

CITY COUNCIL MINUTES
August 26, 2003

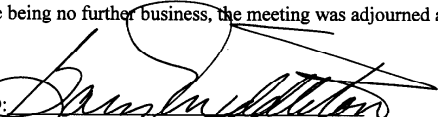
ITEMS FROM COUNCIL

Cm. Russell requested a breakdown of the tax rate comparisons between the City of Victoria and the City of Tyler. He would like to know what their other revenue sources were.

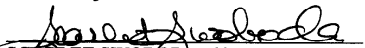
Cm. Wyatt advised that he would be working with the City Manager and staff on the Juvenile Curfew ordinance, and looking at ways to strengthen it.

There being no further business, the meeting was adjourned at 5:37 p.m.

APPROVED:


GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
September 2, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:09 p.m. Tuesday, September 2, 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
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
Vance Riley, Director, Fire and EMS
Steve Trevino, Director, IMS
Gilbert P. Reyna, Jr., Director, Finance
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Philip Guittard

APPROVAL OF MINUTES

The minutes of the special meeting of August 14, 2003 and regular meeting of August 19, 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:

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ORDINANCE 2003-19 – AUTHORIZING THE NINTH AMENDMENT TO THE LANDFILL OPERATIONS SERVICES CONTRACT WITH BROWNING-FERRIS, INC.

The ordinance considers authorizing the Ninth Amendment to the Regional Solid Waste Sanitary Landfill Operations Services Contract between the City of Victoria and Browning-Ferris, Inc., which provides for the adjustment of landfill operations services rates, amending Section 24-142 of the Victoria City Code to amend fees for landfill disposal services. First Reading. Gilbert P. Reyna, Jr.

Gilbert P. Reyna, Jr., advised that BFI requested a rate increase of approximately 3.18%. He noted that this would not affect residential customers, it would only affect commercial customers and any individual that wanted to dump something at the site. Mayor Middleton requested that staff check with other landfills to see if our rates are similar, and forward that information to Members of Council.

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

ORDINANCE 2003-20 – AMENDING SECTIONS 4-61 AND 4-62 OF THE VICTORIA CITY CODE TO MODIFY VACCINATION AND REGISTRATION REQUIREMENTS FOR DOGS AND CATS IN THE CITY OF VICTORIA

The ordinance considers amending Sections 4-61 and 4-62 of the Victoria City Code to modify the vaccination and registration requirements of dogs and cats in the City of Victoria. First Reading. Miles Risley.

Miles Risley, Assistant City Attorney, advised that the State Board of Health has changed the rabies vaccination requirement from yearly to every three years. He advised that the local health department is recommending the same, and the city staff has recommended that the annual animal registration requirement match the new rabies vaccination requirement of once every three years. He noted that staff recommends leaving the fee at the current rate of \$5 an animal.

Cm. Buckert inquired what the annual revenue from the registration fee is and would an increase in the fee be needed.

Ken Lemke, Assistant Director Health Department, advised that although the fee is \$5, the veterinarians retain \$2 of each registration for processing of the registration. Approximately 6,000 animals are registered annually, which would bring in approximately \$18,000. He advised that the animals registered are entered into a data base, and annual registration is helpful in locating the owner in the event the animal has bitten someone or is lost.

Nancy Hilbert DVM, 4702 N. Laurent, advised that she always asks her clients if they want a city license, and although she can not force them to get the license at least 75% of her clients register their pets.

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

RESOLUTION 2003-119R – APPOINTING ONE NEW MEMBER TO THE LIBRARY ADVISORY BOARD

The resolution reappoints Roberto Soto to the Victoria Public Library Advisory Board. Scarlet Swoboda.

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

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

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RESOLUTION 2003-121R – AUTHORIZING CONTRACT FOR THE CITY HALL AIR CONDITIONING RENOVATION PROJECT TO VICTORIA AIR CONDITIONING, LTD.

The resolution authorizes the selection of Victoria Air Conditioning, Ltd., as the contractor to provide a proposal for design/build services for the Victoria City Hall Air Condition Renovation Project with a potential construction cost not to exceed \$390,000. Steve Trevino.

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

RESOLUTION 2003-122R – AUTHORIZING THE PURCHASE OF ONE LOADER/BACKHOE FROM NUECES POWER EQUIPMENT

The resolution authorizes the purchase of one loader/backhoe with extendahoe from Nueces Farm Center, Inc., d/b/a Nueces Power Equipment of Victoria, Texas in the amount of \$68,661, less trade-in credit of \$23,000, plus \$2,000 for a guaranteed life cycle maintenance warranty and obligation to repurchase the loader/backhoe for \$27,000 in 5 years, in a total amount of \$47,661. Steve Trevino.

