

**VICTORIA CITY COUNCIL**  
**July 17, 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, July 17, 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  
David Hagan  
Jim Wyatt  
Tom Halepaska

**MEMBERS ABSENT**

Paul Polasek

**OTHERS PRESENT**

Dale Fowler, Executive Director,  
Victoria Economic Development Corporation  
Adrian Cannady, Vice President of Marketing,  
Victoria Economic Development Corporation  
Bob Henderson, Managing Director with  
RBC Capital Markets

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
Charmelle Garrett, Deputy City Manager  
David A. Smith, City Attorney  
Gilbert P. Reyna, Jr., Director, Finance  
Lynn Short, Director, Utilities  
John Johnston, Director, Public Works  
John Kaminski, Director, Planning  
Bruce Ure, Police Chief  
Vance Riley, Fire Chief  
Doug Cochran, Director, Parks and Recreation  
Rick Henrichs, Director, IT  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
Andrew Jacob, Assistant Finance Director  
Jimmy Roach, Assistant Utilities Director  
O.C. Garza, Public Information Officer  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of July 3, 2007 were approved as presented.

**CITIZENS COMMUNICATION**

**Roadside Vendor Ordinance**

Anthony "Tony" Zapata, 213 Lee Marshall Drive, asked Council to reconsider their position on the ordinance to remove small businesses from our city streets. He understood the effort to cleanup city streets, but he felt that the vendors were doing the best they could and not bothering anyone to make ends meet. They were not on food stamps or government help and proud of what they do. If these people are living in Victoria they shop here and they pay taxes. He was concerned that the City Council would decide to change the right of freedom of enterprise.

Irma Rivera Garcia, 3406 Linda Drive, stated that the mobile food vendors were cleaner and inspected more often than of the restaurants. They obtain a license and permit and are just small business owners trying to make a living, build a better life, and make a few citizens happy. She enjoys the snow cones and roasted corn, and would rather have them remain on the main streets than in the neighborhoods.

Barney Newell, 3 Tonto Circle, expressed both his views and those of his employer James Wayne Properties, they both felt this was a bad ordinance. He stated that the newspaper had an article that suggested that the Economic Development Council in Victoria should investigate more programs to encourage retail activity. He quoted the last sentence of the article "We have to pitch Victoria as a great place to do business." He stated that outdoor markets, street vendors, and personal one-on-one sales were how this country and economy started. This form of commerce relies on the initiative, the individuality, and entrepreneurship of the merchant dealing directly with the customer, and succeeding or failing based on the quality and price of the products. The proposed ordinance lists five reasons for its consideration, and it was his belief that there were current laws that regulate all five of the causes listed. This ordinance would present a negative, repressive, anti-commerce, anti-business image for the City of Victoria.

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Jeanette McClure, 1707 E. Poplar, stated that she sells pots and other items from March to May. The type of pots she sells can not be found in Victoria and a person would have to drive to Laredo, San Antonio, or Houston to buy them. She started her business 2½ years ago to supplement her income knowing that when she turned 65 she would not be able to afford insurance.

Ashley Austin stated that she was a college student and has a snow cone business that pays her tuition. She asked that Council reconsider the ordinance, because she would like to continue her education.

Manuel Vidales, 1223 Minatree Road, stated that there was a demand for roasted corn and taco stands. There are more construction sites and their business is open late when most other food establishments are already closed.

Joe McCann stated that since he was last here, he did some research through the Health Department and found that inspections on his mobile unit averaged 9 demerits, which was better than a lot of restaurants. He questioned why his unit would only be sanitary and safe in three exempt locations, but not on the streets.

Cm. Wyatt asked Mr. McCann where he disposed of the oil or grease from his mobile unit. Mr. McCann stated that he lived outside the City limits and pours it on his fence posts. There is also a place in Yoakum where he has rental property that has a recycle bin for those types of items.

Susan Fairman, 204 Bridle Lane, stated that she was not a vendor, but liked to purchase the different types of items that are for sale. The quality of the items is better than what the stores sell and some items the local stores do not sell.

