

VICTORIA CITY COUNCIL
September 16, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:01 p.m. Tuesday, September 16, 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
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
Wayne Cockroft, Director, Utilities
Tim Braaten, Chief of Police
Gilbert P. Reyna, Jr., Director, Finance
Jerry James, Director, Environmental Services
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Philip Guitard
Shirley Buckert

APPROVAL OF MINUTES

The minutes of the special meeting of August 26, 2003 and the regular meeting of September 2, 2003 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

CITY MANAGER REPORTS

Strategic Implementation Program (SIP)

Charles Windwehen, Assistant City Manager, presented the proposed Strategic Implementation Program (SIP), which is a five-year strategy for carrying out the City's priority projects and programs. He explained that the program would include the Capital Improvement Projects (CIP), the Comprehensive Plan, and identify other projects and revenue sources that needed to be considered. He advised that this process would continue to implement the various Master Plans which have already been adopted. He advised that Bob Larsen, with Texas State University, was in attendance and would serve as the facilitator for this program.

John Kaminski, Director of Planning, briefly went over the handouts, which included a data base form for entering projects and proposed timelines. He advised that the work plan provides an overview of the SIP and an outline of how to go through the process. He explained that the department directors would be asked to submit a prioritized list of capital programs or initiatives for a five year period, starting next year. They would use the data base form, and once assembled, those departmental priorities would be presented to the City Council along with financial projections. Council would then be given the information, and prioritization would then begin. He presented the following two options and requested Council's preference.

- Option 1: Management and Staff would take all of the projects, do a rough cut of prioritizing, and then bring those forth at a subsequent meeting. Dr. Larsen would facilitate a discussion, so that Council might come to some consensus about those priorities.
- Option 2: Management and Staff would bring the entire package of the department's priorities and allow the Council to go through a ranking process and prioritize the projects. He advised that Option 2 would take the longest to accomplish and would require more meetings with Council.

Mr. Kaminski advised that this is a very aggressive schedule, with the goal being to finish the process by March. It was the consensus of Council to move forward with Option 1.

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Proposed Storm Water Drainage Plan and Master Drainage Plan

Jerry James, Director of Environmental Services, gave a brief update on the Proposed Storm Water Drainage Plan and Master Drainage Plan. He advised that the staff had been meeting with Tom Schmidt and Billy Settles, Engineers, to discuss some of the issues associated with the Master Drainage Plan, and primarily with the Design Criteria Manual. The Design Criteria Manual is a part of the plan that gives consultants and developer's guidance on how they might approach mitigation of storm water issues associated with properties, and/or give guidance on properties that they may want to look at as to whether those properties would require mitigation. He advised that PBS&J, the consultants that originally came up with the plan and manual, had been asked to go back and look at some issues concerning base elevations for storm waters. He advised that he would also be giving this same presentation to the Planning Commission at their next meeting.

RESOLUTION 2003-134R – AWARDING BIDS FOR INSURANCE COVERAGE TO TEXAS MUNICIPAL LEAGUE AND HIBBS, HALLMARK & COMPANY

The resolution awards bids for insurance coverage to Texas Municipal League and Hibbs, Hallmark & Company of Tyler, Texas, for total annual premiums of \$407,576. Gilbert P. Reyna, Jr.

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

RESOLUTION 2003-135R – AUTHORIZING A CONTRACT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AIR QUALITY PLANNING ACTIVITIES

The resolution authorizes the City Manager to execute Contract 582-4-64580 and associated documents between the City of Victoria and the Texas Commission on Environmental Quality (TCEQ f/k/a TNRCC) for near nonattainment air quality planning activities for the 2004-2005 Texas Biennium, in the amount of \$924,600 to be received from the State for such activities and authorizes execution of associated documents and amendments to such contract. Jerry James.

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, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-136R – AWARDING THE 2002-2003 WATER AND SANITARY SEWER LINE EXTENSION PROJECT FOR THE PROPOSED VICTORIA COUNTY ANIMAL SHELTER

No action was taken.

RESOLUTION 2003-137R – AWARDING THE 2002-2003 WATER AND SANITARY SEWER IMPROVEMENT PROJECT TO SAENZ UTILITY CONTRACTORS, INC.

The resolution awards the 2002-2003 Water and Sanitary Sewer Improvement Project (Lariat Lane, Yupon Ave., Roseland Ave., Cherokee Lane, and Dairy Road), to Saenz Utility Contractors, Inc. of Weslaco, Texas, in the amount of \$367,450. Wayne Cockroft.

