

VICTORIA CITY COUNCIL
October 20, 2008

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:03p.m., Monday, October 20, 2008, at the City Surface Water Treatment Plant, 523 McCright, Victoria, Texas.

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
Miles Risley, City Attorney
Lynn Short, Director, Public Works
Jerry James, Director, Environmental Services
Russell Ham, Surface Water Treatment Plant Manager
Scarlet Swoboda, City Secretary

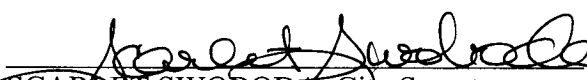
Tour of the City Surface Water Treatment Plant

Director of Public Works, Lynn Short presented a PowerPoint presentation and explained the water treatment process. He provided information on the different chemicals that were used to treat the water and the reason for their use. Tests were conducted every four hours in the lab to insure that the correct amounts of chemicals were being used. The plant runs continually twenty-four hours a day, seven days a week, 365 days a year. It has to be slowed down or sped up and chemicals adjusted depending on drought conditions or rain fall. He further advised that they had the capability to transfer water from one area in the City to another if there was a breakdown, adding that there would be no interruption of water availability. The Members of Council and staff then toured the entire plant.

There was discussion concerning whether there were enough operators to operate the Surface Water Plant and the Sewer Plant currently being operated by the Guadalupe-Blanco River Authority (GBRA), if the City made the decision to take over that operation. Staff indicated that there were enough licensed operators to handle both. It was pointed out that the operations of the two types of plants were very similar and the processes were very similar.

There being no further business, the meeting was adjourned at 6:20 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
October 21, 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, October 21, 2008 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

CITY COUNCIL MINUTES
October 21, 2008

MEMBERS PRESENT

Will Armstrong, Mayor
 Philip Guittard
 Lewis Neitsch
 Paul Polasek
 David Hagan
 Jim Wyatt
 Tom Halepaska

OTHERS PRESENT

David A. Smith, Attorney at Law,
 City of Victoria Representative for
 South Texas Aggregation Project

STAFF PRESENT

Charles E. Windwehen, City Manager
 Charmelle Garrett, Deputy City Manager
 Miles Risley, City Attorney
 Linda Champion, Assistant City Attorney
 Gilbert P. Reyna, Jr., Director, Finance
 Lynn Short, Director, Public Works
 John Kaminski, Director, Development Services
 Bruce Ure, Police Chief
 Vance Riley, Fire Chief
 Doug Cochran, Director, Parks and Recreation
 Danette Respondek, Director, Human Resources
 Rick Henrichs, Director, IT
 Jerry James, Director, Environmental Services
 Ken Gill, City Engineer
 Jesse Turner, Police Captain
 Darryl Lesak, Asst. Director Environmental Services
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of October 7, 2008 were approved as presented.

CITIZENS COMMUNICATION

Don Polzin, 301 Taos Drive, Executive Director of Gulf Bend Center, advised that they recently purchased Regional Medical Plaza and a large majority of those they serve are Medicaid or Medicare recipients. They depend on Victoria Transit to access services in the community and their outpatient clinic. He pointed out that the route which serves that facility was on the list for modification or elimination. It is in a growth area, a medical community and the need for that service will probably increase. He requested the opportunity to be at the table to help come up with a solution to the problem with that route.

Mayor Armstrong requested this item be placed on an agenda and asked that the transit authority also be in attendance.

Sylvia Bluhm, 203 Banbury, advised that her son was a paraplegic and he utilizes Victoria Transit services. She was concerned with cost increases being proposed for the special needs customer in comparison with the average citizen. She asked Council to consider reducing those rates.

Paige Brockman, 212 Edgewater, Representative for Ball Airport Development, presented a handout and advised that they were beginning the construction stage of developing a residential lot subdivision on the north side of the city limits of Victoria, adjacent to Northside and Paco Road. The property would be developed in 50 lot phases, approximately 11 acres in size each. They would be providing the oversized water and sewer lines per the City's request for future development needs. Ball Airport Development was prepared to execute a reimbursement agreement with the City of Victoria, however due to the cost of the offsite improvements they were requesting the City to reimburse its portion of the project upon completion and acceptance of the construction. Along with their request for timely reimbursement, they would be submitting a request for voluntary annexation.

Russell Pruitt, 402 Sherwood, showed a copy of the petition for proposed amendments to the City Charter. He explained that his group was trying to amend eight areas of the charter and the petition would be presented to the Council to place those items on the ballot. He also stated that he fully agreed with the individuals who spoke earlier concerning the transit system, and the City should be promoting it more during these hard economic times.

