

- **Health Plan Fund** –The current balance is \$4.2 million.
  - The total premium is currently \$467.32. Propose moving the cost share to and 82/18 split, this would increase the employee’s monthly premium by \$4.68.


A Wellness Program was presented which would manage healthcare costs, increase productivity, reduce workers’ compensation costs, support city goals and service vision, improve overall health of employees and dependents, improve employee morale, and recognize employee value to organization and his/her family. A four-year Wellness Strategy was suggested. It was pointed out that an outside agency would handle the screening study.


- Proposing \$25,000 in Fiscal Year 2009-1020 for a Wellness Program which would be used to:
  - Promote Wellness through a Wellness Committee
  - Promote Wellness within departments by encouraging participation in “Get Fit Victoria”
  - Support targeted programs (tobacco cessation, stress management, etc.)
  - Identify healthy-at-risk individuals.

It was the consensus of Council to move forward with the recommended Wellness Program.

**ADJOURN**

There being no further business, the meeting was adjourned at 6:40 p.m.

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

ATTEST:   
 SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL  
 August 18, 2009**

**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, August 18, 2009 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  
 Tom Halepaska, Mayor Pro-Tem  
 Denise Rangel  
 Gabriel Soliz  
 Paul Polasek arrived at 5:05 p.m.  
 David Hagan  
 Joe Truman

**STAFF PRESENT**

Charles E. Windwehen, City Manager  
 Charmelle Garrett, Deputy City Manager  
 George E. Hyde, Interim 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

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**CITY COUNCIL MINUTES****August 18, 2009**

Dayna Williams-Capone, Director, Library  
Danette Respondek, Director, Human Resources  
Rick Henrichs, Director, IT  
Jerry James, Director, Environmental Services  
Andrew Jacob, Assistant Finance Director  
Donald Reese, Public Service Manager  
Scarlet Swoboda, City Secretary

**CITIZENS COMMUNICATION**

Betty Greebon, 105 Tradewind Drive commented that some of the walkers were playing games on the Lone Tree Hike and Bike Trail by walking out in front of cars. The use of the trail is a privilege and those using it should show some personal responsibility. Something else probably should be done, but she did not feel a lot of money had to be spent to make the crossings safer.

Jack A. Mullins, 224 Ridgewood Drive commented that since the budget was being discussed recently there were some concerns he had. The Workforce Commission had numbers that showed increased unemployment rates, and more layoffs were expected at some of the local plants. Some workers have already exhausted their unemployment benefits and were no longer included in the figures he spoke of. Some have stopped looking and some have taken part-time jobs. He suggested that property taxes should be cut, since over the past five-years there has been a 5% increase for real estate taxes, and very few people have gotten raises much less 5% raises at one time. He commented that organizations asking for funding should be required to identify for each year of operation the sources and amounts of their income, and costs by category. They should show the percentage of costs by the City, State, Federal Government, gifts and admission charges. His final comment concerned the transit system, suggesting that the City should no longer be involved with it because of the ever increasing costs associated with it.

Lewis Neitsch, 102 Ashton Glen commented that he had submitted an application for the Parks Commission and would like to be appointed to that commission.

Doug Giles, 605 Chimney Rock, Board President of the Texas Zoo commented that there had been a lot of media attention on the Zoo recently and wanted to touch on some accomplishments and answer questions concerning funding for the Zoo. The City currently allows them to function in Riverside Park and monetarily funds the Zoo at about 25% of their budget. He stated that last year the City asked them to look at ways to reduce costs at the Zoo and work towards becoming more self-sufficient to lower the amount of funding coming from the City. He advised that they have reduced the overhead costs on animal feed, maintenance, payroll, operating costs, and looked line by line at the budget to reduce those costs approximately 25%. The monies from the City are now used only for the operation of the Zoo and not paying down the debt. Fundraising efforts have doubled and they are doing more to work with non-profits to improve revenue. They have reduced water consumption by 40% by recycling the water from the exhibits to water the foliage. They are making an impact and the Zoo is a vital part of the City and the benefits it provides for the City.

James Kirkpatrick, 605 E. Santa Rose, Apt. A, commented on the Lone Tree Hike and Bike Trail stating that the information being provided over who has the right-of-way, and who should yield at the street intersections has been confusing. He commented that the perception among drivers is that they are doing the pedestrian a favor to let them cross, and that they have the right-of-way. The information needs to be cleared up before any signage is put up.

**ITEMS FROM COUNCIL****Discussion of Crosswalks on Lone Tree Creek Hike and Bike Trail**

Director of Public Works, Lynn Short provided information on the current status and offered options for the Airline, Miori, Ben Jordan and John Stockbauer crossings of the trail. In accordance with the Federal Highway Administrations Manual of Uniform Traffic Control Devices (UTCD) the City put in signage to warn vehicular traffic and motorist to yield to pedestrians and bicycles in the crosswalks. In addition to those signs the City installed push button actuated yellow flashing warning lights also to alert motorists that a pedestrian was approaching to cross the thoroughfare. In addition at the button location signage was installed to alert the pedestrians and bicyclist that they

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were to push the button to activate the flashers and not enter the roadway until it was clear. All of this exceeds the UTCD, however the feedback that the City has been receiving is that the signs are confusing to motorists and they do not know how to react to the flashers or the signs. In order to make the crossings safer and less confusing staff has reviewed a number of alternate methods of traffic control and the following options are:

- 1) Pedestrian Overpass – Usually in places where there are very wide streets and heavy traffic. It would have to be ADA compliant and the ramp would require right-of-way acquisition, along with fencing. Extremely expensive and not recommended by staff.
- 2) Pedestrian Underpass – Used in other cities and very effective, however the City does not have the necessary grade separations, a culvert, water pumps, and lighting would need to be installed. Extremely expensive and not recommended by staff.
- 3) Reroute the trail at John Stockbauer – Additional right-of-way would have to be acquired and a box culvert would have to be installed, and pedestrians would not take the extended route back to the intersection of John Stockbauer and Ben Jordan. Not recommended by staff.
- 4) Pedestrian stop signals – The requirements are a minimum of 75 pedestrians an hour. Not recommended by staff.
- 5) Refuge Island or Median installed in thoroughfare - Would require an additional push button at the median. Not recommended by staff.
- 6) Change the signs for the motorists – Use a different sign approved by the UTCD, which uses more words than pictures. Staff recommendation.
- 7) Add more signs for pedestrians on trail - Install more signs for the pedestrians as they approach the intersection warning of approaching thoroughfare crossing, to push button to actuate the flashers, and look both ways and do not enter roadway until clear. Staff recommendation.
- 8) Lower speed limit – Current speed limit is 45 mph, could possibly be lowered to 35 mph following an engineering speed study. Staff recommendation.
- 9) Rumble strips – In advance of crosswalks to alert motorists that they were coming upon an area they need to be aware of. The downside is they are very loud as cars travel over them. Staff recommendation to install at crosswalks not near residences. The crossing on John Stockbauer is very close to homes.
- 10) Additional reflective markings in crossing areas. Staff recommendation.

Mr. Short advised that the estimated cost of a speed study was \$7,000 to \$10,000. All other options recommended by staff are inexpensive and could be done in-house. He further advised that AEP had been contracted to install additional lighting at the crossings. Cm. Rangel suggested some interaction with the school teachers, since school would be starting soon. Police Chief, Bruce Ure advised that mass public education had already been discussed. It was the consensus of Council to move forward with the recommendations of staff.

### **PUBLIC HEARINGS AND ACTION**

Mayor Armstrong opened a public hearing on the following items:

#### **Storm Water Management Report and Public Hearing**

A Report and a Public Hearing on the Status of the Implementation of the Year Two Requirements of the City Of Victoria's Storm Water Management Program. Public Services Manager, Donald Reese reported that August 2009 marks the end of the second year of the five year implementation of the aforementioned program. The program was designed to meet Part III of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System. The six minimum control measures required are:

1. Public Education Outreach on Storm Water Impacts
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention, Good Housekeeping for Municipal Operations

**CITY COUNCIL MINUTES****August 18, 2009**

The City identified Best Management Practices that must be put in place over the five year implementation period and highlighted some of the accomplishments: 1) Utility bill storm water message; 2) website dedicated to storm water information has been added to the City website and is updated constantly; and 3) an advisory committee was formed, consisting of City staff, local engineers, consultants, and a contractor, which has drafted an ordinance for Illicit Discharge Detection and Elimination with plans to bring to City Council in early to mid 2010. They implemented a reporting hotline for citizens to report storm water concerns, which are then added to the work order system.

Cm. Halepaska commented that some municipalities have signage on the storm drains with information letting the public know where the water goes and reminding them not to pollute. Mr. Reese responded that was not something that was in the plan, but would check with other cities to see how effective it was.

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

**ORDINANCE 2009-20 – PROHIBIT ALCOHOLIC BEVERAGES**

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2009-20, which amends Section 17-7 of the Victoria City Code to prohibit alcoholic beverages within parks and other non-park areas. The areas added would be the Lone Tree Hike and Bike Trail, Skatepark, Community Center parking lot, Community Center Park with Youth Sports Complex, and DeLeon Plaza. Doug Cochran.

