

VICTORIA CITY COUNCIL
November 4, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Pro Tem Bill Russell at 5:05 p.m. Tuesday, November 4, 2003 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

Bill Russell, Mayor Pro Tem
Philip Guittard
Lewis Neitsch
Shirley Buckert
Jim Wyatt

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
Miles Risley, Assistant City Attorney
John Johnston, Director, Public Works
Tim Braaten, Chief of Police
Charmelle Garrett, Director, Human Resources
Doug Cochran, Director, Parks and Recreation
Scarlet Swoboda, City Secretary

MEMBERS ABSENT

Gary Middleton, Mayor
Wayne Watkins

APPROVAL OF MINUTES

The minutes of the regular meeting of October 21, 2003 were approved as presented.

CITIZENS COMMUNICATION

Northcrest Drainage

Andy Startz, 201 Rhoades, expressed displeasure with the depth of the ditches in front of his property and suggested that buried pipes should have been placed in the ditches

DeLeon Plaza Bandstand

Gary Dunham, Executive Director of Victoria Preservation Inc. (VPI), 104 N. Liberty, and Gary Hall, President of the Board of VPI, 309 E. Santa Rosa, expressed concerns about the fate of the historic bandstand that was destroyed by Hurricane Claudette. They requested that it be restored to the same configuration as it was before the storm, using as much of the existing materials as possible. Mr. Dunham suggested using a lift so that the bandstand would be handicap accessible. He further expressed concerns that the bandstand not lose its status as a registered state historical landmark.

Frank Wearden, 1200 W. Goodwin Avenue, inquired whether any architectural colleges had been considered to take on this project.

Henry Wolff, 1704 Milam Drive, suggested that Hurricane Claudette may have done the City a favor, by presenting the opportunity to make the bandstand more functional. He suggested rebuilding it larger and lower, with the addition of a handicap accessible ramp that would still keep the historical integrity. He suggested that it would still be eligible for a site marker, simply because of the history of the bandstand.

John Griffin, 507 S. DeLeon, suggested that Council recognize the expertise of the Victoria County Historical Commission and Victoria Preservation Inc., and allow those organizations to have a meaningful voice in determining the eventual outcome of the bandstand.

CITY MANAGER REPORT

Consolidation of Birth and Death Registration

Scarlet Swoboda, City Secretary, reported that she met with Don Pozzi, County Judge, and Val Huvar, County Clerk, concerning the consolidation of local registrar duties earlier in the day. She advised that Mr. Huvar indicated his willingness to transfer birth and death records to her office

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following the approval of an interlocal agreement by both the City Council and County Commissioners.

RESOLUTION 2003-164R – AWARDING GROUP LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE CONTRACT TO FORT DEARBORN LIFE INSURANCE COMPANY

The resolution authorizes awarding the City of Victoria's employee group life and accidental death and dismemberment (A.D.&D.) insurance contract to Fort Dearborn Life Insurance Company, in the amounts of .11¢ per \$1,000 for basic life and \$0.30 per \$1,000 for A.D. & D., for a total of approximately \$30,000 per year from January 1, 2004 through December 31, 2006. Charmelle Garrett.

Cm. Buckert moved to amend the resolution in order to correct the amount from \$0.30 to \$0.03, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

Cm. Buckert 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, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

RESOLUTION 2003-165R – AUTHORIZING SERVICE AGREEMENTS WITH SOUTH TEXAS ZOOLOGICAL SOCIETY, CULTURAL COUNCIL, TEXAS SETTLEMENT TRAILS, AND CHAMBER OF COMMERCE AND APPROVING THEIR BUDGETS FOR 2003-2004 FISCAL YEAR

The resolution authorizes the City Manager to execute (1) a Zoological Park Management Services Agreement with the South Texas Zoological Society, Inc., in the amount of \$115,000, (2) a Hotel-Motel Tax Revenue Arts Promotion Services Agreement with the Cultural Council of Victoria, Inc., in the amount of \$78,137, (3) a Hotel Occupancy Tax Revenue Agreement with the Texas Settlement Trails, Inc., for historical renovation and preservation, in the amount of \$8,000, and (4) and a Hotel/Motel Occupancy Tax Revenue Tourism/Convention Promotion Services Agreement with the Victoria Chamber of Commerce to operate its Convention and Visitor's Bureau, in the amount of \$183,100, and approves the budget and funded activities for the aforementioned entities for the 2003-2004 fiscal year. Doug Cochran.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

RESOLUTION 2003-166R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH GOLDEN CRESCENT REGIONAL PLANNING COMMISSION FOR STATE EMERGENCY COMMUNICATIONS AND PARTIAL FUNDING FOR E-911 SERVICE

The resolution authorizes an Interlocal Agreement with Golden Crescent Regional Planning Commission and the Commission on State Emergency Communications for partial funding for E-911 Service from September 1, 2003 through September 1, 2004. Tim Braaten.

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, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

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RESOLUTION 2003-167R - AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RAWLEY MCCOY & ASSOCIATES FOR ARCHITECTURAL SERVICES FOR RECONSTRUCTION OF BANDSTAND AT DELEON PLAZA

The resolution authorizes a Professional Services Agreement with Rawley McCoy & Associates in an amount not to exceed \$29,660 for Architectural Services for the Reconstruction of the Bandstand in DeLeon Plaza. Doug Cochran.

Cm. Wyatt requested not taking action at this time, in order to look at alternative designs, architectural services, and costs.

