

CITY COUNCIL MINUTES
November 18, 2003

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

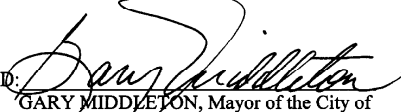
Mayor Middleton announced that Council would recess into Executive Session at 6:25 p.m., in accordance with:


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

VICTORIA CITY COUNCIL
December 2, 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, December 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
- Philip Guitard
- Lewis Neitsch
- Bill Russell
- 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
- John Kaminski, Director, Planning
- Tim Braaten, Chief of Police
- Charmelle Garrett, Director, Human Resources
- Doug Cochran, Director, Parks and Recreation
- Scarlet Swoboda, City Secretary

CITY COUNCIL MINUTES
December 2, 2003

APPROVAL OF MINUTES

The minutes of the regular meeting of November 18, 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:

COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

John Kaminski, Director of Planning, advised that the public hearing gives the community an opportunity to give public comment on the Community Development Block Grant (CDBG) Program activities for the past 2002-03 fiscal year. The City is required to complete an annual performance report and self evaluation and conduct a public hearing on that report. He reported that overall the City had followed the strategies in the five year consolidated plan to meet the identified high priority needs in the past program year and expectations were generally met and exceeded for the program activities during the program year. He advised that funds not spent will be reallocated into the new program year. He also advised that the total National CDBG Budget is not increasing, but the numbers of cities eligible to participate in the program are, so the funds available will be split into more and more pieces.

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

ORDINANCE 2003-22 – AMENDING CHAPTER 24 “FEES” OF THE VICTORIA CITY CODE

The ordinance considers amending Chapter 24 of the Victoria City Code to change miscellaneous fees therein. First Reading. Miles Risley.

Miles Risley, Assistant City Attorney, advised that the changes are in accordance generally with the requests of the departments in charge of each particular fee. Changes are made to the fee ordinance once a year to be effective on or about January 1.

Cm. Russell questioned the \$25 fee requested for registration of nonsterilized animals and suggested that the \$10 recommendation for sterilized animals apply across the board, which might be more inline with the costs of enforcement. Dr. Bain Cate, the Health Authority for the City/County Health Department, advised that the fees proposed were recommended by the Board of Health.

Cm. Wyatt requested clarification on the proposed community center annex fees and Cm. Buckert requested clarification on the proposed water fees.

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

ORDINANCE 2003-23 – GRANTING A FRANCHISE TO TCA HOLDINGS, II, L.P. D/B/A COX COMMUNICATIONS TO BUILD, CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF VICTORIA

The ordinance considers granting a franchise to TCA Holdings, II, L.P. d/b/a Cox Communications to build, construct, operate, and maintain a cable television system in the City of Victoria, Texas, and setting forth conditions accompanying the grant of the franchise; providing for the regulation and use of the system; providing for liquidated damages for failure to comply with certain provisions of this ordinance. First Reading. Miles Risley.

CITY COUNCIL MINUTES
December 2, 2003

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

RESOLUTION 2003-191R – AUTHORIZING THE ISSUANCE OF MEDICAL TRANSFER SERVICES PERMITS TO COASTAL MEDICAL SERVICES, REGIONAL AMBULANCE SERVICES, SOUTHERNCROSS AMBULANCE AND QUALITY AMBULANCE SERVICE

The resolution considers authorizing the issuance of medical transfer ambulance services permits to Coastal Medical Service, Regional Ambulance Service, Southerncross Ambulance, Inc., and Quality Ambulance Service. The ordinance requires that a public hearing be held before the issuance of the permits. Scarlet Swoboda.

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

RESOLUTION 2003-175R – APPOINTING A MEMBER TO THE VICTORIA CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU

No action was taken.

RESOLUTION 2003-176R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY TO CONSOLIDATE THE LOCAL REGISTRAR DUTIES FOR BIRTH AND DEATH RECORDS

The resolution authorizes the City Manager to execute an Interlocal Agreement with Victoria County to consolidate the Local Registrar duties for the maintenance of Birth and Death Records. Scarlet Swoboda.

