards a bid for the Maintenance of Evergreen Cemetery to Kevin Brown d/b/a The Edge Landscaping of Victoria, Texas, for one year with the option to renew for four additional one year periods in the amount of \$40,650. Doug Cochran.

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

CITY COUNCIL MINUTES

October 3, 2006

AYES: Council Members Guittard, Polasek, Hagan, Wyatt, Halepaska, and Mayor Pro-Tem Neitsch  
NAYS: None

**RESOLUTION 2006-176R – AWARDING BID FOR THE RIVERSIDE STADIUM LIGHTING PROJECT**

The resolution was postponed until the next meeting.

**EXECUTIVE SESSION**

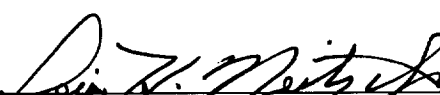
Mayor Pro-Tem Neitsch announced that Council would recess into Executive Session at 6:05 p.m., in accordance with:

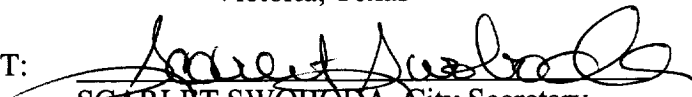
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. David A. Smith.

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, potential locations for future fire stations). David A. Smith.

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 7:12 p.m. with nothing to report. There being no further business, the meeting was adjourned at 7:13 p.m.

APPROVED:   
LEWIS NEITSCH, Mayor Pro-Tem of the City of  
Victoria, Texas

ATTEST:   
SCARLET SWOBODA, City Secretary

\*\*\*\*\*