

VICTORIA CITY COUNCIL
November 18, 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, November 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
 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
 James Stewart, Director, Library
 Rick Henrichs, Director, IT
 Jerry James, Director, Environmental Services
 Ray Miller, Deputy Director, Development Services
 Andrew Jacob, Assistant Finance Director
 Darryl Lesak, Asst. Director Environmental Services
 Jesse Turner, Police Captain
 O. C. Garza, Public Information Officer
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

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

CITIZENS COMMUNICATION

Russell Pruitt, 402 Sherwood, advised that a petition was being circulated to amend the City Charter. He explained the proposed amendments and how it all started, which was to get the City Attorney elected. The action started last year when the Council adopted the effective tax rate, and the Citizens for Responsible Government felt that through the advice of the City Attorney, Council went against the City Charter. He pointed out Article IV, Section 4 of the City Charter and stated that was the opinion of his group that the tax issue should have gone to the vote of the people. It was also the opinion of his group that an elected city attorney would not rule against the citizens.

Mayor Armstrong responded that three licensed Attorney's and the Finance Director who have taken an Oath of Office, gave their legal opinions, and Council then voted on it with a 6-1 vote in favor. There was no other method that the Council could possibly dream up to satisfy this group except to suggest that it go to court. He apologized that Mr. Pruitt was insulted, but three licensed Attorney's gave their opinions, and the Council honored those opinions.

Kenneth Schustereit, 275 Baass Lane, presented information concerning a Lower Colorado River Authority (LCRA) and San Antonio Water System (SAWS) Project, which is a possible pipeline that would go through the southern portion of Victoria city limits. He was surprised to see that it was drawn through the city limits of Victoria, and emailed LCRA concerning it. He was informed that any aspects of this project that were outside of the LCRA District were overseen by SAWS. He contacted SAWS and was informed that they had no intentions of discussing this project with anyone in Victoria County. He suggested that there was very little support from the representatives on Region L, since no one from that Board had brought this to Victoria's attention. He expressed concern that if SAWS had their way, they would have control of every drop of water in South Texas. This is a project that must be watched, because it would be devastating for those in the Lower Basin.

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Ben Price with Agama Advertising, 4503 Lilac Lane, thanked the Council for the Community Center and the staff at that facility. When his company does a show at the Community Center he knows it will go well, and he looks forward to doing shows there.

Brad Hanes, Vice-President of Baseball Operations, addressed the resolution on the agenda concerning the License Agreement with Victoria Pro Baseball Club, LLC. He advised that the players would be from the Texas Collegiate League, and would be strictly amateur baseball players. He did not know if an amendment needed to be made, but this resolution should not indicate that this was semi-pro baseball.

RESOLUTION 2008-182R – AUTHORIZING A LICENSE AGREEMENT WITH VICTORIA PRO BASEBALL CLUB, LLC FOR USE OF RIVERSIDE STADIUM

The resolution authorizes a License Agreement with Victoria Pro Baseball Club, LLC of Victoria, Texas, for use of Riverside Stadium to operate a Semi-Pro Baseball League. Doug Cochran.

Parks and Recreation Director, Doug Cochran, advised that at the start of negotiations almost a year ago, this was going to be a semi-pro baseball team. It was just recently that it changed to be a Texas Collegiate League. He indicated that they would make any necessary changes in the already signed License Agreement.

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

Mr. Hanes then announced that there would be a press conference at 2:00 p.m. on Wednesday, November 19, 2008 at 700 Main Center to announce and explain the goals, desires, and timelines of their program.

ITEMS FROM COUNCIL

Cm. Polasek commented that Guy Grant was a narrow street with a large open ditch next to it, and asked if it was possible to put a sidewalk along Guy Grant. Staff would look at it and report back.

Cm. Halepaska commented that a firm that works on heavy trucks had recently opened a shop along Guy Grant and the street was deteriorating. He asked staff to look at that as well.

Cm. Hagan commented that citizens had asked him if they bought one of the additional garbage containers, would that save them from having to pay \$5 a month for that additional container. Staff responded that the fee was built in to provide for maintenance and replacement of those containers.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-2009A – AMENDING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR OUTSTANDING ENCUMBRANCES FROM PREVIOUS FISCAL YEAR

City Attorney, Miles Risley, read the caption of Ordinance 2008-2009A, which provides funding of certain encumbrances outstanding at the end of the previous fiscal year. Emergency Reading. Andrew Jacob.