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

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

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

**AN ORDINANCE AMENDING SECTION 17-7 OF THE VICTORIA CITY CODE TO PROHIBIT ALCOHOLIC BEVERAGES WITHIN PARKS AND OTHER NON-PARK AREAS, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2008-2009N – REPLACE 911 DISPATCH EQUIPMENT**

Interim City Attorney, George E. Hyde, read the caption of Ordinance 2008-2009N, which amends the 2008-2009 Fiscal Year Budget of the City of Victoria by transferring \$82,090.86 from the Information Technology Fund fund balance to the Information Technology Fund Communications Equipment capital line item, and authorizes the purchase of replacement 911 Dispatch equipment damaged during a lightning strike. First Reading. Andrew Jacob.

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

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

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2008-2009 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$82,090.86 FROM THE INFORMATION TECHNOLOGY FUND FUND BALANCE TO THE INFORMATION TECHNOLOGY FUND COMMUNICATIONS EQUIPMENT CAPITAL LINE ITEM, AND AUTHORIZING THE PURCHASE OF REPLACEMENT 911 DISPATCH EQUIPMENT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Mayor Armstrong closed the public hearing.

**CITY MANAGER REPORTS**

- **A report on the status of the Capital Improvement Projects associated with the Victoria School District’s new schools** – Director of Public Works, Lynn Short advised that the West High School traffic signal was the only project not complete. The total cost for the projects was \$1,980,383. Cm. Halepaska commented that this was a lot lower than what was originally estimated. Cm. Polasek expressed concern with the sidewalk gap problem near Torres Elementary. Mr. Short advised that the money for construction of that sidewalk was in the 2010 Street Department Budget; however the City had been unsuccessful in acquiring the right-of-way from the property owner. Interim City Attorney, George E. Hyde advised that the City had not been successful in negotiating an appropriate price. Cm. Polasek expressed hope that James Wayne the property owner would work with the City.

**CONSENT AGENDA:** all consent agenda items listed are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items were available for public review.

1. **Approval Of Minutes** – The special meeting of August 3, 2009 and regular meeting of August 4, 2009.
2. **Resolution 2009-144R – Appointments to the Golden Crescent Regional Planning Commission:** The resolution appoints City Council members Gabriel Soliz and David Hagan to the Golden Crescent Regional Planning Commission (GCRPC) General Assembly and designates David Hagan as the member of the GCRPC Board of Directors. Scarlet Swoboda.
3. **Resolution 2009-145R – Reappointments to the Food Establishment Appeals Board:** The resolution appoints Jeff Cano, Chip Dence, Tom Halepaska, Dionne Nobles, and Peter Riesz. Scarlet Swoboda.
4. **Resolution 2009-146R – Awarding Lowe Field Lighting Project:** The resolution awards a bid for the Lowe Field Sports Lighting Project to Wendt Electrical Services, Inc. of Victoria, Texas, in the amount of \$80,381. Doug Cochran.

Cm. Soliz moved that the consent agenda be adopted, with Cm. Polasek seconding the motion. It was adopted by the following vote:

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong  
 NAYS: None

**RESOLUTION 2009-147R – APPOINTMENTS TO THE VICTORIA PARKS AND RECREATION COMMISSION**

The resolution appoints Lewis Neitsch, Barbara Allen-Lampley, and Donna Eaves to the Victoria Parks and Recreation Commission from the following nominees: Lewis Neitsch, Ashley Walyuchow, Barbara Allen-Lampley, Donna Eaves, and Dan Oliver. Scarlet Swoboda.

**CITY COUNCIL MINUTES**

**August 18, 2009**

Cm. Halepaska asked whether Mr. Walyuchow's affiliation with the University of Houston-Victoria (UHV) athletic program would be a conflict. Interim City Attorney, George E. Hyde advised that if there was compensation he would have to serve without compensation, and if a matter went to the Parks Commission concerning the University he might have to recuse himself from that particular issue.

Cm. Polasek nominated Lewis Neitsch, with Cm. Truman seconding the nomination. Mr. Neitsch was appointed by the following vote:

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong  
 NAYS: None

Cm. Rangel nominated Ashley Walyuchow, with Cm. Hagan seconding the nomination. Mr. Walyuchow received the following vote;

AYES: Council Members Rangel, Hagan, and Truman  
 NAYS: Council Members Soliz, Polasek, Halepaska, and Mayor Armstrong

Cm. Rangel nominated Barbara Allen-Lampley, with Cm. Halepaska seconding the nomination. Ms. Allen-Lampley was appointed by the following vote:

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong  
 NAYS: None

Cm. Soliz nominated Donna Eaves, with Cm. Halepaska seconding the nomination. Ms. Eaves was appointed by the following vote:

AYES: Council Members Soliz, Polasek, Hagan, Halepaska, and Mayor Armstrong  
 NAYS: Council Members Rangel and Truman

**RESOLUTION 2009-148R – VARIANCE FOR MINIMUM LOT WIDTH TO 402 SALEM ROAD**

The resolution grants a variance to Section 21-83(a)(2) of the Victoria City Code, which requires a minimum lot width for a general commercial lot of at least 100 feet on a public street, for the proposed U & T Cordova Subdivision No. 1, located at 402 Salem Road, which is owned by Uvaldo and Teresa J. Cordova. John Kaminski.

