

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

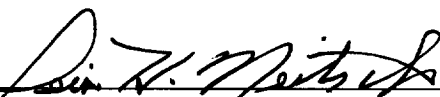
Mayor Pro-Tem Neitsch announced that Council would recess into Executive Session at 6:05 p.m., in accordance with:


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

VICTORIA CITY COUNCIL

October 17, 2006

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, October 17, 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, City Manager
Charmelle Garrett, Assistant City Manager
David A. Smith, City Attorney
Miles Risley, Senior Assistant City Attorney
John Johnston, Director, Public Works
Ray Miller, Assistant Planning Director
Richard Jones, Chief of Police
Michael Belt, Admin. Services Chief, Fire Dept.

Staff Continued -

Doug Cochran, Director, Parks and Recreation
Rick Henrichs, Director, IT
Lynn Short, Director, Utilities
Andrew Jacob, Assistant Finance Director
Steve Trevino, Director, IMS
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of October 3, 2006 were approved as presented.

CITIZENS COMMUNICATION

Healthcare Ethics Awareness Week Proclamation

Cm. Hagan read and presented a proclamation declaring November 5 through November 11, 2006 "Healthcare Ethics Awareness Week" and November 8, 2006 "Healthcare Ethics Awareness Day." He advised that the Ethics Alliance has been in existence for the last six years and have primarily worked with medical personnel. This group provides educational materials and guidance when ethical situations arise.

ITEMS FROM COUNCIL

Cm. Wyatt recognized Joe Brannon, Executive Director for the Golden Crescent Regional Council of Governments, who was in attendance.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2006-15 - AUTHORIZING TWELFTH AMENDMENT TO THE BROWNING-FERRIS, INC. CONTRACT

The ordinance considers authorizing the City Manager to execute the Twelfth Amendment to the Regional Solid Waste Sanitary Landfill Operations Services Contract between the City of Victoria and Browning-Ferris, Inc. (BFI), to adjust landfill operations services rates in accordance with 6.2867% adjusted CPI increase and amending Section 24-142 of the Victoria City Code to increase fees for landfill disposal services. Jerry James.

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

Capital Improvement Plan Projects Quarterly Report

John Johnston, Director of Public Works, presented the Capital Improvement Plan (CIP) projects third quarter report ending September 30, 2006. He advised that bids for the Lone Tree Road Reconstruction Project bids would be opened tomorrow, and the Glasgow Project was on schedule with all lanes expected to be opened by November 14, 2006.

Cameras at Intersections

Charles Windwehen, City Manager, inquired whether the Council would like to receive information on using cameras at intersections to catch people speeding. He advised that more cities are using them, and traffic control and the police department believe it would increase traffic safety. It was the consensus of Council to receive more information on the topic.

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Mr. Windwehen also announced that there would be three meetings in November, the two regular meetings on November 7 and 21, and a special meeting on November 14, 2006.

RESOLUTION 2006-177R – AUTHORIZING A THREE-YEAR MAINTENANCE AGREEMENT WITH NEW WORLD SYSTEM CORPORATION

The resolution authorizes a three-year maintenance agreement with New World Systems Corporation, a Michigan corporation, in an amount not to exceed (1) \$85,240 for the period of 10/01/06 to 09/30/07; (2) \$92,310 for the period of 10/01/07 to 09/30/08; and (3) \$99,650 for the period of 10/01/08 to 09/30/09, for software updates and technical assistance for the operation of computer aided dispatch, mobile computers, records management and NCIC systems. Richard Jones.

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

RESOLUTION 2006-178R – AUTHORIZING THE THIRTEENTH AMENDMENT TO THE WASTE MANAGEMENT CONTRACT

The resolution authorizes the thirteenth amendment to the Containerized Commercial Solid Waste Collection and Disposal Services Contract between the City of Victoria and Waste Management of Texas, Inc., to allow increased fees for commercial solid waste collection services (adjusted CPI increase of 6.2867%). Jerry James.

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 2006-179R – AUTHORIZING RENEWAL OF THE MUNICIPAL FLEET MANAGEMENT AND MAINTENANCE SERVICES WITH TECOM, INC.

The resolution authorizes the City Manager to execute all necessary documents to renew the City's contract for Municipal Fleet Management and Maintenance Services with Tecom Incorporated in an estimated amount of \$717,168.74 for the upcoming year. Steve Trevino.

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

RESOLUTION 2006-180R – AUTHORIZING AN AMENDED METROPOLITAN TRANSPORTATION PLANNING CONTRACT

The resolution approves and authorizes an amended Metropolitan Transportation Planning Contract between the City of Victoria and the Texas Department of Transportation to provide for continued funding for the Metropolitan Planning Organization (MPO) urban area. Ray Miller.

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 2006-181R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH GOLDEN CRESCENT REGIONAL PLANNING COMMISSION FOR OPERATION OF THE TRANSIT 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 \$51,000. Ray Miller.

