
VICTORIA CITY COUNCIL
March 18, 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, March 18, 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 Rislely, Senior Assistant City Attorney
Gilbert P. Reyna, Jr., Director, Finance
John Kaminski, Director, Planning
Lynn Short, Director, Public Works
Vance Riley, Fire Chief
Doug Cochran, Director, Parks and Recreation
Danette Respondek, Director, Human Resources
Rick Henrichs, Director, IT
Jerry James, Director, Environmental Services
John Johnston, Deputy Director, Public Works
Roy Boyd, Deputy Chief of Police
Wendi DuVall, Deputy City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of March 4, 2008 were approved as presented.

CITIZENS COMMUNICATION

I-69 Comments

Russell Pruitt, 402 Sherwood, stated he was disappointed with City Council's action on the I-69 resolution he had presented at a previous meeting. He stated it had been unanimously adopted by several other groups and Council's lack of support made it appear they supported toll roads and funding by foreign investors for this project. Mayor Armstrong stated that this Council had already passed a resolution in support of the I-69 project and its placement over the existing right of way, and there have been several beneficial toll-roads across the state. He expressed concern over the proposed growth predicted for Texas over the next twenty-five years. David Smith, City Attorney advised that Council could not debate this topic unless it was on the agenda. Mayor Armstrong polled the Council on their desire to add it to an upcoming agenda, to which Council was not interested and the subject was closed.

Little League Challenger Request

Sheila Arnold, 78 Penn Avenue, representing Little League Challenger Division, presented a short slideshow and explained that the Challenger Division of Little League was a program for mentally and physically challenged youth. The program helps them enjoy the full benefits of Little League participation in an athletic environment structured to their abilities. The youth in the group have few opportunities outside of this program for group physical activities in which to participate in. She stated that many of the children have physical needs and limitations, including wheelchairs, walkers and blindness, that make it difficult to maneuver around regular ball fields. Ms. Arnold requested the City's support in allotting a piece of property for them to build a specialized field. She further stated that if a special field was built, the City could host Jamboree's like the one her group was attending at the end of April in Friendswood. Those events would bring tax dollars to the City and help build the Special Olympics in this area.

Anthony Young, 90 Post Oak Crossing, incoming president of the Victoria Northside Rotary advised that the Rotary Club and the Boulevard Lions Club were committed to raising funds to pay

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the estimated cost of \$600,000 to build a rubberized Astroturf field with painted lines and bases as Ms. Arnold had requested from them.

Cm. Wyatt thanked Ms. Arnold for her presentation and asked the Parks Department staff to get in touch with the Challenger League and make recommendations to Council at a later date.

Drug Concerns

Fidela Hernandez 2313 Mumphord, expressed concern over the drug problems in the City. She stated that there were dealers in her own neighborhood who were young and kept the residents in fear. She had contacted the Special Crimes Unit with the Victoria Police Department and gave them the name of a neighborhood dealer, yet he was still on the street, one block from the school selling drugs at night. She was concerned for her grandchildren and other residents, and encouraged the Police Department to continue their investigations even after an arrest was made.

ITEMS FROM COUNCIL

Cm. Polasek asked for an update on the City Television Channel. O.C. Garza, Public Information Officer advised that Suddenlink was scheduled to install the fiber optics in the upcoming weeks. The City had received the equipment it needed to get the channel up and running, and had produced some content in a bulletin board format, as well as an original broadcast production called The Victoria Report which would contain news about City Government. Suddenlink was required to give 30 days notice before the channel could go live, and once the fiber optic was installed, the 30 days would start. He advised that channel 15 would be the City Channel on the Suddenlink lineup.

Cm. Hagan read a resolution that was given to him from Claude Jacobs who was part of a group strongly in favor of seeing that the University of Houston expands to a four-year university. The resolution stated that education enhances the quality of life, as well as increasing economic well being. The resolution went on to explain that Texas Higher Education Coordinating Board's mission is to provide the people of Texas the widest access to higher education of the highest quality in the most efficient manner. The resolution asked the City of Victoria to recognize the choices in education and recognize the need to expand and professionalize its workforce, as well as recognizing the need for a comprehensive university in attracting educated individuals in highly sought industries to the region. The resolution requested the City to support a four-year Designation University with a community atmosphere that will enhance the University of Houston System, by providing a system alternative to students who do not want to attend a college in a large metropolitan area. The resolution stated that the legislature has granted four-year status to eight other former upper-level universities in Texas, providing them their university system in the cities where they are located, and asked for the City's support in all necessary action to enable the University of Houston to obtain this same status. Cm. Hagan requested that this resolution be put on the agenda for the next Council meeting.

Cm. Neitsch asked for an update on the status of Evergreen Cemetery. Doug Cochran, Director of Parks and Recreation advised that he had been notified that the contractor awarded the Evergreen Cemetery contract would no longer be able to maintain the property. There was a second contractor listed as backup in the resolution who was not returning City phone calls, so staff was recommending that Parks and Recreation staff as well as the inmates from the County maintain the cemetery on a short term, month to month basis until it goes out for bid.

Cm. Neitsch recommended that with the gas and diesel fuel prices on the rise, staff should look at raising the fees that Wrecker Companies can charge, and requested a City Managers Report on the subject for the April 1st meeting.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2007-2008G – AMENDING THE 2007-2008 BUDGET TO PROVIDE FUNDING FOR RECYCLING ACTIVITIES

City Attorney, David A. Smith, read the caption of Ordinance 2007-2008G, which amends the 2007-2008 Budget of the City of Victoria by transferring \$88,750 from the Environmental Services Fund Landfill Closure Fund fund balance to the Environmental Services Fund Recycling Department Professional Services line item; transferring \$121,521 from the Environmental Services Fund Landfill Closure Fund fund balance to the Environmental Services Fund Recycling Department Contract Labor line item; and transferring \$7,043 from the Environmental Services Fund Landfill Closure Fund fund balance to the Environmental Services Fund Collections Department Equipment Rental line item, and to provide funding for recycling activities that were not originally budgeted. Emergency Reading. Gilbert P. Reyna, Jr.

Mayor Armstrong asked if there were any questions from Council or the audience.

Cm. Neitsch and Cm. Wyatt requested an update on the Closure and Post-Closure Fund. Gilbert Reyna, Jr., Director of Finance delivered a handout that explained the past three years of the fund. He reminded Council that there was a new contract in place and the City would no longer receive closure fee revenue or methane gas extraction revenue. The only money received would be interest income from this point on. Mr. Reyna advised that the estimated fund balance for October 1, 2008 should be approximately \$4,823,625.

Cm. Neitsch moved that the ordinance pass on emergency reading, with Cm. Wyatt 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 BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$88,750.00 FROM THE ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND RECYCLING DEPARTMENT PROFESSIONAL SERVICES LINE ITEM; TRANSFERRING \$121,521.00 FROM THE ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND RECYCLING DEPARTMENT CONTRACT LABOR LINE ITEM; AND TRANSFERRING \$7,043.00 FROM THE ENVIRONMENTAL SERVICES FUND LANDFILL CLOSURE FUND FUND BALANCE TO THE ENVIRONMENTAL SERVICES FUND COLLECTIONS DEPARTMENT EQUIPMENT RENTAL LINE ITEM, TO PROVIDE FUNDING FOR RECYCLING ACTIVITIES THAT WERE NOT ORIGINALLY BUDGETED.

ORDINANCE 2008-1 – AMENDING SECTION 23-30 OF THE VICTORIA CITY CODE TO ELIMINATE THE UNIFORM IN APPEARANCE REQUIREMENT

City Attorney, David A. Smith, read the caption of Ordinance 2008-1, which amends Section 23-30 of the Victoria City Code to eliminate subsection (g), which requires all taxicabs operated by the same business to be uniform in appearance. First Reading. Scarlet Swoboda.

Mr. Smith advised that another taxi business, Cesar’s Taxi Service, has more than one cab and has recently uniformly painted all of his vehicles to comply with the current ordinance.

Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Guittard 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 SECTION 23-30 OF THE VICTORIA CITY CODE TO ELIMINATE SUBSECTION (G), WHICH REQUIRES ALL TAXICABS OPERATED BY THE SAME BUSINESS TO BE UNIFORM IN APPEARANCE, REPEALING CONFLICTING ORDINANCES, 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.

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **Sportsplex at Community Center** – Parks and Recreation Director, Doug Cochran introduced Steven Nunez; the new Sports Complex Manager, then presented a power point presentation on construction update, naming rights, and grant opportunities. The ball fields, concession stand, and restroom facilities should be substantially complete in June 2008. The parking facilities should be complete in July 2008. Mr. Cochran also addressed naming rights, which raises funds for future capital needs. He advised that they could use corporate sponsors and name the facility for a period of time. They could also seek sponsors to name each field. There was discussion about what method would bring in the most revenue.
- **Splashpad/Grant Opportunity** – Mr. Cochran reported on two grant opportunities from the Texas Parks and Wildlife Department for the Miori detention property between Airline and Houston Highway and trail extension from John Stockbauer to Mockingbird. The detention property grant would be a 50/50 split with a maximum of \$500,000. The City owns the land and can use the value of property as match for grant, but it would then have to be designated as park land. The trail grant would be an 80/20 opportunity with Texas Parks and Wildlife funding up to \$200,000. It was the consensus of Council to pursue both grants.
- **Design of Proposed Fire Station #2 (Miori) and Remodel of Existing Fire Station #2 (Airline)** – Fire Chief, Vance Riley introduced Ray Holiday, with BRW Architects, who updated Council on the progress of the above mentioned projects. The floor plan of Fire Station #2 will be similar to Fire Station #4, currently under construction. He advised that the facility meets hurricane resistance regulations. The projected cost for the 9,477 square foot facility is \$2,157,698; however inflation continues to raise prices. He addressed the renovation of the existing Fire Station #2 turning it into the Fire Administration Building. The projected cost for the 7,440 square foot renovation of the building is \$1,036,000.

RESOLUTION 2008-51R – AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH R.W. BECK, INC. FOR CONSULTING RELATED TO BRUSH AND BULKY ITEM COLLECTION SERVICES

The resolution authorizes a Professional Services Agreement with RW Beck, Inc. for a Brush and Bulky Waste and Recycling Services Plan in an amount not exceed \$38,750. Jerry James.

RESOLUTION 2008-52R – AUTHORIZING THE PURCHASE OF A BALLFIELD GROOMER AND REEL MOWER FROM THE JOHN DEERE COMPANY

The resolution authorizes the purchase a Ballfield Groomer and Reel Mower from the John Deere Company of Cary, North Carolina, in the amount of \$30,036.60. Doug Cochran.

RESOLUTION 2008-53R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HOLMES, MURPHY AND ASSOCIATES, INC. FOR EMPLOYEE BENEFITS CONSULTING SERVICES

The resolution authorizes a Professional Services Agreement with Holmes, Murphy & Associates, Inc. of Des Moines, Iowa, for employee benefits consulting services in the amount of \$40,000. Danette Respondek.

RESOLUTION 2008-54R – AWARDING THE 2007-08 SANITARY SEWER LINE CLEANING PROJECT TO DUKES PLUMBING AND SEWER SERVICE, INC.

The resolution awards the 2007-08 Sanitary Sewer Line Cleaning Project to Dukes Plumbing and Sewer Service, Inc. of Syracuse, New York, in the amount of \$79,912. Lynn Short.

RESOLUTION 2008-55R – AUTHORIZING CHANGE ORDER NUMBER 8 TO THE NAVARRO STREET WATER AND SEWER LINE REPLACEMENT PROJECT

The resolution authorizes Change Order Number 8 to the Navarro Street Water and Sewer Line Replacement Project, for work that was required at or near the intersections of Navarro Street and Oak Street, Airline Road, Trinity Street, Mockingbird Lane, Ash Street, Red River Street, Gemini Court, Mesquite Street, Hiller Street, Virginia Street and Colorado Street to complete this project, which increases the contract amount by \$41,760.47, bringing the final total contract amount to \$3,321,830.47. Lynn Short.

Cm. Wyatt moved that resolutions 2008-51R through 2008-55R be adopted, with Cm. Guittard seconding the motion. The resolutions were adopted by the following vote:

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

NAYS: None

RESOLUTION 2008-56R – GRANTING A VARIANCE TO THE MINIMUM LOT SIZE FOR A SINGLE FAMILY RESIDENTIAL LOT TO 702 E. STAYTON OWNED BY ROCKY WAYNE NEISSER, II

The resolution grants a variance from Section 21-82(a)(1) of the Victoria City Code, which requires a minimum lot size of 6,000 square feet for single-family residential lots, to Original Townsite Resubdivision #65, located at 702 E. Stayton, which is owned by Rocky Wayne Neisser II. 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 2008-57R – PROVIDING A DOWNTOWN PRESERVATION INCENTIVE PROGRAM GRANT TO THE POWER HOME AT 307 S. WILLIAM

The resolution provides a grant pursuant to the Downtown Preservation Incentive Program to The Power Home and/or other owners of the property, in the amount of \$5,000 at 307 S. William Street. John Kaminski.

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, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2008-58R – ACCEPTING THE PROPOSAL FROM BRIAN M. ROKYTA FOR CONSTRUCTION OF SINGLE FAMILY HOMES IN SWAN CROSSING SUBDIVISION

The resolution accepts the proposal from Brian M. Rokyta of Victoria, Texas for the construction of single family homes in Swan Crossing Subdivision, including, but not limited to, documents conveying land in said subdivision to said entity and subsequent owners, subject to the program guidelines for the New Housing Initiative at Swan Crossing, securing the City's interests in

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said properties, and otherwise effectuating and maintaining the public purpose of the New Housing Initiative at Swan Crossing. 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 2008-59R – AUTHORIZING AN AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY TO RECEIVE A PROJECT SAFE NEIGHBORHOOD ANTI-GANG INITIATIVE GRANT AND A MEMORANDUM OF UNDERSTANDING WITH VICTORIA COUNTY TO PROVIDE THE GRANT WITH FUNDS

The resolution authorizes (1) an Agreement with Sam Houston State University (SHSU) to receive \$66,703 of funding pursuant to Subrecipient Agreement #321-20-B12E (Project Safe Neighborhoods Anti-Gang Initiative Grant), and (2) a Memorandum of Understanding with Victoria County to provide it with \$24,871 of the funds received from the aforesaid grant. Roy Boyd.

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 2008-60R – AUTHORIZING A GRANT FOR POLICE OVERTIME EXPENSES FROM THE GOVERNORS DIVISION OF EMERGENCY MANAGEMENT A.K.A. BORDER STAR

The resolution authorizes execution of documentation with the Governor’s Division of Emergency Management for a grant for police overtime expenses and operating expenses for border security enhancement operations (aka Border Star), in the amount of \$ 411,395.86, with no City match required. Bruce Ure.

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

WORK SESSION

The Work Session on Community Development Block Grant (CDBG) Funding Allocation was postponed.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 7:05 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 issues related to proposed development near Northside Road and Paco Road). 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

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detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, value of real property interests to be dedicated to the City for proposed development near Northside Road and Paco Road). 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, possible incentives related to proposed development near Northside Road and Paco Road). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters. Scarlet Swoboda.

The Council reconvened in regular session at 8:50 p.m. with no action taken and nothing to report. There being no further business, the meeting was adjourned.

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

ATTEST: Wendi Duvall
WENDI DUVALL, Deputy, City Secretary

VICTORIA CITY COUNCIL
April 1, 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, April 1, 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
- Lynn Short, Director, Public Works
- Bruce Ure, Police Chief
- Vance Riley, Fire Chief
- Doug Cochran, Director, Parks and Recreation
- James Stewart, Director, Library
- Rick Henrichs, Director, IT
- Steve Trevino, Director, IMS
- Jerry James, Director, Environmental Services
- John Johnston, Deputy Director, Public Works
- Wendi DuVall, Deputy City Secretary