

CITY COUNCIL MINUTES

December 26, 2002

reimburse the City or to pay directly any expense, including any condemnation costs, if any, to acquire any land, to build roadways and to construct a 5 lane entrance and exit to The Victoria Mall. A contract shall be prepared and any obligations of the City of Victoria under contract and any obligations to the City of Victoria shall be adequately secured so that in no event shall there be any expense to the taxpayers of the City, with Mayor Middleton seconding the motion. The resolution was amended by the following vote:

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

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

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

There being no further business, the meeting was adjourned at 6:05 p.m.

APPROVED: 
GARY MIDDLETON, Mayor of the City of

Victoria, Texas

ATTEST: 
WENDI DUVALL, Deputy City Secretary

VICTORIA CITY COUNCIL

January 7, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:04 p.m. Tuesday, January 7, 2003 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
Shirley Buckert
Jim Wyatt
Wayne Watkins

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
Miles Risley, Assistant City Attorney
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Wayne Cockroft, Director, Utilities
Steve Trevino, Director, IMS
Wendi DuVall, Deputy City Secretary

APPROVAL OF MINUTES

None were presented.

CITIZENS COMMUNICATION

No one wished to address Council.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following item:

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RESOLUTION 2003-1R – AUTHORIZING ISSUANCE OF MEDICAL TRANSFER SERVICES PERMITS

The ordinance considers issuing medical transfer services permits to Zillmer West, Inc. d/b/a Coastal Medical Service; Charles Sargent d/b/a Quality Ambulance Service; and Gussie Stafford Felps d/b/a Regional Ambulance Service. Wendi DuVall.

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

CITY MANAGER REPORTS**Delinquent Tax Collection Activities**

Chip Sutton, Attorney with Linebarger Goggin Blair and Sampson, LLP, presented a report on the delinquent tax collection activities for the City of Victoria. He advised that \$642,777 in taxes, penalty, and interest were collected for the City in 2002. He advised that delinquent tax collection has increased each year. He announced that his firm would be opening an office at 120 S. Main in the near future.

Code Adoptions

Steve Trevino, Director of Inspection and Maintenance Services, advised that an ordinance would be presented at the next meeting to consider adopting the International Mechanical Code, International Plumbing Code, and the International Fuel Gas Code. The proposed codes would replace the 1997 editions of the Standard Codes that are currently in effect. He advised that the Plumbing Code proposes a change, whereby the construction specifications and the inspection of grease traps would transfer from the Utilities Department back to the Inspections Department.

Citizen's Academy

O. C. Garza, Public Information Officer, presented a packet of information and advised that he was attempting to start a Citizen's Academy. The program would give a broad based look at the services and functions of the various departments and how the City is governed. The program is geared to individuals that are interested in finding out more about how the City operates. He advised that there has been an overwhelming response from citizens interested in participating.

Residential Street Repair

Charles Windwehen, Assistant City Manager, presented five options. Option I is the plan that was presented on December 17th. The other four are derivatives of Option I.

- **Option I**

As presented to Council at December 17th Council meeting. This was a four-year plan to allocate \$16.24 million in resources from the following sources: 1) \$166,000 from the 2001-2002 Street Budget; 2) \$1,400,000 left over from water/wastewater bond projects; 3) \$4,900,000 from a Certificate of Obligation debt to be issued; 4) Approximately \$1,500,000 a year from the General Fund Street Department Budget, and approximately \$1,000,000 a year from the Water/Wastewater Fund Operating Budget. It would accomplish major street maintenance (\$8,559,800) as well as water, sewer and drainage improvements (\$6,720,000) for a total of approximately \$15,300,000.

- **Option II**

Not issue any Certificate of Obligation Debt right now. Go out to bid in February 2003 for street maintenance in Mayfair Terrace, Sam Houston Heights, and Shenandoah Subdivisions. Cost estimate is \$1,572,000. These projects are already included in the approved 2002-2003 Budget. At a later date, after Council has performed a more thorough review of priority needs and available resources, a Certificate of Obligation could be issued and coupled with other resources identified in Option I for funding projects.