Cm. Guittard 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, Buckert, and Mayor Pro Tem Russell
NAYS: Council Member Wyatt

RESOLUTION 2003-168R - AUTHORIZING A 10-YEAR LEASE AGREEMENT WITH THE VICTORIA HORSEMAN'S CLUB OF VICTORIA

The resolution authorizes a 10-year Lease Agreement with the Victoria Horseman's Club of Victoria, Texas for approximately 4 acres of property bordering Memorial and Red River Streets for the rental of horse stalls and operation of a rodeo arena sports complex. Doug Cochran.

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, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

RESOLUTION 2003-169R - GRANTING A VARIANCE TO VENDORS OPERATING AT THE CITY OF VICTORIA HOLIDAY PARADE

The resolution grants variances to Sections 14-52(a), 14-55(a), 14-56(a) and 14-60(a) of the Victoria City Code, which govern the City's requirements for itinerant vendors, solicitors, and outdoor sales to vendors operating at the City of Victoria Holiday Parade on December 6, 2003. Scarlet Swoboda.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

RESOLUTION 2003-171R - GRANTING A VARIANCE TO HOLLIMON OPERATING CORPORATION FOR OIL AND GAS WELL DRILLING

The resolution grants variances from Sections 16-24, 16-30, 16-34, 16-39, 16-40, 16-42, 16-44, 16-47, and 16-56 of the Victoria City Code which require a \$100,000 surety bond, require a security fence during drilling operations, prohibit excessive noise between the hours of 9:30 p.m. and 7:00 a.m., require all oil field wastes derived with the drilling to be discharged into a portable steel tank and be removed during the hours of 7:00 a.m. to 7:00 p.m., require three-ply board road be constructed from the public road to the drill site, prohibit delivery of oil and gas equipment between the hours of 7:00 p.m. to 7:00 a.m., prohibit utilization of earthen pits during the drilling phase, require material produced to be stored in metal containers and be collected during the hours of 7:00 a.m. to 7:00 p.m., require surface casing be run and set in full compliance with the applicable rules and regulations of the Texas Water Quality Board and be set to a depth of at least 100 feet below the deepest fresh water producing zone, and require the applicant to plat the production site within 90 days of commencement of the drilling activities in accordance with Chapter 21 of the City Code to a proposed oil & gas well in the area east of Larkspur Street, to be drilled by Hollimon Operating Corporation of San Antonio, Texas. John Johnston.

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Following discussion concerning whether granting the variance would affect development in the area the following amendment was made.

Cm. Buckert moved to amend the resolution by limiting the variance to a three year time limit and omitting Section 16-39, with Cm. Guittard seconding the motion. The resolution was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None

EXECUTIVE SESSION

Mayor Pro Tem Russell announced that Council would recess into Executive Session at 6:20 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, legality of acquisition / disposal methods for property in Queen City Addition and the Nave Museum located at 306 W. Commercial, Victoria, Texas). Miles Risley.

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, real property to be acquired in Queen City Addition and the Nave Museum located at 306 W. Commercial, Victoria, Texas). Miles Risley.

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). Scarlet Swoboda.

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

ORDINANCE 2003-21 – AUTHORIZING A SPECIAL WARRANTY DEED TO CONVEY THE NAVE MUSEUM TO THE VICTORIA REGIONAL MUSEUM ASSOCIATION (VRMA)

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2003-21, which authorizes the City Manager to execute a Special Warranty Deed to convey the Nave Museum located at Block 87, Lots 2 and 3 in Main Town, City of Victoria, Victoria County, Texas a/k/a 306 W. Commercial to the Victoria Regional Museum Association (VRMA) with the City's Agreement to continue certain maintenance and utility cost for 2 years from the date of the execution of the Deed. First Reading. Miles Risley.

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

AYES: Council Members Guittard, Neitsch, Wyatt, and Mayor Pro Tem Russell
NAYS: None
ABSTENTION: Council Member Buckert

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Caption:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED TO CONVEY THE NAVE MUSEUM LOCATED AT BLOCK 87, LOTS 2 AND 3 IN MAIN TOWN, CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, A/K/A 306 W. COMMERCIAL TO THE VICTORIA REGIONAL MUSEUM ASSOCIATION (VRMA) WITH THE CITY'S AGREEMENT TO CONTINUE CERTAIN MAINTENANCE AND UTILITY COST FOR 2 YEARS FROM THE DATE OF THE EXECUTION OF THE DEED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

RESOLUTION 2003-170R – APPOINTING A JUDGE OF THE MUNICIPAL COURT OF THE CITY OF VICTORIA

The resolution appoints a Presiding Judge of the Municipal Court of the City of Victoria. Miles Risley.

Cm. Wyatt moved to amend the resolution by adding the name Steven Kidder to the resolution as the appointed Judge of the Municipal Court, with Cm. Neitsch seconding the motion. The resolution was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
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:

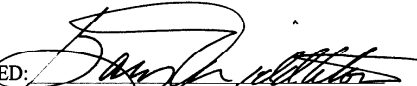
AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell
NAYS: None


ITEMS FROM COUNCIL

Cm. Buckert expressed concerns about the weedy lots around the City and requested a report on how staff is addressing the problem. Cm. Neitsch requested information on how garbage collection is addressed for those that do not have water or garbage accounts. Jerry James, Director of Environmental Services, was asked to address these two issues at the next meeting.

Mayor Pro Tem Russell advised that representatives from the Appraisal District would be at the next meeting to explain the appraisal process.

There being no further business, the meeting was adjourned at 7:05 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