Sheila Newland, 202 Dundee, stated that she was in favor of the ordinance, mainly because of the sale of puppies. Some of her friends have bought puppies that were diseased or sick and they end up paying several hundred dollars in veterinary bills. If any of the puppies have parvo they then contaminate the ground for the next puppies to be exposed. She challenged anyone to show her where the puppy vendors pay any type of taxes on their merchandise. She was in favor of the whole ordinance and does not like the flea market aspect of the vendors.

**ORDINANCE 2007-11 – AMENDING SECTION 14-60 TO PROHIBIT OUTDOOR SALES ON ARTERIAL OR COLLECTOR STREETS**

City Attorney, David A. Smith, read the caption of Ordinance 2007-11, which amends Section 14-60 of the Victoria City Code to prohibit the sale of goods from outdoor locations visible from an arterial or collector street. Second Reading. Steve Trevino.

Cm. Wyatt moved that the ordinance pass on second reading, with Cm. Neitsch seconding the motion. The following discussion was held:

Cm. Neitsch stated that Cm. Halepaska was absent from the last meeting and did not get to voice his opinion and tonight Cm. Polasek was absent. Mayor Armstrong suggested considering the amendment made at the last meeting to ban live animals.

Cm. Guittard stated that he had people ask him if he thought the restaurant association was behind the ordinance. He told them he hoped not. Also some citizens wanted to know if some of the Council Members were going to abstain from voting because of a possible conflict of interest. That was something that might also be considered.

Cm. Hagan would be in favor of an amendment that bans the sale of live animals, but would vote against the entire ordinance rather than see a complete ban. Cm. Guittard agreed. Cm. Halepaska stated that the ordinance was a little broader than intended and would like to either drop the ordinance or redo the whole thing until it does what we mean it to do.

Cm. Neitsch moved to table the ordinance until the next Council meeting when all members were in attendance, with Cm. Guittard seconding the motion. The ordinance was **tabled** by the following vote:

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AYES: Council Members Guittard, Neitsch, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

Caption:

**AN ORDINANCE AMENDING SECTION 14-60 OF THE VICTORIA CITY CODE TO PROHIBIT THE SALE OF GOODS FROM OUTDOOR LOCATIONS VISIBLE FROM AN ARTERIAL OR COLLECTOR STREET, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**ITEMS FROM COUNCIL**

Police Chief, Bruce Ure, reported that the Jewish Synagogue desecration case had been solved and handed over to the District Attorney. The expectation is that arrest warrants will be issued. The charge is graffiti and is a state jail felony and there are provisions in there that the District Attorney has at his disposal to enhance with some hate crime provisions.

Fire Chief, Vance Riley, reported that the investigation into the fire at Dudley Elementary had been solved. There were two juveniles involved and the case had been turned over to the District Attorney to consider charges.

**PUBLIC HEARINGS**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2007-12 – AUTHORIZING SALE OF TEXAS UTILITY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2007**

The ordinance considers authorizing the issuance, sale and delivery of "*City of Victoria, Texas Utility System Revenue and Refunding Bonds, Series 2007*" in the amount of \$25,555,000, and authorizing execution of related documents. Gilbert P. Reyna, Jr.

Finance Director, Gilbert P. Reyna, Jr., advised that within the above mentioned number there was some new money that amounts to \$10.2 million for the Capital Improvements Project (CIP) of Laurent, King Subdivision, and refunding for the water rights purchased a few months ago. In addition to that the difference is refunding some old prior bonds. When it went to sale, we were not able to refinance all the bonds and will have to amend the ordinance to \$18,360,000.

Bob Henderson, the City's Financial Advisor and Managing Director with RBC Capital Markets, advised that he went out to the market place to price the bonds. He congratulated the City for the upgrade in municipal bond ratings from AAA to AA, which translates to lower insurance premiums and lower interest rates for the citizens of Victoria. Mr. Henderson stated that originally he wanted to refinance the outstanding 1997-A and 1998 series bonds to finance the water system improvements, but market conditions were such, that he was not able to achieve the level of savings hoped for on the 1998 series bond, however all of the outstanding 1997-A series were refinanced. The interest rates on those bonds were originally 5.33% and they were able to lower the interest rate to 4.69%, which would save the City \$412,000 over the life of the bond issue or \$27,500 a year in savings. The net present value of savings is 3.86% and that is the reason that they did not issue the full \$25 million because there was not enough savings associated with refunding the 1998 bonds to make it a viable refunding for the City. As we moved closer to the call dates on the 1998 bonds and as market conditions improve the 1998 bonds may be able to be refunded at a later date. The present value of the savings is \$314,907.

