

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

ATTEST: Scarlet Swoboda  
SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL**  
**December 4, 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, December 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  
Lewis Neitsch  
Paul Polasek  
David Hagan  
Jim Wyatt  
Tom Halepaska

**MEMBERS ABSENT**

Philip Guittard

**OTHERS PRESENT**

Dale Fowler, Executive Director  
Victoria Economic Development Corp.

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
Charmelle Garrett, Deputy City Manager  
Miles Risley, Senior Assistant City Attorney  
Gilbert P. Reyna, Jr., Director, Finance  
John Johnston, Director, Engineering  
John Kaminski, Director, Planning  
Lynn Short, Director, Streets and Utilities  
Doug Cochran, Director, Parks and Recreation  
James Stewart, Director, Library  
Danette Respondek, Director, Human Resources  
Vance Riley, Fire Chief  
Jerry James, Director, Environmental Services  
Rick Henrichs, Director, IT  
Steve Trevino, Director, IMS  
Roy Boyd, Deputy Chief of Police  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of November 20, 2007 were approved as presented.

**CITIZENS COMMUNICATION**

No one wished to address Council.

**RESOLUTION 2007-194R – APPROVING THE TERMS AND CONDITIONS OF THE TAX ABATEMENT WITH STARTEK USA, INC., DOLPHIN ASSOCIATES LIMITED PARTNERSHIP AND WHISPER CAPITAL, LLC**

The resolution approves the terms and conditions of a tax abatement agreement between the City of Victoria, Texas and StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC, provides for a commercial/industrial tax abatement for StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC, for a period of 6 years, and authorizes execution of the agreement by the City Manager. Dale Fowler.

Bob Crandall, Project Manager thanked Council for the close partnership the community has provided his company, adding that they were glad to be in Victoria.

December 4, 2007

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

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 5:06 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 *Heyl Construction Ltd. v. City of Victoria*). David A. Smith.

The Council reconvened in regular session at 5:24 p.m. with no action taken and nothing to report.

**ITEMS FROM COUNCIL**

Cm. Polasek advised that Keep Victoria Beautiful would be using some office space at 700 Main for approximately six months because repairs were required at the house at the Botanical Gardens before they could use it as their office.

Cm. Neitsch made a request to have the Police Department patrol the handicap parking spaces a little more closely. He advised that the handicap hanger belongs to the individual and not the car. He suggested that if the Police started ticketing some of the individuals that the hanger did not belong to, maybe it would deter people who were not disabled from parking in handicap spaces.

Mayor Armstrong advised that the parade Saturday night was wonderful and the streets were cleaned shortly after the parade ended. He also announced that Russell Pruitt had asked to address Council concerning the tax rate, so there would be a Work Session on December 18, 2007, and tax attorneys would also be in attendance.

**PUBLIC HEARINGS AND ACTION**

Mayor Armstrong opened a public hearing on the following items:

**ORDINANCE 2007-26 – AMENDING CHAPTERS 23 AND 24 OF THE CITY CODE  
“MISCELLANEOUS FEES”**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-26, which amends Chapters 23 and 24 of the Victoria City Code to change miscellaneous fees therein, and repeals conflicting parts of existing ordinances. Second and Third Reading. Lynn Short, Scarlet Swoboda, Bain Cate, James Stewart, Jesse Turner.

Cm. Neitsch moved that the ordinance pass on second and third reading, with Cm. Polasek seconding the motion. The ordinance passed on second and third reading by the following vote:

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

Caption:

**AN ORDINANCE AMENDING CHAPTERS 23 AND 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES THEREIN, REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.**

**CITY COUNCIL MINUTES**

December 4, 2007

**ORDINANCE 2007-27 – AMENDING THE CITY CODE TO CHANGE “DIRECTOR OF ENGINEERING” TO “DIRECTOR OF PUBLIC WORKS” AND OTHER MISCELLANEOUS CHANGES**

Senior Assistant City Attorney, Miles Risley, read the caption of Ordinance 2007-27, which amends the Victoria City Code to change "Director of Engineering" to "Director of Public Works" and make other miscellaneous changes therein, and repeals conflicting ordinances. Second and Third Reading.

