

CITY COUNCIL MINUTES
August 27, 2002

City Attorney, David Smith, read the caption of Ordinance 2002-14, setting the tax rate at a total rate of \$.70 per \$100 of property valuation and levying tax upon all property subject to taxation within the City of Victoria, Texas for the 2002 tax year for the use and support of the municipal government of the City of Victoria. The ordinance provides for the assessment and collection of taxes, apportioning said levy among the various funds and items for which revenue must be raised including providing a sinking fund for the retirement of the bonded debt of the city, provides for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code. First Reading. Gilbert Reyna, Jr.

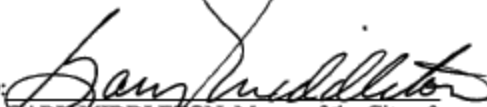
Cm. Buckert moved that the ordinance pass on first reading, with Cm. Neitsch seconding the motion. The ordinance passed on first reading by the following vote:


AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Watkins and Mayor Middleton
NAYS: None

Caption:

AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$.70 PER \$100 OF PROPERTY VALUATION AND LEVYING TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2002 TAX YEAR FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

There being no further business, the meeting was adjourned at 8:48 p.m.

APPROVED: 
GARY MIDDLETON, Mayor of the City of Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
September 3, 2002

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:06 p.m. Tuesday, September 3, 2002 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

Gary Middleton, Mayor
Philip Guittard
Lewis Neitsch
Bill Russell
Jim Wyatt
Wayne Watkins

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
David Smith, City Attorney
Miles Risley, Assistant City Attorney
Gilbert Reyna, Jr., Director, Finance
Wayne Cockroft, Director, Utilities

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John Kaminski, Director, Planning
John Johnston, Director, Public Works
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Shirley Buckert

APPROVAL OF MINUTES

The minutes of the regular meeting of August 20, 2002 were approved as presented.

CITIZENS COMMUNICATION

Greg Williams, 5507 N. Main, addressed Council concerning the screening fence ordinance, as it relates to non-residential use. He questioned the change in "land use intensity" and discussed the reasons that he felt a screening fence should be required along his property and the drive built to serve Spring Creek Self Storage.

David Smith, City Attorney, advised that the rental units are located in the county, and the screening fence ordinance does not apply to a private drive, as driveways are not considered commercial property. He advised that he would study the land use intensity issue and report back to Council.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following items:

ORDINANCE 2002-14 - APPROVING SETTING THE TAX RATE AT \$.70 PER \$100 OF PROPERTY VALUATION

The ordinance considers setting a tax rate of \$.70 per \$100 of property valuation. Gilbert Reyna, Jr.

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

ORDINANCE 2002-03 - APPROVING THE 2002-2003 FISCAL YEAR BUDGET FOR THE CITY OF VICTORIA

The ordinance considers approving the 2002-2003 Fiscal Year Budget for the City of Victoria. Gilbert Reyna, Jr.

Mr. Reyna presented corrections to the section dealing with the Community Development Block Grant (CDBG) portion of the budget and advised that the City budget would need to be amended to include those corrections.

Mayor Middleton asked if there were any questions from Council or the audience. There were none, and Mayor Middleton closed the public hearing.

RESOLUTION 2002-138R - AUTHORIZING AN ELECTRIC SUPPLY AGREEMENT WITH SOUTH TEXAS AGGREGATION PROJECT, INC.

The resolution authorizes the City Manager to execute an Electric Supply Agreement pursuant to the contract to be signed by South Texas Aggregation Project, Inc. for deliveries of electricity effective January 1, 2003. David A. Smith.

Members of Council requested that they receive periodic reports on the cost and savings associated with this contract.

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

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AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-139R – AWARDING OF REHABILITATION OF WATER WELL NO. 25 PROJECT TO CROWELL DRILLING COMPANY, INC.

The resolution awards the Rehabilitation of Water Well No. 25 Project to Crowell Drilling Company, Inc. of Louise, Texas, in the amount of \$44,780. Wayne Cockroft.

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, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-140R – AWARDING WATER AND WASTEWATER IMPROVEMENTS PROJECT TO MERCER CONSTRUCTION COMPANY, INC.

The resolution awards the Water and Wastewater Improvements Project - Plant to Tower 1 Interconnect, Highway 59B Force Main, Pressure Plane Relocation Project to Mercer Construction Company, Inc. of Edna, Texas, in the amount of \$564,095.20. Wayne Cockroft.

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, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-141R – AWARDING THE 2001-2002 WATER AND SEWER LINE EXTENSIONS PROJECT TO MERCER CONSTRUCTION COMPANY, INC.

The resolution awards the 2001-2002 Minor Water Line and Sewer Line Extensions Project to Mercer Construction Company, Inc. of Edna, Texas, in the amount of \$98,765. Wayne Cockroft.

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

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-142R – AWARDING THE 2001-2002 SANITARY SEWER LINE CLEANING PROJECT TO SPECIALIZED MAINTENANCE SERVICES, INC.

The resolution awards the 2001-2002 Sanitary Sewer Line Cleaning Project to Specialized Maintenance Services, Inc. of Pasadena, Texas, in the amount of \$115,248.05. Wayne Cockroft.

No action was taken on this resolution.

RESOLUTION 2002-143R – AWARDING THE VINE STREET EXTENSION SEWER AND LIFT STATIONS PROJECT TO BRH GARVER CONSTRUCTION, LTD.

The resolution awards the Vine Street Extension Sewer and Lift Stations Project to BRH Garver Construction, Ltd. of Houston, Texas, in the amount of \$2,546,867. Wayne Cockroft.

