

CITY COUNCIL MINUTES  
February 11, 2008

Caption:


AN ORDINANCE AMENDING THE 2007-2008 CITY OF VICTORIA BUDGET TO TRANSFER \$800,000 FROM THE WATER FUND FUND BALANCE TO THE WATER DEPARTMENT WATER RIGHTS LINE ITEM TO PROVIDE FUNDING FOR THE PURCHASE OF 608 ACRE FEET OF WATER RIGHTS TO REAL PROPERTY NEXT TO THE GUADALUPE RIVER IN GUADALUPE COUNTY OWNED BY KENNETH E. CASTLE, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PURCHASE THE AFOREMENTIONED WATER RIGHTS AT A PRICE OF \$1,300 PER ACRE FOOT, PLUS CLOSING COSTS, AS APPROPRIATE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

**EXECUTIVE SESSION**

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 5:18 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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VICTORIA CITY COUNCIL  
February 19, 2008

**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, February 19, 2008 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  
Doug Cochran, Director, Parks and Recreation  
James Stewart, Director, Library  
Rick Henrichs, Director, IT  
Lynn Short, Director, Public Works  
Johnston, Deputy Director, Public Works  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
Andrew Jacob, Assistant Finance Director  
Scarlet Swoboda, City Secretary

**APPROVAL OF MINUTES**

The minutes of the regular meeting of February 5, 2008 were approved as presented.

**CITIZENS COMMUNICATION**

**Citizens Academy**

Public Information Officer, O. C. Garza introduced the individuals that participated in the Citizens Academy.

**Chamber of Commerce Sure B.E.T. Program**

Rhonda Fotiades, Director of Education/Workforce Development Victoria Chamber of Commerce presented information on the Chamber of Commerce Sure B.E.T. Program. Sure B.E.T. stands for Business and Education Together and was created in partnership with the University of Houston-Victoria, Victoria College, Victoria Independent School District (VISD) and many area chamber members. Recently the Victoria Chamber of Commerce was honored in Washington D.C. as the only Chamber of Commerce in the United States to be one of the five finalists for the U.S. Community Service Award. She encouraged the community to volunteer for the following programs, which were explained in the brochure she handed out.

- Occupation Investigations
- Host Mentoring Program
- Job Shadowing
- Business Cents Classes
- Employee Presentations

Ms. Fotiades advised that a Career Fair would be hosted at the High School on March 20, 2008, with 50 booth spaces available. She suggested that the most outstanding program offered in her opinion was the Youth Leadership Conference, which inspires 100 students going into the 7<sup>th</sup> grade to become the future leaders of the United States.

**ITEMS FROM COUNCIL**

There were no items from Council.

**PUBLIC HEARINGS AND ACTION**

Mayor Armstrong opened a public hearing on the following item:

**ORDINANCE 2007-2008F – AMENDING THE 2007-2008 CITY OF VICTORIA BUDGET TO PROVIDE FUNDING FOR THE 2007-2008 RECLAIM AND OVERLAY PROJECT**

City Attorney, David A. Smith, read the caption of Ordinance 2007-2008F, which amends the 2007-2008 City of Victoria General Fund Budget to transfer \$390,000 from the General Fund fund balance to the General Fund Street Department Construction capital line item to provide additional funding for the 2007-08 Reclaim and Overlay Project. Emergency Reading. Andrew Jacob.

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

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

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

NAYS: None

Caption:

**AN ORDINANCE AMENDING THE 2007-2008 CITY OF VICTORIA GENERAL FUND BUDGET TO TRANSFER \$390,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND STREET DEPARTMENT CONSTRUCTION CAPITAL LINE ITEM TO PROVIDE ADDITIONAL FUNDING FOR THE 2007-08 RECLAIM AND OVERLAY PROJECT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.**

Mayor Armstrong closed the public hearing.

### **CITY MANAGER REPORTS**

#### **2020 Comprehensive Plan-Chapter 11 Community Image**

Planning Director, John Kaminski presented a PowerPoint presentation on Chapter 11 "Community Image," and pointed out the additions, updates, and deletions to the chapter. Some of those additions or updates were the Victoria Branding Project, Wayfinding Sign Mater Plan (to designate historic, cultural, and recreational areas), Electronic Billboards, and Keep Victoria Beautiful. The Goals and Objectives sections of the chapter were updated to reflect support for the above mentioned additions.

