

CITY COUNCIL MINUTES
February 6, 2007

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

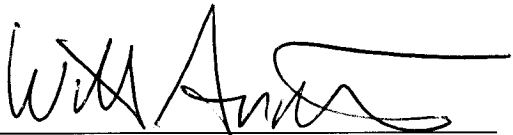
Mayor Armstrong adjourned the Work Session at 6:36 p.m. and announced that Council would recess into Executive Session at 6:37 p.m., in accordance with:


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

VICTORIA CITY COUNCIL
February 20, 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 20, 2007 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

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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
Ray Miller, Assistant Planning Director
Roy Boyd, Police Captain
Lynn Short, Director, Utilities
Gilbert P. Reyna, Jr., Director, Finance
Steve Trevino, Director, IMS
Brian Jahn, Traffic Engineer
O.C. Garza, Public Information Officer
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of February 6, 2007 were approved as presented.

CITIZENS COMMUNICATION

O.C. Garza, Public Information Officer, recognized participants of the Citizens Academy who were in attendance.

ITEMS FROM COUNCIL

There were none.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2007-3 – FINDING ELECTRIC RATES TO BE UNREASONABLE AND AUTHORIZING ACTIONS TO REDUCE SAID RATES

The ordinance considers finding electric rates to be unreasonable and authorizing actions to reduce said rates. David A. Smith.

David A. Smith, City Attorney, reported that long ago the State of Texas gave the power of original jurisdiction to the cities to investigate and accept electric rates in the regulated portions of the electrical market. The transmission and distribution even through the unregulated times of now are still regulated. AEP has asked for a rate increase, but it is the obligation of the cities to investigate and make their own independent determination of what they think the rate increase or decrease should be, which is what the Council is being asked in the ordinance. There are 60 other South Texas cities that have joined in this action.

Mayor Armstrong stated that this is a situation where businesses and politics enter together; we are partners with AEP and absolutely have to have the services that they provide. He was not denying that they deserve a rate increase, but from the political aspect it is necessary to go through the proper procedures, and it is not a war with the good people of AEP.

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, Assistant Planning Director, introduced Barry Goodman with the Goodman Corporation, who performed the study on behalf of Golden Crescent Regional Planning Commission and Victoria

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Transit. The main purpose of the study was to see if a transit terminal would be feasible for Victoria, determine the best location, and how the facility could be paid for.

Mr. Goodman stated that many cities spend a lot of money on public infrastructure and improvements that are eligible for Federal support and reimbursement on worthwhile transportation projects. The development of an intermodal transportation terminal along with the attributes that come along with having a terminal also give the City the opportunity to totally revitalize the area around that terminal with Federal funds. Many cities are building terminals because it serves a valid transportation purpose and helps create more efficient operations, space for enhancing the maintenance of equipment, it attracts intercity bus carriers, creates efficiency for the transit system, and enables joint development and revitalization opportunities. Findings of the study indicated that the current local services would support a transit terminal, and by combining administration, operations, and maintenance functions into one facility it could enhance coordination and efficiency. It also increases the likelihood of intercity bus activity. He advised that if a 1,500 square foot circle were drawn around the terminal, under Federal guidelines improvements of sidewalks, lighting, landscaping, and utilities that enhance the access to the terminal could be partially funded with Federal monies. He added that also included the 500 foot area around the bus stops to make them more attractive to pedestrian access along Laurent Street.

He further advised that it had been determined that a suitable terminal would require a ground area of 149,000 square feet with the former Albertson's location as the preferred site. The project is proposed to be funded entirely with Federal funds with no local share, with the first year cost of \$167,390 and construction costs of \$3,914,829.

Joe Brannon, Executive Director of the Golden Crescent Regional Planning Commission (GCRPC), advised that he would be going to Washington to dial for dollars in an effort to get our fair share back here to Victoria. He stated that GCRPC would not be coming back to the City looking for capital funding. He stated that he mainly wanted to know if the Council was interested in pursuing this project. It was the consensus of Council to continue to look at all the options.