City Charter Revisions

Mayor Armstrong advised that he had been quoted in the paper about remarks concerning charter revisions and the need to make some changes. He advised that he would be appointing three Council Members to a committee to review the Charter and make recommendations for needed changes. He would also ask that committee to solicit citizen members to also serve on that committee. He felt that some alternative and different charter amendments would be put on the same ballot as mentioned by Mr. Pruitt.

Cm Hagan read the following letter he had submitted to the Victoria Advocate:

It is being suggested to the public by some members of the Victoria City Council that we need a Charter Revision Commission. The time for such a commission has passed. The people of our city have spoken and the process is well underway to collect signatures. If those who wish to change the charter are successful in collecting the 1,600 signatures required then any commission formed would be useless as the process of having an election will take place whether the council majority wishes it to or not. Since I believe they will indeed be successful, I feel the creation of such a commission is simply a means to obfuscate the issues and to undermine the popular will of the citizens of Victoria. Therefore, I strongly oppose such an effort. These charter revision proposals are a direct result of what the majority of our citizens believe to be a total disregard by this council of their wishes and because of a level of disrespect and condescension towards the taxpayers that is beyond comprehension. The people of our city have been left with no alternative but to seek this means of addressing their valid and serious concerns about how our city in general, and this council in particular, do business. It is high time for this council to respect the will of the people and to allow this process to work without interference and without thinly veiled attempts to thwart the referendum process. My views on the charter revisions are well known as mine was the very first signature collected. I am confident that the organizers of the referendum will be successful in collecting the other 1,599 signatures required. Therefore, instead of discussing the creation of a commission whose sole intent is to derail the referendum, I instead propose the creation of a citizen-led commission to be appointed soon after the election is held to help the city quickly implement the new charter provisions including term limits, an elected city attorney, etc. The will of the people must be respected and the time for games has come to an end.

*David Hagan
Victoria Citycouncilman
District 4*

Mayor Armstrong stated that there was not a single word that Cm. Hagan said that surprised him. He went on to state that he was going to appoint a committee, and the will of the people would be on the ballot when they check whatever they desire to check, and there was no reason why City Council can not make some suggestions. The will of the people would be decided when the ballots are counted. There may even be another group out there that wishes to petition and they are welcome to do that. He then asked the City Attorney, Miles Risley to go forward with the suggestion he was going to make.

The suggestion was to ask the charter revision proposer's if they wished to coordinate with the Council to make sure that there were no disagreements to applicable dates, number of signatures, etc. Mayor Armstrong requested that Mr. Risley put that suggestion in writing.

Cm. Wyatt commented that this Council adheres to the laws and that was the oath that he took. He represents 27,000 citizens in Victoria and their desires would be heard through charter commissions and charter committees, and was open to the suggestion.

Cm. Polasek commented that he knew there were more things that needed to be changed other than the list produced by Mr. Pruitt, and felt that there were some things that had been left off. He felt the 5% limitation in the charter needed clarification and there were other things that do not line up with State law. Those things need to be clarified and this is a good opportunity to take care of it all, and hoped that Mr. Pruitt's group would work with the Council.

ITEMS FROM COUNCIL

Cm. Neitsch requested clarification on what the arrangement was for the University of Houston-Victoria (UHV) to practice on the field at Riverside Stadium. Parks and Recreation

CITY COUNCIL MINUTES**October 21, 2008**

Director, Doug Cochran advised that UHV was told that Riverside Stadium was a game only facility; however because of renovations to Lowe field, they were told that they could practice on Riverside Stadium if Lowe Field was not playable. Part of the fall season Lowe field was not playable, and they were allowed to practice on Riverside. He advised that he had already sent communication to their athletic director that they should be moving back to Lowe Field per the original agreement as directed from City Council.

CITY MANAGER REPORTS

- **Capital Improvements Projects for Third Quarter of 2008** – Director of Public Works, Lynn Short advised that the report was included in their packet with the status of all City projects that are either currently in design or under construction.

Mayor Armstrong advised that the following resolution would be moved up on the agenda to be considered because there was an out of town consultant available to answer any question.

RESOLUTION 2008-169R – AWARDING CONTRACT FOR MEDICARE SUPPLEMENT COVERAGE AND PRESCRIPTION DRUG PROGRAM FOR RETIREES

The resolution awards (1) a contract for Medicare supplement coverage to Hartford Life and Accident Insurance Company of Hartford, CT, in the amount of \$176.23 per retiree per month and (2) a contract for a prescription drug program to SilverScript Insurance Company of Nashville, TN, in the amount of \$69.80 per retiree per month, and authorizes the City Manager to execute all documents necessary to obtain such coverage and program from said entities. Danette Respondek.