#### **RESOLUTION 2008-18R – AUTHORIZING AN AGREEMENT WITH SIRSIDYNIX FOR AN INEGRATED LIBRARY SYSTEM FOR THE VICTORIA PUBLIC LIBRARY**

The resolution authorizes a Master Software License and Services Agreement and all other documents necessary to purchase an integrated library system, including software, hardware, and associated services, from Sirsi Corporation d/b/a SirsiDyinx, a Delaware Corporation, in the amount of \$87,562. James Stewart.

Cm. Hagan 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 2008-19R – AWARDING THE 2007-2008 RECLAIM AND OVERLAY PROJECT TO BRANNAN PAVING CO., LTD.**

The resolution awards the 2007-08 Reclaim and Overlay Project (Brownson Terrace, North Bon Aire, and Simpson) to Brannan Paving Co., Ltd, of Victoria, Texas in the amount of \$2,019,740.70, which includes the Base Bid and Additive Alternate #1. 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 2008-20R – AWARDING A BID FOR THE PURCHASE OF A 2008 TRAILER MOUNTED, VOLUMETRIC PROPORTIONING AND CONTINUOUS MIXING CEMENT SYSTEM TO CEMEN TECH, INC.**

The resolution awards a bid for the purchase of a 2008 Trailer Mounted, Volumetric Proportioning and Continuous Mixing Cement System to Cemen Tech, Inc., of Indianola, Iowa, in the amount of \$56,024. Lynn Short.

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

February 19, 2008

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

NAYS: None

**RESOLUTION 2008-21R – APPROVING AND ADOPTING AN INVESTMENT POLICY AND LIST OF QUALIFIED BROKERS**

The resolution approves and adopts an Investment Policy and list of qualified brokers that are authorized to engage in investment transactions with the City of Victoria. Andrew Jacob.

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 2008-22R – AUTHORIZING THE PURCHASE OF A TIGER TRB 60C BOOM MOWER FROM ANDERSON MACHINERY COMPANY**

The resolution authorizes the purchase a Tiger TRB 60C boom mower from Anderson Machinery Company of Victoria in the amount of \$36,849.03. 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, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

**RESOLUTION 2008-23R – VARIANCE REQUEST TO THE MINIMUM FRONT YARD SETBACK CONSTRUCTION REQUIREMENTS AT 101 E. INDUSTRIAL WAY OWNED BY JAMES WAYNE**

The resolution considered granting a variance to Sections 21-64 and 21-83(a)(4) of the Victoria City Code, which require construction in accordance with a minimum front yard setback of 25 feet for general commercial lots, to Lot 6, Block 2, Victoria Industrial Park I Center Subdivision, located at 101 E. Industry Way, which is owned by James Wayne. John Kaminski.

Director of Planning, John Kaminski advised that staff recommended denial of the request on the basis that there were no hardship or unique circumstances that would prevent compliance with the regulation. The Planning Commission denied the variance by unanimous vote, and the applicant was appealing the Planning Commissions decision. Staff continued to recommend denial of the variance.

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

AYES: Council Members Hagan, Wyatt, and Mayor Armstrong

NAYS: Council Members Guittard, Neitsch, and Polasek

ABSTENTION: Council Member Halepaska

**WORK SESSION**

**Request by Victoria Independent School District (VISD) for City Participation in VISD's Capital Spending Plan**

Director of Public Works, Lynn Short presented a PowerPoint presentation showing a revised version of suggestions and cost estimates for the City and Victoria Independent School District (VISD) cost sharing participation for the following projects in regards to the upcoming construction of new schools in the City:

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- **Mallette Drive Project** – The original cost estimate was \$2,977,344 to replace water and sewer lines in Mallette Drive from Briggs Boulevard to Ball Airport Road, widen Mallette Drive from Briggs Boulevard to Ball Airport Road, and install acceleration lanes along a portion of Ball Airport Road. The project was revised to replace sewer lines in Mallette Drive from Briggs Boulevard to 200 linear feet beyond Ball Airport Road. Install 200 linear feet of 12 inch water line in Mallette Drive north of Ball Airport and widen a 1,200 linear section of Mallette Drive north of Ball Airport Road. Add approximately 600 linear feet of acceleration lane north of Ball Airport, extend a box culvert across Mallette Drive, and sidewalks along Ball Airport from Mallette Drive to Tyne at a cost of \$1,623,766.
- **West Campus Utility Extension Project** – Install 16 inch water line and 24 inch sewer line along the campus property to serve both the proposed high school and middle school along with future annexed properties in the future. Cost estimate of \$1,565,100 with VISD paying \$577,800 with the City's portion being \$987,300.
- **Lone Tree/Anthony Road Project** – An estimated cost of \$223,000 to build acceleration and deceleration lanes and harden bus entrance near new elementary school.
- **West Campus Traffic Signal** – VISD would like the City to fund the entire traffic signal at an estimated cost of \$200,000. The Texas Department of Transportation (TxDot) would provide the design of the signal. The signal would be placed at the Tropical Drive entrance off Hwy. 87 and directly across from the entrance to the new campus.
- **East Campus Box Culvert Extension** – VISD would like the City to fund the estimated cost of \$75,000 to \$100,000. The extension would allow for Mockingbird and Carriage Drive to line up.

The total cost to the City would be an estimated \$3,782,063.

Arthur Kenne, owner of Ball Airport advised that there was a lot of interest in his property and he would continue to market it. He expected development in the near future and would keep the Council advised if the property sells to a developer. Mr. Kenne suggested looking at improving the rest of Mallette Drive along the Ball Airport property, because otherwise there may be a bottleneck at the intersection of Ball Airport Road and Mallette Drive once the elementary school was completed.

Bernie Klimist, VISD Board Member and Rawley McCoy, Architect for the school districts projects answered questions from Council. Following discussion, it was Council consensus to move forward with the recommendation from staff. It was recommended to enter into an interlocal agreement with VISD stipulating what each entity would pay for, with a cap on certain items. It was also recommended to approach VISD about placing money in an escrow account to allow the City to handle the contracts pertaining to the above mentioned projects.

### **Annexation Plan**

Director of Planning, John Kaminski advised that statutory requirements and timelines differed significantly for voluntary and involuntary annexations. Staff proposed changing the original annexation plan into two phases: Phase I of the plan would include only the voluntary annexation of the VISD property. Phase II would include the remainder of the original option 1, and all of the original option 2 properties, which was approximately 1,210 acres from U.S. 87 all the way back to the Guadalupe River. Sewer and water would need to be provided within 2 ½ years to the property line of residents properties in the annexed areas.

Mayor Armstrong announced a recess at 6:57 p.m. The Council reconvened at 7:35 p.m. to consider the following:

### **Brush Collection/Recycling**

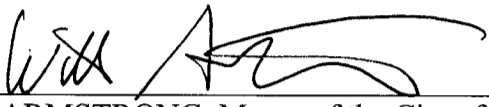
Director of Environmental Services, Jerry James advised that the current cost for providing brush and bulky item pickup and recycling services cost the customer \$2.70 per customer/per month. It currently costs the City \$3.02 per customer/per month to provide those services. Staff proposed a \$2 increase per customer/per month to offset the cost of bulk brush and recycling to the City starting October 1, 2008. Staff also recommended retaining the services of R. W. Beck to develop a high level Business Plan for Brush/Bulky and Recycling Services similar to the plan done for the

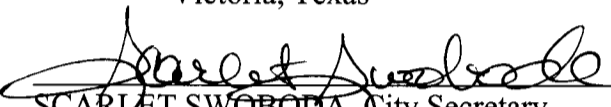
Automated Solid Waste Services. It would cost approximately \$30,000 and would take approximately 90-120 days to complete.

It was the consensus of Council to proceed with the plan to retain R. W. Beck to develop a plan; however Council was against increasing the fees at this time. A resolution for the R. W. Beck study would be brought forward at the next City Council meeting.

**EXECUTIVE SESSION**

Mayor Armstrong advised that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 8:23 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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