

VICTORIA CITY COUNCIL
November 18, 2003

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:06 p.m. Tuesday, November 18, 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
John Johnston, Director, Public Works
Ray Miller, Assistant Director, Planning
Tim Braaten, Chief of Police
Gilbert P. Reyna, Jr., Director, Finance
Jerry James, Director, Environmental Services
Andrew Jacob, Assistant Finance Director
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of November 4, 2003 were approved as presented.

CITIZENS COMMUNICATION

Mayor Middleton recognized the boy scouts in attendance.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following item:

ORDINANCE 2003-2004B – AMENDING THE 2003-2004 FISCAL YEAR BUDGET TO CARRY FORWARD ENCUMBRANCES

The ordinance considers amending the 2003-2004 Fiscal Year Budget of the City of Victoria to provide for the funding of certain encumbrances outstanding at the end of the previous fiscal year. Emergency Reading. Andrew Jacob.

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**National Geographic Information System (GIS) Day Proclamation**

Ray Miller, Assistant Director of Planning, announced that November 19, 2003 is National Geographic Information System (GIS) Day, advising that it was being held world wide for the fifth year. He advised that there would be demonstrations of the GIS system and how the City plans to use it in the future. Mr. Miller recognized Adrian Canas and Debra Drost for their role in planning this day and helping to develop GIS for the City of Victoria.

Anti Drinking and Driving and Seatbelt Campaign

Tim Braaten, Chief of Police, read the proclamation for the "Click it or Ticket" campaign, which runs from November 18, 2003 through December 1, 2003 and "You Drink, You Drive, You Loose" campaign, which runs from December 19, 2003 through January 4, 2004. Chief Braaten advised that the "Click it or Ticket" campaign has resulted in a dramatic increase in seat belt use and the "You Drink, You Drive, You Loose" campaign intensifies law enforcement and public education.

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Homestead Tax Freeze and Tax Exemption for Persons 65 or Over

Cm. Russell introduced Terry Turner, Chief Appraiser for the Victoria County Appraisal District, and Chip Sutton, Tax Attorney with Linebarger, Heard, Goggan, Blair, Graham, Pena and Sampson, L.L.P. Their presence was requested by the Council at the last meeting in order to clarify questions concerning tax appraisal cycles.

Mr. Turner advised that a tax rate would be frozen for an individual 65 or older until the house loses that qualification by either selling the home, or it no longer being their homestead. He advised that the freeze is a ceiling value, which stays in place until there are improvements made on the home and the rate would then be adjusted based on the value of the improved property. Also, if the original owner who qualified for the freeze passes away, the surviving spouse would continue benefiting from the freeze for the rest of their life provided they were also 65 years or older and owned the property. The freeze would also be transferable to a new resident provided they were 65 years or older as well.

Cm. Russell recommended adoption of the proposed freeze in 2004 with an effective date of 2005, so that all residential property would be appraised and anyone 65 or older would have time to prepare and make adjustments on their homes. He suggested that Council could adopt the tax rate in August of 2005 to go into effect October 1, 2005.

Weedy Lot Enforcement

Jerry James, Director of Environmental Services, presented a handout outlining the statistics and concerns regarding weedy lots. He briefly explained the ordinance and procedures involved in enforcement, and advised that 5,435 cases were handled in 2002. Members of Council expressed concerns that a complaint had to be reported before action was taken and suggested cooperation between city offices such as water meter readers, police officers, street crews, and general city employees to take note of areas that need mowing. There was a consensus from the members of Council to take a more aggressive stance in enforcement of the ordinance in order to clean up the City.

RESOLUTION 2003-172R – APPOINTING A RESERVE OFFICER TO THE VICTORIA POLICE DEPARTMENT

The resolution appoints Jason William Diaz as reserve officer to the Victoria Police Department. Tim Braaten.

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

RESOLUTION 2003-173R – AUTHORIZES A PARTICIPATION AGREEMENT WITH TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL)

The resolution authorizes the City Manager to execute a Participation Agreement with Texas Local Government Investment Pool (TexPOOL) and designates authorized representatives. Andrew Jacob.

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

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RESOLUTION 2003-174R – AUTHORIZING SUSPENSION OF THE EFFECTIVE DATE OF AEP (AEP TEXAS CENTRAL COMPANY) REQUESTED RATE CHANGE

The resolution authorizes the City Manager to endorse the suspension of the effective date of AEP (AEP Texas Central Company) requested rate changes, to permit the City time to study the request and to establish reasonable rates; approves cooperation with other cities within AEP Texas Central Company's service territory, authorizes intervention in the proceeding at the Public Utility Commission, requires reimbursement of cities' rate case expenses, and provides for notice. David Smith.

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

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

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

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

ORDINANCE 2003-2004B - AMENDING THE 2003-2004 FISCAL YEAR BUDGET TO CARRY FORWARD ENCUMBRANCES

City Attorney, David Smith, read the caption of Ordinance 2003-2004B, which amends the 2003-2004 Fiscal Year Budget of the City of Victoria to provide for the funding of certain encumbrances outstanding at the end of the previous fiscal year. Emergency Reading. Gilbert P. 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

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Caption:

AN ORDINANCE AMENDING THE 2003-2004 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA TO PROVIDE FOR THE FUNDING OF CERTAIN ENCUMBRANCES OUTSTANDING AT THE END OF THE PREVIOUS FISCAL YEAR; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

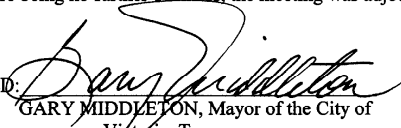
Mayor Middleton announced that Council would recess into Executive Session at 6:25 p.m., in accordance with:


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, requirements of Texas election law regarding vacancies on municipal governing bodies). 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 directors of the Victoria Sales Tax Development Corporation). Scarlet Swoboda.

The Council reconvened in regular session at 7:20 p.m. and considered the following:

There being no further business, the meeting was adjourned at 7:21 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