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

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**ORDINANCE 2007-12 – AUTHORIZING SALE OF TEXAS UTILITY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2007**

City Attorney, David A. Smith, read the caption of Ordinance 2007-12, which authorizes the issuance, sale and delivery of "*City of Victoria, Texas Utility System Revenue and Refunding Bonds, Series 2007*"; approves and authorizes an official statement and the distribution thereof; a purchase contract, an escrow agreement, and a paying agent/registrar agreement; approves and authorizes all other instruments and procedures related thereto; and provides for an immediate effective date. Emergency Reading. Gilbert P. Reyna, Jr.

Cm. Wyatt moved that the ordinance as presented with the corrected amounts pass on emergency reading, with Cm. Guittard seconding the motion. The ordinance passed on emergency reading by the following vote:

AYES: Council Members Guittard, Neitsch, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

Caption:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF "*CITY OF VICTORIA, TEXAS UTILITY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2007*"; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND THE DISTRIBUTION THEREOF; A PURCHASE CONTRACT, AN ESCROW AGREEMENT, AND A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**DESIGNATION OF REINVESTMENT ZONE**

The public hearing considers the Designation of a Reinvestment Zone for property at a 5.179-acre part of Lot 1, Block 1, Safety Steel Subdivision, known as 101 & 201 E. Crestwood, Victoria, Texas and other prerequisites for tax abatement for South Texas Steel Service Company, LLC, which will fabricate steel for construction projects in south and central Texas at said location. At start up there will be 10 to 12 new jobs created and by the end of year one they plan on peaking out with 20 to 25 new primary jobs. Adrian Cannady.

Cm. Halepaska expressed his pleasure in the Victoria Economic Development Corporation (VEDC) taking a vacant building and turning it into something positive. VEDC has done a lot of good work.

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

**ORDINANCE 2006-2007L – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO REPAIR THE FOUNDATION AT 700 MAIN CENTER**

The ordinance considers amending the City's 2006-2007 Fiscal Year Budget in the amount of \$27,850 to provide additional funding for repairs of the 700 Main Center foundation. This will be combined with \$178,000 that is in the current Fiscal Year 2006-2007 Budget to complete the project. Andrew Jacob.

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

**ORDINANCE 2006-2007L – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO REPAIR THE FOUNDATION AT 700 MAIN CENTER**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007L, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria by transferring \$27,850 from the 700 Main Center Fund fund balance to the 700 Main Center Fund Buildings & Improvements Capital line item, to provide additional funding for the repairs of the 700 Main Center foundation. First Reading. Andrew Jacob.

Cm. Hagan 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, 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 \$27,850 FROM THE 700 MAIN CENTER FUND FUND BALANCE TO THE 700 MAIN CENTER FUND BUILDINGS & IMPROVEMENTS CAPITAL LINE ITEM, TO PROVIDE ADDITIONAL FUNDING FOR THE REPAIRS OF THE 700 MAIN CENTER FOUNDATION.**

**ORDINANCE 2006-2007M – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO FUND THE AUTOMATED GARBAGE COLLECTION PROGRAM**

The ordinance considers amending the 2006-2007 Fiscal Year Budget to provide funding for the automated garbage collection program and waste-disposal-related professional services by transferring \$335,000 from the Environmental Services Closure Fund fund balance to two Environmental Services line items and transferring \$260,000 from the VES Fund fund balance to the VES Fund Vehicles Capital line item. Andrew Jacob.

