

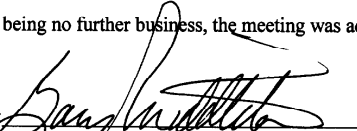
CITY COUNCIL MINUTES  
October 7, 2003

**ITEMS FROM COUNCIL**


Cm. Russell expressed support for a homestead tax freeze and exemption for persons sixty-five or over. He requested that this topic be placed on the agenda under City Manager Reports for the next City Council meeting.

There being no further business, the meeting was adjourned at 6:18 p.m.

APPROVED:

  
GARY MIDDLETON, Mayor of the City of  
Victoria, Texas

ATTEST:

  
SCARLET SWOBODA, City Secretary

\*\*\*\*\*

VICTORIA CITY COUNCIL  
October 21, 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, October 21, 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  
Wayne Cockroft, Director, Utilities  
Vance Riley, Director, Fire and EMS  
Gilbert P. Reyna, Jr., Director, Finance  
Rick Henrichs, Dir., Information Technology  
Steve Trevino, Director, IMS  
Jerry James, Director, Environmental Services  
Scarlet Swoboda, City Secretary

**MEMBERS ABSENT**

Wayne Watkins

**APPROVAL OF MINUTES**

The minutes of the regular meeting of October 7, 2003 were approved as presented.

**CITIZENS COMMUNICATION**

Andy Startz, 201 Rhoades, expressed concerns about the depth of ditches as a result of the Northcrest Drainage Project, and suggested that buried pipes should have been placed in them. He advised that residents were told the ditches would be a uniform depth of 36 inches, yet his is so deep he has turned his mower over three times. Denny Arnold, City Manager, responded that he would check with the staff and report back to Council and Mr. Startz concerning this issue.

**PUBLIC HEARINGS**

Mayor Middleton opened a public hearing on the following item:

**CITY COUNCIL MINUTES**  
**October 21, 2003**

**ORDINANCE 2003-2004A – AMENDING THE 2003-2004 FISCAL YEAR BUDGET TO TRANSFER FUNDS FOR WATER AND SANITARY SEWER EXTENSION PROJECT**

The ordinance considers amending the Water/Wastewater Fund in the amount of \$161,937.57 for Water and Sanitary Sewer Line Extension Project. Gilbert P. Reyna, Jr.

Gilbert P. Reyna, Jr., Director of Finance, advised that this project was to have taken place last fiscal year, but because of timing and contract agreement differences it did not happen. The funds went into the fund balance working capital and needs to be reallocated so that the project can be completed.

Wayne Cockroft, Director of Utilities, advised that Victoria County was originally part of the project and were going to pay for half of the project with Federal Emergency Management Agency (FEMA) grants and private donations. However, they are no longer a part of this project and will be placing their facility across the street at the Airport. David A. Smith, City Attorney, advised that the City is required to run the utility lines as part of the recent annexation of this area.

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**

**Homestead Tax Freeze or Tax Exemption for Persons Sixty-five or Over**

Cm. Russell advised that during the last constitutional election one of the three most popular proposals was allowing local entities to freeze the property tax valuation on homesteads for those sixty-five and older. He suggested that the Council act on this constitutional amendment and implement that freeze.

David Smith, City Attorney, advised that according to the Appraisal District there is a three-year cycle for re-appraisals, with the last re-appraisal done in 2002, so the next scheduled re-appraisal would be in 2005 and effect the 2006 tax year. Mayor Middleton suggested that if Council decides to adopt the freeze, it could be implemented with an effective date at a future time.

Gilbert P. Reyna, Jr., Director of Finance, explained that if Council chooses to implement the freeze, the \$10,000 exemption currently in affect would be rescinded for those 65 years and older. The new law would reduce the exemption amount to \$3,000, so there would be a \$7,000 loss in exemptions. There would be an approximate \$49 increase in taxes on a \$70,000 home, and could take six years before the citizen received the benefit of the freeze. Cm. Guittard recommended that if Council chooses to implement the freeze, information needs to go out to the general public so that they understand their taxes may go up for a while.

Following further discussion it was requested that Terry Turner with the Victoria County Appraisal District attend the next Council meeting in order to answer questions concerning how often the appraisals are done and which years they affect.

**Recognition of Wayne Cockroft**

Denny Arnold, City Manager, recognized Wayne Cockroft, Director of Utilities, and advised that it was his last meeting due to his retirement at the end of October.

**Quarterly Project Status Report**

John Johnston, Director of Public Works, presented the Quarterly Project Status Report along with a one page status report of the 2002-2003 Reclaim/Overlay Projects. He pointed out a few highlights and asked Members of Council to call him if they had any questions.

## CITY COUNCIL MINUTES

October 21, 2003

**RESOLUTION 2003-157R – AUTHORIZING THE PURCHASE OF COMPUTERS, COMPUTER SOFTWARE, EQUIPMENT AND PHONES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)**

The resolution authorizes the City Manager to execute all documents necessary to purchase computers, computer software, computer peripheral equipment, and phones through the Texas Department of Information Resources (DIR) in an amount not to exceed \$283,979. Rick Henrichs.

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

**RESOLUTION 2003-158R – AUTHORIZING THE PURCHASE OF NETWORKING EQUIPMENT, SOFTWARE AND INTERNET PROTOCOL PHONES THROUGH THE TEXAS COOPERATIVE PURCHASING NETWORK (TCPN)**

The resolution authorizes the City Manager to execute all documents necessary to purchase networking equipment, network software, and Internet Protocol (IP) phones through the Texas Cooperative Purchasing Network (TCPN) in an amount not to exceed \$96,700. Rick Henrichs.

