



**CITY COUNCIL MINUTES  
November 14, 2006**

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 8:09 p.m. with nothing to report. There being no further business, the meeting was adjourned at 8:10 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL  
November 21, 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, November 21, 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  
John Kaminski, Director, Planning  
Richard Jones, Chief of Police  
Lynn Short, Director, Utilities  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of November 7, 2006 were approved as presented.

**CITIZENS COMMUNICATION**

Elgin Janssen, 2713 Oak Drive, Bay City, Texas, representing AEP Texas who has filed a change in current tariffs advised that he came to furnish information to the Council when they address the resolution later in the meeting.

Carlos Padilla, 2815 E. Odem Street, expressed concerns with the size of the trash cans being proposed, suggesting that the elderly and handicapped individuals may have difficulty getting the cans out to the curb. He also expressed concerns with City staff going onto private property to assist with getting those customers trash containers to the curb.

**ITEMS FROM COUNCIL**

Cm. Halepaska commended the City Departments that did the work to improve the river access in Riverside Park for the paddling trails.

**CITY MANAGER REPORTS****Legislative Issues – Water Rights**

Jerry James, Director of Environmental Services presented information on the Guadalupe Basin Coalition of which the City is a member. The primary goal of the coalition is to address issues related to the Edwards Aquifer Authority (EAA) during the Legislative Session. He asked the Council to read over the information provided so they would have time to review it in the event they have questions at a later date.

**Branding Project**

O.C. Garza, Public Information Officer, presented information on branding cities for tourism. He advised that branding was what people say about Victoria when we the citizens are out of listening range. He advised that there had been a few meetings with some of the large business entities in the community to see if there was interest in a shared funding research project to determine a brand that reflects what the community is or wanted to be in the future. This would be a six to eight month project that could cost \$50,000 to \$75,000, with those costs shared evenly by all entities involved.

**Swan Crossing Status Report**

John Kaminski, Director of Planning, gave a brief report on the status of the Swan Crossing Subdivision. He advised that the deed restrictions program had been drafted and they were working to reach consensus with the builder and their attorneys on the documents. The builder is tentatively scheduled to begin construction on the first or second week in December. Mr. Kaminski reported that all of the program information was on the City's website and the Planning Department had been receiving calls on a daily basis, with two applicants already pre-approved.

**RESOLUTION 2006-201R – APPOINTING ONE MEMBER TO THE VICTORIA PARKS AND RECREATION COMMISSION**

The resolution appoints Craig Friemel to the Victoria Parks and Recreation Commission. 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2006-202R – RENEWING THE ANNUAL SUPPLY CONTRACT FOR POLICE UNIFORMS WITH LONE STAR UNIFORMS, INC.**

The resolution renews the annual supply contract for police uniforms with Lone Star Uniforms, Inc., and authorizes changes to said contract in an estimated total amount of \$28,674.65 in the upcoming year. Richard Jones.

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 2006-203R – AWARDING THE BID FOR THE PURCHASE OF ONE YEAR MODEL 2007 FIVE-PASSENGER MINI-VAN TO MCKINNEY DODGE**

The resolution awards the bid for the purchase of one Year Model 2007 Five-Passenger Mini-Van to McKinney Dodge of McKinney, Texas, in the amount of \$14,250. Steve Trevino.

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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 2006-204R – AWARDING THE BID FOR THE PURCHASE FIVE 2007 FOUR-DOOR POLICE SEDAN TO PLANET FORD AND ONE 2007 FOUR-DOOR POLICE SPECIALITY VEHICLE TO PHILPOTT MOTORS, LTD.**

The resolution awards the bid for the purchase of five Year Model 2007 four-door police package patrol sedans to Planet Ford of Caldwell, Texas, in the amount of \$20,843 each, for a total amount of \$104,215, and (2) awards the bid for one Year Model 2007 four-door police specialty vehicle (SUV) in the amount of \$21,557 to Philpott Motors, Ltd. of Port Neches, Texas. Steve Trevino.

Cm. Neitsch 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 2006-205R – AWARDING THE BID FOR ONE 2007 FULL-SIZE REGULAR CAB FROM MAC HAIK FORD AND TWO 2007 HEAVY DUTY REGULAR CABS FROM DALLAS DODGE**

The resolution awards the bid for the purchase of one Year Model 2007 full-size regular cab ½ ton pickup trucks, to Mac Haik Ford of Victoria, Texas, in the amount of \$12,833.50, minus trade-in allowance of \$3,500 for a 2000 Ford F150 regular cab pickup truck, for a total amount of \$9,333.50, and (2) awards the bid for the purchase of two Year Model 2007 heavy duty regular cab ¾ ton pickup truck to Dallas Dodge of Dallas, Texas, in the amount of \$16,087 each, for a total amount of \$32,174.00. Steve Trevino.

