

VICTORIA CITY COUNCIL
February 6, 2007

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, February 6, 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 arrived at 5:09 p.m.

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
 Doug Cochran, Director, Parks and Recreation
 Lynn Short, Director, Utilities
 Gilbert P. Reyna, Jr., Director, Finance
 Andrew Jacob, Assistant Finance Director
 Roy Boyd, Police Captain
 Scarlet Swoboda, City Secretary

OTHERS PRESENT

Dale Fowler, Executive Director,
 Victoria Economic Development Corporation

APPROVAL OF MINUTES

The minutes of the regular meeting of January 16, 2007 were approved as presented.

CITIZENS COMMUNICATION

Bob Hendrick representing Coastal Medical Services of Texas expressed concern with the permit issued to Americana Ambulance in December to operate in Victoria. He stated that 16 ambulances already service the area and there was not enough business to operate the ones currently permitted. He suggested that another ambulance service coming into town would create a problem in that some of the services would start losing revenue and then would have to lay off personnel. He stated that he did not know about the meeting in December and would have attended had he known.

David A. Smith, City Attorney, advised that under the City Code the Council grants a certificate of convenience and necessity once a year to all the transfer ambulance companies for their services, which was done in December. He explained the procedures to make a complaint which would need to be presented to the City Manager, who would then determine whether a hearing should be held. Mr. Smith further advised that if they had valid information on the ambulance service in question they could bring it forward in written form.

ITEMS FROM COUNCIL

Cm. Neitsch advised that following a field trip with David Martyn, Emergency Management Coordinator, he asked that Mr. Martyn come to Council to give them a report on his various tasks.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2007- CALLING A JOINT GENERAL ELECTION FOR MAY 12, 2007 FOR MAYOR AND CITY COUNCIL DISTRICTS 5 AND 6

The ordinance considers calling a Joint General Election with the City of Victoria and Victoria Independent School District on May 12, 2007 for Mayor and City Council Districts 5 and 6. Scarlet Swoboda.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

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CITY MANAGER REPORTS

- **2006 Annual Bias Profiling Report** - Roy Boyd, Police Captain, advised that the report was included in the agenda packet. There were no questions from Council.
- **Lone Tree Creek Basin Trail System.** John Kaminski, Director of Planning reported that there was a high level of interest and community support for a hike and bike facility that would be constructed along the east side of Lone Tree Creek from Airline to John Stockbauer Drive. The length of the trail would be approximately 1.6 miles, and the project would create a nearly continuous path only having interruptions at Miori and Ben Jordan. There would be a 10 foot wide trail with amenities including pedestrian lighting, water for drinking and irrigation, emergency call boxes, bike racks, landscaping and one pedestrian bridge. The 10 foot width would accommodate pedestrians, cyclists, joggers, and other users on the same trail as well as a travel lane for emergency and maintenance vehicles. He advised that the proposal was being brought forward at this time because the Lone Tree Creek Drainage Improvement Project scheduled for bidding this summer to excavate and reshape the area would provide an opportunity to incorporate the hike and bike trail into that construction contract. He advised that cost estimates had been prepared for two types of trails, concrete costing \$1.1 million or crushed granite costing \$800,000. He stated that there were advantages and disadvantages for both materials, with joggers preferring the crush granite; however it would require more maintenance. The concrete would have less maintenance and would also accommodate skating and rollerblading. It was the consensus of Council to include this project in the bid and favored the concrete surface.
- **Capital Improvement Plan Projects Quarterly Report.**
 - John Johnston, Director of Public Works presented the 4th quarter report pointing out that the West Outfall Phase I Project was complete, West Outfall Phase II Project continues, Laurent Street Project should be open sometime in late February, and engineering for the hike and bike trail would be included in the Lone Tree Creek Basin Project as earlier discussed.
 - Lynn Short, Director of Utilities reported that the Navarro Street Water Line Project was progressing, but has been delayed by wet weather, with the new completion date scheduled for April instead of February.
 - Doug Cochran, Director of Parks and Recreation gave a short update on the Youth Sports Complex stating that the contractor was waiting for the ground to dry up a little. He also noted that the concession and parking facilities were currently being designed and scheduled to be bid in May, with construction to begin in July.
 - David A. Smith, City Attorney, reported on the Laurent Street Project Phase I, stating that 19 title reports had been received for the 24 tracts needed for the project. His staff was still trying to locate all of the owners to acquire the corner clips.

RESOLUTION 2007-7R – APPROVING AND ADOPTING THE CURRENT CITY OF VICTORIA INVESTMENT POLICY AND A LIST OF QUALIFIED BROKERS

The resolution approves and adopts the current City of Victoria Investment Policy, and a list of qualified brokers that are authorized to engage in investment transactions with the City of Victoria. Andrew Jacob.

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 2007-8R – APPOINTING TINA DOZIER AS DEPUTY TO THE CITY SECRETARY

The resolution appoints Tina Dozier as a Deputy to the City Secretary. Scarlet Swoboda.

