

CITY COUNCIL MINUTES

September 16, 2008

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

NAYS: None


COMMUNICATIONS

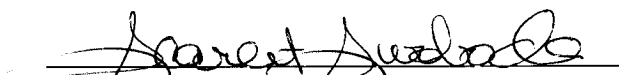
Mayor Armstrong thanked the administration and staff for their execution of duties concerning Hurricane Ike activities. It was pointed out that the public also felt the same way and everything was well done. The Texas Military Forces who worked at the evacuation hub sent a thank you note stating that Victoria was a model community for others. Members of Council were also impressed with the new Emergency Management Coordinator. It was also noted that the Fire Chief was training staff on the Instant Command System (ICS), which makes staff more efficient.

The Council and staff were thanked for their work on the budget.

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 6:38 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL

October 7, 2008

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:02 p.m. Tuesday, October 7, 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
Lewis Neitsch
Paul Polasek
David Hagan
Jim Wyatt
Tom Halepaska

MEMBERS ABSENT

Philip Guittard

STAFF PRESENT

Charles E. Windwehen, City Manager
Charmelle Garrett, Deputy City Manager
Miles Risley, City Attorney
Gilbert P. Reyna, Jr., Director, Finance
John Kaminski, Director, Development Services
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
Jerry James, Director, Environmental Services
Ken Gill, City Engineer
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of September 9, 2008 and regular meeting of September 16, 2008 were approved as presented.

CITIZENS COMMUNICATION

Bill Richter, 401 Dundee, addressed concerns with the Guadalupe-Blanco River Authority (GBRA) and Lower Guadalupe Water Supply Project showing a map of the project in Region L. He advised that the project, as shown on the map would go through Victoria, down Loop 463 crossing Navarro. This was disturbing to him because he felt that GBRA had their eyes on the areas groundwater and that water was needed for local economic development. He advised that the Commissioner's Court passed a resolution in opposition to the Lower Guadalupe Water Supply Project. This was an unpopular project because it had the potential to drain the economic development water. He advised that a Groundwater District could not prohibit the transport of groundwater, so the growth of the I-35 corridor and Hill Country could out-permit Victoria's economic development water. Current law makes groundwater districts available for anyone in the State as long as it is beneficial use, but at the rate that the Hill Country is growing, and if Victoria grows at a lesser rate, their permits could come in faster and take up all of the 35,000 acre feet of groundwater. In 2003 the City of Victoria signed an agreement with GBRA to support the Lower Guadalupe Water Supply Project and he expressed opposition to any other agreements of this sort. He also asked that the City include the Groundwater District in any meetings held with GBRA concerning groundwater.

Dan Easton, 205 W. Goodwin, spoke in favor of a proposed mountain biking feature in Riverside Park. He advised that they had volunteers lined up to help with that project and requested that the City provide the dirt, lighting, and water service.

Joe Bland, 203 Westbrook, commented that the water rights and water availability issues were hard for everyday citizens to understand. He asked for a clear and accurate definition of senior water rights versus junior water rights, and specifically did the City of Victoria have enough senior water rights to get all of their water before Exelon. In times of drought, would a plant that produces the energy source that Exelon would be producing not need water before the City would potentially get their water? He requested clear definitions.

Mayor Armstrong responded that the City was also concerned about groundwater, because the City had 10 water wells and the City has only been on surface water for a short period of time. There is also a one-year supply of groundwater in a gravel pit. He suggested that the City has their water needs met for approximately 70-years, and the Council has been extremely proactive in acquiring additional water rights. The Groundwater District has also been working with the City and they have assured the Council that there was a backup system. Mr. Bland asked for an explanation dealing with the rights that exist and the total amount of water available.

Peggy Cunningham, 5621 John Stockbauer Drive, Chairperson of the Board of the American Red Cross, advised that Victoria was not an area designated to take in evacuees for Hurricane Ike, but 420 families came for assistance the three weeks after that storm. They provide a service that no other organization does and they have depleted their resources since Hurricane Ike. She requested a \$10,000 grant from the City and assured Council that none of the funds would be used for payroll, only supplies needed to continue the job they do. Mayor Armstrong suggested placing this request on the next scheduled Work Session

Kenneth Schustereit, 275 Baass Lane, advised that he supported the Exelon Project, because of the jobs it could bring to the area. He felt that serious economic times were coming and with the revival of the Macaroni Railroad, possible railroad bypass, upgrades at the Navigation District, Exelon Project, Ethanol Project, and Coal Project in Fannin, they would provide a possible shelter from the national economic downturn. He understood it was a contentious issue for people in the lower basin, and opposed the Lower Guadalupe Water Supply Project. He urged the Council to consider for every acre foot of water GBRA was able to get back into the Hill Country; it meant more development, more impermeable cover, more runoff, and more flooding in the lower basin. He also reminded Council that there were two 500-year floods, one in 1998 and the other in 2002. He stated that Victoria needed to keep our surface and groundwater here for our rural industry.

