

CITY COUNCIL MINUTES

August 14, 2007


Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated 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. 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. Scarlet Swoboda.

The Council reconvened in regular session at 8:30 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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VICTORIA CITY COUNCIL  
August 21, 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, August 21, 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 E. Windwehen, City Manager
- Charmelle Garrett, Deputy City Manager
- David A. Smith, City Attorney
- Miles Risley, Senior Assistant City Attorney
- John Johnston, Director, Engineering
- John Kaminski, Director, Planning
- Jesse Turner, Police Captain
- Vance Riley, Fire Chief
- Doug Cochran, Director, Parks and Recreation
- James Stewart, Director, Library
- Rick Henrichs, Director, IT
- Lynn Short, Director, Streets and Utilities
- Gilbert P. Reyna, Jr., Director, Finance
- Steve Trevino, Director, IMS
- Jerry James, Director, Environmental Services
- Danette Respondek, Director, Human Resources

August 21, 2007

O.C. Garza, Public Information Officer  
Scarlet Swoboda, City Secretary

### **APPROVAL OF MINUTES**

The minutes of the regular meeting of August 7, 2007 were approved as presented.

### **CITIZENS COMMUNICATION**

Lisa Cortinas, Director of Transportation Services for the Golden Crescent Planning Commission and Executive Director, Joe Brannan presented their budget request for 2008 to continue transit services in the City. They distributed a handout outlining their budget requests along with a summary of operating costs and the projects proposed for 2008. The significant changes over last year were the 29% decrease in state funding and preventive maintenance cost increase of 26% for vehicles. Ms. Cortinas advised that they planned to expand their daily service hours and add service on the weekends. Mr. Brannan advised that there was a demand for transit service in the northern section of the City. He further stated that although the Federal funds had increased, the Texas Department of Transportation (TxDot) funds had decreased, and the Federal funding requires a match in funding.

Members of Council requested rider-ship numbers per vehicle and bus stop locations.

### **ITEMS FROM COUNCIL**

#### **Proclamation**

A proclamation was read and presented to Ray Howell, who while on vacation with his family in Hawaii on July 19, 2007, went to the aid of Harvey Miller who was being attacked by a shark while snorkeling in Hawaii. Mayor Armstrong declared August 21, 2007, "Ray Howell Day" for his act of compassion and courage. Fire Chief, Vance Riley also presented Mr. Howell with the "Victoria Fire Department Life Saving Award." Mr. Howell thanked the Mayor, Council, and Fire Department for the tremendous honor. He stated "you can do something that you consider a small act that can impact someone and have a multiplying positive affect."

#### **Horseman's Club Arena**

Cm. Neitsch voiced some concerns about what to do with the Horseman's Club and arena. He had requested some background on the contract with the Horseman's Club and what the relationship was like. Parks and Recreation Director, Doug Cochran presented information on their ten-year Lease Agreement, which will expire on October 31, 2013. The agreement calls for certain improvements within one-year, two-years, and five-years of the agreement. A number of the improvements have not been done. A suggestion was made to encourage the elimination of the stalls to board horses, but leave the arena as part of the agreement.

### **CITY MANAGER REPORT**

City Manager, Charles E. Windwehen announced that there would be another meeting on August 28, 2007. There would also be a Work Session on Capital Improvement Projects following the September 4, 2007 meeting.

Parks and Recreation Director, Doug Cochran advised that the July 4<sup>th</sup> fireworks show was cancelled this year because of rain and muddy grounds. He asked for consensus from Council to combine this years fund with next years and have one really big show. Council agreed.

### **RESOLUTION 2007-130R – AWARDING THE BID FOR THE GOLDMAN STREET SANITARY SEWER LINE REHAB PROJECT TO INSITUFORM TECHNOLOGIES, INC.**

The resolution awards the bid for the Goldman Street Sanitary Sewer Line Rehabilitation from Rio Grande Street to Red River Street project to Insituform Technologies, Inc., of Chesterfield MO., in the amount of \$272,410. Lynn Short.