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Cm. Hagan 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 2007-9R – ACCEPTING AN APPLICATION FOR DESIGNATION OF A REINVESTMENT ZONE, TAX ABATEMENT AGREEMENT AND SETTING A PUBLIC HEARING DATE FROM VICTORIA WLE, L.P. FOR THE ELECTRIC POWER PLANT LOCATED ON BOTTOM STREET

The resolution accepts an application for designation of a Reinvestment Zone and a Tax Abatement Agreement from Victoria WLE, L.P. for structures and real property at its electric power plant and associated facilities next to Bottom Street and the Guadalupe River; setting a public hearing for consideration of such application; and declaring an effective date. Dale Fowler.

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 2007-10R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CAMP DRESSER & MCKEE, INC. TO PERFORM EVALUATION OF THE CITY'S SURFACE WATER TREATMENT PLANT

The resolution authorizes a Professional Services Agreement with Camp Dresser & McKee Inc. to Perform a Disinfection (CT) Study and a Capacity Evaluation for the City's Surface Water Treatment Plant in the amount of \$41,800. 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

RESOLUTION 2007-11R – GRANTING VARIANCES FOR INSTALLING A SEPTIC TANK AND ISSUING A WATER WELL PERMIT AT 4502 COUNTRY LANE, OWNED BY ERNEST AND SUZANNE STONE

The resolution grants variances to Sections 10-115 and 13-27 of the Victoria City Code, which prohibit a person from installing a septic tank within ¾ mile of an existing city sewer service main, to a one-acre tract conveyed via Instrument No. 200505239 of the Official Records of Victoria County, located at 4502 Country Lane, owned by Ernest and Suzanne Stone, and approves the issuance of a water well permit for that property. Lynn Short.

Cm. Halepaska 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

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RESOLUTION 2007-12R – GRANTING VARIANCES TO THE MINIMUM LOT FRONTAGE REQUIREMENTS AT 5006 AND 5008 N. NAVARRO STREET OWNED BY TRITON COMMERCIAL PROPERTIES, LTD.

The resolution grants variances from Sections 21-55(k) and 21-83(a)(2) of the Victoria City Code, which require minimum lot frontage for a general commercial lot of at least 100 feet on a public street, to TCP Victoria Subdivision, Resubdivision No. 2, located at 5006 and 5008 N. Navarro Street, which is owned by Triton Commercial Properties, Ltd. John Kaminski.

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 2007-13R – AUTHORIZING ABANDONMENT OF A 10' UTILITY EASEMENT ON LOTS 1, 2, 3 AND 4, BLOCK 3, LINN'S ADDITION CURRENTLY OWNED BY TRINITY EPISCOPAL SCHOOL

The resolution authorizes abandonment a 10' utility easement on Lots 1, 2, 3 and 4, Block 3, Linn's Addition, which is currently owned by Trinity Episcopal School, and authorizes City Manager to execute Quitclaim Deed to owner of underlying fee estate. John Kaminski.

Cm. Hagan 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 2007-14R – GRANTING A VARIANCE TO CERTAIN DRIVEWAY REQUIREMENTS TO LOT 4, BLOCK 3, LINN'S ADDITION OWNED BY TRINITY EPISCOPAL SCHOOL

The resolution grants a variance from Section 20-83(a) of the Victoria City Code, which requires driveways to be at least 30 feet from the nearest intersection of two local streets, to Lot 4, Block 3, Linn's Addition, which is owned by Trinity Episcopal School. 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, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2007-15R – GRANTING A VARIANCE TO THE MAXIMUM NUMBER OF DRIVEWAYS FOR A RESIDENTIAL PROPERTY AT 115 SHERWOOD OWNED BY RONALD LYNN AND MAUREEN MONNEY

The resolution grants a variance from Section 20-82 (a)(1) of the Victoria City Code, which limits the maximum number of driveways for a residential use to one per street frontage, to Lot 28, Block 17 of Tanglewood Subdivision, located at 115 Sherwood, which is owned by Ronald Lynn and Maureen Monney. John Johnston.

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 2007-16R – AUTHORIZING A TEXAS PADDLING TRAIL AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT AND THE GUADALUPE-BLANCO RIVER AUTHORITY

The resolution authorizes a Texas Paddling Trail Agreement with the Texas Parks and Wildlife Department (TPWD) and the Guadalupe-Blanco River Authority (GBRA) designating part of the Guadalupe River along Riverside Park as a Texas Paddling Trail (TPT) and defining responsibilities of each party. John Johnston.

Cm. Guittard 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 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 and Utilities Fees. Second and Third Reading. Lynn Short, John Kaminski, and James Stewart.

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 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.

