

MEMBERS PRESENT

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

STAFF PRESENT

Charles E. Windwehen, City Manager
Miles Risley, City Attorney
Linda Champion, Assistant 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
Dayna Williams-Capone, Assistant Director, Library
Danette Respondek, Director, Human Resources
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 November 18, 2008 and the regular meeting of November 18, 2008 were approved as presented.

CITIZENS COMMUNICATION**Charter Comments**

Russell Pruitt, 402 Sherwood, representative for Citizens for Responsible Government, distributed a handout concerning some of the issues discussed at the last meeting concerning their petition for charter changes. The concern was whether the wording on the petition would be considered one amendment or eight individual amendments for the citizens to vote on separately. The Local Government Code § 9.004 concerning charter amendments states, "An amendment may not contain more than one subject." He advised that they were presenting it as eight different amendments, and if the Council chose to present that as one subject they would be willfully and intentionally violating the law.

Downtown Sidewalk Project Comments

Jack Mullins, 224 Ridgewood Drive; Jeff Williams, 702 Santa Fe; spoke in opposition to the Downtown Sidewalk makeover at a cost of \$3 million. It was pointed out that the Country was in a recession, the Council was urged to reject this project and any others that were not essential. Mr. Williams advised that he had a business in the downtown area, but moved it elsewhere because there was not enough to attract people to downtown.

Donald Elder, 23 Meadowview; Helen Walker, 407 E. Santa Rosa; Gary Dunnam, 104 N. Liberty; Louise Hull-Patillo, 802 W. Power; Jason Moore, 2703 E. Poplar; Jim Wearden, 507 S. William; Luanne O'Connor, 303 S. Bridge; and Karen Gibson, 602 E. Santa Rosa all spoke in favor of the sidewalk project suggesting that this was an opportunity for Victoria to make a statement and draw tourism dollars to the City. It was pointed out that tourism is the second largest industry in Texas. It was suggested that the County Commission should contribute to this effort as they build their new facilities in the downtown area. It was pointed out that a large portion of the funds that would be spent on the project would be coming from the Victoria Sales Tax Development Corporation (VSTDC). It was suggested that there was no greater economic tool than the downtown area and historic district. Another suggestion was made to look at the possibility of building a public restroom in downtown. Some of those individuals with businesses in the downtown area stated that they did not have trouble attracting customers.

Cooledge Gerdes, 1103 Lawndale expressed concerns with the drainage in the Crestwood Addition. He has been paying taxes for years and wanted to know why there was no drainage. He complimented the City on the work to improve Laurent Street, but pointed out that there were so

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many other streets needing attention. He also spoke in opposition of the Downtown Sidewalk Project, suggesting that people no longer go downtown.

Mayor Armstrong recognized County Commissioner, Gary Burns who was in attendance. Mr. Burns commented that the County had purchased property in downtown and it made sense to establish an identity or character for the downtown area in conjunction with the City tearing up the streets for utility improvements. It would be cheaper to do those sidewalk improvements now while the other improvements were taking place. He felt like the other commissioners were interested, and hoped the City and County could work together.

ITEMS FROM COUNCIL

Cm. Hagan commented that the downtown area was wonderful with great history. He was concerned with the economy and did not know what the final outcome would be for our Country. He personally was being more cautious, and caution was the word of the day. Although the proposal for sidewalk improvements in downtown was an opportunity, it was also an opportunity for Council to show the community that they would hold off on projects when circumstances dictate it.

Cm. Wyatt commented that with the new President and his administration coming in, governmental infrastructure would be considered major projects that could stimulate the economy. One thing would be the Salem Road overpass emphasizing if money was coming to the State, he wanted it coming to Victoria to get that overpass.

Cm. Polasek asked questions about the sweeper trucks and the dust that they generate. Director of Public Works, Lynn Short responded that the new vacuum trucks use water and should not be causing as much dust. The crews are able to fill up at fire hydrants and would be reminded about his concern. Cm. Polasek requested an update on his inquiry concerning the open ditch along Guy Grant and the possibility of putting in a sidewalk. Mr. Short advised that it was estimated to cost \$1.7 million to close in the ditch, put in box culverts, and lay sidewalks. Cm. Polasek asked that it be considered when Capital Improvement Projects (CIP) are discussed later in the year. He also requested an update on the new trash pick up for the phase II customers, the holiday schedules, and yard waste bags. Director of Environmental Services, Jerry James provided a brief update, advising that they were on track with what they were trying to do to control costs. It was pointed out that it had been ten years since there had been a rate increase for trash pick up.