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Cm. Wyatt 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 2007-131R – AWARDING THE 2006-2007 SANITARY SEWER LINE CLEANING PROJECT TO UTILITY AND ENVIRONMENTAL SERVICES, INC.**

The resolution awards the bid for the 2006-2007 Sanitary Sewer Line Cleaning Project to Utility and Environmental Services, Inc., of Dallas, Texas, in the amount of \$81,807.20. 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2007-132R – APPOINTING TWO CITY COUNCIL MEMBERS TO THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION**

The resolution appoints two City Council members to the Golden Crescent Regional Planning Commission (GCRPC) General Assembly and designating one of those members as the member of the GCRPC Board of Directors. Scarlet Swoboda.

Cm. Neitsch nominated Cm. David Hagan to serve on the Board of Directors, and Cm. Hagan and Cm. Tom Halepaska to serve on the General Assembly, with Cm. Guittard seconding the motion.

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

NAYS: None

**RESOLUTION 2007-133R – APPOINTING FIVE MEMBERS TO THE VICTORIA FOOD ESTABLISHMENT APPEALS BOARD**

The resolution reappoints Jeff Cano, Chip Dence, Tom Halepaska, Dionne Nobles, and Peter Riesz to the City of Victoria Food Establishment Appeals Board. Scarlet Swoboda.

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 2007-134R – APPOINTING ONE MEMBER TO THE VICTORIA PLANNING COMMISSION**

The resolution appoints Keith Williams to replace Melvin Ross on the City of Victoria Planning Commission. Scarlet Swoboda.

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 2007-135R – AUTHORIZING A LETTER OF AGREEMENT WITH THE VICTORIA INDEPENDENT SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM**

The resolution authorizes a Letter of Agreement between the City of Victoria and the Victoria Independent School District for the School Resource Officer (SRO) Program. Jesse Turner.

Cm. Guittard 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 2007-136R – AUTHORIZING EI TECHNOLOGIES, LLC TO DEVELOP THE UTILITY EASEMENT, DRAINAGE AND STORM SEWER DATASETS FOR THE CITY'S GIS PROGRAM**

The resolution authorizes a contract between the City of Victoria and EI Technologies, LLC of Parker, Colorado for the Development of the Utility Easement, Drainage Easement and Storm Sewer Datasets for the City of Victoria's Geographic Information System (GIS), in the amount of \$100,000. John Kaminski.

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 2007-137R – AUTHORIZING A FIRE DEPARTMENT GRANT FROM FEMA**

The resolution applies for and accepts a grant(s) from the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, which will provide for financial assistance to help the City of Victoria's Fire Department increase its number of frontline firefighters, in an amount of up to \$1,054,250 from the federal government for the 5-year period of the grant(s), subject to a City match of up to \$1,458,702 for said 5-year period. Vance Riley.

Cm. Polasek 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 2007-138R – AWARDING THE BID FOR DEMOLITION OF UNSAFE BUILDINGS TO STRUCTURAL RECLAMATION CONTRACTORS**

The resolution awards bids for the demolition of unsafe buildings (1901 E. Virginia, 1111 E. Convent, 913 E. Convent, 607 E. Park, 708 E. Warren, 2109 Jecker, 2405/2409 Pleasant Green, 3406 Pleasant Green, 205 S. Brown, 1605 Carville St., 2510 Black) to Structural Reclamation Contractors, LLC of Helotes, Texas, in a total amount not to exceed \$41,318.95. Steve Trevino.