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

**ORDINANCE 2006-2007M – AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO FUND THE AUTOMATED GARBAGE COLLECTION PROGRAM**

City Attorney, David A. Smith, read the caption of Ordinance 2006-2007M, which amends the 2006-2007 Fiscal Year Budget of the City of Victoria to provide funding for the automated garbage collection program and waste-disposal-related professional services by transferring \$335,000 from the Environmental Services Closure Fund fund balance to two Environmental Services line items and transferring \$260,000 from the VES Fund fund balance to the VES Fund Vehicles Capital line item. First Reading. Andrew Jacob.

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

AYES: Council Members Guittard, Neitsch, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

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Caption:

**AN ORDINANCE AMENDING THE 2006-2007 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE FUNDING FOR THE AUTOMATED GARBAGE COLLECTION PROGRAM AND WASTE-DISPOSAL-RELATED PROFESSIONAL SERVICES BY TRANSFERRING \$335,000 FROM THE ENVIRONMENTAL SERVICES CLOSURE FUND FUND BALANCE TO TWO ENVIRONMENTAL SERVICES LINE ITEMS AND TRANSFERRING \$260,000 FROM THE VES FUND FUND BALANCE TO THE VES FUND VEHICLES CAPITAL LINE ITEM; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**CITY MANAGER REPORTS**

- **Proposed FY2007-2008 budget of Victoria County Appraisal District.** Bill Russell, 210 Turtle Rock, reported on some of the concerns that Council had and specific instructions on things that were going on a few years ago. A new Chief Appraiser, John Halliburton was hired and the Board of the Appraisal District has been very pleased with his performance. One of the concerns of the Council was for valuations that were equal, and everyone was paying their fair share. There was a concern that some commercial buildings had not been looked at as carefully as they should be. Steps have been set in place to attempt to remedy that, however, commercial appraisals are more difficult than residential appraisals. Economic development is bringing in more jobs and filling some of the buildings that were overbuilt. The budget has been increased to hire commercial appraisers and obtain commercial appraisals. Everyone that does not like their appraised value has the opportunity to take it to the Appraisal Review Board (ARB). Chief Appraiser, John Halliburton, 2805 N. Navarro, thanked the Council for their vision of fairness for the Appraisal District.
- **Requested FY2007-2008 budget of Victoria Convention and Visitors Bureau (Visitors Bureau).** Randy Vivian, Executive Director of the Chamber of Commerce noted the \$18,500 for facilities and rent in his budget request. That amount was placed in the budget by the former director with the expectation of finding a new location to rent, and move out of 700 Main Center. He was currently looking at moving the Visitors Center into the Chamber offices at 3404 N. Ben Wilson. Once the offices are built out to accommodate the Visitors Center there would still be rent to pay. He advised that he would provide a more accurate figure for consideration.
- **Capital Improvement Plan Projects Quarterly Reports.** John Johnston, Lynn Short, David Smith, and Doug Cochran. It was noted that the processed base material totals had been reduced from last year, since it would be contracted out this year.
- **Government Finance Officers Association Distinguished Budget Presentation Award.** City Manager, Charles E. Windwehen presented the Finance Director and Finance Department with the plaque for the award.

**RESOLUTION 2007-110R – AWARDING UTILITY REPLACEMENTS FOR KING ADDITION PROJECT TO MERCER CONSTRUCTION COMPANY**

The resolution awards the Utility Replacements for King Addition Project to Mercer Construction Company of Edna, Texas in the amount of \$4,466,680.50. Lynn Short.

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, Hagan, Wyatt, and Halepaska

NAYS: None

ABSTENTION: Mayor Armstrong

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**RESOLUTION 2007-111R – AWARDING ANNUAL SUPPLY FOR PROCESS BASE TO REXCO, INC.**

The resolution awards the Annual Supply Contract for Process Base to Rexco, Inc., of Port Lavaca, Texas, in the amount of \$9.45 per ton, in a total amount of approximately \$75,600. Jimmy Roach.

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, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2007-112R – AWARDING ANNUAL SUPPLY FOR READY MIX CONCRETE AND GROUT TO INGRAM READY MIX, INC.**

The resolution awards the Annual Supply Contract for Ready Mix Concrete and Grout to Ingram Ready Mix, Inc., in the amount of \$67 per cubic yard for 1.5-Sack Flowable Grout, \$68.50 per cubic yard for 3-Sack Grout, \$73.50 per cubic yard for 4-Sack Grout, \$97.50 per cubic yard for 8-Sack Grout, and \$77.50 per cubic yard for 5-Sack Concrete, in a total amount of approximately \$273,700. Jimmy Roach.

