

CITY COUNCIL MINUTES  
July 29, 2003

**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

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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.

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**PUBLIC HEARINGS**

Mayor Middleton opened a public hearing on the following items:

**RESOLUTION 2003-104R – APPROVING ONE-YEAR ACTION PLAN FOR FISCAL YEAR 2003-2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

The resolution considers approving the one-year action plan for Fiscal Year 2003-2004 and authorizing the City Manager to submit the required documentation to the Department of Housing and Urban Development (HUD) for the 2003-2004 Community Development Block Grant (CDBG) Program. John Kaminski

John Kaminski, Director of Planning, advised that the one-year action plan for the CDBG program had been prepared and published for the 30 day public review period in accordance with HUD regulations. He reported that the grant amount for the 2003 program year was \$783,000 with \$4,000 reprogrammed for a total program budget of \$786,969.37. He advised that the budget was broken down as follows:

- Affordable Housing takes up 73% of the grant in the amount of \$578,700, which includes \$500,000 for owner occupied rehabilitation, \$70,000 for mortgage assistance, and \$8,700 for program delivery.
- Code Enforcement in the amount of \$29,469.37, includes \$17,000 for a code enforcement officer and \$12,500 for neighborhood cleanup activities.
- Public Improvements in the amount of \$30,000 for improvements to a CDBG eligible park.
- Program Administration in the amount of \$148,800.

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

**ORDINANCE 2003-16 - AMENDING SECTIONS 22-90 THROUGH 22-95 OF THE VICTORIA CITY CODE, ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS, AND ADOPTING MAPS FOR TRUCK ROUTES AND PARKING RESTRICTIONS**

The ordinance considers amending Sections 22-90 through 22-95 of the Victoria City Code, adopting schedules of one-way streets, parking restrictions, and speed limits; and adopting maps for truck routes and parking restrictions. Most of the changes reflect a request from the County to accommodate parking due to the occupancy of their new office building on the corner of Bridge Street and Forrest Street. Brian Jahn.

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

**ORDINANCE 2003-17 - AMENDING SECTION 21-55(H) OF THE VICTORIA CITY CODE TO CLARIFY CONDITIONS FOR RESIDENTIAL SUBDIVISION ACCESS TO ARTERIALS**

The ordinance considers amending Section 21-55(h) of the Victoria City Code to clarify conditions for residential subdivision access to arterials. The amendment reinstates language that was inadvertently deleted from the ordinance during a revision in 1999. Emergency Reading. John Kaminski.

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

**RESOLUTION 2003-108R – AWARDED BID FOR THE CITY OF VICTORIA'S DEBRIS REMOVAL AND DISPOSAL PROJECT**

The resolution considers awarding a bid for Debris Removal and Debris Disposal. Bids were presented as required by the Federal Emergency Management Administration (FEMA) for debris removal and disposal to clean up storm debris left from Hurricane Claudette. David Smith, City Attorney, recommended that the Council accept the alternate lump sum bid of \$1,350,000 from

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Storm Reconstruction Services, Inc. Jerry James, Director of Environmental Services, advised that the cleanup would be completed by October 1, 2003, and further noted that the City's match of 25% would total \$337,500 with FEMA picking up the remaining 75%. He advised that the Finance Director confirmed that there would be sufficient funding within the solid waste fund so as not to affect the general fund. Jerry James.

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

**RESOLUTION 2003-108R – AWARDING CONTRACT FOR THE CITY OF VICTORIA'S DEBRIS REMOVAL AND DISPOSAL PROJECT**

The resolution awards the contract for the City of Victoria's Debris Removal and Disposal Project to Storm Reconstruction Services, Inc., of Tuscaloosa, Alabama, in the amount of \$1,350,000. Jerry James.

Cm. Russell moved to amend the resolution so that the contract was awarded on the basis of health and safety reasons, with Cm. Wyatt 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. Wyatt moved that the resolution be adopted, with Cm. Neitsch 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 2003-102R – AUTHORIZING A DEDUCTIVE CHANGE ORDER #8 TO THE VINE STREET DIVERSION SEWER CONTRACT 3 AND APPROVING CHANGE ORDER #1 FOR THE 2002-03 RECLAIM AND OVERLAY PROJECT**

The resolution authorizes the Director of Utilities to execute a deductive Change Order #8 to the Vine Street Diversion Sewer – Contract 3 in the amount of <-\$171,045.50>, bringing the revised contract amount to \$5,945,675.34 and authorizes the Director of Public Works to approve Change Order #1 for the 2002-03 Reclaim and Overlay Project in the amount of \$171,046.76, bringing the revised price to \$8,287,320.28. Wayne Cockroft and John Johnston.

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, and Mayor Middleton  
 NAYS: None

**RESOLUTION 2003-103R – RETRACTING PREVIOUS AWARD OF AERATOR DEMOLITION PROJECT AT WATER TREATMENT PLANT #3 TO A&R DEMOLITION, INC., AND AWARDING CONTRACT TO BENCO CONTRACTING, INC.**

The resolution retracts the previous award of the Aerator Demolition Project, Water Treatment Plant #3 to A&R Demolition, Inc. of Del Valle, Texas for their low bid of \$222,452.47 and awards the contract to the second low bidder, Benco Contracting, Inc., of Victoria for its bid of \$224,130. Wayne Cockroft.

