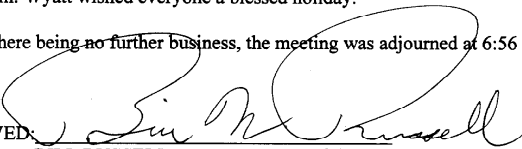


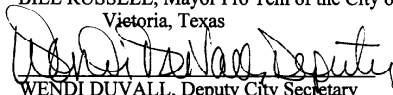
CITY COUNCIL MINUTES
December 16, 2003

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

VICTORIA CITY COUNCIL
January 6, 2004

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, January 6, 2004 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
- Miles Risley, Assistant City Attorney
- Gilbert P. Reyna, Jr., Director, Finance
- John Johnston, Director, Public Works
- Jerry James, Director, Environmental Services
- Tim Braaten, Chief of Police
- Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of December 16, 2003 were approved as presented.

CITIZENS COMMUNICATION

Dr. Taylor Starkey, 404 W. Guadalupe, inquired whether it would be less costly to burn the brush at the Airport site rather than chip it. Mayor Middleton responded that the City was working with the Texas Department of Transportation and other entities to use the by product of the chipped materials. He further advised that the City is working on plans for composting.

RESOLUTION 2004-1R – APPOINTING A MEMBER TO VICTORIA CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU COMMITTEE

The resolution appoints Annette Musgrave to the Victoria Chamber of Commerce Convention and Visitors Bureau Committee. Scarlet Swoboda.

Cm. Guittard 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
January 6, 2004

RESOLUTION 2004-2R – APPOINTING THE HEALTH AUTHORITY FOR THE CITY OF VICTORIA

The resolution reappoints Bain C. Cate, M.D. as the Health Authority for the City of Victoria. 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

RESOLUTION 2004-3R – RATIFYING THE INTERLOCAL AGREEMENT BETWEEN VICTORIA COUNTY AND THE CITY OF VICTORIA TO CONSOLIDATE REGISTRAR DUTIES

The resolution ratifies the Interlocal Agreement between Victoria County and City of Victoria to consolidate the Local Registrar duties for the Maintenance of Birth and Death Records designating the City Secretary as the sole registrar for Victoria County. 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

RESOLUTION 2004-4R – AUTHORIZING ADVERTISEMENT FOR THE SALE OF PROPERTY AT 1501 ANAQUA

The resolution authorizes the City Manager to execute all necessary documents to advertise for the sale of Lot 1, Block 9 of Parkwood Subdivision a/k/a 1501 Anaqua in accordance with Tex. Local Gov't Code § 253.008. Miles Risley.

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 2004-5R – AUTHORIZING APPLICATION FOR A JUVENILE JUSTICE ACCOUNTABILITY INCENTIVE BLOCK GRANT FROM THE TEXAS GOVERNOR'S CRIMINAL JUSTICE DIVISION

The resolution authorizes the City Manager to execute all documents necessary to apply for, accept, reject, alter or terminate a Juvenile Justice Accountability Incentive Block Grant from the Texas Governor's Criminal Justice Division via the Golden Crescent Regional Planning Commission (GCRPC) in the amount of \$18,961 from the state with a local match in an amount not to exceed \$2,107. Tim Braaten.

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

CITY COUNCIL MINUTES
January 6, 2004

**RESOLUTION 2004-6R – RATIFYING THE CONTRACT WITH STEVE EGGEMEYER
D/B/A EGGEMEYER TREE SERVICE FOR BRUSH GRINDING AT THE AIRPORT
BRUSH SITE**

The resolution ratifies a contract between the City of Victoria and Steve Eggemeyer d/b/a Eggemeyer Tree Service for brush grinding at the Victoria Airport Brush Site in the amount of \$3,800 per day for the time that the grinder is actively grinding, in a total amount not to exceed \$22,800. Jerry James.

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

**RESOLUTION 2004-7R – AUTHORIZING CHANGE ORDER NUMBER 6 FOR THE
NORTHCREST HIGHLAND AREA DRAINAGE IMPROVEMENTS PROJECT**

The resolution authorizes the Director of Public Works to execute Change Order Number 6 for the Northcrest Highland Area Drainage Improvements Project to provide for re-grading and re-sloping ditches, installing pipe to ditches greater than 36" deep, adding yard inlets, re-pouring parts of concrete drives to eliminate ponding, and changing other miscellaneous items in the amount of \$129,297.40, which will bring the total contract amount to \$4,706,571.65. John Johnston.

Cm. Russell 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 2003-22 – 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. Third Reading. Miles Risley.

Cm. Buckert moved to amend the ordinance to increase the impoundment fees for unsterilized or unvaccinated from \$25 to \$50 in Section 24-15 “Animal Control Services” and increase the subsequent registration (expires in 3 years) from \$10 to \$15 in Section 24-22 “Health Department Administered,” with Cm. Russell seconding the motion. The ordinance was amended by the following vote:

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

Cm. Buckert moved that the ordinance pass on third reading, with Cm. Guittard seconding the motion. The ordinance passed, as amended, on third 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;
AND DECLARING AN EFFECTIVE DATE.**

CITY COUNCIL MINUTES

January 6, 2004

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. Third Reading. Miles Risley.

Cm. Russell moved to amend the ordinance to include the terms of discussion by the City Attorney's Office and Cox Communications as worked out by both parties and presented, with Cm. Buckert seconding the motion. The ordinance was amended by the following vote:

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

Cm. Russell moved that the ordinance pass on third reading, with Cm. Wyatt seconding the motion. The ordinance passed, as amended, on third 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; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:34 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.). Miles Risley

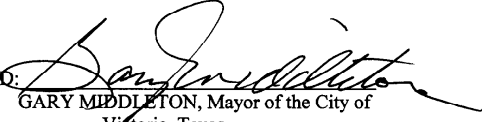
Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person (including, but not limited to, the sale of Lot 1, Block 9 of Parkwood Subdivision a/k/a 1501 Anaqua). Miles Risley.

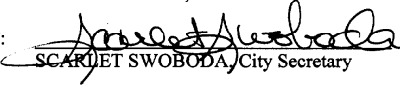
Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, employment, evaluation, and duties of the Health Authority for the Victoria City/County Health Department, and the directors of the Convention and Visitors Bureau of the Victoria Chamber of Commerce. Scarlet Swoboda.

The Council reconvened in regular session at 6:47 p.m. and had nothing to report.

CITY COUNCIL MINUTES
January 6, 2004

There being no further business, the meeting was adjourned at 6:48 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