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, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: Council Member Neitsch

**RESOLUTION 2007-113R – AWARDING ANNUAL SUPPLY FOR COLD WATER METERS TO US METERING AND TECHNOLOGY**

The resolution awards an Annual Supply Contract for Cold Water Meters, sizes 5/8" x 3/4" through 2", to US Metering and Technology, of Rockdale, Texas, in a total amount of approximately \$92,007.90. Jimmy Roach.

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, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong  
NAYS: None

**RESOLUTION 2007-114R – GRANTING VARIANCES AT 9402 N. NAVARRO OWNED BY CHARLES REITHMEIER**

The resolution grants variances from Sections 21-55(l), 21-59, 21-83(a)(2), and 10-115 of the Victoria City Code, which require minimum lot frontage of at least 100 feet for general commercial lots on a public street, require a subdivider to provide a wastewater collection system capable of serving every lot in the subdivision, and prohibit septic tanks within 3/4 mile of an existing public sanitary sewer main, to CTR Subdivision, Resubdivision #1, located 9402 N. Navarro Street, which is owned by Charles Reithmeier, conditioned on the dedication of a 64-foot-wide right-of-way (which is owned by Frank Buhler, III) immediately north of said subdivision in a manner that provides access to the entire length of the aforementioned subdivision from publicly owned right-of-way, in accordance with the Master Thoroughfare Plan. John Kaminski.

Planning Director, John Kaminski advised that the Planning Commission recommended approval of the sanitary sewer variance, but denied the variance to the frontage requirement and the owner has appealed that denial to City Council. The property has access through a private access easement, and is also the location of a future collector street on the Thoroughfare Plan. The staff recommended approval of the variance on condition that the access easement was dedicated as a

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public right-of-way to the City, and Mr. Buhler was willing to do that. The Planning Commission was concerned about the idea of the City taking ownership and maintenance responsibility for a private road that was not constructed to City standards. The Planning Commission also had the option of approving the variance without that condition, but some of the Commissioners felt that the City should not continue approving variances to allow access for development along a private road. They denied the variance by a vote of 5 in favor and 1 against.

The Council was given three options:

1. Deny the request as recommended by the Planning Commission. If the variance is denied the additional land could not be platted and the owner would not be able to build the expansion on the business.
2. To approve the variance subject to the condition that the private access easement be dedicated as right-of-way. That was the staff's original recommendation and how the resolution was written.
3. To approve the variance without the condition of dedication of the right-of-way, in which case, the road would remain private.

Cm. Neitsch moved to amend the resolution to approve the variance without the condition of dedication of the right-of-way and the street remains private, with Cm. Wyatt seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

Cm. Wyatt moved that the resolution be adopted, with Cm. Guittard seconding the motion. The resolution was adopted, as amended, by the following vote:

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

NAYS: None

**RESOLUTION 2007-115R – AUTHORIZING ANNUAL SUPPLY FOR FUEL FROM NEW DISTRIBUTING CO., INC.**

The resolution authorizes the city administration to accept the bid submitted by New Distributing Co., Inc., of Victoria, Texas, for an Annual Supply Contract for Gasoline and Diesel Fuel in the amount of the Oil Price Information Service (OPIS) Victoria/Placedo terminal lowest branded daily rack price, increased by \$0.01 per gallon, in a total estimated amount of \$887,015. Steve Trevino.