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

**RESOLUTION 2006-206R – AWARDING BIDS FOR THE GROUNDS MAINTENANCE AND MOWING OF CITY OF VICTORIA DEPARTMENT OF UTILITIES PROPERTIES TO EDGE LANDSCAPING AND SAFER MAINTENANCE**

The resolution awards the bids for the Grounds Maintenance and Mowing of City of Victoria Department of Utilities Properties to Kevin Brown d/b/a Edge Landscaping in the amount of \$22,980.00 for the Surface Water Treatment Plant and Off-Channel Reservoirs and to Michael Ritter d/b/a Safer Maintenance of Louise, Texas in the amount of \$15,171.52 for the City of Victoria Utilities Department Properties. Lynn Short.

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

NAYS: None

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**RESOLUTION 2006-207R – AUTHORIZING A CONTRACT TO COLLECT DELINQUENT MUNICIPAL COURT FINES AND FEES WITH MCCREARY, VESELKA, BRAGG AND ALLEN, P.C., (MVBA)**

The resolution authorizes a Contract for the Collection of Delinquent Municipal Court Fines and Fees with McCreary, Veselka, Bragg and Allen, P.C., (MVBA) and authorizes the City of Victoria to impose an additional collection fee in the amount of 30% on each fine and fee that is more than 60 days past due and has been referred for collection. David A. Smith.

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 2006-208R – SUSPENDING THE EFFECTIVE DATE OF AEP TEXAS CENTRAL COMPANY’S REQUESTED RATE CHANGES**

The resolution suspends the effective date of AEP Texas Central Company’s requested rate changes to permit the City time to study the request and to establish reasonable rates; approves cooperation with other cities within AEP Texas Central Company’s service territory; authorizes intervention in the proceeding at the Public Utility Commission; retains counsel to represent the City; requires reimbursement of cities’ rate case expenses; and requires notice of this resolution to the Company. David A. Smith.

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

**WORK SESSION**

Mayor Armstrong announced that the Council would recess into a Work Session at 5:51 p.m.

**Master Drainage Plan Criteria**

John Johnston, Director of Public Works, introduced Duke Altman with PBS&J who presented information on what has been done on the Master Drainage Plan and discussed with Council what needed to be done to complete and adopt the master plan and criteria manual. Mr. Altman reviewed what had been done since its beginning in 1997, he addressed outstanding issues, and how to move forward with what Council wanted to accomplish. He addressed future land use, regional detention, interim phasing, retrofit design allowances, ponding in streets, and floodplain encroachments. The outstanding issues that still needed to be addressed are finalizing the drainage impact policy, updating the drainage criteria manual based on the drainage impact policy, adopting the master plan and criteria manual, providing technology transfer, and updating the floodplain ordinance.

Mr. Johnston stated that in the drainage impact policy the hold up in the adoption of the criteria manual has been “no net rise” which is the most difficult issue to provide understanding for non-engineers. Another option to consider would be “no adverse impact” which may also have a negative connotation. From the beginning the discussion of “no net rise” and “no adverse impact” has been focused on what the impact is, and can it be mitigated, so that the down stream property owner’s property would not be harmed by a development coming in. There is currently no mechanism in the ordinance to address those issues and over time as development occurs upstream and the City has not made improvements to the channel the floodplain has grown, and the City ends up correcting problems instead of preparing for growth.

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In response to a question about regulations in the Extraterritorial Jurisdiction (ETJ) the Council was informed that under the current Master Drainage Plan the only authority the City has is over the regulation of subdivisions. The Texas Land Development laws only allow a City to regulate the design of the land not the design of buildings in the ETJ. The City can not regulate drainage on that land and can not require detention ponds in the ETJ or inside the city limits.

Mr. Johnston advised that in 1998 “no net rise” was adopted by resolution which was the buzz word at that time, now City staff would like to amend the resolution to state “no adverse impact.” More information would be brought forward in December to discuss development of the Master Drainage Plan and the Criteria Manual. In the end, the plan and the criteria could be adopted at the same time or broken up into two separate processes. It was the consensus of Council to adopt both at the same time if possible.

**EXECUTIVE SESSION**

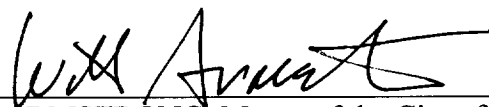
Mayor Armstrong adjourned the Work Session and announced that Council would recess into Executive Session at 6:40 p.m., in accordance with:

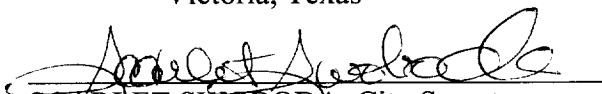
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. (including, but not limited to, legal issues concerning water rights & proposed legal proceeding at Public Utility Commission regarding AEP Texas Central Company’s requested rate changes) 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, the purchase, exchange, lease or value of water rights). 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 7:53 p.m. with nothing to report. There being no further business, the meeting was adjourned at 7:54 p.m.

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

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