ORDINANCE 2007-2 – CALLING A JOINT GENERAL ELECTION FOR MAY 12, 2007 FOR MAYOR AND CITY COUNCIL DISTRICTS 5 AND 6

City Attorney, David A. Smith, read the caption of Ordinance 2007-2, which calls a Joint General Election with the Victoria Independent School District on May 12, 2007, for the positions of Mayor, City Council Member Super District 5, and City Council Member Super District 6. Emergency Reading. Scarlet Swoboda.

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

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

NAYS: None

Caption:

AN ORDINANCE CALLING A JOINT GENERAL ELECTION WITH THE VICTORIA INDEPENDENT SCHOOL DISTRICT ON MAY 12, 2007, FOR THE POSITIONS OF MAYOR, CITY COUNCIL MEMBER SUPER DISTRICT 5, AND CITY COUNCIL MEMBER SUPER DISTRICT 6; ESTABLISHING PROCEDURES FOR HOLDING THE ELECTION; DESIGNATING THE PRECINCTS AND POLLING PLACES FOR THE

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ELECTION; APPOINTING CERTAIN OFFICERS TO CONDUCT THE ELECTION; PROVIDING FOR THE SHARING OF EXPENSES; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

WORK SESSION

Following a five minute break the Work Session began at 5:51 p.m.

Downtown Utility Study

Lynn Short, Director of Utilities reported on the downtown area water and sanitary sewer study. The study was conducted by PBSJ in association with Urban Engineering, which was to determine the condition of the utility lines, when they needed to be replaced, in what order, and how much it would cost.

J. Scott Trainer, with PBSJ reported that the study boundaries were defined by the City and limited to the area between North, South, East, and Victoria Streets. The area consists of approximately 283 blocks and approximately 500 acres. He advised that the majority of the deficiencies were in the sewer lines in the Central Business District with root intrusion, crushed pipe, missing pipe, cracks and sags. There were also problems throughout the study area with problem hydrants, valves, pipe size, grade, and the age of the pipes which are generally over 70 years old. There were also concerns with inadequate size pipes, which affect the fire flows. The recommendation from the consultant was to divide the study area into phases based on the number and locations of problems. The overall cost of the entire project estimated to be \$41,947,307.81.

- Phase 1 – Central Business District with 6 projects at a cost of \$10.7 million.
- Phase 2 – Area directly south of the Central Business District with 8 projects at a cost of \$11.2 million.
- Phase 3 – Area to the east of phases 1 and 2 and slightly north with 9 projects at a cost of \$11.4 million.
- Phase 4 – Area west of Glass Street with 6 projects at a cost of \$8.5 million.

Mr. Trainer advised that each project should be designed to be contiguous to facilitate uninterrupted construction. The study determined that the best method of construction with the least costs and inconvenience to the citizens and businesses as well as maintaining ingress and egress were: (1) Open Trench construction for the water line replacement and, (2) Cured-In-Place Pipe for the wastewater line rehabilitation. He advised that the timeline from design to construction for each phase would take approximately three to five years.

Mayor Armstrong stated that there are very few cities that have a downtown like Victoria's and we need to be very careful about preserving the commerce that is going on in the business district. He stated that this issue was discussed 30 years ago and nothing was done, but it must be addressed now.

Mr. Short recommended moving forward with Phase 1 in its entirety, and recommended the following:

- Move Phase 2, Project 6 up in priority, which is a section of Water Street from Moody to Liberty at approximately \$1.5 million. This could be funded from the Fiscal Year 2008 Utilities Pipe Replacement Budget.
- Move Phase 2, Project 8 up in priority, which is a section of Water Street from Liberty to Navarro costing approximately \$1.5 million and could be funded from the Fiscal Year 2009 Budget.
- The remainder of the projects would need to be considered as the Capital Improvement Program comes before Council and weighed against other needs of the City and funding availability.

Charles Windwehen, City Manager, stated that we could not put off Phase I any longer, advising that there were two possible sources of funding for these projects (1) the water wastewater funds by issuing revenue bonds and (2) possibly Victoria Sales Tax Development Corporation monies.

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Cm. Neitsch inquired which sidewalks would be replaced, with Mr. Short responding that all in Phase 1 would be replaced, and there were some special preservation sidewalks that would have to be addressed as well. The increase in sewer rates per \$10 million would be approximately \$3.20 per month.

EXECUTIVE SESSION

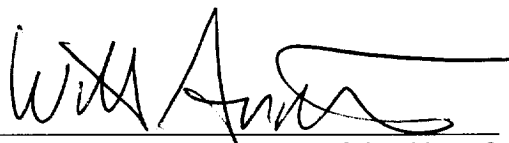
Mayor Armstrong adjourned the Work Session at 6:36 p.m. and announced that Council would recess into Executive Session at 6:37 p.m., in accordance with:


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 acquisition & priority of water storage rights & surface water rights in Saxet Lake, properties next to Guadalupe River, and other property in Victoria County). 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 storage rights & surface water rights in Saxet Lake, properties next to Guadalupe River, & other property in Victoria County). 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 7:58 p.m. with nothing to report and no action taken. There being no further business, the meeting was adjourned at 7:59 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