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

The following eight resolutions were voted on as a group with one vote:

RESOLUTION 2003-177R – APPROVING THE SALE OF TAX RESALE PROPERTY AT 702 VIRGINIA TO MT. NEBO BAPTIST CHURCH

The resolution authorizes the sale of tax resale property at 702 Virginia to Mt. Nebo Baptist Church c/o Willie Sanders in the amount of \$3,500. Miles Risley.

RESOLUTION 2003-178R – APPROVING THE SALE OF TAX RESALE PROPERTY AT 703 WARREN STREET TO QUEEN CITY CHURCH OF GOD IN CHRIST

The resolution authorizes the sale of tax resale property at 703 Warren Street to Queen City Church of God in Christ c/o Cassandra D. Herring in the amount of \$500. Miles Risley.

RESOLUTION 2003-179R – APPROVING THE SALE OF TAX RESALE PROPERTY AT PUTNEY STREET TO VICTOR MORENO

The resolution authorizes the sale of tax resale property at Putney Street to Victor Moreno in the amount of \$1,250. Miles Risley.

RESOLUTION 2003-180R – APPROVING THE SALE OF TAX RESALE PROPERTY AT PUTNEY STREET TO VICTOR MORENO

The resolution authorizes the sale of tax resale property at Putney Street to Victor Moreno in the amount of \$650. Miles Risley.

CITY COUNCIL MINUTES

December 2, 2003

RESOLUTION 2003-181R – APPROVING THE SALE OF TAX RESALE PROPERTY AT ELLIS STREET TO VICTOR MORENO

The resolution authorizes the sale of tax resale property at Ellis Street to Victor Moreno in the amount of \$1,250. Miles Risley.

RESOLUTION 2003-182R – APPROVING THE SALE OF TAX RESALE PROPERTY AT ROBLES STREET TO BERTHA OLIVARES

The resolution authorizes the sale of tax resale property at Robles Street to Bertha Olivares in the amount of \$1,000. Miles Risley.

RESOLUTION 2003-183R – APPROVING THE SALE OF TAX RESALE PROPERTY AT 1004 ASH STREET TO MARC RAMIREZ

The resolution authorizes the sale of tax resale property at 1004 Ash Street to Marc Ramirez in the amount of \$900. Miles Risley.

RESOLUTION 2003-184R – APPROVING A SALE OF TAX RESALE PROPERTY AT 908 PINE STREET TO DOROTHY RAMIREZ

The resolution authorizes the sale of tax resale property at 908 Pine Street to Dorothy Ramirez in the amount of \$4,000. Miles Risley.

Cm. Buckert moved to adopt resolutions 2003-177R through 2003-184R, with Cm. Wyatt seconding the motion. The resolutions were adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, and Mayor Middleton

NAYS: None

ABSTENTION: Wyatt

RESOLUTION 2003-185R – APPROVING THE EXPENDITURES OF THE VICTORIA SALES TAX DEVELOPMENT CORPORATION

The resolution approves the expenditures of the Victoria Sales Tax Development Corporation. Miles Risley.

Cm. Guittard advised that he would vote for the resolution, but took exception to the amount allocated to Victoria Economic Development Corporation stating that he felt it was too much.

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 2003-186R – AUTHORIZING OPTING OUT OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) DURING THE CALENDAR YEAR OF 2004

The resolution authorizes the City Manager to opt out of the Health Insurance Portability and Accountability Act (HIPAA) during calendar year 2004. Charmelle Garrett.

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

CITY COUNCIL MINUTES

December 2, 2003

RESOLUTION 2003-187R – AUTHORIZING A 10 YEAR LEASE TO THE VICTORIA LIVESTOCK SHOW, INC. OF APPROXIMATELY 4.9 ACRES OF CITY PROPERTY

The resolution authorizes the City Manager to execute a 10-year lease to the Victoria Livestock Show, Inc. of approximately 4.9 acres of City property near the Community Center in exchange for improvements to the pole barn and other consideration. Doug Cochran.

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

RESOLUTION 2003-188R – AUTHORIZING THE PURCHASE OF NEW MOBILE DIGITAL TERMINALS FROM MOTOROLA, INC.

The resolution authorizes the purchase of 10 Motorola MW800 mobile digital terminals from Motorola, Inc. via Victoria Communication Services, in the total amount of \$60,519.38. Tim Braaten.