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

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

RESOLUTION 2003-123R – AUTHORIZING PURCHASE OF ONE LOADER/BACKHOE FROM ANDERSON MACHINERY COMPANY

The resolution authorizes the purchase of one loader/backhoe from Anderson Machinery Company, of Victoria, Texas in the amount of \$44,100, less trade-in credit of \$8,000 for a 1985 Case 580 SE Backhoe, for a total amount of \$36,100. 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 Neitsch, Russell, Buckert, Wyatt, Watkins, and Mayor Middleton
NAYS: None

RESOLUTION 2003-124R – AUTHORIZING THE PURCHASE OF ONE 2003 MINI-EXCAVATOR FROM RALSTON LEASING SERVICES, INC.

The resolution authorizes the purchase of one Year Model 2003 Mini-Excavator from Ralston Leasing Service, Inc. of Victoria, Texas, in the amount of \$26,599. Steve Trevino.

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

RESOLUTION 2003-125R – AUTHORIZING THE PURCHASE OF ONE SKID STEER LOADER AND ATTACHEMENTS FROM H&V EQUIPMENT SERVICES, INC.

The resolution authorizes the purchase of one skid steer loader and attachments from H & V Equipment Services, Inc., of Corpus Christi, Texas in the amount of \$26,922.50. Steve Trevino.

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

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

RESOLUTION 2003-126R – AMENDING THE CONTRACT WITH SIDDONS FIRE APPARATUS, INC. FOR TWO PUMPER TRUCKS

The resolution authorizes the City Manager to amend the contract with Siddons Fire Apparatus, Inc., for two heavy duty pumper fire trucks, in the additional amount of \$7,500 per truck, to purchase the TAK-4 Independent Front Suspension. Vance Riley.

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

RESOLUTION 2003-127R – AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR THE NAVARRO STREET WATER AND SEWER LINE REPLACEMENT PROJECT TO URBAN ENGINEERING

The resolution authorizes the City Manager to execute a Professional Services Agreement with Victoria Engineering, Inc. d/b/a Urban Engineering for the preliminary design, final design, and topographic surveying for the Navarro Street Water and Sewer Line Replacement Project in the amount of \$300,000. Wayne Cockroft.

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

RESOLUTION 2003-128R – AUTHORIZING ADDITIVE CHANGE ORDER #2 TO THE VINE STREET EXTENSION SEWER AND LIFT STATIONS PROJECT

The resolution authorizes the Director of Utilities to execute an additive Change Order #2 to the City of Victoria's contract with BRH Garver Construction, LTD, of Houston, Texas for the Vine Street Extension Sewer and Lift Stations Project to provide for the installation of pump access to the Loop 463 Lift Station, in the amount of \$69,116.94, bringing the total revised contract amount to \$2,631,384.54. Wayne Cockroft.

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

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

RESOLUTION 2003-129R – GRANTING A VARIANCE FOR MINIMUM LOT SIZE TO LAGO VISTA SUBDIVISION, PHASE II OWNED BY SHIRLEY BUCKERT, ARTHUR BUCKERT AND J.M. EASLEY

The resolution considered granting variances to Sections 21-82(d)(1) and (d)(2) of the Victoria City Code, which require a minimum lot size of 2500 square feet and a minimum lot width of 20 feet for Townhouse lots to Lago Vista Subdivision Phase II, Resubdivision No. 1, which is owned by Arthur Buckert, Shirley Buckert, and J.M. Easley. John Kaminski.

No action was taken on the resolution.

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RESOLUTION 2003-130R – AUTHORIZING THE ADVERTISEMENT OF LOTS FOR SALE AT 1402 SYCAMORE AND 800 E. CONSTITUTION

The resolution authorizes the City Manager to execute all necessary documents to advertise for the sale of Lot 7, Block 2 of Stubblefield's Port Addition a/k/a 1402 Sycamore and Lot 1, Block 235, Original Townsite, a/k/a 800 E. Constitution in accordance with Tex. Local Gov't Code § 253.008. Miles K. Risley.

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

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

RESOLUTION 2003-131R – AUTHORIZING CHANGE ORDER NUMBERS 3, 5, 6, 7 AND 8 FOR THE BEN JORDAN RECONSTRUCTION PROJECT

The resolution authorizes the Director of Public Works to execute Change Orders Numbers 3, 5, 6, 7 and 8, for the Ben Jordan Reconstruction Project, for a total amount of \$150,778.43 with Brannan Paving Company, Inc., which will bring the revised contract amount to \$7,606,743.80. John Johnston.