Victoria 2020 Comprehensive Plan - John Kaminski, Director of Planning, advised that the complete report was in the agenda packet. He pointed out that this plan was the first officially adopted in Victoria and probably the most extensive. The top ten priorities for implementation of the plan were as follows:

1. Adopt the Master Drainage Plan – Work Session tonight.
2. Downtown Master Plan – Minor improvements such as banners, benches, and trash receptacles have been implemented. New planning activities are in progress, including a proposal to offer incentives for historic preservation activities.
3. Neighborhood Protection Ordinance – No activity on this project.
4. Adopt new Extraterritorial Jurisdiction (ETJ) Subdivision Standards – This project is complete.
5. Strengthen Manufactured Housing Standards – Planning Commission recommended at their last meeting approval of an ordinance that would prohibit the placement of manufactured housing within historic districts.
6. Capital Improvements Program – Significant progress has been made with the construction of a youth sports complex and new fire stations.
7. Encourage In-fill Development – working on vacant land inventory and infrastructure needs, as well as incentives that the City can offer.
8. Sign Ordinance Revisions – Significant revisions were adopted in 2004, with additional amendments currently being worked on by the Inspections Department and the Sign Board.
9. Economic Development Action Items – Primarily the responsibility of the Victoria Economic Development Corporation.
10. Youth Sports Complex – Funding is in place and project is underway.

Mr. Kaminski advised that the Neighborhood Protection Ordinance had not been pursued to date, however this ordinance could determine appropriate locations for manufactured housing. Another option would be to only allow manufactured housing to be located within manufactured housing parks or manufactured housing subdivisions, which might eliminate the zoning route. He advised that it has been five years since the adoption of the 20/20 Comprehensive Plan and it was time to be updated. He recommended holding a joint meeting with the City Council and Planning Commission to do this update.

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Cm. Hagan stated that he supports updating the 20/20 plan, he also suggested another top priority, that of community image. He further suggested addressing the cities main corridors, and one way to do that would be to adopt the International Property Code 2006 Edition. He stated that if we did that we would need to increase the personnel in Code Enforcement. He noted that other municipalities our size have up to 13 code enforcement personnel with Victoria only having two. He asked Council to consider increasing the code, and hiring one additional officer and 1 clerk in code enforcement. He also suggested adopting the 2006 International Existing Building Code, which would encourage renovation of existing older structures. He also would like to create an ordinance that would protect neighborhoods from manufactured homes by only allowing them in manufactured home parks. Lastly he stated that if we address the sign ordinance, let's not weaken it.

It was suggested to hold a Saturday Work Session to address some of these issues.

Code Enforcement – Steve Trevino, Director of Inspection and Maintenance Services, provided information addressed by Cm. Hagan by suggested ramping up the code enforcement efforts by adding additional staff. He advised that the current ordinances were minimal standards that meet the health, safety, and welfare needs. Currently there are two full-time code enforcement officers, with a supervisor recently hired after being vacant since April 30, 2006. Mr. Trevino had suggested to the administration to add four additional staff, by adding a code enforcement officer and a clerk in the fiscal year 2008 budget, then two more code enforcement officers or one officer and another clerk in the fiscal year 2009 budget. He state that if the International Property Maintenance Code were adopted, it would address weedy lot, junk vehicles, dangerous buildings, and minimum housing codes which are all wrapped up in one code book. The International Existing Building Code would address the rehabilitation of existing buildings, which would be beneficial in rehabilitating downtown buildings. He stated that these codes could be presented to the Council for adoption in mid summer after going before the Building Board and Minimum Housing Board.

Charles Windwehen, City Manager, stated that if Council wanted to beef up Code Enforcement personnel now, and not wait until next fiscal year a budget amendment of approximately \$85,000 could be brought forward at the next meeting. It was the consensus of Council to move forward with amending the budget.

Building Demolition Program - Steve Trevino reported that 24 buildings had been torn down in the last year in cooperation with the property owners, costing the City only some staff time. There are 31 buildings on the list to go before the Building and Standards Commission at their next meeting.

Legislative Water Issues - Jerry James, Director of Environmental Services, gave a brief update on environmental issues that would be addressed in the 80th Legislative Session. He provided information about the following Bills:

1. HB 911 is a bill that deals with inter-basin transfer, which would remove the provisions that protect junior priority water rights, which he stated was not a good bill.
2. HB 3 deals with environmental flows and how they are managed. He was watching this bill very closely and was in favor of it at this time.
3. HB 4 deals with water conservation and beefing up water conservation operations and efforts similar to Don't Mess with Texas.
4. SB 181 allows the Texas Water Development Board to include the Region L Plan in the State Water Development Plan.
5. HB 1292 deals with the EAA bill which sets pumping caps. This may move the dates of the cap requirements back another two years.

Laurent Street Progress - John Johnston, Director of Public Works, reported that the design was progressing and they planned to advertise the project in May or June and open bids in July and begin construction sometime in September. Staff proposed a raised median between Nueces and Rio Grande, with a continuous left turn land throughout the project with stripped channelization at the intersection of Red River and the intersection of Airline.

Cm. Neitsch stated that he would like to see the median extended in front of Nueces Street so that there would be a right only option turning onto Laurent because of safety considerations.

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Downtown Utilities Update - Lynn Short, Director of Utilities, recommended using operating budget money to move forward with the design of Projects 6 and 8 of Phase 2 of the PBJs Study that was presented at the last meeting. The scope of work for those two projects involves replacing water and sewer lines in Water Street from Moody to Navarro, as well as some segments coming off of Water Street on Liberty, Main, Second, and South DeLeon Streets. The engineering and design is comprised of survey, design, bidding, and construction phase services valued at \$335,838.17. It was the consensus to move forward with the recommendation.

RESOLUTION 2007-17R – AUTHORIZING THE PURCHASE OF A VACTOR TRUCK FROM SANTEX TRUCK CENTER

The resolution authorizes the purchase of a Vactor, truck mounted PD Series 2100 Sewer/Pipeline Cleaner on a 2007 International 7400, 6x4 cab and chassis through Houston Galveston Area Council of Governments (HGAC) from Santex Truck Center, of San Antonio, Texas, in the total amount of \$290,387.30. Lynn Short.

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 2007-18R – AUTHORIZING REIMBURSEMENT WITH TAX-EXEMPT OBLIGATION PROCEEDS FOR THE CITY’S WATERWORKS AND SEWER SYSTEM

The resolution expresses official intent to reimburse with tax-exempt obligation proceeds for costs associated with acquiring additional water rights in connection with the City’s waterworks and sewer system. Gilbert P. Reyna, Jr.

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 2007-19R – AUTHORIZING REIMBURSEMENT WITH TAX-EXEMPT OBLIGATION PROCEEDS FOR FIRE STATION COSTS

The resolution expresses official intent to reimburse with tax-exempt obligation proceeds for costs associated with constructing, equipping and furnishing a fire station. Gilbert P. Reyna, Jr.

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

RESOLUTION 2007-20R – AUTHORIZING AN INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR REIMBURSEMENT OF EXPENSES INCURRED IN JOINT BORDER SECURITY ENHANCEMENT OPERATIONS

The resolution authorizes an Interlocal Cooperation Contract with the Texas Department of Public Safety to provide for state and/or federal reimbursement of City operational expenses incurred in participating in joint border security enhancement operations with federal and state law enforcement agencies. Roy Boyd.

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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 2007-21R – GRANTING A VARIANCE FOR AN ADDITIONAL DRIVEWAY LOCATED AT 209 NORTHAMPTON, OWNED BY KENNETH AND MELANY BUNTON

The resolution grants a variance to Section 20-82(a)(1) of the Victoria City Code, which prohibits residential access to an arterial if the residence is served by a local or collector street to Lot 19, Block 1 of the Estates of Belltower Subdivision, located at 209 Northampton, owned by Kenneth and Melany Bunton, in which they are requesting an additional driveway. Brian Jahn.

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 2007-22R – AWARDING A BID FOR BRUSH GRINDING SERVICES AT THE VICTORIA REGIONAL AIRPORT BRUSH SITE - POSTPONED

Cm. Polasek moved to postpone the resolution, with Cm. Neitsch seconding the motion. The resolution was postponed by the following vote:

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

NAYS: None

RESOLUTION 2007-23R – ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS

The resolution adopts guidelines and criteria for tax abatement agreements entered into by the City of Victoria. Miles Risley.

Cm. Guittard 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 2007-3 – FINDING ELECTRIC RATES TO BE UNREASONABLE AND AUTHORIZING ACTIONS TO REDUCE SAID RATES

City Attorney, David A. Smith, read the caption of Ordinance 2007-3, which finds that AEP Texas Central Company's existing rates are unreasonable; finds that AEP Texas Central Company's requested revenues resulting from electric transmission and distribution rates and charges within the city should be reduced and determining just and reasonable rates, adopts recommendations of consultants, provides for recovery of rate case expenses, and preserves regulatory rights of the City. First Reading. David A. Smith.