Cm. Hagan moved to amend the ordinance to add Section 2.5 in accordance with the document passed out by the City Attorney's Office, with Cm. Polasek seconding the motion. The ordinance was amended by the following vote:

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

Cm. Hagan moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed on second and third reading, as amended, by the following vote:

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

Caption:

**AN ORDINANCE AMENDING THE VICTORIA CITY CODE TO CHANGE "DIRECTOR OF ENGINEERING" TO "DIRECTOR OF PUBLIC WORKS" AND MAKE OTHER MISCELLANEOUS CHANGES THEREIN, 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.**

**ORDINANCE 2007-28 – EXTENDING THE CITY LIMITS OF VICTORIA BY ANNEXATION OF 96.973 ACRES**

Senior Assistant City Attorney, Miles Risley read the caption of Ordinance 2007-28, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 26.973 acres of land, at the request of the DGMP, Inc., 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. Neitsch seconding the motion. The ordinance passed on first reading by the following vote:

AYES: Council Members 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 26.973 ACRES OF LAND, AT THE REQUEST OF THE DGMP, INC., 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.**

Mayor Armstrong closed the public hearing.

**CITY MANAGER REPORTS**

- **Sportsplex at Community Center** – Director of Parks and Recreation, Doug Cochran reported that Contract 1, "Field Construction" was continuing and should be completed by March 2008. Contract 2, "Concession Facilities" was on schedule and should be completed

December 4, 2007

in April 2008, and Contract 3, "Parking Facility" was ahead of schedule and should be completed in March 2008 as well.

- **Lone Tree Trail** – Mr. Cochran reported on a cost estimate to extend the trail near the new east High School. A proposed trail on the east-side of the ditch would cost approximately \$363,622. To extend the trail across the ditch to Mockingbird would cost approximately \$389,644 because of the cost to build a bridge over the ditch. Staffs suggestion would be to extend the trail along the east-side from John Stockbauer to Mockingbird only.
- **Horseman's Club** – Mr. Cochran reported that the Horseman's Club had secured bids on building the fence per City Council request. They would like to build half of the fence in December 2007 and the other half by May of 2008. He recommended giving them the extra time because of their good faith effort.
- **Paddling Trail** – Mr. Cochran reported that the contractor would be starting construction this week.
- **Status of Lone Tree Road Reconstruction Project** – Director of Engineering, John Johnston reported that the project continued to make progress. The section between North Street and Ben Jordan was open, and the work on utilities continued. Starting December 17, 2007 the intersection of Ben Wilson and Lone Tree would be closed for six-weeks. Detours were planned and signs would be put up ahead of time. The Fire Department and Police Departments had been notified.
- **Laurent Street Reconstruction Project** – Mr. Johnston reported that the contract had been executed and the pre-construction meeting would be held in January 2008. Property owners would be notified following the pre-construction meeting in ordered to give them more accurate information on when and where the project would start.

**RESOLUTION 2007-193R – APPOINTING ONE MEMBER TO THE VICTORIA PARKS AND RECREATION COMMISSION**

The resolution appoints Maurice W. Smith to the Victoria Parks & Recreation Commission to fill an unexpired term. 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 Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**RESOLUTION 2007-195R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH R.W. BECK, INC. TO MEASURE LEACHATE LEVELS AT CITY LANDFILL**

The resolution authorizes a Professional Services Agreement between the City of Victoria and R.W. Beck, Inc. for Work Related to Measuring Leachate Levels at the City of Victoria Landfill in an amount not to exceed \$39,500. Jerry James.