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Jim Chilcoat, Realtor and Developer, addressed Council about two dams that had been proposed a number of years ago, on the Big Sandy and one on the Guadalupe. If they had been built there would be plenty of water and wanted to know why they were not built. Cm. Halepaska advised that those lakes had been taken off the Region L Plan and any project taken off the plan could no longer be considered. Mayor Armstrong suggested Mr. Chilcoat take this issue up with GBRA Board of Directors or the Region L Board.

CITY MANAGER REPORTS

- **Water Issues Related to Proposed Exelon Nuclear Plant Project** – Bill West, with the Guadalupe-Blanco River Authority (GBRA) advised that they were the protector of the Guadalupe River, so that the river would always be there as a stable resource for the people who depend on it and the wildlife that need it for survival. The lifeblood of the river is the spring flow of the Edwards Aquifer, and GBRA would always fight to protect the Aquifer from over pumping and careless management. They would continue to protect those communities and municipalities that depend on the river. He presented a power point presentation on the Water Supply for the Exelon Project. He advised that 75,000 acre feet per year were anticipated for use by Exelon. The use of that water in the Region L Plan was designated for industrial water use in the original State water plan back in 1961. He advised that water rights associated with GBRA/Dow water rights equal 175,501 acre feet. From that total, Calhoun County would need 87,247, Calhoun industrial needs were 34,238, Victoria County industrial needs were 6,566, Exelon's demand of 75,000, would leave a total of 40,926 available in 2060 in the lower end of the basin. He advised that Victoria's water comes from a different source of water rights.

Director of Environmental Services, Jerry James, explained that when the City applied for their surface water right of 20,000 acre feet, they used the drought of record from the 1930's to 1980's. Right in the middle was the drought of the 1950's, which was the most extreme on record. The City had to show the State of Texas that if all of the water rights in the basin were fully utilized, including the GBRA/Dow water right, that the City would still have water available for the citizens. The City was able to prove that through the storage across the river and the groundwater supply. In addition to that, the City has bought 5,000 acre feet of additional water to get the City through various kinds of drought. In addition to the 260,000 acre feet that Mr. Bland spoke of earlier, the City recently bought another 600 acre feet of water dated back to 1918, which is senior to almost everything on the river. When the City got their water right, the water would be fully utilized for something at some point as has been the plan for every other water right in the Guadalupe Basin.

Mr. West went on to point out possible pipeline routes and reservoir size comparisons, advising that a pipeline to Coletto Creek would allow for GBRA to backup Coletto Creek out of the additional storage at Exelon. That would allow for use of local water for local demand and leaving the water at Canyon Lake for demands in that area. He advised that as other sources of water, such as seawater desalination become available near the end of the current planning horizon, they could be used to supplement or replace supplies from GBRA surface water rights. He advised that in the State, there were a number of projects in the plan that would never materialize, but in the planning process all possible projects are evaluated. Mayor Armstrong then recognized the members of the Groundwater District who were in attendance.

- **Recognition of Graduates of Citizens Academy, Police Academy, and Fire Academy** – Public Information Officer, O.C. Garza presented plaques to six individuals who had attended all three Academies: Janie Adame, Helen Grant, Michelle and Chad Hall, Diana Rhodes, and John Tinoco. The group was photographed with the Mayor, Police Chief and Fire Chief. Recipient Chad Hall, 303 Arabian Drive, complimented staff on the presentations at the three Academies, and recognized the following individually: O. C. Garza, Gilbert P. Reyna, Jr., Jerry James, Lynn Short, Scarlet Swoboda, Stewart Sherman, Richard Castillo, Lillian Alex, Debbie Gawlik, Thomas Eisman, Kelly Flood, and Marco Martinez. He complimented Mayor Armstrong when he said "We can make Victoria more than just a passing destination, more than just a spot on the map, together we can make it the next best place to live, have a career, raise a family, and do business in the State of Texas." He then suggested a few recommendations, such as taking the City's message to the constituents,

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visiting with the employees to get a pulse of the moral, change the performance appraisal system by doing away with two different bell curves and find a suitable standard to determine salary surveys using the same cities for all positions, and raise the pay for fire and police personnel. He also encouraged ending the discord with the District Attorney's Office and recommended that all Council Members attend all of the Academies.

ITEMS FROM COUNCIL

Proclamation – 4-H Texas AgriLife Extension Service Science Education Program

A proclamation was read declaring October 5-11, 2008 as "4-H Week" with Mayor Armstrong presenting the proclamation to the recipients. The 4-H members presented the Council with some baked goods and thanked the Council for supporting Victoria County 4-H youth.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-11 – AMENDING SECTIONS 13-170, 13-174, 13-175, 24-141 OF THE VICTORIA CITY CODE TO PROVIDE PICKUP OF BULKY ITEMS AND SET FEES

City Attorney, Miles Risley, read the caption of Ordinance 2008-11, which amends Sections 13-170, 13-174, 13-175, and 24-141 of the Victoria City Code to require the use of City-provided garbage carts for residential waste removal, provide for once-per-week solid waste collection, and provide landscaping, construction waste, and bulky item removal regulations and fees. Second and Third Reading. Jerry James.

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

Cm. Hagan stated that he would vote against the ordinance, because he would like to wait a year using the automated service before considering an increase in any fees.

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

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

Caption:

AN ORDINANCE AMENDING SECTIONS 13-170, 13-174, 13-175, AND 24-141 OF THE VICTORIA CITY CODE TO REQUIRE THE USE OF CITY-PROVIDED GARBAGE CARTS FOR RESIDENTIAL WASTE REMOVAL, PROVIDE FOR ONCE-PER-WEEK SOLID WASTE COLLECTION, AND PROVIDE LANDSCAPING, CONSTRUCTION WASTE, AND BULKY ITEM REMOVAL REGULATIONS AND FEES, REPEALING CONFLICTING ORDINANCES, 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 2008-12 – AMENDING SECTIONS 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 AND 21-84 OF THE VICTORIA CITY CODE TO INCREASE THE DISTANCE AT WHICH DEVELOPERS MUST BE FROM WATER AND SEWER LINES TO BE EXEMPT FROM EXTENSION REQUIREMENTS

City Attorney, Miles Risley, read the caption of Ordinance 2008-12, which amends Sections 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 and 21-84 of the Victoria City Code to increase the distance at which developers must be from water and sewer lines to be exempt from extension requirements from ¾ mile to 1 mile, increase the minimum lot width of commercial lots, and make other miscellaneous changes to the City's subdivision and development requirements. Second and Third Reading. John Kaminski.

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

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Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Neitsch 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 SECTIONS 10-115, 13-27, 21-31, 21-54, 21-58, 21-59, 21-67, 21-69, 21-71, 21-82, 21-83 AND 21-84 OF THE VICTORIA CITY CODE TO INCREASE THE DISTANCE AT WHICH DEVELOPERS MUST BE FROM WATER & SEWER LINES TO BE EXEMPT FROM EXTENSION REQUIREMENTS FROM ¼ MILE TO 1 MILE, INCREASE THE MINIMUM LOT WIDTH OF COMMERCIAL LOTS, AND MAKE OTHER MISCELLANEOUS CHANGES TO THE CITY'S SUBDIVISION AND DEVELOPMENT REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND DECLARING AN EFFECTIVE DATE

ORDINANCE 2008-13 – AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF "CITY OF VICTORIA, TEXAS UTILITY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008"

City Attorney, Miles Risley, read the caption of Ordinance 2008-13, which authorizes the issuance, sale and delivery of "City of Victoria, Texas Utility System Revenue and Refunding Bonds, Series 2008"; approves and authorizes an official statement and the distribution thereof; approves a purchase contract and a Paying Agent/Registrar Agreement; approves and authorizes all other instruments and procedures related thereto; and provides for an immediate effective date. Emergency Reading. Gilbert P. Reyna, Jr.

Mr. Risley advised that this would be subject to clarification of the Bond Insurers commitment requirement relating to required municipal reserves and the parties agreement in relation thereto. Also, the blanks in the ordinance would be filled in with the numbers that were on the two pages that had been handed out to the Council.

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

Cm. Wyatt moved that the ordinance pass on emergency reading subject to the clause as aforementioned and with the numbers distributed to the City Council, with Cm. Halepaska seconding the motion. The ordinance passed on emergency reading by the following vote:

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

NAYS: None

Caption:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF "CITY OF VICTORIA, TEXAS UTILITY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008"; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND THE DISTRIBUTION THEREOF; APPROVING A PURCHASE CONTRACT AND A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- **GBRA Contract to Operate Wastewater Plants for the City of Victoria** – City Manager, Charles E. Windwehen advised that Council had received two engineering reports and staff

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reports on this matter, and they had toured the wastewater plants. He asked for Council direction on how they wanted to move forward in this process. He was hoping to have a decision by December 2008 or spring 2009. It was suggested to take a tour of the water plant before making any type of decision. Cm. Halepaska suggested looking at a service type contract instead of the type they currently have with the City, and GBRA expressed a willingness to consider that type of contract. Cm. Wyatt wanted more data and did not want to just consider the City's proposal and GBRA's proposals, he may want to consider going out for a request for a proposal. It was Council consensus to hear from GBRA first.

