

VICTORIA CITY COUNCIL
October 19, 2010

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 19, 2010 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
 Denise Rangel
 David Hagan
 Joe Truman
 Tom Halepaska

MEMBERS ABSENT

Paul Polasek, Mayor Pro-Tem
 Gabriel Soliz

STAFF PRESENT

Charles E. Windwehen, City Manager
 Thomas A. Gwosdz, 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
 Cheryl Marthiljohni, Director, Human Resources
 Rick Henrichs, Director, Information Technology
 Jerry James, Director, Environmental Services
 O. C. Garza, Director, Communications
 Jesse Turner, Police Captain
 Scarlet Swoboda, City Secretary

ITEMS FROM COUNCIL

Cm. Truman suggested making the area where the dirt has been excavated in Grover's Bend of Riverside Park a non-motorized bicycle area.

Mayor Armstrong advised that there was a meeting held with the Texas Department of Transportation (TxDOT) officials and some City staff. The TxDOT officials intervened on the behalf of the City and got clarification on some of the contract language. City Attorney, Thomas A. Gwosdz advised that he also had a meeting with TxDOT to follow up on ideas, and exchanged proposals on language modifications on the contract that would address the City's concerns, and at this point feels optimistic that the differences will be resolved. Mayor Armstrong added that this project would be a Council decision, and the Council will have to rethink finances and Capital Improvement Project (CIP) if everything comes true. He stated that he was in support of the project and asked the City Attorney and Deputy Director of Development Services to work through this and make a staff recommendation.

Mayor Armstrong advised that the deadline for filing the by-pass application was October 29, 2010. He stated that the Kansas City Southern Railway Company (KCS) wanted the City to apply for a grant that would be used to purchase the land for the by-pass. If the grant were not sufficient to purchase all the land, they would still want the City to purchase the land and hold the land until other funds were available to build the rail by-pass. KCS would not be putting any money into the land acquisition; however, they would build the rail by-pass with their funds. Mayor Armstrong advised that he could not recommend to Council to move forward with the application, and recommended that the project die until it was more economically feasible for KCS to put more of their efforts into it.

Mayor Armstrong welcomed the Boy Scouts in attendance.

CITIZENS COMMUNICATION

Stefany Andino, 3007 Ben Wilson, University of Houston-Victoria student asked how the KCS Railroad would benefit the economy in Victoria. It was suggested that she contact the City staff for an explanation.

CITY MANAGER REPORT

- **San Antonio Bay Partnership Update** – Director of Environmental Services, Jerry James provided background information on in-stream flow standards for the major rivers in Texas, and establishing stakeholder groups in each basin. The stakeholders address policies that would be recommended back to the State on how to address future water permits and changes in current water permits, as well as appointing a science team. James Dodson, with the San Antonio Bay Partnership, 410 W. Vine Street spoke about the stakeholder program he had been working with, suggesting that there needed to be an entity ready to implement projects that will achieve the goals of this process. He announced that there would be a “Science and the Stakeholder” Workshop on November 1-2, 2010 at the Victoria Community Center. He thanked the City for their support.

ORDINANCE 2010-24 – REGULATIONS FOR DEMO OF HISTORIC STRUCTURES

City Attorney, Thomas A. Gwosdz, read the caption of Ordinance 2010-24, which amends Section 5-5 of the Victoria City Code to establish regulations delaying the demolition of historic structures. Second and Third Reading. John Kaminski.