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

**RESOLUTION 2007-196R – AUTHORIZING COMPETITIVE SEALED PROPOSALS FOR FOOD AND BEVERAGE CONCESSIONAIRE AT THE ADULT SOFTBALL COMPLEX**

The resolution determines that competitive sealed proposals will provide the best value for the City for obtaining a food and beverage concessionaire for the Adult Softball Complex (510 Proctor Street) & Youth Sports Complex (under construction at 105 N. Ben Wilson) pursuant to Tex. Local Gov't Code § 252.021(c). Doug Cochran.

Cm. Halepaska moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:

**CITY COUNCIL MINUTES****December 4, 2007**

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

**RESOLUTION 2007-197R – AUTHORIZING THE CITY TO OPT OUT OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) FOR 2008**

The resolution authorizes the City Manager and other persons acting on his behalf to opt out of the Health Insurance Portability and Accountability Act (HIPAA) during calendar year 2008. Danette Respondek.

**RESOLUTION 2007-198R – AWARDING THE CONTRACT FOR THE CITY'S HEALTH PLAN STOP-LOSS INSURANCE TO MEDEX, INC.**

The resolution awards a contract for the City's Health Plan Stop-Loss Insurance to MedEx, Inc. of Bellaire, Texas, in the amount of \$19.99 per employee per month and \$54.57 per dependent family per month, in an estimated total amount of \$266,022.84, with a \$125,000 deductible. Danette Respondek.

Cm. Wyatt moved that resolutions 2007-197R and 2007-198R be adopted, with Cm. Neitsch seconding the motion. The resolutions were adopted by the following vote:

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

**RESOLUTION 2007-199R – AUTHORIZING CHANGE ORDER #1 TO THE KING ADDITION UTILITY REPLACEMENT PROJECT WITH MERCER CONSTRUCTION COMPANY**

The resolution authorizes the Director of Streets & Utilities to execute Change Order #1 to the Utility Replacements for King Addition Project with Mercer Construction Company, which will change the method of rehabilitation of the existing 10" sanitary sewer line from CIPP liner to pipe burst and the removal and replacements of sanitary sewer manholes to add \$82,989, and a total reduced amount of \$87,520, for a net reduction of \$4,531. Lynn Short.

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 Neitsch, Polasek, Hagan, Wyatt, and Halepaska  
NAYS: None  
ABSTENTION: Mayor Armstrong

**RESOLUTION 2007-200R – AWARDING THE BID TO PHILPOTT MOTORS, LTD FOR THE PURCHASE OF EIGHT 2008 POLICE PATROL SEDANS AND TWO 2008 COMPACT SEDANS**

The resolution awards a bid to Philpott Motors, Ltd, of Port Neches, Texas for (1) the purchase of eight Year Model 2008 Four-Door Police Package Patrol Sedans in the amount of \$21,535 each, for a total amount of \$172,280 (Ford Crown Victoria), and (2) the purchase of two Year Model 2008 Compact Four-Door Sedans (Ford Focus), in the amount of \$12,394 each, for a total amount of \$24,788. 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 Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**RESOLUTION 2007-201R – AWARDING BIDS FOR YEAR MODEL 2008 TRUCKS FROM MAC HIAK FORD, PLANET FORD AND ATZENHOFFER CHEVROLET**

The resolution awards bids for:

- (1) the purchase of two Year Model 2008 Full-Size Regular Cab ½-Ton Pickup Trucks, to Mac Haik Ford of Victoria, Texas, in the amount of \$13,283.70 each, minus trade-in allowance of \$1,500 for a 2000 Ford ½-ton pickup truck and \$1,500 for a 1998 Chevrolet ½-ton pickup truck, for a total amount of \$23,576.40,
- (2) the purchase of one Year Model 2008 Crew Cab, ¾-Ton Truck with Service Body to Planet Ford of Houston, Texas, in the amount of \$23,948, minus trade-in allowance of \$500 for a 1996 Ford ½-ton pickup truck for a total amount of \$23,448,
- (3) the purchase of one Year Model 2008 Crew Cab, 1-Ton Truck with service body to Mac Haik Ford of Victoria, Texas, in the amount of \$25,570.82, minus trade-in allowance of \$2,000 for a 1998 Chevrolet ¾-ton pickup truck, for a total amount of \$23,570.82, and
- (4) the purchase of one Year Model 2008 Crew Cab, 1 ½-Ton Truck with Service Body to Atzenhoffer Chevrolet of Victoria, Texas, in the amount of \$37,325.19, plus optional rear mount electric boom in the amount of \$5,505, minus trade-in allowance of \$5,500 for a 1997 International 4700 truck, for a total amount of \$37,330.19. 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 Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong  
NAYS: None