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

The following two resolutions were voted on as a group with one vote:

RESOLUTION 2003-189R – AWARDING AN ANNUAL SUPPLY CONTRACT TO CW&A INC. FOR PROCESS BASE AND ALAMO TRANSIT, INC. FOR CRUSHED LIMESTONE

The resolution authorizes an Annual Supply Contract for Process Base and Crushed Limestone to CW&A Inc. of Victoria, Texas, in the amount of \$7.95 per ton for process base, totaling approximately \$119,250.00 and to Alamo Transit, Inc. of San Antonio, Texas, in the amount of \$12.95 per ton for crushed limestone, totaling approximately \$51,800. John Johnston.

RESOLUTION 2003-190R – AWARDING AN ANNUAL SUPPLY CONTRACT FOR HOT MIX COLD LAID ASPHALT TO QUALITY HOT MIX, INC.

The resolution authorizes an Annual Supply Contract for Hot Mix Cold Laid Asphalt to Quality Hot Mix, Inc. of El Campo, Texas, in the amount of \$37.25 per ton, totaling approximately \$29,800. John Johnston.

Cm. Russell moved that resolution 2003-189R and 2003-190R 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 2003-191R – AUTHORIZING THE ISSUANCE OF MEDICAL TRANSFER SERVICES PERMITS TO COASTAL MEDICAL SERVICES, REGIONAL AMBULANCE SERVICES, SOUTHERNCROSS AMBULANCE AND QUALITY AMBULANCE SERVICE

The resolution authorizes the issuance of medical transfer services permits to Zillmer West, Inc. dba Coastal Medical Service, ALS Ambulance Services, Inc. dba Regional Ambulance Service, Craig and Debra Le Blanc dba Southerncross Ambulance, Inc., and Charles Sargent dba Quality Ambulance Service. Scarlet Swoboda.

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

CITY COUNCIL MINUTES

December 2, 2003

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

ORDINANCE 2003-22 – AMENDING CHAPTER 24 “FEES” OF THE VICTORIA CITY CODE

Assistant City Attorney, Miles Risley, read the caption of ordinance 2003-22, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees. First Reading. Miles Risley.

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

Caption:

AN ORDINANCE AMENDING CHAPTER 24 OF THE VICTORIA CITY CODE TO CHANGE MISCELLANEOUS FEES THEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2003-23 – GRANTING A FRANCHISE TO TCA HOLDINGS, II, L.P. D/B/A COX COMMUNICATIONS TO BUILD, CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF VICTORIA

Assistant City Attorney, Miles Risley, read the caption of ordinance 2003-23, which grants a franchise to TCA Holdings, II, L.P. d/b/a Cox Communications to build, construct, operate, and maintain a cable television system in the City of Victoria, Texas, and setting forth conditions accompanying the grant of the franchise; providing for the regulation and use of the system; providing for liquidated damages for failure to comply with certain provisions of this ordinance. First Reading. Miles Risley.

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

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

Caption:

AN ORDINANCE GRANTING A FRANCHISE TO TCA HOLDINGS, II, L.P. D/B/A COX COMMUNICATIONS TO BUILD, CONSTRUCT, OPERATE, AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF VICTORIA, TEXAS, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE REGULATION AND USE OF THE SYSTEM; PROVIDING FOR LIQUIDATED DAMAGES FOR FAILURE TO COMPLY WITH CERTAIN PROVISIONS OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; DECLARING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:59 p.m., in accordance with:

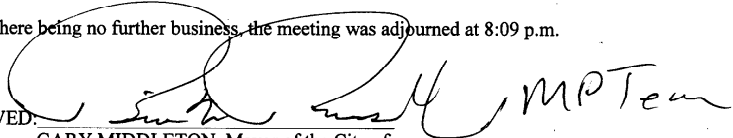
**CITY COUNCIL MINUTES
December 2, 2003**


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, renewal of cable television franchise agreement with Cox Communications, Inc.). Miles K. Risley.

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, the Health Authority for the Victoria City/County Health Department, and the directors of the Convention and Visitors Bureau of the Victoria Chamber of Commerce. Scarlet Swoboda.

The Council reconvened in regular session at 8:08 p.m. and took no action.

There being no further business, the meeting was adjourned at 8:09 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
