

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 7:03p.m., in accordance with:

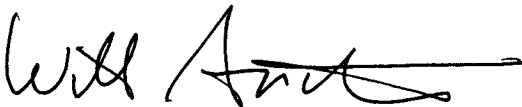
Section 551.071, Texas Government Code, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with 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, the evaluation of the City Manager and appointment of a member to the Plumbing Board of Adjustments and Appeals). Scarlet Swoboda.

The Council reconvened in regular session at 8:30 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
April 15, 2008**

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, April 15, 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

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Rick Henrichs, Director, IT
 Steve Trevino, Director, IMS
 Jerry James, Director, Environmental Services
 John Johnston, Deputy Director Public Works
 James Roach, Deputy Dir., Public Works (Operations)
 Ken Gill, City Engineer
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meetings of March 18, 2008 and April 1, 2008 were approved as presented.

CITIZENS COMMUNICATION**Blue Sky Initiative to Reduce Idling**

A proclamation was read and presented supporting the "Blue Sky Initiative to Reduce Idling," which is a program targeting elementary schools and educating students and their parents about clean air. Kenny Draper, Operations Manager at Coletto Creek Power Station advised that they were proud to bring the Blue Sky Initiative to Victoria. This was a cooperative effort between Coletto Creek Power, the School District, and the City to encourage citizens to reduce idling whenever possible.

Crime Victims Rights Week

A proclamation was read and presented declaring the week of April 13-19, 2008 "National Crime Victims Rights Week."

ITEMS FROM COUNCIL

Cm. Neitsch relayed a message from County Commissioner Gary Burns thanking the City employees who were helping Victoria County burn the refuse at the airport location.

Mayor Armstrong addressed a question from the local media, which was asked of him the day before concerning the sale of a City street for the expansion of the County owned hospital. He explained that this had been a cooperative work in progress between the City and the County over many years of discussions and negotiations. Although the subject was discussed in executive sessions it was never voted on, it was left up to the City's administration to work out the details. It was talked about at various times and was always a work in progress. It was worked on to the extent that the City received a check from the County, and the County received a deed and easement from the City, but it was never voted on. He requested placing an ordinance on the next meeting to rectify what had already been done.

Mayor Armstrong further advised that he had been appointed to represent the City on the I-35, I-69 corridor committee. He expressed the importance of the City having a voice at the table and would keep the rest of Council informed.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-2 – AMENDING SECTION 21-71(B) OF THE VICTORIA CITY CODE WHICH REQUIRES DEVELOPERS TO CHEMICALLY STABILIZE THE SUBGRADE OF STREETS THEY INSTALL IN RURAL SUBDIVISIONS

City Attorney, David A. Smith, read the caption of Ordinance 2008-2, which requires developers to chemically stabilize the subgrade of streets they install in rural subdivisions. Second and Third Reading. Lynn Short.

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Director of Public Works, Lynn Short, recommended the following amendment by adding the wording in italics: Figure 2.6 in the ordinance has language that states (Stabilized in accordance with City of Victoria Standard Specification Section 02241 *or an alternate specification approved by the City Engineer.*)

Cm. Polasek moved to amend the ordinance as recommended, with Cm. Wyatt seconding the motion. The ordinance was amended by the following vote:

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

NAYS: None

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING SECTION 21-71(B) OF THE VICTORIA CITY CODE TO REQUIRE DEVELOPERS TO CHEMICALLY STABILIZE THE SUBGRADE OF STREETS THEY INSTALL IN RURAL SUBDIVISIONS, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2008-3 – AMENDING SECTION 24-141 TO ADD A \$5.00 PER MONTH FEE FOR EACH ADDITIONAL GARBAGE CART PROVIDED TO EACH RESIDENCE FOR THE AUTOMATED SOLID WASTE COLLECTION SYSTEM

City Attorney, David A. Smith, read the caption of Ordinance 2008-3, which adds a \$5.00 per month fee for each additional garbage cart provided to each residence for the automated solid waste retrieval system. First Reading. Jerry James.