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

RESOLUTION 2006-182R - AUTHORIZING A PROGRAMMATIC AGREEMENT WITH THE COMMUNITY ACTION COMMITTEE FOR THE ADMINISTRATION OF THE OWNER-OCCUPIED HOME REHABILITATION PROGRAM

The resolution authorizes a Programmatic Agreement between the Community Action Committee (CAC) and the City of Victoria for administration of the Community Development Block Grant ("CDBG") Owner-Occupied Home Rehabilitation Program for Fiscal Year 2006, in the amount of \$345,867.66, with a maximum of \$13,834.70 payable to CAC for administrative expenses. Ray Miller.

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

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

RESOLUTION 2006-183R - 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. Ray Miller.

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 2006-184R – AUTHORIZING A PROGRAMMATIC AGREEMENT WITH THE BOY & GIRLS CLUBS FOR ADMINISTRATION OF THE UPWARDS YOUTH PROGRAM

The resolution authorizes a Programmatic Agreement with the Boys & Girls Clubs of Victoria, Inc., for administration of the Upwards Youth Program, in the amount of \$4,000 of Community Development Block Grant (CDBG) funds. John Kaminski.

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

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

NAYS: None

ABSTENTION: Council Member Wyatt

**RESOLUTION 2006-185R – AUTHORIZING THE PURCHASE OF VARIOUS
COMPUTER AND PHONE EQUIPMENT FOR THE FISCAL YEAR 2006-2007**

The resolution authorizes all documents necessary to purchase various computers, computer software, computer peripheral equipment, and phones for FY 2006-2007 from the Texas Department of Information Resources in accordance with the City's technology plan, in an amount not to exceed \$380,412. Rick Henrichs.

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

The resolution awards a bid for the Riverside Stadium Lighting Project to KGS Electric Company of Victoria, Texas in the amount of \$131,988. Doug Cochran.

Cm. Neitsch moved to amend the contract to add sixteen 1500 watt light fixtures to light poles at the referenced project in the amount of \$27,824, with Cm. Guittard seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

**RESOLUTION 2006-186R – APPOINTING A MEMBER TO THE PLANNING
COMMISSION**

The resolution appoints Tom Willis to the City of Victoria Planning Commission. Scarlet Swoboda.

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

**RESOLUTION 2006-187R – RATIFYING AN AGREEMENT WITH VICTORIA COLLEGE
TO PROVIDE EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC COURSE**

The resolution ratifies an agreement with Victoria College to provide an emergency medical technician-paramedic course for members of the Victoria Fire Department in the amount of \$24,450, to be adjusted for the number of participating members. Michael Belt.

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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 2006-188R – AUTHORIZING A CONTRACT WITH TEXAS LANDFILL MANAGEMENT, LLC, FOR COMPOSTING SERVICES

The resolution authorizes a contract with Texas Landfill Management, L.L.C. (TLM) for composting services for a 10-year term on a site next to the current permitted landfill, which will provide for the acceptance of (1) biosolids (undigested sludge) from the GBRA regional wastewater plant at a rate of \$13.10 per wet ton, with a minimum expenditure of \$138,132.22 per year thereon, (2) brush from the City of Victoria at a rate of \$3.27 per cubic yard, and (3) brush from the third parties at a rate of \$4.40 per cubic yard; and declaring an effective date. Jerry James.

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

NAYS: None

ORDINANCE 2006-15 - AUTHORIZING THE TWELFTH AMENDMENT TO THE BROWNING-FERRIS, INC. CONTRACT

City Attorney, David A. Smith, read the caption of Ordinance 2006-15, which authorizes the City Manager to execute the twelfth amendment to the Regional Solid Waste Sanitary Landfill Operations Services Contract between the City of Victoria and Browning-Ferris, Inc. (BFI), which amendment provides for the adjustment of landfill operations services rates and amends Section 24-142 of the Victoria City Code to amend fees for landfill disposal services. First Reading. Jerry James.

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

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

NAYS: None

Caption:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE TWELFTH AMENDMENT TO THE REGIONAL SOLID WASTE SANITARY LANDFILL OPERATIONS SERVICES CONTRACT BETWEEN THE CITY OF VICTORIA AND BROWNING-FERRIS, INC., WHICH AMENDMENT PROVIDES FOR THE ADJUSTMENT OF LANDFILL OPERATIONS SERVICES RATES; AMENDING SECTION 24-142 OF THE VICTORIA CITY CODE TO AMEND FEES FOR LANDFILL DISPOSAL SERVICES; REPEALING CONFLICTING PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:44 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

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October 17, 2006


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.

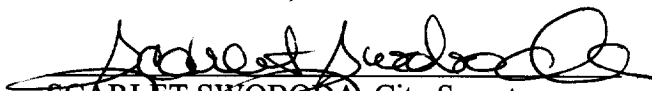
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, 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.

Section 551.074, Texas Government Code, with regard to personnel matters (including, but not limited to, the appointment, evaluation, and duties of the Planning Commission). Scarlet Swoboda.

The Council reconvened in regular session at 7:15 p.m. with nothing to report. There being no further business, the meeting was adjourned at 7:16 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