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• **Option III**

The City Council could authorize the issuance of the \$5 million Certificate of Obligation right away, and use some of the other resources available to fund all of the street work proposed in Option I for 2002-2003 and 2003-2004. Subdivisions included would be: Mayfair Terrace, Sam Houston Heights, Shenandoah, East Side Addition, Cimarron, Benchmark and Country Club Village, Meadows Subdivision, Hillcrest Addition, Northcrest and Fleetwood. Street maintenance cost would be \$6,606,000. Utility cost would be \$545,000 for Hillcrest, for a total cost of \$7,151,000.

Resources could be identified as follows:

1) Proceeds from Certificate of Obligation	\$4,900,000
2) Use of left-over 2001-2002 Street Budget	134,000
3) 2002-2003 General Fund Street Department	1,572,000
4) Water/Wastewater Fund	<u>545,000</u>
Total	\$7,151,000

This option would only require \$134,000 of the \$166,000 left-over from the 2001-2002 Street Budget. It would only use \$545,000 of the \$700,000 in the Water/Wastewater Budget.

• **Option IV**

The City could plan to do just the work identified in Option I for 2002-2003. Total cost would be \$3,811,000 for the seven subdivisions identified.

This could be funded as follows:

1) Use of left-over 2001-2002 Street Budget	\$ 166,000
2) 2002-2003 General Fund Street Budget	1,572,000
3) Proceeds from Certificate of Obligation Issuance	<u>2,073,000</u>
Total	\$3,811,000

• **Option V**

This option could be just like Option IV, except that the City would decide soon to move forward with the \$5,000,000 face value Certificate of Obligation issue, identify the projects to be funded as shown in Option IV that total \$3,811,000. There would be additional funds available of approximately \$2,827,000 (\$4,900,000 - \$2,073,000). Council could decide the projects to be funded with these resources over the next several weeks.

The majority of Council expressed the desire to go with Option III. Denny Arnold, City Manager, reminded Council that going with Option III would use up all of the debt capacity and the Certificates of Obligation.

RESOLUTION 2003-1R – AUTHORIZING ISSUANCE OF MEDICAL TRANSFER SERVICES PERMITS

The resolution authorizes issuing medical transfer services permits to Zillmer West, Inc. d/b/a Coastal Medical Service; Charles Sargent d/b/a Quality Ambulance Service; and Gussie Stafford Felps d/b/a Regional Ambulance Service. Wendi DuVall.

Cm. Russell moved to amend the resolution to postpone action on Regional Ambulance Service at this time, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

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

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

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

NAYS: None

RESOLUTION 2003-2R – APPOINTING THREE MEMBERS TO THE VICTORIA SALES TAX DEVELOPMENT CORPORATION

The resolution authorizes the re-appointment of Philip Guittard, Chuck Simonds, and Vincent Harris to the Victoria Sales Tax Development Corporation. Wendi DuVall.

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

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

NAYS: None

RESOLUTION 2003-3R – APPOINTING TWO MEMBERS TO THE VISITORS BUREAU

The resolution authorizes the appointment of Tom Tucker and Jeannine Adams to the Victoria Chamber of Commerce Convention and Visitors Bureau. Wendi DuVall.

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, Buckert, Wyatt, Watkins and Mayor
Middleton

NAYS: None

RESOLUTION 2003-4R – AWARDING ANNUAL SUPPLY CONTRACT TO INGRAM READY MIX, INC.

The resolution awards an Annual Supply Contract for Ready-Mix Concrete and Grout to Ingram Ready Mix, Inc. of New Braunfels, Texas in the amount of \$205,575. Wayne Cockroft.