- **Recognition of Terry McGowan's Service on the Parks and Recreation Commission.** Director of Parks and Recreation, Doug Cochran presented Mr. McGowan with a plaque for his service on the Commission since 2002. Mr. McGowan thanked the Council for the Privilege.
- **Sportsplex at Community Center** – Mr. Cochran reported that the City has accepted the grass portion of the fields on September 30, 2008. There were still several items to complete on the other projects.
- **Report on a request by the Challenger League to change the term of its lease agreement of the Girl's Softball Field at Vine and McCright from a five-year term with an automatic renewal to a 20-year term** – Sheila Arnold, 78 Pin Avenue, advised that they have found in their fund raising efforts, that in order to get the grant funding that they would like to apply for, they needed an extended term on the lease agreement. The grant funder's were requesting that so that they could insure that the money they provide would stay in that facility. It was Council consensus to move forward with a resolution to that affect.
- **Request by Citizens for "Pump Track" in Riverside Park** – Mr. Cochran asked to postpone the report until the next Council meeting.
- **Status of Lone Tree Road Reconstruction, Laurent Street Reconstruction, and Lone Tree Channel & Trail Projects** – City Engineer, Ken Gill gave brief updates on the aforementioned projects.
- **Development Services and Public Works Departments** – Director of Development Services, John Kaminski and Director of Public Works, Lynn Short, presented reports on the organizational structure of the two most recently re-structured departments. The Planning Department, Inspections Department, and Code Enforcement were recently merged to form the new Development Services Department. The Utilities, Streets, and Engineering Departments were merged a year ago to form the Public Works Department. This was a lengthy strategic process to streamline the process, and to insure that it would be a more convenient process for the building and development communities.
- **Electricity Purchase Proposals** - The report would be addressed at the next meeting.

RESOLUTION 2008-153R – SUPPORTING LEGISLATIVE ACTION TO CREATE PROGRAMS AND PROVIDE FUNDING FOR THE ENHANCEMENT OF PUBLIC TRANSPORTATION, INCLUDING RELOCATION OF FREIGHT RAIL LINES

The resolution supports Legislative Action to create programs and provide funding for the Enhancement of Public Transportation, including Relocation of Freight Rail Lines.

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 2008-154R – AWARDING THE 2009 TRIMMING OF TREES IN THE CITY RIGHT OF WAY TO CUSTOM TREE TRIMMING AND REMOVAL

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The resolution awards the FY 2009 Trimming of Trees in the City Right of Way to Kenneth Eggemeyer, d/b/a Custom Tree Trimming and Removal of Yoakum, Texas, in the amount of \$33,950. Doug Cochran.

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 Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2008-155R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AVALANCHE CONSULTING, INC. TO DEVELOP A FEASIBILITY STUDY AND FACILITIES IMPROVEMENT COST ANALYSIS FOR THE VICTORIA COMMUNITY CENTER

The resolution considering a Professional Services Agreement with Avalanche Consulting, Inc. of Austin, Texas for consulting services to develop a Feasibility Study and Facilities Improvement Cost Analysis for the Victoria Community Center, in an amount not to exceed \$34,500 was postponed. Doug Cochran.

RESOLUTION 2008-156R – GRANTING A VARIANCE RELATING TO DRIVEWAY REQUIREMENTS AT 703 N. MAIN STREET OWNED BY SPEEDY STOP FOOD STORES, LTD.

The resolution grants a variance requests from Sections 20-83(a) and 20-86(a) of the Victoria City Code, which prohibit driveways within 100' of intersections with arterial streets and regulate internal storage (driveway "throat length" or "queuing space") to 703 N. Main Street, owned by Speedy Stop Food Stores, Ltd. & expected to be developed as a "Walgreen's." John Kaminski.

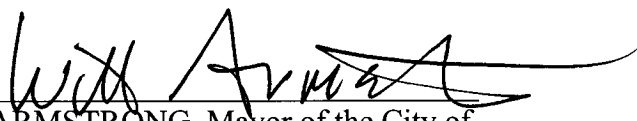
Cm. Wyatt moved that the resolution be adopted, with Cm. Hagan seconding the motion. The resolution was adopted by the following vote:


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

NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:09 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
