

CITY COUNCIL MINUTES
July 22, 2003

ORDINANCE 2003-14 - AMENDING VARIOUS SECTIONS OF DIVISION 2, "INDUSTRIAL WASTE DISCHARGE" OF ARTICLE III, "CITY SEWER SERVICE", CHAPTER 13 "MUNICIPAL UTILITIES AND SERVICES" OF THE VICTORIA CITY CODE

City Attorney, David Smith, read the caption of Ordinance 2003-14, which amends various sections of Division 2, "Industrial Waste Discharge" of Article III, "City Sewer Service", Chapter 13, "Municipal Utilities and Services", of the Victoria City Code to modify the local limits therein, and make other miscellaneous changes to conform to requirements of the Texas Commission on Environmental Quality (TCEQ), and amends Section 24-131 of the Victoria City Code to designate fees therein. Second and Third Reading. Jerry James.

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

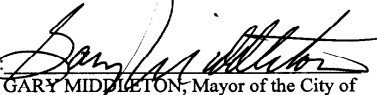
Caption:


AN ORDINANCE AMENDING VARIOUS SECTIONS OF DIVISION 2, "INDUSTRIAL WASTE DISCHARGE" OF ARTICLE III, "CITY SEWER SERVICE", CHAPTER 13, "MUNICIPAL UTILITIES AND SERVICES", OF THE VICTORIA CITY CODE TO MODIFY THE LOCAL LIMITS THEREIN, AND MAKE OTHER MISCELLANEOUS CHANGES TO CONFORM TO REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), AND AMENDING SECTION 24-131 OF THE VICTORIA CITY CODE TO DESIGNATE FEES THEREIN.

ITEMS FROM COUNCIL

Mayor Middleton commended the City staff for their response during and after Hurricane Claudette.

There being no further business, the meeting was adjourned at 5:25 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

**VICTORIA CITY COUNCIL
July 29, 2003**

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:03 p.m. Tuesday, July 29, 2003 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

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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
David Smith, City Attorney
Miles Risley, Assistant City Attorney
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Tim Braaten, Chief of Police
Vance Riley, Director, Fire and EMS
Gilbert P. Reyna, Jr., Director, Finance
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

CITIZENS COMMUNICATION

No one wished to address Council.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following items:

ORDINANCE 2003-15 – DECLARING PUBLIC NECESSITY FOR THE ACQUISITION OF 0.0781 ACRES AND 0.1189 ACRES FOR DRAINAGE EASEMENT NEAR 2604 N. NAVARRO, FROM BRENT HILLER

The ordinance considers declaring a public necessity for the acquisition of a 0.0781 acre drainage easement and a 0.1189 acre drainage easement out of Lot 1, Block 1 of the Green Square Subdivision near 2604 N. Navarro, from Brent Hiller. This would be the first step in a condemnation proceeding. David A. Smith.

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

ORDINANCE 2002-03E – AMENDING THE 2002-2003 FISCAL YEAR BUDGET TO TRANSFER FUNDS FROM THE GENERAL FUND, WATER/WASTEWATER, AND SOLID WASTE FUNDS TO THE HEALTH FUND

The ordinance considers amending the 2002-2003 Fiscal Year Budget by transferring \$480,000 from the General Fund fund balance to the Transfer to Health Fund Line Item, transferring \$72,500 from the Water/Wastewater Fund fund balance to the Transfer to Health Fund Line Item, and transferring \$72,500 from the Solid Waste Fund fund balance to the Transfer to Health Fund Line Item, for total transfers of \$625,000, in order to provide funding for additional health care costs in the Health Fund. Gilbert P. Reyna, Jr.

Mayor Middleton requested information on the exact exposure to the City, less the contributions of the Health Fund.

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

ORDINANCE 2002-03F – AMENDING THE 2002-2003 FISCAL YEAR BUDGET WATER/WASTEWATER FUND TO PROVIDE FOR ACQUISITION OF 260 ACRE-FEET OF WATER FROM THE GUADALUPE RIVER

The ordinance considers amending 2002-2003 Fiscal Year Budget of the City of Victoria Water/Wastewater Fund by increasing the Water Department Water Rights line item by a total of \$130,000 in order to provide funding for the City's acquisition of 260 acre-feet of water per year from the Guadalupe River. Emergency Reading. Gilbert P. Reyna, Jr.

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David Smith, City Attorney, advised that a contract had been executed to purchase the Lipscomb water rights for \$500 per acre foot. Mayor Middleton stated that this is a proposed ordinance, in which the City is buying some existing senior water rights from individuals on the Guadalupe River.

