


CITY COUNCIL MINUTES
April 15, 2003

APPROVED:


 GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST:


 SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
May 6, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:05 p.m. Tuesday, May 6, 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

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
David Smith, City Attorney
Miles Risley, Assistant City Attorney
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Wayne Cockroft, Director, Utilities
Jerry Seifert, Fleet Administrator
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Wayne Watkins

APPROVAL OF MINUTES

The minutes of the regular meeting of April 15, 2003 were approved as presented.

CITIZENS COMMUNICATION

Bill Richter, 401 Dundee, presented a handout pleading with Council to delay the vote on the Guadalupe-Blanco River Authority (GBRA) water agreement and do further study. He expressed the opinion that there was sufficient water supply and safety factor, and an agreement with GBRA was not necessary.

Mayor Middleton explained that the proposed agreement would increase the City's reliability, and provide the citizens a guarantee of good water. He explained that the agreement would put in place a contract with the other entities, so that some future Council would be able to purchase water rights at the appropriate time, and would give the City senior water rights over San Antonio.

Richard Fritz, 104 Woodwind Drive, also expressed concerns with the GBRA agreement. He spoke in support of the Fire Department, but expressed concerns with the ordinance addressing street widths and suggested leaving them at 36 feet instead of lowering them to 30 feet. He expressed concern that insurance rates would go up because of fire losses if the Fire Department were not able to maneuver narrower streets.

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OATH OF OFFICE

The Oath of Office was administered to Philip Guittard, City Council Member, District 1; Lewis Neitsch, City Council Member, District 2; Bill Russell, City Council Member, District 3, and Shirley Buckert, City Council Member, District 4. All ran unopposed and the election which was to have been held May 3, 2003 was canceled pursuant to Ordinance 2003-6 issued on April 1, 2003.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following items:

ORDINANCE 2003-7 – AMENDING CHAPTER 21 “SUBDIVISION AND DEVELOPMENT” OF THE VICTORIA CITY CODE

The ordinance considers amending various sections of Chapter 21, Subdivision and Development, of the Victoria City Code, involving requirements for utility placement, street design, side-yard setback, driveway width, screening fences, manufactured home parks, RV parks, landscaping, on-premise signs, and residential fences, and repeals parts of conflicting ordinances. John Kaminski.

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

ORDINANCE 2003-8 – ANNEXATION OF APPROXIMATELY 528 ACRES OF LAND INTO THE CITY LIMITS

ORDINANCE 2003-9 – ANNEXATION OF APPROXIMATELY 359 ACRES OF LAND INTO THE CITY LIMITS

ORDINANCE 2003-10 – ANNEXATION OF APPROXIMATELY 80 ACRES OF LAND INTO THE CITY LIMITS

The three ordinances consider annexation of approximately 967 acres of land. These areas have been described in two previous public hearings. John Kaminski.

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

Report on Community Development Block Grant (CDBG) Funding for Program Year 2003-2004

John Kaminski, Director of Planning, advised that Housing and Urban Development (HUD) had posted the final Community Development Block Grant (CDBG) funding allocations for the next year. He advised that the City's allocation for the coming year would be \$783,000, which is a decrease of 20% from the current year's allocation of \$979,000. He advised that the reduction was the result of applying the 2000 census data to the CDBG funding formula, adding that the same formula will be used for the next ten years. The reduction of nearly \$200,000 would impact the CDBG budget and decisions would have to be made about whether to eliminate programs or cut programs across the board.

Mr. Kaminski advised that the staff had been working on developing budget scenarios and would bring forth a final recommendation at a later date, but had these preliminary suggestions:

- Remain in the Silver City neighborhood for another year in order to continue activities that were started
- Focusing on housing related programs, as mortgage assistance and owner occupied rehabilitation have been very successful programs
- Eliminate park improvement and other public improvement activities
- Shift some of the funding to Historic Preservation activities in downtown Victoria

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Cm. Wyatt requested that this topic be further discussed at a future work session.

RESOLUTION 2003-65R – AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PLANNING AND DEVELOPMENT SERVICES, INC., D/B/A KNUDSON & ASSOCIATES FOR DOWNTOWN VICTORIA MASTER PLAN

The resolution authorizes a Professional Services Agreement with Planning and Development Services, Inc. d/b/a Knudson & Associates for Intersection Design Development for the Downtown Victoria Master Plan in the amount of \$29,172 (\$13,700 to be funded by Community Development Block Grant funds and \$15,472 to be funded by Victoria Sales Tax Development Corporation (VSTDC) funds), subject to VSTDC approval, and approves VSTDC expenditure of funds for this project. John Kaminski.