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

AYES: Council Members Rangel, Soliz, Polasek, Hagan, Truman, Halepaska, and Mayor Armstrong  
 NAYS: None

**RESOLUTION CONSIDERED TRANSFERRING OWNERSHIP OF FOUR SELF CONTAINED BREATHING APPARATUS TO VICTORIA COUNTY – PULLED FROM AGENDA**

The resolution considered transferring ownership of 4 Survivair Self Contained Breathing Apparatus (SCBA) from the Victoria Fire Department to the Victoria County Sheriff's Office for use during operations involving possible hazardous environments. The City received information that they were no longer needed, and the item was not considered. Vance Riley.

**EXECUTIVE SESSION**

Mayor Armstrong announced that Council would recess into Executive Session at 6:22 p.m., in accordance with:

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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 regarding anticipated litigation by James Wayne against the City of Victoria regarding the Laurent Street Reconstruction Project, Phase I. George E. Hyde.

The Council reconvened in regular session at 6:47 p.m. with no action taken and nothing to report. Cm. Hagan had another obligation and left the meeting at 6:48 p.m.

### WORK SESSION

#### **Proposed Fiscal Year 2009-2010 Budget**

City Manager, Charles E. Windwehen advised that a week ago he delivered the proposed budget commenting that he felt it was a highly responsible plan for the City. It was a balanced budget and addressed the priorities of the Council, Police and Fire pay, staffing for Police, and not raising the tax rate. The rate has been reduced over the past five-years from \$.70 to \$.65. He advised that the sales tax revenue was slightly down and staff would be adjusting the budget to reflect those changes.

Director of Parks and Recreation, Doug Cochran announced that the grant application to develop the Lone Tree Community Park and splash pad was recommended for approval by the State. The City Council will have to decide whether to accept the grant by September 1, 2009. There would be an impact on future budgets of approximately \$80,000 to \$100,000 each year to care for the park, which would have a splash pad, public restrooms, and a parking lot. It was the consensus of Council to move forward with the grant. There would be a three-year timeframe for completion of the Park. It was further noted that the water from the splash pad would be recycled.

Director of Public Works, Lynn Short provided a list of amendments to the Capital Improvement Plan (CIP):

1. Revision to Traffic signal at U.S. 87 and Nursery Drive - \$175,000
2. Traffic signal at Delmar and Lone Tree Road - \$250,000
3. Sam Houston Reconstruction, Phase II - \$8.9 million
4. Asphalt Reconstruction of a section of Red River (between intersection of Ben Jordan and Sam Houston) - \$1.5 million – Utilities under this section - \$1.3 million – entire project \$2.8 million

Cm. Halepaska commented that some time back there was talk about closing the railroad crossing near West High School. Mr. Short responded that it had been discussed however the Texas Department of Transportation (TxDot) was the one in charge of designing that intersection and to date there were no changes proposed. If at some later date that crossing were closed that traffic signal equipment could be used elsewhere. It was the consensus of the majority of Council to move forward with the aforementioned amendments to the CIP.

Cm. Truman commented that he would like to fund Keep Victoria Beautiful in the amount of \$45,000. He wanted them to do a City wide cleanup annually, neighborhood sweeps, and annual Hazardous Waste Day.

Cm. Polasek commented that he had been looking for money in order to fund some of these requests. He asked about commercial equipment rental, with Mr. Short advising that there are a number of pieces of equipment that the City does not own that is needed for the Outfall Maintenance Program.

Cm. Polasek asked about the proposed purchase of a Gradall, with Mr. Short advising that all excavation is done with a Gradall and are used around the clock by his crews. The one in question should have been replaced in 2008 and he highly recommends replacing it.

CITY COUNCIL MINUTES


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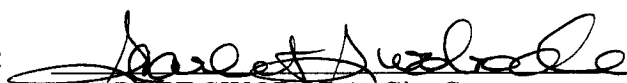
Cm. Polasek commented that there was \$140,000 in the sidewalk budget, noting that he likes to build sidewalks and he had originally wanted to build the sidewalk near Deerchase, which would cost approximately \$93,000. He was willing to eliminate that sidewalk and use that money for some of the other items.

Mayor Armstrong commented that we need to do these projects; interest rates and prices are favorable at this time. Cm. Halepaska commented that a number of years ago deteriorating streets were a concern of everyone, if we keep moving forward on these streets without raising taxes, maybe we can leave a lighter burden for the future. Mr. Windwehen advised that the five-year program on the CIP projects totals \$1,013,401. He announced that the next meeting would be on Thursday, August 27, 2009.

**ADJOURN**

There being no further business, the meeting was adjourned at 7:29 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary

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