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

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

NAYS: None

Caption:

AN ORDINANCE OF THE CITY OF VICTORIA, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT AEP TEXAS CENTRAL COMPANY'S EXISTING RATES ARE UNREASONABLE; FINDING THAT AEP TEXAS CENTRAL COMPANY'S REQUESTED REVENUES RESULTING FROM ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE REDUCED; DETERMINING JUST AND REASONABLE RATES; ADOPTING RECOMMENDATIONS OF CONSULTANTS; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

Mayor Armstrong announced that Council would take a break at 7:05 p.m.

WORK SESSION

Mayor Armstrong announced that the Council would reconvene into a Work Session at 7:26 p.m. Cm. Wyatt left the meeting during the break and was not in attendance for the Work Session.

Master Drainage Plan Update

John Johnston, Director of Public Works, reported that the Drainage Criteria Manual was the last thing to do regarding the Master Drainage Plan, advising that the draft of that manual was hand delivered to each Council Member. He recapped the goals of the plan, which were to Develop Conceptual Improvements to:

- Open up currently un-developable property.
- No increase in the FEMA floodplain Elevation.
- If possible reduce the FEMA floodplains elevation.
- Correct chronic drainage problems.

He advised that the plan needed to be a flexible and dynamic plan that could be easily modified as development occurred. He stated that they wanted to accomplish these things with structural solutions, which the drainage criteria manual describes as how you design those structural solutions. Then there are the non-structural solutions, or floodplain ordinance dealing with the way things are built.

Mr. Johnston advised that the Drainage Criteria Manual was a very technical document; he stated that he tried to identify those areas within the document that were new to the document and some that were modified. With baseline drainage, the goal was to not increase the Federal Emergency Management Administration (FEMA) base flood elevation, or in some cases decrease it with improvements. The next thing was how to deal with interim phasing, so storm water detention was developed to define how it was calculated and designed as detailed in the draft manual. He advised that currently staff was unable to give consultants or engineers wanting to implement a detention facility details on design, using the current Master Drainage Plan. Street drainage was accomplished by using the street for storage until it gets to a certain depth and installing inlets, and not letting it get any deeper than 12 inches to allow for emergency vehicles. The residential lot grading requirement on finished floors was required to be 22 inches to the top of curb, however it was recommended going to an alternative curb design which allows the four inch rollover curb, so now the reference mark would be the gutter making it a flat 30 inches.

The other thing that had been done was to put in a requirement that properties in the floodplain have a finish floor of one foot above the base flood elevation. The FEMA ordinance which is the minimum ordinance requires homes to be at or above the base flood elevation. More stringent criteria could be put into the drainage criteria manual, which would then give Council the ability to grant variances without impacting the relationship with FEMA. Currently the City does

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not have the ability to vary the grading plan when someone wants to building a home less than 22 inches above the top of curb. He stated that in an infill situation if someone were to build a new home between two homes that were built prior to the 22 inches above the top of curb, and did not want the new home to stick up in the air, if the builder could come up with a design from an engineer that allowed for grading that did not adversely impact the neighbors and allowed the water to flow properly it could be considered. Another new concept was overland relief in areas with a cul-de-sac. Mr. Johnston stated that this ordinance could be ready for Council consideration on first reading at the second meeting in April.

Cm. Halepaska inquired whether subdivisions in the ETJ would have to meet the drainage criteria. John Kaminski, Director of Planning, responded that the subdivision ordinance requires compliance with the storm drainage master plan and design criteria, so the subdivision ordinance would continue to refer to that. The drainage criteria just like the subdivision criteria only apply if someone is developing a subdivision. A lot of development can be done in the ETJ without triggering the subdivision requirement. The City can only control land design on parcels of land which are less than five acres.

This would put some teeth into the ordinance, which would allow the City to evaluate and enforce drainage issues so that it does not cause problems with future developments or affect established subdivisions.

EXECUTIVE SESSION

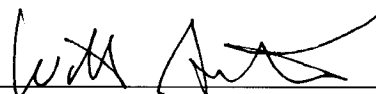
Mayor Armstrong announced that the Work Session had ended and the Council would recess into Executive Session at 7:47 p.m., in accordance with:

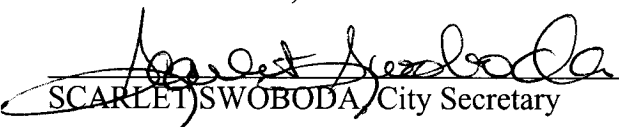
Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation, potential litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. (including, but not limited to, legal issues concerning electric transmission & distribution rate case). 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, legal issues concerning acquisition & priority of rights real property next to the Guadalupe River). 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 8:09 p.m. with no action taken and 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