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

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

NAYS: None

RESOLUTION 2003-5R – AUTHORIZING EMERGENCY SEWER LINE REPAIR ON NORTH DELEON

Consider authorizing the City Manager to execute the Emergency Sewer Line Repair of 1200 Block of N. DeLeon (from Rio Grande to Nueces) with Benco Contracting, Inc. in an amount not to exceed \$42,000. 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, Buckert, Wyatt, Watkins and Mayor
Middleton

NAYS: None

RESOLUTION 2003-6R – AUTHORIZING TWO CHANGE ORDERS FOR THE NORTHCREST HIGHLAND AREA DRAINAGE IMPROVEMENTS PROJECT

The resolution authorizes the Director of Public Works to execute Change Order Numbers Two and Three for the Northcrest Highland Area Drainage Improvements Project for minor quantity

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changes for widening or matching the existing driveways, in the amount of \$82,895.95, and for additional concrete thickness at the end of the driveways and other citizen-request changes in the amount of \$77,210.10, which will bring the total contract amount to \$4,414,266.60. John Johnston.

Cm. Watkins 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, Russell, Buckert, Wyatt, Watkins and Mayor
Middleton
NAYS: None

RESOLUTION 2003-7R – AUTHORIZING INTERVENTION IN CENTRAL POWER AND LIGHT'S REQUEST TO RECONCILE FUEL COSTS

The resolution authorizes the intervention in Central Power and Light Company's request to reconcile fuel costs incurred during the period July 1, 1998 through December 31, 2001, filed at the Public Utility Commission of Texas and assigned Docket No. 27035, authorizes the joining with other intervening cities to protect municipal and rate payer interests, authorizes the hiring of attorneys and consultants, and requires reimbursement of the cities ratemaking costs. Miles Risley.

Cm. Russell 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, Buckert, Wyatt, Watkins and Mayor
Middleton
NAYS: None

ORDINANCE 2002-23 – AMENDING SECTION 10-22.1 OF THE VICTORIA CITY CODE TO EXPAND THE NOISE DISTANCE LIMIT FOR PLACES OF AMUSEMENT

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2002-23, which amends Section 10-22.1 of the Victoria City Code to expand the application of the distance limit on sound produced by sound amplifying devices to places of amusement. Second and third reading. Miles Risley.

Cm. Russell moved to amend the ordinance to include the changes as presented by Mr. Risley, with Cm. Guittard seconding the motion. The ordinance was amended by the following vote:

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

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

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

Caption:

AN ORDINANCE AMENDING SECTION 10-22.1 OF THE VICTORIA CITY CODE TO EXPAND THE APPLICATION OF THE DISTANCE LIMIT ON SOUND PRODUCED BY SOUND AMPLIFYING DEVICES TO PLACES OF AMUSEMENT, REPEALING CONFLICTING PARTS OF ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION, PROVIDING FOR ENFORCEMENT, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

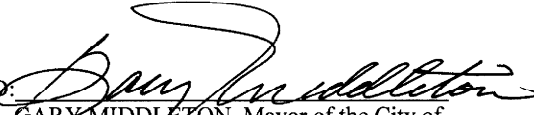
Mayor Middleton announced that there was no need for an Executive Session.

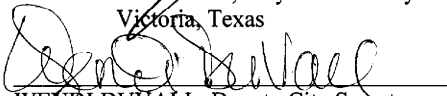
ITEMS FROM COUNCIL

Cm. Guittard invited the public to attend the Victoria Public Library "Victoria Reads" kickoff reception at the Uptown Downtown, beginning at 7:00 p.m. this evening.

Mayor Middleton advised that citizen's and businesses in the community have been getting billed for hundreds or thousands of dollars for electrical use adjustments from previous month's billings, since deregulation. He requested that the City Attorney compile a list of citizen's and businesses affected in order to make the State aware of the City's concerns on behalf of their citizens.

There being no further business, the meeting was adjourned at 6:17 p.m.

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

ATTEST: 
WENDI DUVALL, Deputy City Secretary
