

**VICTORIA CITY COUNCIL**  
**June 3, 2003**

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:03 p.m. Tuesday, June 3, 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  
 Gilbert Reyna, Jr., Director, Finance  
 John Johnston, Director, Public Works  
 John Kaminski, Director, Planning  
 Wayne Cockroft, Director, Utilities  
 Steve Trevino, Director, IMS  
 Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Wayne Watkins

**APPROVAL OF MINUTES**

The minutes of the regular meeting of May 20, 2003 were approved as presented.

**CITIZENS COMMUNICATION**

No one wished to address Council.

**PUBLIC HEARINGS**

Mayor Middleton opened a public hearing on the following items:

**ORDINANCE 2003-11 – AMENDING CHAPTER 2 OF THE VICTORIA CITY CODE TO ESTABLISH SECTION 2-50 “MUNICIPAL COURT-DIVISIONS”**

The ordinance considers amending Chapter 2 of the Victoria City Code to establish Section 2-50, “Municipal Court-Divisions”, which will divide the Municipal Court into two divisions and declare the present Municipal Court Judge to be the Presiding Judge, and appointing a judge to serve in the newly created division. Miles Risley.

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

**ORDINANCE 2003-12 – AMENDING SECTION 2-92 OF THE VICTORIA CITY CODE REGARDING REQUIREMENTS OF BUILDING AND MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS MEMBERS**

The ordinance considers amending Section 2-92 of the Victoria City Code to eliminate the requirements for any members of the building and mechanical boards to be architects. Steve Trevino.

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

**ORDINANCE 2003-13 – AMENDING CHAPTER 24-121 AND 24-122 OF THE VICTORIA CITY CODE TO CHANGE WATER AND SEWER FEES**

The ordinance considers amending Sections 24-121 and 24-122 of the Victoria City Code to change water and sewer fees. Wayne Cockroft.

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Wayne Cockroft, Director of Utilities, advised that City staff recommended the following changes to the current water rate structure, which would go into effect October 1, 2003:

- Adding \$1.50 to the current base charge for water customers with a ¾ inch meter. The base charge includes the first 2,000 gallons of water usage.
- Adjusting the current base charge for water customers with meters larger than ¾ inch based upon rated capacity of the meter.
- Adjusting the current tier rate by an average of 8 cents per thousand gallons of water usage.

The City staff also recommended the following changes to the sewer rate structure:

- Adjusting the current base charge for sewer customers with meters larger than ¾ inch based upon the rating capacity of the meter.
- Six new gallon usage tiers to be added to the wastewater structure.

James Wayne, 15 Spring Creek, asked Council to reconsider the proposal to raise the water rates, as it would negatively impact growth to the City. He expressed concerns that the higher rates would deter manufacturing types of businesses from locating in the community. He advised that middle manufacturing is needed to bring jobs to the community, in addition to retail businesses.

Robert Young, 703 Kelly Crick, and Bill Richter, 401 Dundee, also expressed concerns with the proposed rate increases and asked that Council reject staffs proposal. They both were concerned that the residential customers would be picking up the largest portion of the proposed increases. Mr. Richter requested a breakdown explaining why an increase was necessary.

Mr. Cockroft explained the need to increase rates in order to increase funding for water and wastewater infrastructure. He listed the following reasons:

- Replace water and sewer lines in non easement areas
- Annexation obligations
- Miscellaneous equipment
- Large meter replacement program
- Sewer cleaning programs as required by the Environmental Protection Agency (EPA)
- Neighborhood replacement program

Mr. Cockroft advised that the combined water and sewer rates are lower than other cities. He further explained that there were a lot of old lines that needed to be replaced between Navarro and Laurent, also from Main to Ben Wilson. The cost for those repairs would be approximately \$2 million, which was not even considered in any of the information given. Cm. Wyatt pointed out that the costs of the new surface water treatment plant along with the chemical costs were another reason for the proposed rate increases.

Denny Arnold, City Manager, advised that utility lines in Lone Tree and portions of Laurent are older than the surface of the streets. He reminded Council of the policy developed several years ago, that a new street would not be rebuilt over lines that had limited life left in them, new lines would be put down first.

Cm. Russell inquired whether it might be a good time to consider going out for a bond, with interest rates so low at this time. Mayor Middleton advised that the rate structure would have to be in place first.

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**

There were none.

