

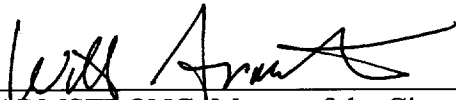
CITY COUNCIL MINUTES  
December 12, 2006


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

**EXECUTIVE SESSION**

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 6:09 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
January 2, 2007

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 4:00 p.m. Tuesday, January 2, 2007 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas.

**MEMBERS PRESENT**

Will Armstrong, Mayor  
Philip Guittard  
Lewis Neitsch  
Paul Polasek  
David Hagan  
Jim Wyatt arrived at 4:10 p.m.  
Tom Halepaska

**STAFF PRESENT**

Charles Windwehen, City Manager  
Charmelle Garrett, Assistant City Manager  
David A. Smith, City Attorney  
Miles Risley, Senior Assistant City Attorney  
Gilbert P. Reyna, Jr., Director, Finance  
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  
Rick Henrichs, Director, IT  
Lynn Short, Director, Utilities  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
David Martyn, Emergency Management  
Andrew Jacob, Assistant Finance Director  
Ken Gill, City Engineer  
Scarlet Swoboda, City Secretary

**EXECUTIVE SESSION**

Mayor Armstrong announced that the Council would recess into Executive Session at 4:02 p.m., in accordance with:

**CITY COUNCIL MINUTES****January 2, 2007**

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 the purchase of land for a proposed fire station, water rights, and 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 land for a proposed fire station and 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.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the directors of the Victoria Sales Tax Development Corporation). Scarlet Swoboda.

Section 551.076, Texas Government Code, to deliberate the deployment, or specific occasions for implementation, of security personnel or devices. David Martyn.

The Council reconvened in regular session at 5:00 p.m. with nothing to report. The pledge of allegiance was said, and all citizens were welcomed.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of December 5, 2006 and special meeting of December 12, 2006 were approved as presented.

**CITIZENS COMMUNICATION**

Kenneth Schustereit, 275 Baass Lane, requested that the Council watch the upcoming Legislative Session and urged them to keep close track of the proposed water agenda, suggesting that rural Texas would be in trouble if any of the legislative proposals passed this session. He advised that he had addressed the Victoria County Commissioners that morning urging them to work closely with the City this session to help support the Groundwater Conservation District in an effort to help regulate the water that leaves the county. He stated that his group would be urging the Senate Chairman of the Natural Resources Committee to not change the inter-basin transfer. He stated that his group opposed a state fee being considered which would have the water conservation districts collect, which would then go to the Texas Water Development Board to fund projects that could come after Victoria's water. He suggested that Victoria's share of that could be as much as \$20 million and the idea of taking money from Victorians to send to San Antonio and possibly help fund projects that would take water from Victorians was repugnant to him and his group, and they would oppose it strongly this session. He further stated that he agreed with the Victoria Economic Development Corporation that we needed our water here, for our economic development.

Mr. Schustereit also presented a copy of a permit from the Texas Commission on Environmental Quality (TCEQ) which may allow a chemical plant south of Victoria to dump chemical waste into the river.

**ITEMS FROM COUNCIL**

There were no items from Council.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2006-2007B – AMENDING FISCAL YEAR 2006-2007 BUDGET TO PURCHASE TWO BUSES**

The ordinance considers transferring \$28,000 from the General Fund fund balance to the General Fund Planning Department System Professional Services line item to provide matching funds for purchase of two buses for transit system.

Cm. Wyatt commented that the management of the system had improved over the last few years and this request should be honored.

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

**ORDINANCE 2006-2007C – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR ARCHITECTURAL SERVICES FOR FIRE STATION(S)**

The ordinance considers transferring between \$171,247 and \$376,000 from the General Fund fund balance to the General Fund Fire Department System Professional Services line item for architectural services for new fire station(s).

Andrew Jacob, Assistant Finance Director advised that the scope of the project would be discussed in a resolution later in the meeting. Once the scope of the project was determined the actual amount would need to be amended to reflect the exact amount.