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

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

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RESOLUTION 2002-144R - AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TURNER COLLIE & BRADEN, INC. FOR THE VINE STREET SEWER EXTENSION PROJECT

The resolution authorizes an amendment to the Professional Services Agreement with Turner Collie & Braden, Inc. for Project Design, Bidding, Construction Administration, Surveying, Geotechnical Services, Control Staking, and Testing for the Vine Street Sewer Extension Project by adding \$38,500 for additional design services for the rehabilitation of the Loop 463 Lift Station, the addition of approximately 3,000 feet of 20" force main, and added bidding and contract supervision services, increasing the total contract amount to \$322,700. Wayne Cockcroft.

Cm. Watkins 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, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-145R - AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH TURNER COLLIE & BRADEN, INC. FOR THE VINE STREET DIVERSION

The resolution amends the Professional Services Agreement with Turner Collie & Braden, Inc. for the Vine Street Diversion Sewer phase of the Sanitary Sewer Improvement Program by adding \$32,700 for additional construction phase services, which will increase the total contract amount to \$1,355,260. Wayne Cockcroft.

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

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-146R - GRANTING A VARIANCE FOR THE RESERVE SUBDIVISION LOCATED ON THE SOUTH SIDE OF BEN JORDAN STREET OWNED BY STEVE KLEIN

The resolution grants variances to Section 21-54(a) and 21-55(b)(5) of the Victoria City Code, which require dedication of right-of-way of at least 60 feet in width and street construction of at least 36 feet in width, and require a minimum of two points of public street access for a subdivision containing more than 50 lots, to The Reserve Subdivision, located on the southeast side of Ben Jordan Street between John Stockbauer Drive and Lone Tree Creek, which is owned by Steve Klein. John Kaminski.

Cm. Russell 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, Russell, Watkins and Mayor Middleton

NAYS: Council Member Wyatt

RESOLUTION 2002-147R - GRANTING A VARIANCE AT 2105 PLEASANT GREEN, OWNED BY ST. PAUL BAPTIST CHURCH

The resolution grants variances to Section 21-54(b)(2) and Subsections (4), (6), and (7) of Section 21-83(a) of the Victoria City Code, which requires the dedication of right-of-way in accordance with the Master Thoroughfare Plan and the establishment of a front-yard setback of 25 feet, exterior side yard setback of 20 feet, and rear setback of 20 feet (when abutting a residential use) to 2105 Pleasant Green, which is owned by St. Paul Baptist Church. John Kaminski.

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

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AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

ORDINANCE 2002-03 - APPROVING THE 2002-2003 FISCAL YEAR BUDGET FOR THE CITY OF VICTORIA

City Attorney, David Smith, read the caption of Ordinance 2002-03, which approves and adopts a budget for operating the Municipal Government of the City of Victoria for the fiscal year beginning October 1, 2002, and ending on September 30, 2003. It appropriates money for the various funds and purposes of such budget including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness. Third Reading. Gilbert Reyna, Jr.

Cm. Guittard moved to amend the ordinance by \$9,060 to upgrade the part-time employee in the children's section of the Library to a full time position, with Cm. Watkins seconding the motion. The ordinance was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

Cm. Russell moved to amend the ordinance to keep the level of employee health fund contributions the same as the current year. The motion died from a lack of a second.

Cm. Russell moved to amend the budget to reflect the changes to the Community Development Block Grant (CDBG) portion of the budget, with Cm. Watkins seconding the motion. The ordinance was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

Cm. Russell moved that the ordinance pass on third reading, with Cm. Guittard seconding the motion. The ordinance passed, as amended, on third reading by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

Caption:

APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING ON SEPTEMBER 30, 2003; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; REPEALING ALL CONFLICTING ORDINANCES AND APPROPRIATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-14 - APPROVING SETTING THE TAX RATE AT \$.70 PER \$100 OF PROPERTY AND LEVYING TAX UPON PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS

City Attorney, David Smith, read the caption of Ordinance 2002-14, setting the tax rate at a total rate of \$.70 per \$100 of property valuation and levying tax upon all property subject to taxation within the City of Victoria, Texas for the 2002 tax year for the use and support of the municipal government of the City of Victoria. The ordinance provides for the assessment and collection of taxes, apportions said levy among the various funds and items for which revenue must be raised including providing a sinking fund for the retirement of the bonded debt of the city, provides for penalties and interest for delinquent taxes as prescribed by the Texas Tax Code. Second and third reading. Gilbert Reyna, Jr.

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

AYES: Council Members Guittard, Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

Caption:

AN ORDINANCE SETTING THE TAX RATE AT A TOTAL RATE OF \$.70 PER \$100 OF PROPERTY VALUATION AND LEVYING TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF VICTORIA, TEXAS FOR THE 2002 TAX YEAR FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF VICTORIA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES, APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY, PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT TAXES AS PRESCRIBED BY THE TEXAS TAX CODE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 6:50 p.m., in accordance with:

Section 551.071, Texas Government Code, consultation with attorney on matter involving litigation or potential litigation 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, without limitation, potential litigation involving computer system). David A. 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 person. David A. Smith.


Section 551.074 Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the City Manager). Scarlet Swoboda.

The Council reconvened in regular session at 8:32 p.m. and considered the following:

ITEMS FROM COUNCIL

Mayor Middleton presented a handout of proposed projects that would be considered for the Victoria Sales Tax Development Corporation budget, and asked that Council Members review them.

There being no further business, the meeting was adjourned at 8:33 p.m.

APPROVED: 
GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary
