

CITY COUNCIL MINUTES
September 18, 2007

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 6:15 p.m., in accordance with:

Section 551.071, Texas Government Code § 551.071, 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 51.087, 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 7:15 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

VICTORIA CITY COUNCIL
September 25, 2007

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, September 25, 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
 Jim Wyatt
 Tom Halepaska

MEMBERS ABSENT

David Hagan

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
 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

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, stated that he wanted to clarify some of the discrepancies in the figures that have been reported, apparently there was a difference in the procedures and not in the numbers. Discussions have centered on the Maintenance and Operating (M&O) not going over 5%. The indebtedness is then separated out and by totaling those two together the City could legally go over the 5%. He disagreed and contended that the City still had to adhere to the charter, and the \$0.675 tax rate adopted by Council totals 5.9%. He stated that the City can combine anything, but they still have to come within the charter limits, unless there is a vote of the people.

ITEMS FROM COUNCIL

There were no items from Council.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following item:

ORDINANCE 2007-21 – ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE 2006 EDITION

The ordinance considers amending Sections 5-50(b) and 5-64 through 5-67 of the Victoria City Code to adopt the International Existing Building Code, 2006 Edition. Steve Trevino.

Director of Inspections and Maintenance Services, Steve Trevino, advised that this code was new for Victoria; it was in its second edition, with the first code coming out in 2003. It is primarily to promote redevelopment and continued use of the existing buildings in a community. It does this by finding a balance between safety, construction performance, and affordability. It has less restrictive construction issues, and allows more flexibility to the architects, engineers, and contractors.

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

ORDINANCE 2007-21 – ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE 2006 EDITION

City Attorney, David A. Smith, read the caption of Ordinance 2007-21, which amends Sections 5-50(b) and 5-64 through 5-67 of the Victoria City Code to adopt the International Existing Building Code, 2006 Edition. First Reading. Steve Trevino.

CITY COUNCIL MINUTES**September 25, 2007**

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, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

Caption:

AN ORDINANCE AMENDING SECTIONS 5-50(B) AND 5-64 THROUGH 5-67 OF THE VICTORIA CITY CODE TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$2,000 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2007-148R – APPOINTING A MEMBER TO THE VICTORIA SALES TAX DEVELOPMENT CORPORATION

The resolution appoints Jan Scott to the Board of Directors of the Victoria Sales Tax Development Corporation. 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, Polasek, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2007-149R – AUTHORIZING THE PURCHASE OF TWO AUTOMATED GARBAGE TRUCKS

The resolution rejects all bids for the purchase of two Year Model 2007 Automated Side Loading 28 Cubic Yard Tandem Axle Refuse Collection Trucks and authorizes the purchase of two 2008 Peterbilt 320 cab-over-engine chassis with Heil DuraPack 28 cubic yard garbage packer bodies from Rush Truck Center in Houston, Texas through the Local Government Purchasing Cooperative (Buy Board), in a total amount of \$434,857.20. 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, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2007-150R – AWARDED A BID FOR THE PURCHASE OF ONE 2008 1500 GPM HEAVY DUTY RESCUE PUMPER FIRE APPARATUS TO SIDDONS FIRE APPARATUS, INC.

The resolution awards a bid for the purchase of one Year Model 2008 1500 GPM Heavy Duty Rescue Pumper Fire Apparatus to Siddons Fire Apparatus, Inc. of Houston, Texas, in the base amount of \$485,000, and authorizes deductive changes to the purchase contract in the amount of \$30,556, in a total amount of approximately \$454,444. Steve Trevino.

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, Polasek, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2007-151R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY

The resolution authorizes an Interlocal Agreement with Victoria County for the Provision of Fire, Rescue, Health, Animal Control, and Library Services. Charles E. Windwehen.

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, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2007-152R – AUTHORIZING AN AGREEMENT WITH REPUBLIC WASTE SERVICES, INC. TO OPERATE THE VICTORIA LANDFILL

The resolution authorizes (1) an agreement with Victoria Landfill Texas, LP, a division of Allied Waste Industries, to terminate its contract to operate the Victoria Landfill and execute (2) an agreement with Republic Waste Services, Inc. to operate the Victoria Landfill. Jerry James.

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, Wyatt, and Mayor
Armstrong

NAYS: None

ABSTENTION: Council Member Halepaska

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:47 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. 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 7:11 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

VICTORIA CITY COUNCIL
October 2, 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, October 2, 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
Gilbert P. Reyna, Jr., Director, Finance
John Kaminski, Director, Planning
Bruce Ure, Police Chief
Lynn Short, Director, Streets and Utilities
Doug Cochran, Director, Parks and Recreation
Steve Trevino, Director, IMS
Rick Henrichs, Director, IT
Jerry James, Director, Environmental Services
Ken Gill, City Engineer
Jesse Turner, Police Captain
Scarlet Swoboda, City Secretary

OTHERS PRESENT

Dale Fowler, Executive Director,
Victoria Economic Development Corp.

APPROVAL OF MINUTES

The minutes of the special meeting of September 11, 2007 and the regular meeting of September 18, 2007 were approved as presented.

CITIZENS COMMUNICATION

Stephen Janak, President of the Victoria County, 4-H County Council and several other members presented the City Council with some cake and cookies as a sign of appreciation for everything they do for Victoria and the youth of Victoria County. A proclamation was presented to the group declaring October 7-13, 2007 "National 4-H Week."

ITEMS FROM COUNCIL

There were no items from Council.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2007-20 – ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, VERSION 2007.2

The ordinance considers adopting Standard Specifications for Public Works Construction, Version 2007.2. Ken Gill.