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**RESOLUTION 2003-77R – AUTHORIZING THE RENEWAL OF SUPPLY CONTRACT FOR GASOLINE AND DIESEL FUELS**

The resolution authorizes the City Manager to renew the annual supply contract for gasoline and diesel fuels with New Distributing Co., Inc. of Victoria, Texas, in an estimated amount of \$504,197. Steve Trevino

Cm. Buckert 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, Buckert, Wyatt, and Mayor Middleton  
NAYS: None  
ABSTENTION: Council Member Russell

**RESOLUTION 2003-78R – AWARDING BID FOR ONE 2003 HALF-TON FULL SIZE SPORT UTILITY VEHICLE**

The resolution awards the bid for the purchase of one 2003 half-ton full size sport utility vehicle to Leonard Kovar Ford of Victoria, Texas in the amount of \$25,704.73 for a Ford Excursion, minus \$2,000 trade-in credit for a 1993 propane-powered Chevy Suburban. Steve Trevino.

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 2003-79R – GRANTING A VARIANCE TO HOPKINS ADDITION RESUBDIVISION NO. 2 OWNED BY THE ESTATE OF EARL W. HOPKINS, JR.**

The resolution grants a variance to Section 21-55(h) of the Victoria City Code, which prohibits single family residential lots from having direct access to an arterial street, to the proposed Hopkins Addition Resubdivision No. 2, located on the southeast corner of Delmar Drive and Lone Tree Road, which is owned by the Estate of Earl W. Hopkins, Jr. John Kaminski.

Cm. Russell 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, and Mayor Middleton  
NAYS: None

**ORDINANCE 2003-11 – AMENDING CHAPTER 2 OF THE VICTORIA CITY CODE TO ESTABLISH SECTION 2-50 “MUNICIPAL COURT-DIVISIONS”**

City Attorney, David Smith, read the caption of Ordinance 2003-11, which amends Chapter 2 of the Victoria City Code to establish Section 2-50, “Municipal Court-Divisions”, which will divide the Municipal Court into two divisions and declare the present Municipal Court Judge to be the Presiding Judge, and appoints a judge to serve in the newly created division. First Reading. Miles Risley.

Cm. Buckert moved that the ordinance pass on first reading, with Cm. Russell 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

## CITY COUNCIL MINUTES

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Caption:

**AN ORDINANCE AMENDING CHAPTER 2 OF THE VICTORIA CITY CODE TO ESTABLISH SECTION 2-50, "MUNICIPAL COURT-DIVISIONS", WHICH WILL DIVIDE THE MUNICIPAL COURT INTO TWO DIVISIONS AND DECLARE THE PRESENT MUNICIPAL COURT JUDGE TO BE THE PRESIDING JUDGE, APPOINTING A JUDGE TO SERVE IN THE NEWLY CREATED DIVISION, REPEALING PARTS OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, AND DECLARING AN EFFECTIVE DATE.**

**ORDINANCE 2003-12 – AMENDING SECTION 2-92 OF THE VICTORIA CITY CODE REGARDING REQUIREMENTS OF BUILDING AND MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS MEMBERS**

City Attorney, David Smith, read the caption of Ordinance 2003-12, which amends Section 2-92 of the Victoria City Code to eliminate the requirements for any members of the building and mechanical boards to be architects. First Reading. Steve Trevino.

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 AMENDING SECTION 2-92 OF THE VICTORIA CITY CODE, TO ELIMINATE THE REQUIREMENT FOR ANY MEMBERS OF THE BUILDING AND MECHANICAL BOARDS OF ADJUSTMENTS AND APPEALS TO BE ARCHITECTS, 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 2003-13 – AMENDING CHAPTER 24-121 AND 24-122 OF THE VICTORIA CITY CODE TO CHANGE WATER AND SEWER FEES**

City Attorney, David Smith, read the caption of Ordinance 2003-13, which amends Sections 24-121 and 24-122 of the Victoria City Code to change water and sewer fees. First Reading. Wayne Cockroft.

Cm. Wyatt 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, Wyatt, and Mayor Middleton  
NAYS: Council Member Buckert  
ABSTENTION: Council Member Russell

Caption:

**AN ORDINANCE AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE WATER AND SEWER FEES THEREIN; REPEALING PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.**

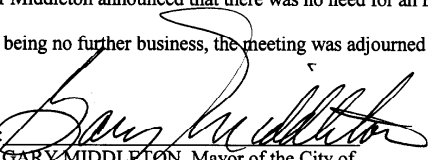
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EXECUTIVE SESSION

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

There being no further business, the meeting was adjourned at 6:12 p.m.

APPROVED:

  
GARY MIDDLETON, Mayor of the City of  
Victoria, Texas

ATTEST:

  
SCARLET SWOBODA, City Secretary

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