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

Certified Fiscal Year 2003-2004 Proposed Budget

Gilbert P. Reyna, Jr., Director of Finance, requested that the proposed budget worksheet that had already been presented to the Mayor and City Council at an earlier meeting serve as the Certified Fiscal Year 2003-2004 Proposed Annual Budget. He stated that once all the work sessions had been held, he planned to come back before Council, detailing the changes requested and give them a new total fund balance for each fund. He advised that he would submit a certified copy to the City Secretary and deliver two copies to the Victoria Public Library. Mayor Middleton requested that a copy be delivered to the County Judge.

Delivery of Certified Tax Roll

Gilbert P. Reyna, Jr., Director of Finance, delivered the Certified Tax Roll to the Mayor and City Council. He advised that he was assuming a 1% increase, which brings the total taxable value for the City to \$2.1 billion.

RESOLUTION 2003-95R – APPOINTING GILBERT P. REYNA, JR., C.P.A. AS REPRESENTATIVE TO PERFORM TAX CALCULATIONS

The resolution appoints Gilbert P. Reyna, Jr., C.P.A. as the representative to perform the effective tax rate and rollback calculations according to Texas Property Tax Code § 26.04(c). Gilbert P. Reyna, Jr.

Cm. Guittard 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 2003-96R – CALLING A PUBLIC HEARING ON THE 2003-2004 CITY OF VICTORIA BUDGET

The resolution calls a Public Hearing on the 2003-2004 City of Victoria Budget for August 14, 2003 at 5:00 p.m. in the Council Chambers. Gilbert P. Reyna, Jr.

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 2003-97R – AUTHORIZING PUBLICATION OF THE “NOTICE OF EFFECTIVE TAX RATE” SCHEDULES

The resolution authorizes the publication of the “Notice of Effective Tax Rate” schedules in accordance with Texas Property Tax Code § 26.04 and State Property Tax Board rules. Gilbert P. Reyna, Jr.

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

RESOLUTION 2003-98R - AUTHORIZING A WATER RIGHTS TRANSFER AGREEMENT WITH THE ESTATE OF ALVIS LIPSCOMB AND ACQUISITION OF 260 ACRE-FEET OF WATER PER YEAR FROM THE GUADALUPE RIVER

The resolution authorizes a Water Rights Transfer Agreement with the Estate of Alvis Lipscomb and provides for the City's acquisition of 260 acre-feet of water per year from the Guadalupe River, in the amount of \$130,000. Jerry James.

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, Buckert, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-99R - AUTHORIZING A STATE HOMELAND SECURITY GRANT PROGRAM SUBRECIPIENT AGREEMENT WITH TEXAS ENGINEERING EXTENSION SERVICE (TEEX)

The resolution authorizes the City Manager to execute a State Homeland Security Grant Program Subrecipient Agreement with the Texas Engineering Extension Service (TEEX), provides a \$432,220 grant to the City for homeland security. Vance Riley.

Cm. Buckert 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, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-100R - AUTHORIZING APPLICATION AND RENEWAL OF AN AUTOMOBILE THEFT PREVENTION GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

The resolution authorizes the City Manager to execute all documents necessary to apply for, accept, and renew an Automobile Theft Prevention Grant from the Texas Department of Transportation Auto Theft Prevention Authority in an amount of approximately \$28,145 from the state with a local match in an amount not to exceed \$46,772. Tim Braaten.

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, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-101R - AUTHORIZING APPLICATION, ACCEPTANCE, REJECTION, ALTERATION OR TERMINATION OF A JUVENILE JUSTICE ACCOUNTABILITY INCENTIVE BLOCK GRANT FROM THE TEXAS GOVERNOR'S CRIMINAL JUSTICE DIVISION

The resolution authorizes the City Manager to execute all documents necessary to apply for, accept, reject, alter or terminate a Juvenile Justice Accountability Incentive Block Grant from the Texas Governor's Criminal Justice Division via the Golden Crescent Regional Planning

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Commission (GCRPC) in the amount of \$24,853 from the state with a local match in an amount not to exceed \$2,761. Tim Braaten.

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, Russell, Buckert, Wyatt, Watkins and Mayor Middleton

NAYS: None

ORDINANCE 2003-15 – DECLARING PUBLIC NECESSITY FOR THE ACQUISITION OF 0.0781 ACRES AND 0.1189 ACRES FOR DRAINAGE EASEMENT NEAR 2604 N. NAVARRO, FROM BRENT HILLER

City Attorney, David Smith, read the caption of Ordinance 2003-15, which declares a public necessity for the acquisition of a 0.0781 acre drainage easement and a 0.1189 acre drainage easement out of Lot 1, Block 1 of the Green Square Subdivision near 2604 N. Navarro, from Brent Hiller, on the easement tract for the City of Victoria West Outfall Phase I Drainage Project. First Reading. David A. Smith.

