

VICTORIA CITY COUNCIL
September 4, 2007

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, September 4, 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
Bruce Ure, Police Chief
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
James Stewart, Director, Library
Danette Respondek, Director, Human Resources
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
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of August 14, 2007 and the regular meeting of August 21, 2007 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

ITEMS FROM COUNCIL

There were no comments from Council.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2007-15 – ANNEXATION OF 498.71 ACRES OF LAND

The ordinance considers the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 498.71 acres of land referred to as Area 1. It includes the Ball Airport property and additional land that lies between Mallette Drive and Spring Creek. First Reading. John Kaminski.

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

ORDINANCE 2007-15 – ANNEXATION OF 498.71 ACRES OF LAND

City Attorney, David A. Smith, read the caption of Ordinance 2007-15, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of approximately 498.71 acres of land and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

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Cm. Guittard 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 498.71 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2007-16 – ANNEXATION OF 192.60 ACRES OF LAND

The ordinance considers the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 192.60 acres of land, adopting a service plan for the territory to be annexed referred to as Area 2. It is located on the northeast side of Zac Lentz Parkway across the highway from Mockingbird and Ben Jordan. John Kaminski.

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

ORDINANCE 2007-16 – ANNEXATION OF 192.60 ACRES OF LAND

City Attorney, David A. Smith, read the caption of Ordinance 2007-16, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of approximately 192.60 acres of land and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

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

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

NAYS: None

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 192.60 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2007-17 – ANNEXATION OF 2.31 ACRES OF LAND

The ordinance considers the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 2.31 acres of land, adopting a service plan for the territory to be annexed referred to as Area 3. It consists of a portion of Lake Forest Subdivision. First Reading. John Kaminski.

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

ORDINANCE 2007-17 – ANNEXATION OF 2.31 ACRES OF LAND

City Attorney, David A. Smith, read the caption of Ordinance 2007-17, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of approximately 2.31 acres of land and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

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

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

NAYS: None

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 2.31 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2007-18 – AMENDING THE CITY CODE TO ESTABLISH REVISED WATER AND WASTEWATER CHARGES

The ordinance considers amending Sections 24-121 and 24-122 of the Victoria City Code to establish revised water and wastewater charges. This would increase the base rate of a ¾ inch water meter account by \$1.72 a month and the base rate of the sewer rate of a ¾ inch meter account by \$1.87 a month to service the debt associated with approximately \$24.3 million in utility construction projects. The base rates of the larger meters would then be increased in accordance with their proportional flows in comparison to a ¾ inch meter. In addition this ordinance would increase the variable rate structure of both water and sewer by adding \$0.05 per 1,000 gallons to each of the tiers. The water portion of this rate increase would go into effect on October 1, 2007, and the sewer portion would go into effect on April 1, 2009. First Reading. Lynn Short.

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

ORDINANCE 2007-18 – AMENDING THE CITY CODE TO ESTABLISH REVISED WATER AND WASTEWATER CHARGES

City Attorney, David A. Smith, read the caption of Ordinance 2007-18, which amends Sections 24-121 and 24-122 of the Victoria City Code to establish revised water and wastewater charges. First Reading. Lynn Short.

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:

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

NAYS: None

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Caption:

AN ORDINANCE AMENDING SECTIONS 24-121 AND 24-122 OF THE VICTORIA CITY CODE TO ESTABLISH REVISED WATER AND WASTEWATER CHARGES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, AND DECLARING AN EFFECTIVE DATE.

PUBLIC HEARING ON THE PROPOSED TAX RATE

The public hearing on the proposed tax increase for fiscal year 2007-2008 (Tax Year 2007).
Gilbert P. Reyna, Jr.