**RESOLUTION 2007-202R – AUTHORIZING THE PURCHASE OF A LADDER FIRE TRUCK FROM THE SUTPHEN CORPORATION**

The resolution authorizes all documents necessary to purchase a Sutphen Model SPH-100 Magnum Aerial Platform (ladder fire truck) from the Sutphen Corporation via the Local Government Purchasing Cooperative (Buyboard) in the amount of \$909,903.75. Vance Riley.

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

**WORK SESSION**

Mayor Armstrong announced that the Council would recess into a Work Session at 6:01 p.m. to discuss the following:

**Construction Standards for Streets, Curbs, Drainage, Sidewalks, and Other Public Improvements**

Mayor Armstrong stated that he thought it was a good time to review the street standards, based on the increased cost of asphalt, due to increased oil and fuel prices. He suggested that it might be a good time to encourage developers to go with concrete streets in their subdivisions.

Director of Engineering, John Johnston reported that the current standards were adopted in 2002. He presented a life-cycle cost analysis based on recently bid projects for all of the components of streets construction, as well as the cracked seal sealcoat and reclaim overlay options. Graphs of 40-year life cycle cost analysis were presented for streets between 24 and 36 foot wide constructed out of concrete or asphalt, and the long-term maintenance of the different types of streets. It was pointed out that a concrete street would be the most cost efficient over the long term.

**CITY COUNCIL MINUTES**

**December 4, 2007**

Director of Planning, John Kaminski advised that because the upfront cost of residential concrete streets were greater than asphalt, staff presented the following options to reduce those costs:

- **Option 1** – 27 foot wide concrete street section with parking allowed on both sides.
- **Option 2** – 24 foot wide concrete street section with no on-street parking allowed. A minimum garage setback of 30 feet would be required to increase driveway length and off-street parking capacity.
- **Option 3** – 24 foot wide rural street section with no curb and gutter with no on-street parking allowed. Would require an increased garage setback.

The City Staff was comfortable recommending a residential street width in the 27-28 foot range with no parking restrictions. Mr. Kaminski advised that this was common practice in other Texas cities. It was recommended that parking be prohibited on streets narrower than 27 feet, but the option of restricting parking to one side of the street was not recommended, because it does not work and can become an enforcement problem.

Developers Jim Chilcoat, Steve Klein, and B. J. Davis, were in attendance and encouraged to address Council. Mr. Chilcoat was in favor of concrete streets in rural subdivisions. Mr. Klein expressed concern over the additional costs of requiring concrete streets in subdivisions. Mr. Davis expressed concerns with narrower concrete streets in subdivisions, suggesting that residents like wider streets even if they were asphalt.

**EXECUTIVE SESSION**

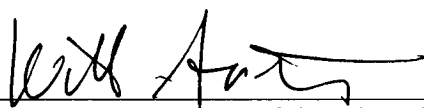
Mayor Armstrong announced that the Work Session had ended and Council would recess into Executive Session at 7:20 p.m., in accordance with:

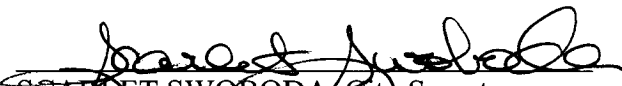
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party. David A. Smith.

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) and evaluation(s) of Municipal Court Judge). Scarlet Swoboda.

The Council reconvened in regular session at 7:53 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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