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

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RESOLUTION 2003-138R – ACCEPTING THE 2003-2005 LOCAL LAW ENFORCEMENT BLOCK GRANT

The resolution authorizes the City Manager to execute all documents and agreements necessary to accept the 2003-2005 Local Law Enforcement Block Grant in the amount of approximately \$52,986 from The U.S. Department of Justice - Bureau of Justice Assistance, requiring a City match in an amount not to exceed \$5,887.30. 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 Neitsch, Russell, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-139R – AUTHORIZING THE PURCHASE OF ONE DICTAPHONE RP00-70 FREEDOM RECORDING SYSTEM

The resolution authorizes the City Manager to execute all documents necessary to purchase one Dictaphone RP00-70 Freedom Recording System through the Houston-Galveston Area Council of Governments (HGAC) Cooperative Purchasing Program in the amount of \$46,874.19, minus a \$7,500 trade-in for the existing logger recorder, for a total purchase price of \$39,374.19. Tim Braaten.

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, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-140R – AUTHORIZING A LOCAL AGREEMENT BETWEEN LAW ENFORCEMENT AGENCIES FOR THE DISPOSITION OF FORFEITED “CONTRABAND”

The resolution authorizes the City Manager to execute the Local Agreement between law enforcement agencies for the disposition of forfeited “contraband” pursuant to Tex. Code of Criminal Procedure art. 59.01, et. seq. Tim Braaten.

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, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-141R – AUTHORIZING AN INTERLOCAL COOPERATION ACT AGREEMENT WITH VICTORIA INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER PROGRAM

The resolution authorizes an Interlocal Cooperation Act Agreement between the City of Victoria and the Victoria Independent School District for the School Resource Officer Program. Tim Braaten.

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

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RESOLUTION 2003-142R - AUTHORIZING AN EXTENSION TO THE CITY'S EMERGENCY MANAGEMENT COORDINATOR SERVICES CONTRACT WITH B.J. BERGER AND VICTORIA COUNTY

The resolution authorizes the City Manager to execute all documents necessary to extend the City's Emergency Management Coordinator Services Contract with B. J. Berger and Victoria County until December 31, 2003, and terminate said contract after said date. Denny L. Arnold.

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, Wyatt, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2003-143R - AWARDED BID FOR THE 2002-2003 SIDEWALK PROJECT TO REXCO CONSTRUCTION SERVICES, INC.

The resolution awards the bid for the 2002-2003 Sidewalk Project to Rexco Construction Services, Inc. of Port Lavaca, Texas, in the amount of \$70,620.50. John Johnston.

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

RESOLUTION 2003-144R- APPROVING CHANGE ORDER #5 TO THE NORTHCREST HIGHLAND AREA DRAINAGE IMPROVEMENTS PROJECT

The resolution authorizes the Director of Public Works to approve Change Order #5 to the Northcrest Highland Area Drainage Improvements Project for minor quantity changes for widening or matching the existing driveways for additional concrete thickness at the end of the driveways and other citizen-request changes, in the amount of \$151,226.65, which brings the total contract amount to \$4,577,274.25. John Johnston.

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

RESOLUTION 2003-145R - AUTHORIZING ADDENDUM #3 TO THE ADVANCED FUNDING AGREEMENT WITH TXDOT FOR MALL ENTRANCE ROAD EXTENSION

The resolution authorizes Addendum #3 to the City's Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the reconstruction of the Mall Entrance Road extension of John Stockbauer Drive, approximately 500 feet in length. John Johnston.

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

RESOLUTION 2003-146R - AUTHORIZING AN ELECTRICAL SUPPLY AGREEMENT WITH SOUTH TEXAS AGGREGATION PROJECT, INC. (STAP)

The resolution authorizes the City Manager or his designee to execute an Electric Supply Agreement pursuant to the contract to be signed by South Texas Aggregation Project, Inc. (STAP) for deliveries of electricity effective January 1, 2004; and authorizes eligible designees to include the Chairman of STAP. David Smith

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Cm. Watkins 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, Wyatt, Watkins and Mayor Middleton
NAYS: None

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

City Attorney, David Smith, 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. 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 Neitsch, Russell, 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

City Attorney, David Smith, 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. Second and Third Reading. Miles Risley.

Cm. Watkins 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 Neitsch, Russell, 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,

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PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION


Mayor Middleton announced that Council would recess into Executive Session at 5:54 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 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 6:27 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 6:28 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