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

- **Youth Sportsplex at Community Center** - Doug Cochran, Parks and Recreation Director, reported that the grass sprigging had been delayed because of the wet weather. Nine fields have been sprigged, however the Championship field and two little league fields would not be able to be planted until next spring. The type of grass being sprigged can not be planted too late into the fall or it will not survive. This would delay the opening of fields for play until the fall of 2008 or the spring of 2009.
- **Horseman's Club Update** – Mr. Cochran reported that he had spoken with Mark Barnes with the Horseman's Club and it was agreed that the club needed to get out of the stall business. Mr. Barnes would meet with his board to get approval in order to proceed and agreed to build new fences by January 1, 2008. The new lease agreement would be limited to a five-year term.
- **Skate Park** – Mr. Cochran reported that there would be a meeting to help select a design firm. They will meet with skaters and other interested parties to find out what components were wanted in the skate park. The two design firms would then submit a design and estimates; staff will then make a recommendation to Council.
- **Status of Lone Tree Road Reconstruction Project** - John Johnston, Director of Engineering, reported that work continued and the waterline replacement was currently being done between Ben Jordan and Ben Wilson. The pavement section from Ben Jordan back to North Street was being worked on, with all four lanes and the center left turn median having been constructed.
- **Update on Laurent Phase I** – Mr. Johnston reported that the bids were opened August 29, 2007. There were four bidders, with the low bidder identified as Triple B Services in the amount of \$9,885,821.10. A resolution to award the contract would be presented to Council at the September 18, 2007 meeting. The bids came in \$4.5 million less than anticipated.
- **Water District Meeting Information** – Jerry James, Director of Environmental Service reported that the meeting with a technical advisory group addressing the Groundwater Board was well attended. They were gathering information from stakeholders to formulate the groundwater management plan and the groundwater rules. Managing available groundwater, how to determine that, and how to determine what desired future conditions may be for the aquifer were items addressed. The groundwater district is part of a groundwater management area, which includes counties from Goliad and up into the Wharton area.

RESOLUTION 2007-139R – AUTHORIZING A CONTRIBUTION-IN-AID-OF-CONSTRUCTION AGREEMENT WITH AMERICAN ELECTRIC POWER (AEP) TO INSTALL SECURITY LIGHTING AT ETHEL LEE TRACY PARK

The resolution authorizes a Contribution-in-Aid-of-Construction Agreement for Electric Distribution Service between the City of Victoria and American Electric Power (AEP) to install street security lighting and transformers at Ethel Lee Tracy Park, in the amount of \$27,898.81. Doug Cochran.

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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 2007-140R – AWARDING THE 2008 MOWING OF DRAINAGE DITCHES AND OUTFALLS PROJECT TO W.W. SERVICES OF VICTORIA

The resolution awards a bid for Fiscal Year 2008 Mowing of Drainage Ditches and Outfalls Project to Winston Wilson d/b/a W. W. Services of Victoria, Texas for one year with the option to renew for three additional one year periods in the amount of \$157,400. Doug Cochran.

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

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:24 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 (including, but not limited to, legal & regulatory issues related to termination of the City's contract with Allied Waste for operating the City of Victoria Landfill and the City's proposed contract with Republic Waste for said operation). 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 lease & value of the City of Victoria Landfill). 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, but not limited to, appointment(s) to the Board of Directors of the Victoria Sales Tax Development Corporation). Scarlet Swoboda.

The Council reconvened in regular session at 6:33 p.m. with no action taken and nothing to report.

WORK SESSION

City of Victoria Comprehensive 2020 Plan Review - Chapter 4-Transportation

Planning Director, John Kaminski reviewed the revisions within each section of Chapter 4 of the 20/20 Plan.

- Section 4.1 – Metropolitan Planning Organization - Made a few minor updates to refer to the latest transportation plan, the 2030 Plan and also the latest transportation improvement

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program, which is the list of major projects that Texas Department of Transportation (TxDot) has coming up.

- Section 4.2 - Existing Roadway Network – Updated a paragraph that talks about the progress that has been made over the last several years on Zac Lentz Parkway, and the freeway sections that have been built and are scheduled to be built. A section was added on the I-69 and Trans Texas Corridor Project. Also updated the traffic counts on the arterial and collector streets.
- Section 4.3 – Air Transportation - Updated to reflect the current operator of the service at the airport. Added the status of control tower project and the latest enplanement data.
- Section 4.4 - Water Transportation – Put in a lot of information on the Port of Victoria and their facilities, the Industrial Park, and the Agricultural Export Center recently built. A graphic was also added to the plan that shows the port area.
- Section 4.5 - Rail Transportation – Added a couple of grade separations to the list for the Navarro Street underpass and the new overpass at Zac Lentz Parkway and U.S. 87.
- Section 4.6 - Public Transportation – Was revised to reflect the fact that the transition to a fixed route service occurred. The whole section has been rewritten with the latest information on the transit system.
- Section 4.7 - Alternative Transportation – Added information about sidewalk projects, particularly the major projects done on Mockingbird and Vine Streets, and the pathway that goes into the park. Added a discussion on hike and bike facilities, made that discussion more specific, and talked about the Lone Tree Creek trail project.
- Section 4.8 – Air Quality – Has been updated with new information.
- Section 4.9 - Future Projects – Accomplished all the projects that were listed in the previous plan, so a list of the new Capital Improvement Projects (CIP) as added. Also listed the State funded projects that are coming up in the next several years. Will add a paragraph at the end of this section to tell about other future City transportation projects that are not addressed in the CIP. Projects such as the extension of Ball Airport Road and Glasgow extension, ones that have been talked about but have not made the funding yet in the CIP.