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

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

RESOLUTION 2003-132R – GRANTING A VARIANCE TO THE FASTENAL COMPANY AT 4310 HOUSTON HIGHWAY FOR MINIMUM DISTANCE BETWEEN DRIVEWAYS

The resolution grants a variance from Section 20-83(a) of the Victoria City Code, which defines the minimum distance between a driveway and a public street intersection, to the lot at 4310 Houston Highway, which is owned by the Fastenal Company. John Johnston.

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

RESOLUTION 2003-133R – AUTHORIZING THE TENTH AMENDMENT TO THE CONTRACT WITH WASTE MANAGEMENT OF TEXAS, INC.

The resolution authorizes the City Manager to execute the Tenth Amendment to the Containerized Commercial Solid Waste Collection and Disposal Services Contract between the City of Victoria and Waste Management of Texas, Inc. to increase permitted rates by approximately 1.4%. Gilbert P. Reyna, Jr.

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

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ORDINANCE 2003-19 – AUTHORIZING THE NINTH AMENDMENT TO THE LANDFILL OPERATIONS SERVICES CONTRACT WITH BROWNING-FERRIS, INC.

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2003-19, which authorizes the Ninth Amendment to the Regional Solid Waste Sanitary Landfill Operations Services Contract between the City of Victoria and Browning-Ferris, Inc. The amendment provides for the adjustment of landfill operations services rates, amends Section 24-142 of the Victoria City Code to amend fees for landfill disposal services, and authorizes assignment of the aforementioned contract to BFI Waste Services of Texas, L.P. 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 Neitsch, Russell, Buckert, Wyatt, Watkins, and Mayor Middleton
NAYS: None

Caption:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE NINTH AMENDMENT TO THE REGIONAL SOLID WASTE SANITARY LANDFILL OPERATIONS SERVICES CONTRACT BETWEEN THE CITY OF VICTORIA AND BROWNING-FERRIS, INC., WHICH AMENDMENT PROVIDES FOR THE ADJUSTMENT OF LANDFILL OPERATIONS SERVICES RATES, AMENDING SECTION 24-142 OF THE VICTORIA CITY CODE TO AMEND FEES FOR LANDFILL DISPOSAL SERVICES; AUTHORIZING ASSIGNMENT OF THE AFOREMENTIONED CONTRACT TO BFI WASTE SERVICES OF TEXAS, L.P. REPEALING CONFLICTING PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SAVINGS; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2003-20 – AMENDING SECTIONS 4-61 AND 4-62 OF THE VICTORIA CITY CODE TO MODIFY VACCINATION AND REGISTRATION REQUIREMENTS FOR DOGS AND CATS IN THE CITY OF VICTORIA

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2003-20, which amends Sections 4-61 and 4-62 of the Victoria City Code to modify the vaccination and registration requirements of dogs and cats in the City of Victoria. First Reading. Miles Risley.

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

Caption:

AN ORDINANCE AMENDING SECTIONS 4-61 AND 4-62 OF THE VICTORIA CITY CODE TO MODIFY THE VACCINATION AND REGISTRATION REQUIREMENTS OF DOGS AND CATS IN THE CITY OF VICTORIA, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION AND ENFORCEMENT, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 6:00 p.m., in accordance with:

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Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and/or duties of members of the Food Establishment Appeals Board). Scarlet Swoboda.

Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests (including, but not limited to the Lease for Tender Loving care for Children located at 1202 E. Sabine) 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 551.071, Texas Government Code, consultation with attorney on matter involving litigation or potential litigation in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal duties & rights of City involving construction of extension of John Stockbauer Drive). David A. Smith.

The Council reconvened in regular session at 7:03 p.m. and considered the following:

Cm. Watkins left the meeting after executive session.

RESOLUTION 2003-120R - APPOINTING NEW MEMBERS TO THE FOOD ESTABLISHMENT APPEALS BOARD

The resolution appoints five members to the Food Establishment Appeals Board. Scarlet Swoboda.

The following individuals were appointed to the Board, providing they are willing to serve:

Jeff Cano, Chip Dence, Tom Halepaska, Dionne Nobles, and Peter Riesz.

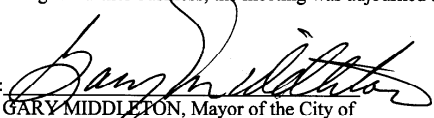
Cm. Buckert moved that the resolution be adopted, with Cm. Russell seconding the motion. The resolution was adopted by the following vote:

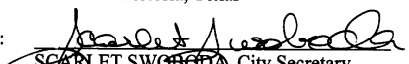
AYES: Council Members Neitsch, Russell, Buckert, Wyatt, and Mayor Middleton
NAYS: None

ITEMS FROM COUNCIL

Cm. Neitsch suggested reviewing the five year cancellation portion of the BFI and Waste Management contracts. Need to look into the other areas and what is being charged.

There being no further business, the meeting was adjourned at 7:07 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