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, and Mayor Middleton  
 NAYS: None

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**RESOLUTION 2003-104R – APPROVING ONE-YEAR ACTION PLAN FOR FISCAL YEAR 2003-2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

The resolution approves the one-year action plan for FY 2003-2004 and authorizes the City Manager to submit the required documentation to HUD for the 2003-2004 CDBG Program. John Kaminski.

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

**RESOLUTION 2003-105R – AWARDED BID FOR GUADALUPE RIVER LEVEE REPAIRS TO RHOADES LAND LEVELING AND EXCAVATION**

The resolution awards the bid for the Guadalupe River Levee Repairs – Southwest Ben Jordan Street Project to Charles E. Rhoades d/b/a Rhoades Land Leveling and Excavation of Blessing, Texas, in the amount of \$91,810.75. Ken Gill.

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, and Mayor Middleton  
NAYS: None

**RESOLUTION 2003-106R – RATIFYING AN EMERGENCY CONTRACT WITH EGGEMEYER TREE SERVICE FOR BRUSH GRINDING AT THE COMMUNITY CENTER**

The resolution ratifies an emergency contract between the City of Victoria and Steve Eggemeyer d/b/a Eggemeyer Tree Service for brush grinding at the Community Center in the amount of \$350 per hour for the time that the grinder is actively grinding, in a total amount not to exceed \$25,000 for the purpose of grinding brush and debris from Hurricane Claudette. Jerry James.

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 2003-107R – AUTHORIZING INCREASING THE EXPENSE ACCOUNT FOR THE MAYOR AND CITY COUNCIL MEMBERS**

The resolution authorizes increasing the expense allowance for the Mayor and City Council Members of Victoria by \$50 per month to defray auto expenses. David A. Smith.

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 2003-15 - 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

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Hiller, on the easement tract for the City of Victoria West Outfall Phase I Drainage Project. Second and Third Reading.

Cm. Bill moved that the ordinance pass on second and third reading, with Cm. Wyatt 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 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.**

**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. Second and Third Reading. Gilbert P. Reyna, Jr.

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, Buckert, Wyatt, and Mayor Middleton  
NAYS: None

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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 2003-16 - AMENDING SECTIONS 22-90 THROUGH 22-95 OF THE VICTORIA CITY CODE, ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS, AND ADOPTING MAPS TO TRUCK ROUTES AND PARKING RESTRICTIONS

City Attorney, David Smith, read the caption of Ordinance 2003-16, which amends Sections 22-90 through 22-95 of the Victoria City Code, adopting schedules of one-way streets, parking restrictions, and speed limits; adopting maps pertaining to truck routes and parking restrictions, providing that schedules of such traffic regulations and fees shall be maintained for public inspection. First Reading. John Johnston.

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 SECTIONS 22-90 THROUGH 22-95 OF THE VICTORIA CITY CODE, ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS; ADOPTING MAPS PERTAINING TO TRUCK ROUTES AND PARKING RESTRICTIONS, PROVIDING THAT SCHEDULES OF SUCH TRAFFIC REGULATIONS AND FEES SHALL BE MAINTAINED FOR PUBLIC INSPECTION, PROVIDING A PENALTY NOT TO EXCEED \$200.00 UPON CONVICTION, REPEALING PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, PROVIDING FOR CODIFICATION OF SECTION 1 OF THIS ORDINANCE, PROVIDING FOR SAVINGS, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2003-17 - AMENDING SECTION 21-55(H) OF THE VICTORIA CITY CODE TO CLARIFY CONDITIONS FOR RESIDENTIAL SUBDIVISION ACCESS TO ARTERIALS

City Attorney, David Smith, read the caption of Ordinance 2003-17, which amends Section 21-55(h) of the Victoria City Code to clarify conditions for residential subdivision access to arterials. Emergency Reading. John Kaminski

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, and Mayor Middleton  
NAYS: None

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Caption:

AN ORDINANCE AMENDING SECTION 21-55(H) OF THE VICTORIA CITY CODE TO CLARIFY CONDITIONS FOR RESIDENTIAL SUBDIVISION ACCESS TO ARTERIALS, PROVIDING FOR ENFORCEMENT, 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.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:45 p.m., in accordance with:

Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests (including, but not limited to sale of the Nave Museum) 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 and of members of the Planning Commission, Golden Crescent Regional Planning Commission General Assembly and Board of Directors, and the Food Establishment Appeals Board). Scarlet Swoboda.

The Council reconvened in regular session at 8:12 p.m. and had nothing to report.


ITEMS FROM COUNCIL

Mayor Middleton suggested leaving money in the reserve fund balance until the net costs associated with Hurricane Claudette had been determined, at which time Council could consider some of the one time expenses that had been presented with the proposed budget.

Cm. Buckert recommended going ahead and approving the paramedic training and the aerial photography, but suggested letting the rest of the funds sit until the storm costs were realized. Council instructed staff to include those items in the budget.

There being no further business, the meeting was adjourned at 8:17 p.m.

APPROVED:

  
GARY MIDDLETON, Mayor of the City of  
Victoria, Texas

ATTEST:

  
SCARLET SWOBODA, City Secretary

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