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

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

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE FOR THE FUNDING OF CERTAIN ENCUMBRANCES OUTSTANDING AT THE END OF THE PREVIOUS FISCAL YEAR, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2008-2009B – AMENDING THE 2008-2009 FISCAL YEAR BUDGET TO FUND THE PURCHASE AND INSTALLATION OF A TRAK-GPS REPLACEMENT GEOGRAPHIC POSITIONING SYSTEM TOWER SYNCHRONIZATION UNIT FROM MOTOROLA, INC.

City Attorney, Miles Risley, read the caption of Ordinance 2008-2009B, which transfers \$150,000 from the General Fund fund balance to the General Fund Police Department Construction capital line item, and authorizing the City Manager to execute contracts with Motorola, Inc. to provide for purchase and installation of a TRAK-GPS replacement geographic positioning system tower synchronization unit and provide for an engineering assessment of the City's radio system to provide a transition proposal for a replacement radio system (required by 2012). Emergency Reading. Andrew Jacob and Jesse Turner.

Cm. Polasek moved that the ordinance pass on emergency reading, with Cm. Neitsch 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 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$150,000 FROM THE GENERAL FUND FUND BALANCE TO THE GENERAL FUND POLICE DEPARTMENT CONSTRUCTION CAPITAL LINE ITEM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH MOTOROLA, INC. TO PROVIDE FOR PURCHASE AND INSTALLATION OF A TRAK-GPS REPLACEMENT GEOGRAPHIC POSITIONING SYSTEM TOWER SYNCHRONIZATION UNIT AND PROVIDE FOR AN ENGINEERING ASSESSMENT OF THE CITY'S RADIO SYSTEM TO PROVIDE A TRANSITION PROPOSAL FOR A REPLACEMENT RADIO SYSTEM (REQUIRED BY 2012); REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS

- Texas Department of State Health Services *“Five-Star Local Registrar Vital Registration Exemplary Award”* for Victoria City Secretary's Office. City Attorney, Miles Risley announced the aforementioned award.

RESOLUTION 2008-175R – RENEWING THE SUPPLEMENTAL AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

The resolution authorizes a supplemental Automobile Burglary and Theft Prevention Authority Grant from the Texas Department of Transportation Automobile Burglary and Theft Prevention Authority in an increased amount of approximately \$14,325 from the state, with no added City match required. Bruce Ure.

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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 2008-176R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CIVILCORP, LLC. FOR THE SAM HOUSTON DRIVE RECONSTRUCTION PROJECT (HOUSTON HIGHWAY TO LAURENT STREET)

The resolution authorizes a Professional Services Agreement between the City of Victoria and CivilCorp, LLC., for preliminary design, final design, (including preparation of plans, specifications and bid documents), as well as bid phase and construction phase services for the Sam Houston Drive Reconstruction Project (Houston Highway to Laurent Street), in the amount of \$1,530,000. Lynn Short.

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 2008-177R – AWARDING BIDS FOR THE PURCHASE OF VEHICLES FROM PLANET FORD, PHILPOTT MOTORS AND MAC HAIK FORD

The resolution awards bids for:

(1) the purchase of six year model 2009 full-size, regular cab, ½ ton pickup trucks to Planet Ford of Caldwell, Texas, in the amount of \$13,944 each, for a total amount of \$83,664,

(2) the purchase of one year model 2009 1 ton, regular cab, pickup truck to Planet Ford of Caldwell, Texas, for a total amount of \$17,347,

(3) the purchase of one year model 2009 crew cab, 1½ ton truck with service body to Philpott Motors of Port Neches, Texas, in the amount of \$38,651, plus optional rear mount electric boom in the amount of \$4,914, for a total amount of \$43,565, and

(4) the purchase of three year model 2009 Ford Escape SUVs to Mac Haik Ford of Victoria, Texas, in the amount of \$17,016.27 each, for a total amount of \$51,048.81. Darryl Lesak.

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

RESOLUTION 2008-178R – AUTHORIZING A RECONCILIATORY CHANGE ORDER WITH TOTER, INC., TO PURCHASE ADDITIONAL CONTAINERS

The resolution authorizes a reconciliatory change order with Toter, Inc. to the Annual Supply Contract for 20,000 Universal/Nestable Containers, to purchase 2500 additional containers, and for mobilization and delivery of the containers in the amount of \$124,000. Jerry James.

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

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RESOLUTION 2008-179R – APPROVING VICTORIA SALES TAX DEVELOPMENT CORPORATION PROGRAMS AND EXPENDITURES FOR FISCAL YEAR 2008-2009

The resolution approves Victoria Sales Tax Development Corporation programs and expenditures for Fiscal Year 2008-2009. Andrew Jacob.