Goals and Objectives – There have been minor changes.

- Objective 1 – Roadway Network – Deleted 1.3: Develop a truck and hazardous material route. This is already underway and will be completed next year. The rest of the objectives are still current.
- Objective 2 – Expand Regional Accessibility – 2.1: Minor change to make reference to the Trans Texas Corridor (TTC) terminology along with the I-69 project. These are regional accessibility projects, and the rest deal with the barge canal and other highway improvements which are still valid objectives and remain the same.
- Objective 3 – Alternative Transportation – 3.1: Changed to reflect continued support of the Victoria Transit System. 3.2: Continuing to support the implementation of the hike, bike and pedestrian pathways.
- Objective 4 – Transportation Strategies – 4.1: Remains the same, looking at ways to reduce the dependence on automobile, dealing with air quality and use of bikeways and other similar types of transportation.

Capital Improvements Program

City Manager, Charles E. Windwehen, advised that there were many options available to Council; the City was going to issue debt on September 18, 2007 for \$10 million, the Laurent Phase I Project came in under budget on the bids, and there may be \$4.5 million to reinvest into other projects. He advised that staff was available to discuss the different projects on Ball Airport Road, Sam Houston, and Glasgow extension.

Mayor Armstrong advised that the school district would be announcing the purchase of property for most of the new schools on Thursday. It may impact what Council decisions would be for CIP projects based on where those schools were built and what their needs are. Mr. Windwehen advised that if Council wanted to use the \$10 million for a new project, the language would need to be decided on by September 18, 2007 as to what type of project was planned. Finance Director, Gilbert P. Reyna, Jr. advised that he would be meeting with representative with the rating agencies and he was going to tell them that they have three projects in mind and all of them are streets.

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Cm. Halepaska suggested that based on the gentlemen's agreement with the schools, Council should already know where those schools were going to go. He further stated that he was not against taking a proactive approach, but Council had already spent a lot of time on a list of priorities, and they should move forward with that list instead of picking a new project. Cm. Wyatt suggested that as long as the timeframe required for the sale of the Certificates of Obligation were met, he had no objection to looking at the areas near the schools. Mayor Armstrong advised that he was not proposing that the \$14.5 million be spent on the school projects; he just wanted the schools needs to be identified and studied in the total equation. It was determined that the language for the certificates of obligation would be broad enough to allow for street improvements, water, sewer, drainage, and sidewalks.

Director of Streets and Utilities, Lynn Short suggested distributing a packet of exhibits and graphics of projects originally discussed, so that Council could review them to help with their decision.

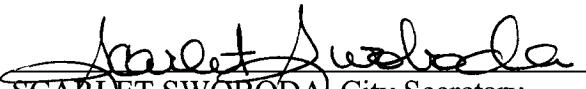
Sam Houston Street Engineering

Director of Engineering, John Johnston reported that the Sam Houston CIP project was first discussed as a concrete section, and then was revised to do a reclaim/overlay section in order get the numbers closer to \$10 million. Since there would be \$10 million more available because of property reassessments along with the sale of Certificates of Obligation, the question came up about how much more of Sam Houston could be done in concrete. The cost estimates to extend concrete and utilities from Laurent Street to Ben Jordan was \$18.5 million; and the cost estimate to extend concrete and utilities from Ben Jordan to Miori Lane, and reclaim/overlay the rest to Business 59 was \$24,710,000. The Sam Houston project is programmed for October 2008 for contracting with reclaim/overlay at \$10 million, that amount will be available even if the \$14.5 million is spent somewhere else.

Cm. Halepaska stated that he would like it all done in concrete the first time. Mr. Johnston recommended contracting with the engineer to design it as a base bid of reclaim overlay, with an alternate bid of concrete from Laurent to Ben Jordan, a second alternate from Ben Jordan to Miori out of concrete, and a third alternate to build the entire section out of concrete. That way there are options at the bid opening, and the Council can then decide how to award the project. Mr. Johnston also added that in order to more efficiently use the right-of-way on Sam Houston a median would be proposed for discussion to reduce conflicts on that roadway.

There being no further business, the meeting was adjourned at 7:06 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
