

VICTORIA CITY COUNCIL
January 16, 2007

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, January 16, 2007 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
James Stewart, Director, Library
Lynn Short, Director, Utilities
Mary Danysh, Municipal Court Clerk
Ray Miller, Asst. Director, Planning
Vance Riley, Director, Fire and EMS
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of January 2, 2007 were approved as presented.

CITIZENS COMMUNICATION

Jack Daniels, 322 Spur, with Friends of Victoria Baseball thanked the Council for their continued support. He reported that in 2006 there were eleven high school games, with four of the twenty-two teams staying in the local motels, along with the families of those players. He reported that they had just finished all of the restroom facilities at Riverside Stadium noting that each were now handicap accessible. They were working on disabled seating on the third base side and that project should be completed before the season starts. He advised that the new outfield fence was back in the same position that it was when the Rosebud Baseball team played there in 1957. He advised that the last big improvement for 2007 would be the new lights, and thanked the City Council for helping to fund that. Mr. Daniels advised that the University of Houston Victoria (UHV) had announced the startup of an athletics program and would be using the stadium for their baseball games. He advised that a future planned project was to move the aluminum benches behind home base and replace them with folding seats like the ones that were original to the stadium. He invited the Council to come out and look at their accomplishments since 2001.

Cm. Neitsch inquired how much was needed to put in the folding seats, with Mr. Daniels responding \$25,000 to \$30,000. Mr. Daniels stated that they would like to replace the seating before the first UHV game, but currently did not have the funding. Cm. Neitsch requested that Mr. Daniels keep the Parks Director informed of their progress, suggesting that the Council may be willing to look at the budget to see if they would be able to provide funding assistance. The Council thanked Mr. Daniels and Winston Wheeler for all they have done to improve Riverside Stadium.

ITEMS FROM COUNCIL

Cm. Wyatt stated that the City had put in for a grant to improve the Red River corridor from Main to Vine and it was brought to his attention again that we were going to have an outstanding baseball stadium and people would be traveling through that area to get to Riverside Stadium. He suggested revisiting the subject, and if the funds could be found to make those improvements the City needed to take the opportunity to do it, because not only was that area ugly it was unsafe.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

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2007-1 – AMENDING CHAPTER 24 “FEES” OF THE VICTORIA CITY CODE

The ordinance considers amending Planning, Library, and Streets & Utilities Fees. Lynn Short, John Kaminski, and James Stewart.

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

- **Transit Terminal Feasibility Study by Golden Crescent Regional Planning Commission.** Ray Miller. The report was not presented because the consultant was not able to make it to the meeting due to poor weather conditions.
- **Foundation of 700 Main Center.** Steve Trevino, Director of Inspections and Maintenance Services (IMS) advised that the foundation had been settling for decades. He advised that funding was available for roof replacement at 700 Main in the current budget, but would like to postpone that project and instead use the funds for a professional foundation study. The roof project could then be placed in the 2008 budget as a proposed project.
- **Proposed Water Access Facilities (Canoe & Kayak) on Guadalupe River.** John Johnston, Director of Public Works reported that the project was progressing and the local canoe and kayak group were working on their bylaws. He advised that a meeting that had been scheduled with Texas Parks and Wildlife to go over an agreement to designate the proposed trail as a Texas Parks and Wildlife Paddling Trail was canceled due to poor weather conditions. That agreement is planned to be brought to Council in March.
- **Capital Improvement Plan Projects Quarterly Report.** John Johnston. No report given.

RESOLUTION 2007-5R – AUTHORIZING THE AFFORDABLE HOUSING PROGRAM AGREEMENT FOR OWNER OCCUPIED PROJECT WITH THE FEDERAL HOME LOAN BANK AND FIRST VICTORIA NATIONAL BANK

The resolution authorizes the Affordable Housing Program Agreement for Owner Occupied Project with the Federal Home Loan Bank of Dallas and First Victoria National Bank, to implement a \$90,000 grant for providing home accessibility to seniors and disabled persons. John Kaminski.

Cm. Hagan 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 2007-6R – APPOINTING BRANDEE HILL AS DEPUTY MUNICIPAL COURT CLERK

The resolution appoints Brandee Hill as a Deputy Municipal Court Clerk. Mary Danysh.

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

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

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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. (Second and third Reading). Andrew Jacob.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed on second and third 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 \$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). (Second and third Reading). Andrew Jacob.

Cm. Neitsch moved that the ordinance pass on second and third reading, with Cm. Wyatt seconding the motion. The ordinance passed on second and third 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.

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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 \$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. (Second and third Reading). Andrew Jacob.

Cm. Polasek moved that the ordinance pass on second and third reading, with Cm. Wyatt seconding the motion. The ordinance passed on second and third 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. (Second and third Reading). Andrew Jacob.

Cm. Hagan moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed on second and third 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.

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ORDINANCE 2007-1 – AMENDING CHAPTER 24 “FEES” OF THE VICTORIA CITY CODE

City Attorney, David A. Smith, read the caption of Ordinance 2007-1, which amends Planning, Library, and Streets & Utilities Fees. Lynn Short, John Kaminski, and James Stewart.

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

AMENDING CHAPTER 24, “FEES” OF THE VICTORIA CITY CODE TO MODIFY VARIOUS CITY FEES, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:30 p.m., in accordance with:

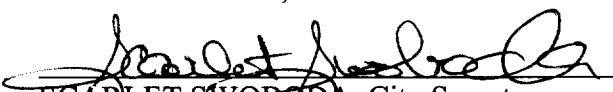
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. (including, but not limited to, legal issues concerning water rights & the possible sale, abandonment, and/or transfer of part of San Antonio Street). 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 & part of San Antonio Street). 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 6:42 p.m. with nothing to report and no action taken. There being no further business, the meeting was adjourned at 6:43 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