Jim Patterson, Landscape Architect with Knudson & Associates, presented a presentation outlining the goals of the Downtown 20/20 Committee, which are:

- Celebrate Victoria's Heritage, by enhancing Deleon Plaza and developing the four streets surrounding it
- Create a pedestrian friendly downtown, by improving sidewalk issues for handicap accessibility with curb extensions
- Enhance the green character of downtown
- Address downtown parking and providing covered walkways
- Make downtown attractive, accessible, and functional
- Unify Victoria's unique image and visual character
- Promote economic development in tourism

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

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

RESOLUTION 2003-62R – AWARDING BID FOR 2001-03 SANITARY SEWER LINE CLEANING PROJECT TO UTILITY AND ENVIRONMENTAL SERVICES

The resolution awards the bid for the 2001-03 Sanitary Sewer Line Cleaning Project to Utility and Environmental Services, Inc. of Dallas, Texas in the amount of \$148,422.50. 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, and Mayor Middleton
NAYS: None

RESOLUTION 2003-63R – AWARDING BID FOR THE AERATOR DEMOLITION PROJECT TO A&R DEMOLITION, INC

The resolution awards the bid for the Aerator Demolition Project, Water Treatment Plant #3 to A&R Demolition, Inc. of Del Valle, Texas in the amount of \$222,452.47. Wayne Cockroft.

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

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

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RESOLUTION 2003-64R – AUTHORIZING PURCHASE OF ONE ¾ TON CREW CAB PICKUP TRUCK FROM RED MCCOMBS DODGE

The resolution authorizes the purchase of one ¾ ton crew cab pickup truck to Red McCombs Dodge of San Antonio, Texas in the amount of \$17,386, less trade-in valued at \$2,000 for a total cost of \$15,386. Jerry Seifert.

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

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

RESOLUTION 2003-66R – GRANTING VARIANCE TO GAS DRILLING ORDINANCE TO THE WILLIAM HAWLEY SURVEY AT 7700 BLOCK OF U.S. HIGHWAY 59 NORTH

The resolution grants variances from Sections 16-24, 16-30, 16-34, 16-39, 16-40, 16-42, 16-47, and 16-56 of the Victoria City Code which require a \$100,000 surety bond, require a security fence during drilling operations, prohibit excessive noise between the hours of 9:30 p.m. and 7:00 a.m., require all oil field wastes derived with the drilling to be discharged into a portable steel tank and be removed during the hours of 7:00 a.m. to 7:00 p.m., require three-ply board road be constructed from the public road to the drill site, prohibit delivery of oil and gas equipment between the hours of 7:00 p.m. to 7:00 a.m., prohibit utilization of earthen pits during the drilling phase, require material produced to be stored in metal containers and be collected during the hours of 7:00 a.m. to 7:00 p.m., and require the applicant to plat the production site within 90 days of commencement of the drilling activities in accordance with Chapter 21 of the City Code, to a proposed oil & gas well in the William Hawley Survey, Abstract 177, Victoria County, 7700 Block of U.S. Highway. 59 North, to be drilled by Brayton Operating Corporation of Corpus Christi, Texas. John Johnston.

Cm. Wyatt moved to amend the ordinance by omitting the variance request, which prohibits utilization of earthen pits during the drilling phase, with Cm. Russell seconding the motion. The resolution was amended by the following vote:

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

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

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

RESOLUTION 2003-67R – RATIFYING A PROJECT AGREEMENT WITH THE DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

The resolution ratifies a Project Agreement with the United States Department of Agriculture - Natural Resources Conservation Service (NRCS), for the installation of emergency watershed protection measures (levee repairs), in an amount not to exceed \$161,000, subject to a City match of approximately \$56,000 of cash and in-kind services. David A. Smith.

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, and Mayor Middleton
 NAYS: None

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RESOLUTION 2003-68R – AUTHORIZING AN AGREEMENT WITH GUADALUPE-BLANCO RIVER AUTHORITY (GBRA), SAN ANTONIO RIVER AUTHORITY (SARA), AND SAN ANTONIO WATER SYSTEM (SAWS) FOR WATER RIGHTS IN THE GUADALUPE RIVER

The resolution authorizes the City Manager to execute an Agreement among City of Victoria, Texas, and Guadalupe-Blanco River Authority (GBRA), San Antonio River Authority (SARA), and San Antonio Water System (SAWS) for the sale, purchase, and/or lease of water rights in the Guadalupe River by the City of Victoria with an obligation by SAWS and SARA to lease water rights until needed in the future by the City of Victoria at no cost to City of Victoria rate-payers, plus other consideration expressed therein. Jerry James.