Cm. Neitsch advised that he had asked the Parks Commission and the Parks and Recreation staff to come up with suggestions of what they would like to see the community center be. The Parks and Recreation Director would bring a report to the Council at a later date.

CITY MANAGER REPORT

- **Proposed Downtown Sidewalk and Street Improvement Project** – Director of Public Works, Lynn Short presented a PowerPoint presentation on project. He presented three options for sidewalk improvements in a five block section of Main Street and the streets surrounding DeLeon Plaza.
 1. **Minimum Option** – functional sidewalks, by replacing sidewalks on both sides with concrete, Americans with Disabilities Act (ADA) compliant, curb replacement on both sides of the street, curb extensions, decorative bollards (posts) at intersections, hotmix overlay street, and re-stripe at an estimated cost of \$2.6 million.
 2. **Recommended Option** – includes all of the improvements aforementioned, with additional colored textured and/or grooved sidewalk, and the addition of brick or stone paver accents in the crosswalks, curb extensions, and as accents in sidewalk section at an estimated cost \$3.1 million.
 3. **Additive Alternates**
 - 1) adding brick pavers throughout the entire intersections at a cost of \$340,00 for eight intersections;
 - 2) replacing decorative bollards with stone or seating benches, or raised planters at a cost of \$192,000;
 - 3) add a shaded cover to some of the corners at a cost of \$296,000;

- 4) replacing traffic signal poles downtown with historic looking poles that would match the décor of downtown as well as the light standards at DeLeon Plaza and City Hall at a cost of \$525,000 and;
- 5) replace five mid block street light poles with poles that would match the historic poles aforementioned at a cost of \$62,000.

If all additive alternates were chosen it would add \$1.4 million to the project, making the total recommended option with all alternates \$4.5 million.

Mr. Short reviewed a number of planned projects that were already committed to and in the works. He reviewed the funding and availability of funding through 2013, and advised that \$19 million would be available for future projects. He advised that a number of the current projects had come in lower than originally anticipated, and the Victoria Sales Tax Development Corporation (VSTDC) could assist in funding some of the projects. In 2010 there would be \$6.895 million available for this type of CIP project. He requested a consensus of whether they should move forward with the project. It was the consensus of Council to move forward with the design of the project, with Cm. Hagan opposing.

Mayor Armstrong recessed the meeting at 6:25 p.m. for a short break. The meeting was reconvened at 6:35 p.m.

PUBLIC HEARINGS AND ACTION

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2008-14 – AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES

City Attorney, Miles Risley, read the caption of Ordinance 2008-14, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees therein, repealing conflicting parts of existing ordinances. First Reading. Lynn Short, Doug Cochran, Vance Riley/John Bradley, Dayna Williams-Capone.

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

Cm. Hagan was out of the room when the motion and vote took place.

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES THEREIN, REPEALING CONFLICTING PARTS OF EXISTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2008-185R – GRANTING AN ANNEXATION PETITION FROM BALL AIRPORT ROAD DEVELOPMENT, LLC. FOR APPROXIMATELY 60.86 ACRES OF LAND TO DEVELOP TUSCANY SUBDIVISION

The resolution grants an Annexation Petition from Ball Airport Road Development, LLC. for approximately 60.86 acres of land proposed to be developed as Tuscany Subdivision, located along Northside Road and next to the Bridle Ridge Subdivision. John Kaminski.

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

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

NAYS: None

Mayor Armstrong closed the public hearing.

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- **Proclamation designating the Crepe Myrtle as the official flowering shrub plant of Victoria** – Presented to Dalton Metting, President of the Lions Club.
- **Certificate of Achievement for Excellence in Financial Reporting** – The Finance Department received the award for the 25th consecutive year.
- **Pouring Rights (beverages) for Youth Sports Complex** - Director of Parks and Recreation, Doug Cochran reported that he had received three proposals. He recommended moving forward with a contract with Coca Cola. It was the consensus of Council to move forward with the contract.
- **Amicus brief - *Edwards Aquifer Authority v. Burrel Day and Joel McDaniel v. State of Texas*** – Director of Environmental Services, Jerry James gave a brief report and pointed out the importance to the City, and would continue to keep Council informed.
- **Status of Lone Tree Road Reconstruction, Laurent Street Reconstruction, and Lone Tree Channel Improvements and Trail Projects** – City Engineer, Ken Gill gave brief updates.