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

**ORDINANCE 2007-13 – AUTHORIZING APPLICATION FOR DESIGNATION OF A REINVESTMENT ZONE AND TAX ABATEMENT TO SOUTH TEXAS STEEL SERVICE COMPANY**

City Attorney, David A. Smith, read the caption of Ordinance 2007-13, which determines that the Application for Designation of a Reinvestment Zone and Tax Abatement of South Texas Steel Service Company, LLC meets the criteria for designating a reinvestment zone; designates as a reinvestment zone real property and associated structures at a part of Lot 1, Block 1, Safety Steel Subdivision known as 101 and 201 E. Crestwood, Victoria, Texas; establishes the boundaries thereof and other matters relating thereto; determines that the City of Victoria intends to enter into an agreement for Tax Abatement with South Texas Steel Service Company, LLC, and establishes requirements for said agreement. Second and Third Reading. Dale Fowler.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Guittard 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 DETERMINING THAT THE APPLICATION FOR DESIGNATION OF A REINVESTMENT ZONE AND TAX ABATEMENT OF SOUTH TEXAS STEEL SERVICE COMPANY, LLC MEETS THE CRITERIA FOR DESIGNATING A REINVESTMENT ZONE; DESIGNATING AS A REINVESTMENT ZONE REAL PROPERTY AND ASSOCIATED STRUCTURES AT 201 EAST CRESTWOOD, VICTORIA, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DETERMINING THAT THE CITY OF VICTORIA INTENDS TO ENTER INTO AN AGREEMENT FOR TAX ABATEMENT WITH SOUTH TEXAS STEEL SERVICE COMPANY, LLC, ESTABLISHING REQUIREMENTS FOR SAID AGREEMENT; PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.**

**WORK SESSION**

Mayor Armstrong announced a short break at 6:00 p.m. then reconvened into the Work Session at 6:09 p.m.

**Proposed Fiscal Year 2007-2008 Budget**

- **Solid Waste Fund** – Will be purchasing two automated trucks and one used truck, which will be purchased from Republic Waste and made a part of that contract. In the 2008 budget three new side loader trucks and 17,600 carts will be purchased at a cost of a little over \$1 million. In the 2009 budget the final two trucks and 4,400 carts are planned to be purchased. One time revenues will be coming in this year, the Republic Waste royalty will be coming in at approximately \$2.4 million. Also an agreement with Allied-Browning Ferris Industries (BFI) to give the City a closure cost payment of \$1.3 million. Those revenues will go into the closure fund and as a result of that, the rate to the customer will remain the same in 2008. The brush fee is not a part of residential collection, and the City may have to increase the fee, because it is currently operating at a loss. A part of the Republic Waste contract is looking at a change in the marketing of the landfill, it currently only includes counties in our region. Still working on the permit for composting operations and may not open that portion until May 2008.
- **Health Plan Fund** – Moving the ratio of City funding to the employee funding from 85% City -15% employee funding to 84%-16% per Councils desire to move it eventually to 80%-20%. The dental plan will increase 5% and the health plan will increase 7%.
- **Workman's Compensation** – City is self-insured.

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- **Information Technology** – Will be purchasing a lot of replacement equipment, computers are on a five-year cycle, and printers are replaced as they wear out. The money that would have replaced the computers in the Council Chambers will instead be used to place computers in the training room and put an overhead projector in the City Hall Conference Room.
- **Garage and Fleet** – Primarily buying replacement patrol cars, also looking at Dodge patrol cars, they met specs last year, but they have not come in as the low bid. The foundation improvement report from the engineers determined that some of the lines do not go where we thought they went. Probably looking to do a foam injection, that pumps foam in, it then expands, and lifts the slab up. Some of the voids are not as bad as expected, and there should be a bid package in a few weeks.
- **Community Center** – Adding one supervisor to help with activities and monitor people after hours. Planning to remodel the dome interior panels, purchase a scissor lift, and add audiovisual equipment to the dome and annex. Have reduced some part-time positions to pay for the new position. Planning to refresh the back area of the domes stage and clean the curtains.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:48 p.m., in accordance with:

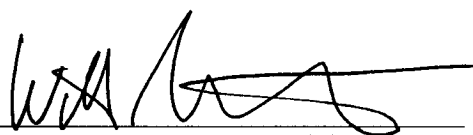
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. 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 (including, but not limited to, proposed incentives to South Texas Steel Service Company, LLC.). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, but not limited to, appointments to the Golden Crescent Regional Planning Commission, Food Establishment Appeals Board and Planning Commission). Scarlet Swoboda.

The Council reconvened in regular session at 7:32 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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