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

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

Caption:

AN ORDINANCE AMENDING SECTION 5-5 OF THE VICTORIA CITY CODE TO ESTABLISH REGULATIONS DELAYING THE DEMOLITION OF HISTORIC STRUCTURES, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION AND PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

CITY MANAGER REPORTS

- **City of Victoria - Electric Supply Agreement** – Director of Finance, Gilbert P. Reyna, Jr. reported on the possibility of locking in a rate for the City. He advised that he proposed extending the current agreement for five years, and by doing so, it would reduce the kilowatt-hour costs for the City. He asked Council for their support of the proposed agreement. It was the consensus of Council to move forward with the proposal.
- **Report on the rumor watch page on the web site.** O.C. Garza. **Postponed.**
- **Report on Memorandum of Understanding with the Kansas City Southern Railway Company regarding a rail by-pass.** Thomas A. Gwosdz. **No report given.**

CONSENT AGENDA: All consent agenda items listed are considered routine by the City Council and are enacted by one motion. There is no separate discussion of these items unless a Council member so requests, in which event the item is 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 October 5, 2010 and regular meeting of October 5, 2010.
2. **RESOLUTION 2010-159R – Variance Request:** The resolution grants a variance from Section 14-10(b) of the Victoria City Code, which prohibits the sale of Alcoholic Beverages within 300 feet of a church, school, or public hospital, to the convenience store located at 3702 N. Laurent Street, which is owned by Arya, Inc. Scarlet Swoboda.

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3. **RESOLUTION 2010-160R – VSTDC Programs & Expenditures:** The resolution approves the Victoria Sales Tax Development Corporation (VSTDC) programs and expenditures for the Fiscal Year 2010-2011. Andrew K. Jacob.
4. **RESOLUTION 2010-161R – Mowing Contracts:** The resolution awards the 2010-11 Grounds Maintenance and Mowing Contracts of City of Victoria Properties to (1) Kevin Brown d/b/a The Edge Landscaping of Victoria, Texas for \$71,641.70, (2) George McGrand d/b/a Martin Cleaning Service of Victoria, Texas for \$33,040, and (3) Scott Bauer d/b/a Scott Bauer's Lawn Service of Victoria, Texas for \$70,195, for a total of \$174,876.70. Lynn Short.
5. **RESOLUTION 2010-162R – Department of Information Resources Purchases:** The resolution authorizes all documents necessary to purchase various computers, computer software, computer peripheral equipment, maintenance contracts, security equipment, supplies, and phones for FY 2010-2011 from/through the Texas Department of Information Resources (DIR), in an amount not to exceed \$422,739. Rick Henrichs.
6. **RESOLUTION 2010-163R – Vehicle Purchase from Philpott Motors, Ltd.:** The resolution authorizes the purchase of two 2011 Ford 150 ½ ton Regular Cab Pickups, for \$35,461.88 (\$17,730.94 each) and one 2011 Ford 250 ¾ ton Regular Cab Pickup, for \$25,013.12, and administration fees of \$400, from Philpott Motors, Ltd. of Nederland, Texas, through the Local Government Purchasing Cooperative (Buy Board Contract #281-07), for \$60,875. Darryl Lesak.
7. **RESOLUTION 2010-164R – Pierce Dash Pumper Truck Refurbish:** The resolution awards the bid for minor refurbishing to the 2000 Pierce Dash Pumper (Fire Engine 2) to Siddons Fire Apparatus, Inc. of Houston, Texas, for \$25,706 and authorizes the execution of the contract by the City Manager. Darryl Lesak.
8. **RESOLUTION 2010-165R – Freightliner Tandem Axel Dump Trucks:** The resolution authorizes the purchase of six 2011 Freightliner Tandem Axle Dump Trucks, for \$566,580 (\$94,430 each), and one 2011 Freightliner Knuckle Boom Loader, for \$125,333.15, and administration fees of \$400, from Freightliner of San Antonio, Ltd. of San Antonio, Texas, through the Local Government Purchasing Cooperative (Buy Board Contract #281-07), for \$692,313.15. Darryl Lesak.
9. **RESOLUTION 2010-166R – Houston Metro Internet Crimes Against Children Task Force:** The resolution authorizes the City Manager to execute a Letter of Agreement with the Houston Metro Internet Crimes Against Children (ICAC) Task Force. Bruce Ure.
10. **RESOLUTION 2010-167R – Transit System Interlocal Agreement:** The resolution authorizes the City Manager to execute an Interlocal Agreement with the Golden Crescent Regional Planning Commission (GCRPC) for operation of a Transit System in the City of Victoria for 2010-2011 and provides City funding in the amount of \$164,542. John Kaminski.
11. **RESOLUTION 2010-168R – Drainage Ditch and Outfall Mowing Contract:** The resolution authorizes the First Renewal and Amendment No. 2 to the FY-2010 Mowing of Drainage Ditches and Outfalls Contract between the City of Victoria and Winston Wilson d/b/a W. W. Services for FY-2011, which will provide for an increase in the scope and/or quantity of work, increasing Amendment No. 1 to the original contract amount by \$38,999.48, bringing the total contract amount to \$246,899.48. Doug Cochran.
12. **RESOLUTION 2010-169R – Air Quality Grant:** The resolution authorizes an Interlocal Agreement between the University of Texas at Austin and the City of Victoria for Air Quality Research Activities, for \$263,370, funded entirely by the Texas Commission on Environmental Quality (TCEQ) Grant 582-11-1125 – 2010-11 Biennium Work Plan. Jerry James.

Cm. Hagan moved that the consent agenda be adopted, with Cm. Halepaska seconding the motion. The consent agenda was adopted by the following vote:

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

RESOLUTION 2010-170R – ABANDONING RIGHTS, TITLE TO PROPERTY AT 403 S. EAST STREET

The resolution abandons all of City of Victoria's right, title and interest, in and to the property and appurtenances located at 403 S. East Street, Victoria, Texas 77901, which may have been acquired by the City through an implied donative transfer from the owner of the underlying fee estate. Thomas A. Gwosdz.

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

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

RESOLUTION 2010-171R – 2010 COMMUNITY ORIENTED POLICING SERVICES HIRING RECOVERY PROGRAM GRANT (COPS)

The resolution accepts the 2010 Community Oriented Policing Services (COPS) Hiring Recovery Program Grant, for the salary of five full time police officers for up to three-years, for approximately \$941,215 from the U.S. Department of Justice, with no City matching funds during the three-years. Jesse Turner.

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

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

The Council recognized Captain Turner for the number of grants, totaling over \$2 million that he has been able to obtain for the benefit of the City.

RESOLUTION 2010-172R – AUTHORITY OF DEPUTY CITY MANAGER IN ABSENCE OF CITY MANAGER

The resolution authorizes the Deputy City Manager and/or Assistant City Manager, to perform all duties of the City Manager as Chief Executive Officer, as provided in Article III, Sections 1 and 2 of the City Charter, during the absence of the City Manager. Thomas A. Gwosdz.

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

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

RESOLUTION 2010-174R – TXDOT PASS-THROUGH AGREEMENT

No action was taken on the resolution.

EXECUTIVE SESSION

Mayor Armstrong announced that Council would recess into Executive Session at 5:45 p.m., in accordance with:

Texas Government Code § 551.072, 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 property for proposed business park). Thomas A. Gwosdz.

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Texas Government Code § 551.071, 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 the termination of the Tax Abatement Agreement with StarTek USA, Inc.). Thomas A. Gwosdz.

The Council reconvened in regular session at 5:55 p.m. and considered the following:

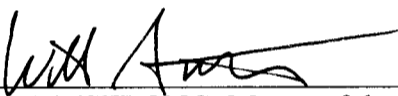
RESOLUTION 2010-173R – TERMINATION OF STARTEK USA, INC., TAX ABATEMENT

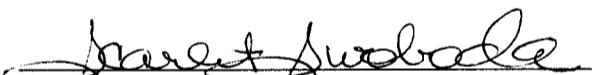
The resolution authorizes the City Manager to execute all documents necessary to terminate the Tax Abatement Agreement between the City of Victoria, Victoria County, and StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC. Thomas A. Gwosdz.

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

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

There being no further business, the meeting was adjourned at 5:57 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