RESOLUTION 2008-186R – AWARDING THE BID FOR THE WATER MAIN AND SANITARY SEWER MAIN EXTENSION – PHASE I, VISD WEST SCHOOL SITE, ZAC LENTZ PARKWAY (LOOP 463) TO NORTH MAIN STREET (HWY. 87) PROJECT TO TRIPLE B SERVICES, LLP

The resolution awards the bid for the Water Main and Sanitary Sewer Main Extension – Phase I, VISD West School Site, Zac Lentz Parkway (Loop 463) to North Main Street (Hwy. 87) Project to Triple B Services, LLP, of Huffman, Texas, in the amount of \$808,980.90. Lynn Short.

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 2008-187R – AWARDING THE BID FOR THE 2008-09 SANITARY SEWER LINE CLEANING PROJECT TO MIDWEST TRENCHLESS TECHNOLOGIES, INC.

The resolution awards the bid for the 2008-09 Sanitary Sewer Line Cleaning Project to Midwest Trenchless Technologies, Inc. of Belle Plaine, Minnesota, in the amount of \$55,299.20. Lynn Short.

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

RESOLUTION 2008-188R – AUTHORIZING ADDITIVE CHANGE ORDER #6 TO THE UTILITY REPLACEMENTS FOR KING ADDITION PROJECT, WITH MERCER CONSTRUCTION COMPANY

The resolution authorizes the additive Change Order #6 to the Utility Replacements for King Addition Project, with Mercer Construction Company, to add 143,220 square feet of street milling and other work to lessen the street crown, increasing the net contract amount by \$70,547.55, which will bring the total contract amount to \$4,574,044.05. Lynn Short.

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, and Halepaska
NAYS: None
ABSTENTIONS: Mayor Armstrong

RESOLUTION 2008-189R – ADOPTING NEW PROGRAM GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOME REHABILITATION PROGRAM

The resolution adopts new program guidelines for the Community Development Block Grant (CDBG) Home Rehabilitation Program. John Kaminski.

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 2008-190R – AUTHORIZING THE PURCHASE OF TWO CHEVROLET 2009 C3500HD 6.0L CAB & CHASSIS FROM ATZENHOFFER CHEVROLET

The resolution authorizes the purchase of two Chevrolet 2009 C3500HD 6.0L cab & chassis from Atzenhoffer Chevrolet of Victoria, Texas, in the amount of \$22,973.48 each, for a total amount not to exceed \$45,946.96. Vance Riley.

RESOLUTION 2008-191R – AUTHORIZING CONTRACTS WITH FRAZER, LTD, OF HOUSTON, TEXAS TO FURNISH GENERATOR SET, REFURBISH AMBULANCE MODULE, AND MOVE MODULE FROM OLD CAB & CHASSIS TO NEW CAB & CHASSIS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL BUYING COOPERATIVE (HGAC)

The resolution authorizes contracts with Frazer, Ltd, of Houston, Texas to Furnish Generator Set, Refurbish Ambulance Module, and Move Module from old Cab & Chassis to new Cab & Chassis, through the Houston-Galveston Area Council Buying Cooperative (HGAC), in the amount of \$52,360 (Quote 5738A). Vance Riley.

RESOLUTION 2008-192R – AUTHORIZES A CONTRACT WITH FRAZER, LTD, OF HOUSTON, TEXAS TO FURNISH GENERATOR SET, REFURBISH AMBULANCE MODULE, AND MOVE MODULE FROM OLD CAB & CHASSIS TO NEW CAB & CHASSIS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL BUYING COOPERATIVE (HGAC)

The resolution authorizes a contract with Frazer, Ltd, of Houston, Texas to Furnish Generator Set, Refurbish Ambulance Module, and Move Module from old Cab & Chassis to new Cab & Chassis, through the Houston-Galveston Area Council Buying Cooperative (HGAC), in the amount of \$54,585 (Quote 5737A). Vance Riley.

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Cm. Wyatt moved that resolutions 2008-190R through 2008-192R be adopted, with Cm. Halepaska 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 2008-193R – EXCLUDING THE CITY OF VICTORIA FROM THE OPTIONAL PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (“HIPAA”)

The resolution authorizes the City Manager and other persons acting on his behalf, including any entity administering the City’s health plan (the “plan”), to execute all necessary documents to exclude the City of Victoria from the optional provisions of the Health Insurance Portability and Accountability Act (“HIPAA”). Danette Respondek.

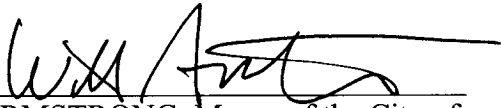
Cm. Polasek moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:


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

NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:01 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