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, Watkins and Mayor Middleton

NAYS: None

Caption:

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A 0.0781 ACRE DRAINAGE EASEMENT AND A 0.1189 ACRE DRAINAGE EASEMENT THAT ARE PARTS OF, OVER, ACROSS, UPON, AND UNDER LOT 1, BLOCK 1 OF THE GREEN SQUARE SUBDIVISION OF VICTORIA COUNTY, TEXAS AND FURTHER BEING DESCRIBED AND DEPICTED IN THE DRAINAGE EASEMENT ATTACHED HERETO FOR THE PUBLIC PURPOSES OF PLACING, CONSTRUCTING, OPERATING, INSPECTING, REPAIRING, MAINTAINING AND USING STORMWATER DRAINAGE FACILITIES TO INCLUDE DITCHES, DRAINS, DAMS, SPILLWAYS, CULVERTS AND OUTFALLS BY THE CITY OF VICTORIA ON THE EASEMENT TRACT FOR THE CITY OF VICTORIA WEST OUTFALL PHASE I DRAINAGE PROJECT, ALL IN VICTORIA COUNTY, TEXAS, AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY OF VICTORIA IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED STORMWATER DRAINAGE EASEMENT RIGHTS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY OF VICTORIA TO ACQUIRE SUCH EASEMENTS, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY PROPERTY RIGHTS; DECLARING THE SECTIONS OF THIS ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID, AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2002-03E – AMENDING THE 2002-2003 FISCAL YEAR BUDGET TO TRANSFER FUNDS FROM THE GENERAL FUND, WATER/WASTEWATER, AND SOLID WASTE FUNDS TO THE HEALTH FUND

City Attorney, David Smith, read the caption of Ordinance 2002-03E, which amends the 2002-2003 Fiscal Year Budget by transferring \$480,000 from the General Fund fund balance to the Transfer to Health Fund Line Item, transferring \$72,500 from the Water/Wastewater Fund fund balance to the Transfer to Health Fund Line Item, and transferring \$72,500 from the Solid Waste Fund fund balance to the Transfer to Health Fund Line Item, for total transfers of \$625,000, in order to provide funding for additional health care costs in the Health Fund. First Reading. Gilbert P. Reyna, Jr.

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, Watkins and Mayor Middleton

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2002-2003 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA GENERAL FUND, WATER/WASTEWATER FUND AND SOLID WASTE FUND BY TRANSFERRING \$480,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, TRANSFERRING \$72,500.00 FROM THE WATER/WASTEWATER FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, AND TRANSFERRING \$72,500.00 FROM THE SOLID WASTE FUND FUND BALANCE TO THE TRANSFER TO HEALTH FUND LINE ITEM, FOR TOTAL TRANSFERS OF \$625,000.00, IN ORDER TO PROVIDE FUNDING FOR ADDITIONAL HEALTH CARE COSTS IN THE HEALTH FUND, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-03F – AMENDING THE 2002-2003 FISCAL YEAR BUDGET WATER/WASTEWATER FUND TO PROVIDE FOR ACQUISITION OF 260 ACRE-FEET OF WATER FROM THE GUADALUPE RIVER

City Attorney, David Smith, read the caption of Ordinance 2002-03F, which amends 2002-2003 Fiscal Year Budget of the City of Victoria Water/Wastewater Fund by increasing the Water Department Water Rights line item by a total of \$130,000 in order to provide funding for the City's acquisition of 260 acre-feet of water per year from the Guadalupe River. Emergency Reading. Gilbert P. Reyna, Jr.

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2002-2003 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA WATER/WASTEWATER FUND BY INCREASING THE WATER DEPARTMENT WATER RIGHTS LINE ITEM BY A TOTAL OF \$130,000.00 IN ORDER TO PROVIDE FUNDING FOR THE CITY'S ACQUISITION OF 260 ACRE-FEET OF WATER PER YEAR FROM THE GUADALUPE RIVER, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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EXECUTIVE SESSION

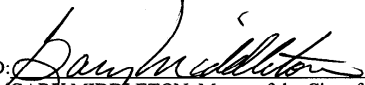
Mayor Middleton announced that there was no need for an Executive Session.

ITEMS FROM COUNCIL

Cm. Buckert inquired whether the City was planning on contracting with a private contractor to remove the limbs and brush from Hurricane Claudette. Denny Arnold, City Manager, advised that staff was currently reviewing the Federal Emergency Management Administration (FEMA) regulations to address those issues.

There being no further business, the meeting was adjourned at 5:25 p.m.

APPROVED:


GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
August 5, 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, August 5, 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
Gilbert P. Reyna, Jr., Director, Finance
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Wayne Cockroft, Director, Utilities
Jerry James, Director, Environmental Services
Brian Jahn, Traffic Engineer
Ken Gill, City Engineer
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Wayne Watkins

APPROVAL OF MINUTES

The minutes of the special meeting of July 22, 2003 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.