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

CITY MANAGER REPORTS CONTINUED

- **Recycling/Brush Site Relocation and Transfer Stations** – Director of Environmental Services, Jerry James reported on the status of possible transfer stations and moving from the Huvar Recycling Site to land available near the City Service Center in the near future. He reported that the brush site would be moved from the Airport site out to the Landfill which is adjacent to the compost site. Assistant Director of Environmental Services Darryl Lesak gave a short PowerPoint presentation on the details of how the above mentioned would be handled and provided information on how and when the final stage of automated pick-up would take place. He advised that the new routes would begin pick-up on November 10, 2008. Cm. Polasek expressed concern with the proposal to move the recycle center from the northern part of the City, and advised that he was not opposed to moving it from the Huvar location; he just would like a drop-off site located in north Victoria.
- **Fire Station #4 Construction** – Fire Chief, Vance Riley reported that the fire station was 88% complete with December scheduled for completion. He advised that work was shutdown due to Hurricane Ike and some of the suppliers were from the Houston area which delayed work for a while. The pumper truck has arrived and the department is fully staffed.
- **Request by Citizens for “Pump Track” in Riverside Park** – Director of Parks and Recreation, Doug Cochran, advised that the group requesting the track was unable to attend the meeting, but advised that he was not opposed to the project, his concern was that this group did not come to staff in time to include it in this years budget. He advised that he had gotten an estimate of \$6,000 for installing lights as requested by the group, which was up from the estimate of \$900 provided by the citizen group. He added that the group would maintain the track, the dirt was donated and moved by the Lone Tree Creek Channel Improvements, and the City already mows and herbicides the area. Sharon Steen, 104 N. Liberty, Chair of the Parks Commission advised that the group came to them about three months ago and the Parks Commission was recommending Council approval of their request. It was the consensus of Council to move forward with the request.

October 21, 2008

- **Proposed Contract with American Red Cross Crossroads Chapter for \$10,000** – Cm. Hagan commented that this was a fantastic organization that does a tremendous amount for the community, but felt that these funds should come from the community. It was the consensus of Council that the City should not get into lending money.
- **Electricity Purchase Proposals** - David A. Smith, Attorney at Law, 505 N. Washington, advised that the recommendation was in the packet. He did not recommend a long-term proposed coal producing contract. The five-year contract with Florida Power Electric (FPL) and Direct Energy was recommended, which would allow for the City to lock in prices for the City’s electrical power needs.

RESOLUTION 2008-157R – AUTHORIZING SOUTH TEXAS AGGREGATION PROJECTS, INC. (STAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT

The resolution authorizes the South Texas Aggregation Project, Inc. (STAP) to negotiate an electric supply agreement for deliveries of electricity and necessary, related services effective January 1, 2009; approves STAP contracting with FPL Energy and Direct Energy and authorizes the Mayor or other designated City official to sign a contract with STAP for the City’s electricity needs for the period beginning January 1, 2009 and extending up to December 31, 2013; commits to budget for energy purchases and to honor the City's commitments to purchase power through STAP for its electrical needs for the period beginning January 1, 2009, and extending up to December 31, 2013. David A. Smith.

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 2008-158R – APPOINTING THREE MEMBERS TO THE LIBRARY ADVISORY BOARD

The resolution reappoints Margaret Vaughan and Jesica McCue to the Victoria Library Advisory Board and appoints Ann Killebrew as the City/County jointly appointed member. Scarlet Swoboda.

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 2008-159R – APPOINTING ONE MEMBER TO THE CULTURAL COUNCIL

The resolution reappoints Susan Prukop to the Cultural Council. Scarlet Swoboda.

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

RESOLUTION 2008-160R – AWARDING BID FOR 2008-09 GROUNDS MAINTENANCE AND MOWING OF CITY PROPERTIES TO SCOTT BAUER LAWN SERVICE AND THE EDGE LANDSCAPING, INC.

The resolution awards a bid for the 2008-09 Grounds Maintenance and Mowing of City of Victoria Properties to Scott Bauer d/b/a Scott Bauer Lawn Service of Victoria, Texas, for the

CITY COUNCIL MINUTES

October 21, 2008

properties other than Evergreen Cemetery in the amount of \$93,185 and to Kevin Brown d/b/a The Edge Landscaping, of Victoria, Texas for Evergreen Cemetery in the amount of \$56,170. Lynn Short.

Cm. Neitsch 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

RESOLUTION 2008-161R – AUTHORIZES CHANGE ORDER #2 TO THE LONE TREE CHANNEL IMPROVEMENTS PROJECT – PHASE II

The resolution authorizes the Director of Public Works to execute additive Change Order #2 to the Lone Tree Channel Improvements Project - Phase II, to add drainage crossings under the hike and bike trail, remove a section of guard rail fence at Miori Lane, add excavation, relocate an 8" water line adjacent to Fleetwood Subdivision, increase pipe size under the low water crossing at Fleetwood Ditch, increase sidewalk width at the Ben Jordan Street crossing, delete nine pipe gates and add eighteen removable-pipe bollards, add riprap at Timberline, add pedestrian handrail at Timberline, add additional height to headwalls at Ben Jordan Street, reduce the temporary soil retention blanket, add \$279,247.60 to the contract, and deduct \$257,920.80 from the contract, bringing the new contract amount to \$7,447,135.81. Lynn Short.

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

NAYS: None

RESOLUTION 2008-162R – AUTHORIZING PURCHASE OF VIDEO DETECTION CAMERAS FOR THE LAURENT STREET RECONSTRUCTION PHASE I PROJECT TO TEXAS HIGHWAY PRODUCTS, LTD.

The resolution authorizes the purchase of Video Detection Cameras (motion sensors) and appurtenances for the Laurent Street Reconstruction Phase I Project (Business 59 to Airline) from Texas Highway Products, Ltd. of Round Rock, Texas in the amount of \$39,720. 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 Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2008-163R – AUTHORIZES CHANGE ORDER #1 TO LONE TREE CREEK DETENTION BASIN PROJECT PHASE I

The resolution authorizes the Director of Public Works to execute additive Change Order #1 to the Lone Tree Creek Detention Basin Project Phase I in the amount of \$58,088, which brings the revised contract amount to \$736,193.55. 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 Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

October 21, 2008

RESOLUTION 2008-164R – AUTHORIZES FIFTEENTH AMENDMENT TO CONTRACT WITH WASTE MANAGEMENT OF TEXAS, INC.

The resolution approves and authorizes the City Manager to execute the Fifteenth Amendment to the Containerized Commercial Solid Waste Collection and Disposal Services Contract between the City of Victoria and Waste Management of Texas, Inc., to allow modified fees for commercial solid waste collection services. Gilbert P. Reyna, Jr.

Cm. Polasek 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 2008-165R – AUTHORIZING PURCHASE OF COMPUTERS AND SUPPLIES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)

The resolution authorizes the City Manager to execute all documents necessary to purchase computers, computer software, computer peripheral equipment, supplies, and phones through the Texas Department of Information Resources (DIR) in an amount not to exceed \$563,222. Rick Henrichs.

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

NAYS: None

RESOLUTION 2008-166R – AUTHORIZING INTERLOCAL AGREEMENT WITH VISD TO INSTALL FIBER-OPTIC CABLE IN RIGHT-OF-WAY

The resolution authorizes the City Manager to execute an interlocal agreement with the Victoria Independent School District (VISD) to allow VISD to install fiber-optic cable in City right-of-way for City/VISD use and partially fund the installation of said cable, in an amount not to exceed \$171,500 from the City. Rick Henrichs.

Cm. Polasek complimented VISD and the City for working together on this project.

Cm. Polasek 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 2008-167R – AUTHORIZING PURCHASE OF TWO POLICE PATROL DOGS FROM HILL COUNTRY DOG CENTER

The resolution authorizes the City Manager to execute all documents necessary to purchase two police patrol dogs from Hill Country Dog Center of Pipe Creek, Texas. Bruce Ure.

Cm. Polasek 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

CITY COUNCIL MINUTES**October 21, 2008****RESOLUTION 2008-168R – AUTHORIZING PURCHASE OF HIGHER GROUND DIGITAL RECORDER FROM COMMERCIAL ELECTRONICS CORPORATION**

The resolution authorizes the City Manager to execute all documents necessary to purchase a Higher Ground digital recorder from Commercial Electronics Corporation of Denton, Texas, in the amount of \$31,768.54. Jesse Turner.

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 2008-170R – AWARDING BID TO PURCHASE 13 POLICE PATROL SEDANS FROM PHILPOTT MOTORS, LTD

The resolution awards a bid to Philpott Motors, Ltd, of Port Neches, Texas for the purchase of 13 Year Model 2009 four-door police package patrol sedans (Ford Crown Victoria's) in the amount of \$21,495.00 each, for a total amount not to exceed \$279,435.00. Jesse Turner.

Cm. Neitsch 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

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:38 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 the South Texas Aggregation Project, Inc. (STAP) and the possible purchase of surface water rights on the Guadalupe River, and the possible sale of properties at 8505 N. Navarro Street (Navarro Del Norte) and 112-114 Huvar Street). Miles Risley and David 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 the possible purchase of surface water rights on the Guadalupe River and value of properties at 8505 N. Navarro Street (Navarro Del Norte) and 112-114 Huvar Street). Miles Risley.

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. Miles Risley.

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

The Council reconvened in regular session at 7:33 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