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

**ORDINANCE 2006-2007D – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR ADDITIONAL EXPENDITURES FOR FLEET MAINTENANCE SERVICES**

The ordinance considers transferring \$57,038 from the Vehicle and Equipment Services (VES) Fund fund balance to the VES Fund Professional Services line item for additional expenditures for fleet maintenance services.

Mr. Jacob advised that the amount presented would need to be changed to \$65,070. This amount is made up of \$57,038 for their normal operations in Fiscal Year 2007 contract and \$8,032 to cover the Fiscal Year 2006 Consumer Price Index (CPI) increase.

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

**ORDINANCE 2006-2007E – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR LIBRARY IMPROVEMENTS**

The ordinance considers transferring \$27,500 from the General Fund fund balance to the General Fund Library Department Building Improvements line item for additional cleaning, replacing, and repairing furniture, partitions, and facilities of the Library.

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**

1. **Sportsplex at Community Center.** Doug Cochran, Director of Parks and Recreation reported that the first contract was approved by the Victoria Sales Tax Development Corporation on December 14, 2006 and advised that the project was more than one month ahead of schedule.

**CITY COUNCIL MINUTES****January 2, 2007**

2. **Status of Lone Tree Road Reconstruction Project.** Ken Gill, City Engineer reported that preconstruction would be held this Thursday to get the project started and organized. The project should start shortly after that.
3. Charles Windwehen, City Manager announced that there would be a report on the Lone Tree Creek Basin Trail System at the February 6, 2007 meeting.

**RESOLUTION 2007-1R – RATIFYING THE LOAN STAR LIBRARIES GRANT**

The resolution ratifies the City Manager's execution of a Texas State Library and Archives Commission Loan Star Libraries Grant in the amount of \$12,781. James Stewart.

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 2007-2R – AUTHORIZING RELEASE OF CLAIMS FOR DAMAGE AT LIBRARY**

The resolution authorizes the City Manager to execute a Release of all Claims settling claims for carpet, furniture, and other damage that occurred during the Victoria Public Library Lighting Replacement Project. James Stewart.

Cm. Polasek 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

**RESOLUTION 2007-3R – APPOINTING MEMBERS TO THE VICTORIA SALES TAX DEVELOPMENT CORPORATION**

The resolution reappoints Philip Guittard, Vincent Harris, and Bob Martin to the Board of Directors of the Victoria Sales Tax Development Corporation. Scarlet Swoboda.

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 2007-4R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BROWN REYNOLDS WATFORD ARCHITECTS, INC.**

The resolution authorizes the City Manager to execute a Professional Services Agreement with Brown Reynolds Watford Architects, Inc. for architectural services for the design and construction administration of new fire station(s), in an amount for basic services between \$171,247 and \$376,000, and selecting a desired scope of services. Vance Riley.

Vance Riley, Director of Fire and EMS recommended awarding the entire project in the amount of \$376,000, which includes building a fifth fire station, relocating Fire Station No. 2 to the northeast and then converting the old Fire Station No. 2 into administrative and logistic facilities. With this recommendation the design work would commence immediately with a proposed completion date of October 2008 for the new fire station.

Cm. Wyatt moved that the resolution as recommended 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

**ORDINANCE 2006-2007B – AMENDING FISCAL YEAR 2006-2007 BUDGET TO  
PURCHASE TWO BUSES**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007B, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$28,000 from the General Fund fund balance to the General Fund Planning Department System Professional Services line item, to provide additional funding for the Golden Crescent Regional Planning Commission (GCRPC) to purchase two buses for the transit system, authorizes the City Manager to execute an amendment to the City's Interlocal Agreement with the GCRPC for the Operation of a Transit System in the City of Victoria for 2006-2007 to provide for the additional funding and associated purchase. (First Reading). Andrew Jacob.

Cm. Wyatt recognized John Kaminski and Ray Miller for their tireless work associated with making the transit system work so effectively.

Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Polasek 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 AMENDING THE 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$28,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND PLANNING DEPARTMENT SYSTEM PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC) TO PURCHASE TWO BUSES FOR THE TRANSIT SYSTEM, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CITY'S INTERLOCAL AGREEMENT WITH THE GCRPC FOR THE OPERATION OF A TRANSIT SYSTEM IN THE CITY OF VICTORIA FOR 2006-2007 TO PROVIDE FOR THE AFORESAID ADDITIONAL FUNDING AND ASSOCIATED PURCHASE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2006-2007C – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR  
ARCHITECTURAL SERVICES FOR FIRE STATION(S)**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007C, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring an amount between \$171,247 and \$376,000 from the General Fund fund balance to the General Fund Fire Department System Professional Services line item, to provide funding for a Professional Services Agreement with Brown Reynolds Watford Architects, Inc. for architectural services for the design and construction administration of new fire station(s). (First Reading). Andrew Jacob.

Cm. Wyatt moved to amend the ordinance to read \$376,000, 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

## CITY COUNCIL MINUTES

January 2, 2007

Cm. Hagan moved that the ordinance pass on first reading, with Cm. Wyatt 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 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$376,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND FIRE DEPARTMENT SYSTEM PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE FUNDING FOR A PROFESSIONAL SERVICES AGREEMENT WITH BROWN REYNOLDS WATFORD ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF NEW FIRE STATION(S), REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2006-2007D – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR ADDITIONAL EXPENDITURES FOR FLEET MAINTENANCE SERVICES**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007D, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$57,038 from the Vehicle and Equipment Services (VES) Fund fund balance to the Vehicle and Equipment Services (VES) Fund Professional Services line item, to provide additional funding for the Amended Agreement between the City of Victoria and TECOM Incorporated for Municipal Fleet Management and Maintenance Services 2006-2007. (First Reading). Andrew Jacob.

Cm. Polasek moved to amend the ordinance to change the amount from \$57,038 to \$65,070 to cover the 2006 CPI increase, with Cm. Wyatt 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. Halepaska 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 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$65,070 FROM THE VEHICLE AND EQUIPMENT SERVICES (VES) FUND FUND BALANCE TO THE VEHICLE AND EQUIPMENT SERVICES (VES) FUND PROFESSIONAL SERVICES LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE AMENDED AGREEMENT BETWEEN THE CITY OF VICTORIA AND TECOM INCORPORATED FOR MUNICIPAL FLEET MANAGEMENT AND MAINTENANCE SERVICES 2006-2007, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2006-2007E – AMENDING FISCAL YEAR 2006-2007 BUDGET FOR LIBRARY IMPROVEMENTS**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007E, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$27,500 from the General Fund fund balance to the General Fund Library Department Building Improvements line item to provide additional funding for cleaning, replacing, and repairing furniture, partitions, and various facilities of the Victoria Public Library. (First Reading). Andrew Jacob.

Cm. Guittard moved that the ordinance pass on first reading, with Cm. Neitsch 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:

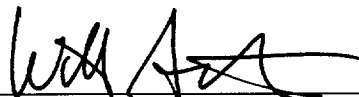
**AN ORDINANCE AMENDING THE 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$27,500 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND LIBRARY DEPARTMENT BUILDING IMPROVEMENTS LINE ITEM TO PROVIDE ADDITIONAL FUNDING FOR CLEANING, REPLACING, AND REPAIRING FURNITURE, PARTITIONS, AND VARIOUS FACILITIES OF THE VICTORIA PUBLIC LIBRARY, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**


**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into a second Executive Session at 5:37 p.m., in accordance with:

Sections 551.071, 551.072, 551.074, 551.076, and 551.087 of the Texas Government Code as stated in their entirety for the first Executive Session earlier in the meeting.

The Council reconvened in regular session at 6:03 p.m. with nothing to report. There being no further business, the meeting was adjourned at 6:04 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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