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 2003-159R – AUTHORIZING A TRAINING AGREEMENT WITH VICTORIA COLLEGE FOR EMERGENCY MEDICAL CONTINUED EDUCATION**

The resolution authorizes a Training Agreement with the Victoria College to provide emergency medical continuing education for the members of the Victoria Fire Department, in the amount of \$24,640, plus \$37.50 per hour of additional instruction. 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, and Mayor Middleton  
NAYS: None

**RESOLUTION 2003-160R – AUTHORIZING AN AGREEMENT WITH VICTORIA AIR CONDITIONING FOR CITY HALL AIR CONDITIONING RENOVATION PROJECT**

The resolution authorizes an agreement for design/build services with Victoria Air Conditioning, Ltd. for the Victoria City Hall Air Conditioning Renovation Project, in the amount of \$388,732. Steve Trevino.

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 2003-161R – AUTHORIZING AN AIRPORT BRUSH SITE LEASE WITH VICTORIA COUNTY AT THE VICTORIA REGIONAL AIRPORT**

The resolution authorizes a ten-year Airport Brush Site Lease with Victoria County for use of approximately 22 acres of property for brush disposal at the Victoria Regional Airport. Jerry James.

CITY COUNCIL MINUTES

October 21, 2003

Cm. Russell moved to amend the resolution by changing the lease to a five year agreement with a five year option to extend, along with the substantive changes to the agreement as presented by Miles Risley, Assistant City Attorney, (as described in the written resolution), 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. Russell moved that the resolution be adopted, with Cm. Wyatt 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 2003-162R - AWARDING THE 2002-2003 WATER AND SANITARY SEWER LINE EXTENSION PROJECT TO MERCER CONSTRUCTION FOR PROPOSED ANIMAL SHELTER AT 8300 BLOCK OF HOUSTON HIGHWAY**

The resolution awards the 2002-2003 Water and Sanitary Sewer Line Extension Project for the proposed Victoria County Animal Shelter at 8300 Block Houston Highway to Mercer Construction Company of Edna, Texas for its low bid of \$196,793 and authorizes the Director of Utilities to execute a deductive Change Order #1 in the amount of <-\$34,855.43>, to reduce the contract amount to \$161,937.57. Wayne Cockcroft.

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

**ORDINANCE 2003-2004A - AMENDING THE 2003-2004 FISCAL YEAR BUDGET TO TRANSFER FUNDS FOR WATER AND SANITARY SEWER EXTENSION PROJECT**

City Attorney, David Smith, read the caption of Ordinance 2003-2004A, which amends the 2003-2004 Fiscal Year Budget of the City of Victoria Water/Wastewater Fund by transferring \$161,937.57 from the Water/Wastewater Fund fund balance to the Water Department Mains & Hydrants line item, to provide funding for the Water and Sanitary Sewer Line Extension Project for the proposed Victoria County Animal Shelter, repealing all conflicting ordinances, providing for severability; declaring an emergency; and declaring an effective date. Emergency Reading. Gilbert Reyna, Jr.

Cm. Wyatt moved that the ordinance pass on emergency reading, with Cm. Russell 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

Caption:

**AN ORDINANCE AMENDING THE 2003-2004 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA WATER/WASTEWATER FUND BY TRANSFERRING \$161,937.57 FROM THE WATER/WASTEWATER FUND FUND BALANCE TO THE WATER DEPARTMENT MAINS & HYDRANTS LINE ITEM, TO PROVIDE FUNDING FOR THE WATER AND SANITARY SEWER LINE EXTENSION PROJECT FOR THE PROPOSED VICTORIA COUNTY ANIMAL SHELTER, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.**

CITY COUNCIL MINUTES  
October 21, 2003

**EXECUTIVE SESSION**

Mayor Middleton announced that Council would recess into Executive Session at 6:02 p.m., in accordance with:

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, potential litigation involving extensions of utility services, the City's utilities collection services contract, a lease of City-owned land in the Lower Mission Valley Road / City reservoir area, and the design of the proposed bandstand in a manner that does or does not comply with state and federal regulations regarding disabilities and the Texas Accessibility Standards resulting in a potential lawsuit by the Texas Department of Licensing and Regulation). David A. Smith.

Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests 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 (including, but not limited to, the value of real property to be leased from Victoria County for brush disposal purposes at the Victoria Regional Airport). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment and employment of a Judge of the Municipal Court for a term beginning December 5, 2003). Scarlet Swoboda.

The Council reconvened in regular session at 7:23 p.m. and considered the following:

**RESOLUTION 2003-163R - AUTHORIZING TERMINATION OF CONTRACTS AND LEASES OF THE CITY OF VICTORIA CONDITIONED ON APPROVAL BY THE CITY ATTORNEY**

The resolution authorizes the City Manager to terminate contracts and leases of the City of Victoria, conditioned upon the approval of any termination by the City Attorney and the City's Director of Finance. Miles Risley.

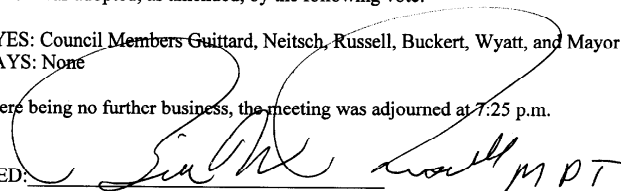
Cm. Wyatt moved to amend the resolution to read, The City Manager is authorized to eliminate any contracts and leases of the City of Victoria with Texas Southern, Inc. and/or Boyd Deters d/b/a Coastal Business Services and any assignees thereof, and further is authorized to terminate any leases of property at or adjacent to the City's reservoirs, with Cm. Buckert 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. Buckert 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

There being no further business, the meeting was adjourned at 7:25 p.m.

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

ATTEST:   
SCARLET SWOBODA, City Secretary