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 2008-180R – AUTHORIZING THE THIRD AMENDED LEASE AGREEMENT WITH THE VICTORIA PARK IMPROVEMENT ASSOCIATION (VPIA) FOR THE OPERATION OF THE MUNICIPAL GOLF COURSE AT RIVERSIDE PARK

The resolution authorizes the Third Amended Lease Agreement between the City of Victoria and the Victoria Park Improvement Association (VPIA) for the Operation of the Municipal Golf Course at Riverside Park to (1) amend section 4(a) to increase the amount of reserve funds to \$150,000 and (2) amend section 4(b) to allow for payroll and payroll related expenses. Doug Cochran.

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 2008-181R – AUTHORIZING A LEASE AGREEMENT WITH THE FRIENDS OF VICTORIA BASEBALL FOR CONCESSION FACILITIES AT RIVERSIDE STADIUM

The resolution authorizes a Lease Agreement between the City of Victoria and Friends of Victoria Baseball, a Texas non-profit corporation, for concession facilities at Riverside Stadium, for one year, to renew automatically thereafter until terminated. Doug Cochran.

Cm. Guittard 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 2008-183R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY FOR FUNDING OF THE EMERGENCY MANAGEMENT SERVICES PROGRAM

The resolution authorizes an Interlocal Agreement with Victoria County for the funding of the Emergency Management Services Program. Gilbert P. Reyna, Jr.

Finance Director, Gilbert P. Reyna, Jr. presented minor changes requested by Victoria County, they are:

Adding **“and cable connections”** to number 1(b) of the agreement

Fuel increase from \$1,500 to **\$3,000**

Fuel for generator (RV) **\$2,000**

Auto Repairs decrease from \$6,500 to **\$3,000**

Less Auto Repairs decrease from \$6,500 to **\$3,000**

Total Adjusted Emergency Management Budget from \$270,309 to **\$273,809**

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Cm. Wyatt moved to amend the resolution as presented with the budget total of \$273,809, with Cm. Neitsch seconding the motion. The resolution 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 resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted, as amended, by the following vote:

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

NAYS: None

RESOLUTION 2008-184R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC) FOR CONTINUED OPERATION OF A FIXED-ROUTE PUBLIC TRANSPORTATION SYSTEM

The resolution authorizes an Interlocal Agreement with the Golden Crescent Regional Planning Commission (GCRPC) for the continued operation of a Fixed-Route Public Transportation System within the limits of the City of Victoria and providing City funding in the amount of \$181,100. Ray Miller.

Cm. Wyatt moved to amend the resolution to continue the Orange Route in the amount of \$15,000, with Cm. Guittard seconding the motion.

The following discussion took place prior to the vote:

Cm. Polasek commented that fuel prices have gone down recently and questioned what price the fuel was estimated at for budget purposes.

City Manager, Charles Windwehen suggested that it may be a good idea to get a report halfway through the year, and it may show a savings on fuel costs. However he was not sure if GCRPC had the authority to move money around in their budget and spend on other items. He stated that language could be added to the agreement if necessary, that if the fuel budget was not spent it would not be spent in other areas, if that was Council’s desire.

Lisa Cortinas, Director of Transportation Services for the Victoria Transit System indicated that if there was any savings it would go back to the City.

Cm. Hagan suggested that it was important for the public to realize that Council had done due diligence in this area. The original budget was significantly more, and GCRPC went back and streamlined their budget at the request of the Council. They came back with a minimal increase of which they were committing to give the savings back to the City.

Cm. Wyatt advised that because of budgetary constraints that they were under, and Council request, they decided to eliminate the Orange Route. When GCRPC came back to Council it was requested that Council approve an additional \$15,000 to operate a limited Orange Route. Some things can not be quantified and we need to be able to get those individuals over to the mental health, medical, and Social Security areas.

The new revised Orange Route would take thirty-minutes to complete its route, and would operate from 8:00 a.m. to 5:00 p.m. It would serve the northwest portion of Victoria, which includes the Medical Plaza, Victoria Eye Center, Gulf Bend Mental Health, Warm Springs, other major medical facilities in the area, as well as Social Security Administration.

The resolution was amended as stated in the aforementioned motion by the following vote:

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

NAYS: None

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

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

NAYS: None

Deputy Director of Development Services, Ray Miller advised that a budget amendment would be brought to Council at a future meeting to cover the amended amount.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 6:06 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 potential purchase of surface water rights on the Guadalupe River and legal positions to be taken with respect to *Burrell Day and Joel McDaniel vs. Edwards Aquifer Authority vs. State of Texas* and similar litigation). Miles Risley.


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, potential purchase of surface water rights of real property on the Guadalupe River). 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 6:30 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