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, and Mayor Middleton
NAYS: None

ORDINANCE 2002-03D – AMENDING 2002-2003 FISCAL YEAR BUDGET FOR LOCAL MATCH OF A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TRANSPORTATION ENHANCEMENT PROGRAM GRANT

City Attorney, David Smith, read the caption of Ordinance 2002-03D, which amends the 2002-2003 Fiscal Year Budget of the City of Victoria by transferring \$115,552.80 from the General Fund Fund Balance to the Street Department Capital Sidewalk Line Item to provide funding for the City's local match portion of a Texas Department of Transportation (TxDOT) Transportation Enhancement Program Grant, authorizes the City Manager to execute an agreement with TxDOT to accept the Transportation Enhancement Program Grant in the amount of \$577,764, with \$462,211.23 in federal/state funds. Second and third reading. John Kaminski.

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

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

Caption:

AN ORDINANCE AMENDING THE 2002-2003 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$115,552.80 FROM THE GENERAL FUND FUND BALANCE TO THE STREET DEPARTMENT CAPITAL SIDEWALK LINE ITEM TO PROVIDE FUNDING FOR THE CITY'S LOCAL MATCH PORTION OF A TXDOT TRANSPORTATION ENHANCEMENT PROGRAM GRANT, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TXDOT TO ACCEPT THE TRANSPORTATION ENHANCEMENT PROGRAM GRANT IN THE AMOUNT OF \$577,764, WITH \$462,211.23 IN FEDERAL/STATE FUNDING, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2003-7 – AMENDING CHAPTER 21 “SUBDIVISION AND DEVELOPMENT” OF THE VICTORIA CITY CODE

City Attorney, David Smith, read the caption of Ordinance 2003-7, which amends various sections of Chapter 21, Subdivision and Development, of the Victoria City Code, involves requirements for utility placement, street design, side-yard setback, driveway width, screening fences, manufactured home parks, RV parks, landscaping, on-premise signs, and residential fences, and repeals parts of conflicting ordinances. Second Reading. John Kaminski.

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Members of Council discussed the number of entrances required for subdivisions with more than 50 lots. It was suggested that the minimum street width be no less than 30 feet. There was further discussion about signage, and landscaping, with a consensus of Council wanting to revisit the types of trees and ground cover allowed.

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

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

Caption:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 21, SUBDIVISION AND DEVELOPMENT, OF THE VICTORIA CITY CODE, INVOLVING REQUIREMENTS FOR UTILITY PLACEMENT, STREET DESIGN, SIDE-YARD SETBACK, DRIVEWAY WIDTH, SCREENING FENCES, MANUFACTURED HOME PARKS, RV PARKS, LANDSCAPING, ON-PREMISE SIGNS, AND RESIDENTIAL FENCES, REPEALING PARTS OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, PROVIDING A PENALTY NOT TO EXCEED \$500 UPON CONVICTION, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2003-8 – ANNEXATION OF APPROXIMATELY 528 ACRES OF LAND INTO THE CITY LIMITS

City Attorney, David Smith, read the caption of Ordinance 2003-8, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 528 acres of land, and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

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

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

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 528 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2003-9 – ANNEXATION OF APPROXIMATELY 359 ACRES OF LAND INTO THE CITY LIMITS

City Attorney, David Smith, read the caption of Ordinance 2003-9, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 359 acres of land, and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

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

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

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 359 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2003-10 – ANNEXATION OF APPROXIMATELY 80 ACRES OF LAND INTO THE CITY LIMITS

City Attorney, David Smith, read the caption of Ordinance 2003-10, which provides for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 80 acres of land, and adopts a service plan for the territory to be annexed. First Reading. John Kaminski.

Cm. Russell 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, and Mayor Middleton
NAYS: None

Caption:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 80 ACRES OF LAND, ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

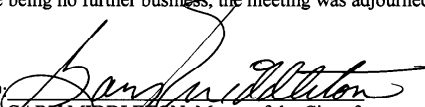
Mayor Middleton requested that the second and third reading be voted on at the next meeting instead of three separate readings, as had been previously requested. He advised that these ordinances have already had three separate public hearings, and no one had come forward with an objection.

EXECUTIVE SESSION

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

There being no further business, the meeting was adjourned at 6:37 p.m.

APPROVED:


GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary