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

Caption:

AN ORDINANCE AMENDING SECTION 24-141 TO ADD A \$5.00 PER MONTH FEE FOR EACH ADDITIONAL GARBAGE CART PROVIDED TO EACH RESIDENCE FOR THE AUTOMATED SOLID WASTE RETRIEVAL SYSTEM; REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearings.

CITY MANAGER REPORTS

- **Challenger League Field** – Director of Parks and Recreation, Doug Cochran recommended leasing the field currently leased by the Girl’s Softball Association to the Challenger League. Those fields are located off Vine Street in Riverside Park. Council indicated their approval. Mr. Cochran advised that a Lease Agreement would be brought to Council at a later date.
- **Capital Improvements Projects Quarterly Report** – City Engineer, Ken Gill, reported that a public hearing on the Lone Tree Creek Channel Improvement Project would be held on April 21, 2008 for the residents in the area. The 2006-2007 Reclaim Overlay Project was

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complete, and the 2007-2008 Reclaim Overlay Project would be started in a few weeks. Barricades were being placed for the start of the Laurent Project, Phase I and bids would be opened in late April for the Downtown Water and Sewer Project.

- **Section 13-105 of the Victoria City Code**, which currently limits the direct dumping of sewage into the City’s wastewater treatment system to sewage that originated in Victoria County, Calhoun County, Dewitt County, Goliad County, Gonzales County, Jackson County, Refugio County and Lavaca County. Lynn Short. **No report at this time.**
- **Grant from the State Energy Conservation Office for Clean Air Education** – Director of Environmental Services, Jerry James reported that an application for a grant in the amount of \$5,000 had been submitted and received. Those funds would be for the Energy, Economics, and Environment workshop for secondary teachers, and was a cooperative effort with Region III Education Center, Guadalupe Blanco River Authority (GBRA), and the City.
- **Interlocal participation in Victoria Independent School District (VISD) fiber-optic cable installations** – Director of Information Technology, Rick Henrichs presented a PowerPoint Presentation. He provided information on the history of the Victoria Area Network (VAN) and going wireless, but has since determined that fiber optic was a better option. The City has already been putting fiber optic conduit into most of the street projects, and would also be placed along the new hike and bike trail. The conduit fiber runs would be placed in streets going to the new schools as well. The biggest benefactors would be the schools and the City, but by adding the new fiber optic it would benefit the Health Complex, Fire Station 3, 4, and 5, Del Norte, and Water Towers 4, 5 and 6. He proposed adding \$825,000 in the 2008-2009 Budget to add the fiber optic runs for VISD. It was Council consensus to include this in the same agreement being worked on for streets and utilities with VISD.

RESOLUTION 2008-71R – RESCINDING THE CONTRACT TO H & H SERVICES AND AWARDING TO HYDROTEC UTILITY MAINTENANCE, INC. THE 2007-08 GATE VALVE AND FIRE HYDRANT MAINTENANCE PROJECT

The resolution rescinds the award of the 2007-08 Gate Valve and Fire Hydrant Maintenance Project, in the amount of \$37,916, to Mark Myrick d/b/a H & H Services, of Silsbee, Texas, due to his failure to execute the awarded contract, and awarding that project to the next lowest bidder, Hydrotec Utility Maintenance, Inc., of Bridge City, Texas in the amount of \$51,765. Lynn Short.

Cm. Neitsch 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 2008-72R – AUTHORIZING THE PURCHASE OF A 2,000-GALLON DOUBLE-WALL, STEEL, EMULSION STORAGE TANK FROM CRAFCO TEXAS, INC. THROUGH THE BUY BOARD

The resolution authorizes the purchase a 2,000-gallon, double-wall, steel emulsion Storage Tank through the BuyBoard cooperative purchasing program from Crafcoc Texas, Inc. of San Antonio, in the amount of \$39,032.60. James Roach.

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 2008-73R – AUTHORIZING APPLICATION FOR A RECREATIONAL TRAILS GRANT FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT

The resolution authorizes all documents necessary to apply for and accept a Recreational Trails Grant application from the Texas Parks and Wildlife Department for the construction of a Hike/Bike Trail extension along Lone Tree Creek, in an amount up to \$199,999, subject to a local match in an amount not to exceed \$163,362. Doug Cochran.

Cm. Hagan 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 2008-74R – RESCINDING THE AWARDED BID FOR A BALLFIELD GROOMER BY THE JOHN DEERE COMPANY AND RE-AWARDING THE BID FOR AN INCREASED PRICE

The resolution rescinds the award of a bid submitted by the John Deere Company in the amount of \$30,036.60 for a Ballfield Groomer and Reel Mower and authorizing the City Manager to execute all documents necessary to purchase the same Ballfield Groomer and Reel Mower from said company in the amount of \$30,645.45, to account for a price increase that occurred during the approval process. Doug Cochran.

Cm. Hagan 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, Hagan, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2008-75R – AUTHORIZING THE PURCHASE OF 24 WHELEN SLTXSP48 POLICE WARNING LIGHT AND SIREN PACKAGES FROM FLEET SAFETY EQUIPMENT, INC.

The resolution authorizes the purchase 24 Whelen SLTXSP48 police warning light and siren packages from Fleet Safety Equipment, Inc. of Houston in the amount of \$42,720. Steve Trevino.

Cm. Wyatt moved that the resolution be adopted, with Cm. Halepaska 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

Capital Financing Plan for Sam Houston, Ball Airport Road and other projects

Director of Public Works, Lynn Short reported on the Capital Improvements Program (CIP) and five-year planning window. He introduced Ben Galvan with CivilCorp, who presented a PowerPoint presentation showing four alternatives for Council consideration on how they would like to proceed on the Sam Houston Reconstruction Project. That decision could affect the other projects on the CIP planned and future project lists, where the funding would come from, and which fiscal year those projects, such as Ball Airport Road Extension would be addressed.

- Alternative 1 – Reclaim and ^{overlay} ~~overly~~ entire length of Project, including water and sewer line replacement and traffic signals at a cost of \$13,155,000

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- Alternative 2 – Complete concrete construction, including drainage upsizing, water and sewer line replacement, new traffic signals, sidewalks, intersection improvements, street lights, and conduit for fiber optic cable at a cost of \$ 34,700,000
- Alternative 3 – Concrete from Laurent to Ben Jordan, Reclaim and overlay from Ben Jordan to Houston Highway, including water and sewer line replacement at a cost of \$19,800,000
- Alternative 4 – Concrete from Laurent to Airline, Reclaim and overly from Airline to Houston Highway including water and sewer line replacement at a cost of \$27,900,000

It was the general consensus of Council that Alternative 1 was not an option to consider, and Alternative 3 or 4 might be the best options. Some felt that the traffic count on various sections of the street could determine their preference. Offered as a suggestion, since the situation with the Texas Department of Transportation (TXDot) and their bidding has made prices very competitive, Council could choose one of the Alternatives with concrete part of the way, do their base bid as reclaim and overly, with an alternate of concrete for that section. It would allow Council to see what was happening to cost, and based on those costs, if it was within the allowed budget, the project could be done in concrete at that time. Members of Council thought that was a good idea.

There was also discussion on closing the ditches, widening the road to four-lane concrete, and building a bike lane on Red River; however it was noted that right-of-way would need to be acquired on one side of the street if the ditches were closed.

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Mayor Armstrong announced that Council would recess into Executive Session at 7:04 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 limitations on the acceptance of sewage at the Regional Wastewater Treatment Plant and legal issues related to development requirements for areas adjacent to proposed Ball Airport Road rights-of-way and acquisition of areas near Lone Tree Creek). David A. Smith.

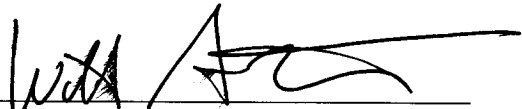
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party (including, but not limited to, acquisition of right-of-way/land along proposed Ball Airport Road rights-of-way and in areas near Lone Tree Creek). 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 involving railroad right-of-way that the City Council seeks to relocate near the City of Victoria and within Victoria County 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, the evaluation of the City Manager, appointment of members to the Victoria City/County Board of Health and the Victoria Health Facilities Development Corporation). Scarlet Swoboda.

The Council reconvened in regular session at 9:30 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