

**CITY COUNCIL MINUTES**

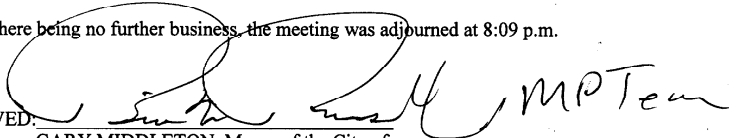
**December 2, 2003**


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

ATTEST:   
SCARLET SWOBODA, City Secretary

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**VICTORIA CITY COUNCIL**  
**December 16, 2003**

**CALL TO ORDER**

A regular meeting of the Victoria City Council was called to order by Mayor Pro Tem Bill Russell at 5:08 p.m. Tuesday, December 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**

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

**STAFF PRESENT**

Denny Arnold, City Manager  
Charles Windwehen, Assistant City Manager  
David Smith, City Attorney  
Miles Risley, Assistant City Attorney  
Gilbert P. Reyna, Jr., Director, Finance  
John Kaminski, Director, Planning  
Steve Trevino, Director, IMS  
Charmelle Garrett, Director, Human Resources  
Doug Cochran, Director, Parks and Recreation  
Wendi DuVall, Deputy City Secretary

**MEMBER ABSENT**

Gary Middleton, Mayor

**APPROVAL OF MINUTES**

The minutes of the regular meeting of December 2, 2003 were approved as presented.

**CITIZENS COMMUNICATION**

Andy Startz, 201 Rhoades, thanked City Manager Denny Arnold, for listening to his concerns about the ditch problems in regard to the Northcrest drainage project and suggested that if the City had money to fix the bandstand, they should have money to fix the Northcrest drainage problems.

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**CITY MANAGER REPORTS**

**Northcrest Area Drainage Improvement Project**

Tom Schmidt, Engineer with Urban Engineering, advised that the Northcrest Drainage Improvement Project was near completion. He addressed Mr. Startz's complaints by advising that there were two separate ditches involved, on two separate lots across the street from each other. The front ditch was not changed because according to policy and consistency, ditches that are already 36 inches are not changed. Today the ditch is at the exact same elevation as it was before starting the project, even though it is deeper than 36 inches. It is not fixable, because the 36 inch pipe won't fit under the ground anymore; there is just nothing that can be done about it. There are a few places that underground pipes could not be put in.

Mr. Schmidt advised that this project redistributes the water, so that it does not run through people's property, and allows each street to take care of its own water. Ken Gill, City Engineer, advised that the streets are expected to be completed by February 2004.

**RESOLUTION 2003-192R – AWARDING THE CHILDREN'S PARK PLAYGROUND CONSTRUCTION PROJECT TO ALL PLAY, INC.**

The resolution awards the Children's Park Playground Construction Project to All Play, Inc. of Houston, Texas, in the amount of \$40,215. 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 2003-193R – AWARDING THE CONTRACT FOR CITY HEALTH PLAN STOP-LOSS INSURANCE TO HCC LIFE INSURANCE COMPANY**

The resolution awards the contract for the City's health plan stop-loss insurance to HCC Life Insurance Company of Kennesaw, Georgia, in the amount of \$13.71 per employee per month and \$41.67 per dependent family per month, in an estimated total amount of \$205,709, with a \$115,000 deductible. Charmelle Garrett.

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

**RESOLUTION 2003-194R – GRANTING VARIANCES FOR MINIMUM LOT WIDTH OF COMMERCIAL LOTS AND MINIMUM BUILDING SETBACK REQUIREMENTS AT 105 E. FORREST AND 107 N. LIBERTY OWNED BY JEROME BROWN AND ROBERT SPENCER**

The resolution grants a variance to subsections (2), (4), (5), (6), and (7) of Section 21-83(a) of the Victoria City Code, which require a minimum lot width of 100' for commercial lots and establish minimum building setback requirements, to the Original Townsite Resubdivision No. 63 at 105 E. Forrest and 107 N. Liberty, which is owned by Jerome Brown and Robert Spencer. John Kaminski.

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

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**RESOLUTION 2003-195R – APPOINTING A CITY COUNCIL MEMBER TO THE VICTORIA METROPOLITAN PLANNING ORGANIZATION (MPO)**

The resolution appoints City Councilman Jim Wyatt to the Victoria Metropolitan Planning Organization (MPO). John Kaminski.

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

**RESOLUTION 2003-197R – AUTHORIZING THE PURCHASE OF FOUR-DOOR POLICE SEDANS FROM LAWRENCE MARSHALL DEALERSHIPS OF HEMPSTEAD, TEXAS**

The resolution authorizes awarding a bid for the purchase of seven Four-Door Police Package Patrol Sedans in the amount of \$20,890 apiece and three Four-Door Police Administration Sedans in the amount of \$20,718 apiece to Lawrence Marshall Dealerships of Hempstead, Texas, in the total amount of \$208,384 (all vehicles are Ford Crown Victoria's). Steve Trevino.

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

**ORDINANCE 2003-22 - AMENDING CHAPTER 24 "FEES" OF THE VICTORIA CITY CODE**

City Attorney, David Smith, read the caption of Ordinance 2003-22, which amends Chapter 24 of the Victoria City Code to change miscellaneous fees. Second Reading. David Smith.

Cm. Buckert moved to amend the ordinance to correct the typo in Section 24-142 as presented by Miles Risley and change the fee for registering animals to \$15 for three years regardless of animal's status, with Cm. Guittard seconding the motion. The ordinance 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 ordinance pass on second reading, with Cm. Wyatt seconding the motion. The ordinance passed, as amended, on second reading by the following vote:

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

City Attorney, David Smith, 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

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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. Second Reading. David Smith.

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

AYES: Council Members Guittard, Neitsch, Buckert, Wyatt, and Mayor Pro Tem Russell  
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 Pro Tem Russell announced that Council would recess into Executive Session at 6:07 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, renewal of cable television franchise agreement with Cox Communications, Inc.). 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 and lease of property in Riverside Park for golf course purposes). 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, 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. Wendi DuVall.

The Council reconvened in regular session at 6:55 p.m. and considered the following:

**RESOLUTION 2003-196R – APPOINTING MEMBERS TO THE VICTORIA SALES TAX DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

The resolution appoints City Councilman Lewis Neitsch and re-appoints Mayor Gary Middleton, Glenn Villafranca, and Louise Hull to the Victoria Sales Tax Development Corporation Board of Directors. Wendi DuVall.

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

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ITEMS FROM COUNCIL

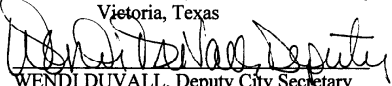
Cm. Wyatt wished everyone a blessed holiday.

There being no further business, the meeting was adjourned at 6:56 p.m.

APPROVED:

  
BILL RUSSELL, Mayor Pro Tem of the City of  
Victoria, Texas

ATTEST:

  
WENDI DUVALL, Deputy City Secretary

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