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, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong

NAYS: None

**RESOLUTION 2007-116R – APPOINTING FOUR MEMBERS TO THE PLANNING COMMISSION**

The resolution reappoints Michael Herbold, Tom Willis, and appoints Melvin Ross to three-year terms, and reappoints Victor Marshall to fill the vacancy for the unexpired term through August 2008 on the City of Victoria Planning Commission. 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, Hagan, Wyatt, Halepaska, and Mayor  
Armstrong

NAYS: None

**ORDINANCE 2007-10 – AMENDING SECTION 10-40 THROUGH 10-42 DECLARING NON-DOMESTIC BEES TO BE A NUISANCE**

City Attorney, David A. Smith, read the caption of Ordinance 2007-10, which amends Sections 10-40 through 10-42 of the Victoria City Code, to define disease, declare non-domesticated bees to be a nuisance condition of property that cause disease, and allow the removal of disease-causing conditions of property at the expense of the owner of the property on which the nuisance condition is located. Second and Third Reading. Miles Risley.

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, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

Caption:

**AN ORDINANCE AMENDING SECTIONS 10-40 THROUGH 10-42 OF THE VICTORIA CITY CODE, TO DEFINE DISEASE, DECLARE NON-DOMESTICATED BEES TO BE A NUISANCE CONDITION OF PROPERTY THAT CAUSE DISEASE, AND ALLOW THE REMOVAL OF DISEASE-CAUSING CONDITIONS OF PROPERTY AT THE EXPENSE OF THE OWNER OF THE PROPERTY ON WHICH THE NUISANCE CONDITION IS LOCATED, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING FOR A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.**

**WORK SESSION**

Following a short break Mayor Armstrong announced that the Work Session would begin at 7:03 p.m.

**Water/Wastewater Plant Assessments**

Director of Utilities, Lynn Short, reported on the results of the treatment plant assessment. In December of 2004 and January of 2005 the wastewater flows at the Victoria Regional Plant exceeded 75% of their permitted capacity. By rule that means the City would need to begin financial and engineering planning for a future plant expansion. The City was able to obtain a waiver from the Texas Commission on Environmental Quality (TCEQ) because that occurred during a time when a large diameter trunk main was being installed and heavy rainfall and flooding occurred during the entire construction project. That event sent up a red flag to look at when the City would need to expand the wastewater treatment plant capacity. It needed to be determined where, when, and how much it would cost, so Camp Dresser and McKee (CDM) and Urban Engineering were hired to do the assessment for the City. They were tasked with looking at the water treatment capacity and future demands to make sure there were adequate water treatment facilities. They were asked to look at the wastewater treatment plant capacity and future demands, keeping in mind the 1996 expansion that when new expansions occurred to decommission the Willow Street Plant. We wanted to insure regulatory compliance through 2030 and we asked them to look at a cursory review of the collection system to see if improvements were needed. They were asked to look at the wastewater plant operations, since we currently outsource that operation to the Guadalupe Blanco River Authority (GBRA) through a contract from the 1970's. That contract is set to expire in 2010 and this study would help determine if we needed to renew the contract or do something else.

Allen Woelke, P.E. Vice President with CDM presented a detailed power point presentation over the following information along with their recommendations:

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- **Population projections** indicate steady growth thru 2040.
- **Water System** – Water demands were prepared using the 2000 population projections, with average day and maximum water day demands. Average day is what the City has a supply to meet, and maximum day is what the water treatment plant can treat on any given day. Up through 2040 the average day demand is at 15,200 acre feet, the City currently has a water rights contract for 20,000 acre feet per year from the Guadalupe River, plus other contracts that supplement that. The maximum day demand in 2000 was estimated to be 20 million gallons a day (MGD) and will grow to 25.6 MGD by 2030. The Texas Commission on Environmental Quality (TCEQ) minimum relates to what they do when they come out to judge the City's water supply system. The treatment plant was originally designed as a 21 MGD treatment plant and the City has been able to show TCEQ that it can affectively treat 25.2 MGD. That capacity increase takes it out to 2030 on the maximum day demand. If the water demand exceeds 85% of the state minimum, something has to be done to show TCEQ how the City will meet that future demand. Based on actual demands the City's plant is capable of meeting the demands until after 2025.
- **Wastewater system** – The first thing was to determine the wastewater flow and loads from data at the wastewater plants at Loop 175 and Willow Street. The Willow Street Plant is 50-years old and should not be considered in future planning. All flows would be treated at Loop 175 or some other facility. The Regional Treatment Plant on Loop 175 is a 9.6 MGD sludge and wastewater plant owned and operated by the Guadalupe-Blanco River Authority (GBRA). Historical flows were looked at, the average daily flows, and maximum month flow, and because the way the permit is written the City has to be able to meet the permit limit by contract with the State for discharge of the effluent into the Guadalupe River on a 30-day period. Unfortunately the way the flows come to the plant, there are monthly variations, and typically the variation can be 20% to 40% larger than the average daily flow. The Maximum three-month flow and peak two-hour flow must also be considered when evaluating the plants. The permit limits need to be set for the maximum three-month flow, which are projected at 10.8 MGD and the peak two-hour flow is approximately 1.5 MGD. The 2030 projections are based on the population projections mentioned earlier in the report and historical flow data that was gathered from the City and GBRA. The plant on Loop 175 would need to be permitted to accommodate the Willow Street Plant, which would be taken off line and retired. The permitted flow would be 12 MGD, the treatment capacity would be 14 MGD in order to treat the maximum month flow, and the peak two-hour capacity would be 35 MGD.
- **Summary and Recommendations** – Mr. Woelke recommended placing meters in the lines to monitor the flows coming in to determine the amount coming in from rainfall. They looked at areas inside the levee for potential expansion. They also looked at maximizing the treatment capacity of the existing facilities at a cost of \$8 million. Even with those improvements it still would not meet the treatment objectives. They started looking at the possibility of a building a plant on a new site. They looked at contributing sewers, collection systems, raw water supply location, TCEQ discharge location limitations, flood plain issues, and odor from the plant. They looked at the John Stockbauer line that runs from Highway 77 down to Loop 175 Lift Station, Lone Tree Creek and Highway 59 area, the Athey property area, Willow Street Plant area, and the Loop 175 Plant. The recommended site for any improvements or expansions would be near the Loop 175 Plant as there is a large amount of land available in and around that plant. It could also be possible to have one permit because the plants would be so close in proximity. A new facility would meet the maximum month and two-hour peak flows, and would eliminate difficulties maintaining treatment at Loop 175 during construction, and would allow for ease of expansion beyond 2030. A new lift station would be needed to pump flows to the new site.

Mr. Short summarized the recommendations:

- On the Water Treatment side the City needs to continue with the re-rating activity to get to 25.2 MGD, there may be some capital improvements that may be required in the next several years. In 2020 we may have to write a letter to TCEQ that we are going to expand the treatment plant capacity. In 2022 design will need to be started so that a plant would be online by 2025.

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- On the Wastewater Treatment side he agreed with the recommendation of constructing a new wastewater treatment facility that would take the treatment capacity to a maximum 30-day capacity to 14 MGD and a peak two-hour flow of 35 MGD. The total cost would be \$19.7 million. It would take 4¼ years to implement, with a worse case scenario of 5½ years. City staff recommends doing the peak flow monitoring and temporary flow monitoring to nail down the peak flows so that the design parameters could be verified by 2008. Sometime in 2009 staff would start looking at a land study and move into land acquisition, permitting in 2010, and have a new plant design in 2012 with possible completion and online by 2015. At that time the Willow Street would be decommissioned. On the collection side, the Navarro Street Sewer Project needs to be completed north of Navarro by 2024, and then in 2026 taking the sewer from Northcrest and sending it to Loop 463.

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 7:53 p.m., in accordance with:

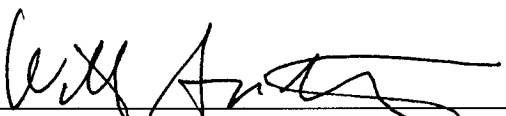
Section 551.071, Texas Government Code, consultation with attorney on matters involving pending or contemplated litigation or other matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. David A. Smith.

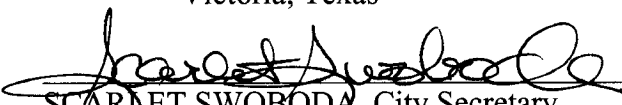
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party. David A. Smith.

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 City Secretary's deputies and members of the Planning Commission). Scarlet Swoboda.

The Council reconvened in regular session at 8:25 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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