

VICTORIA CITY COUNCIL
May 18, 2004

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:09 p.m. Tuesday, May 18, 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
 David A. Smith, City Attorney
 Miles Risley, Assistant City Attorney
 John Johnston, Director, Public Works
 Lynn Short, Director, Utilities
 Vance Riley, Director, Fire and EMS
 Gilbert P. Reyna, Jr., Director, Finance
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of May 4, 2004 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

CITY MANAGER REPORTS

The Proposed Update of City of Victoria Water Master Plan was pulled from the agenda to allow the Council time to review the information distributed at the meeting. Lynn Short.

RESOLUTION 2004-67R – AUTHORIZING A SERVICE AGREEMENT WITH INTERMEDIX, INC. FOR AMBULANCE BILLING

The resolution authorizes a Service Agreement with Intermedix, Inc. of Houston, Texas for ambulance billing and collection services, in the amount of 11.5% of net collection revenues. Vance Riley.

Cm. Russell 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 2004-68R – AUTHORIZING AN EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC COURSE FOR FIRE DEPARTMENT EMPLOYEES

The resolution authorizes an agreement with Victoria College to provide an emergency medical technician-paramedic course for members of the Victoria Fire Department in the amount of \$27,100, to be adjusted for the number of participating members. Vance Riley.

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

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RESOLUTION 2004-69R – AUTHORIZING THE PURCHASE OF PROPERTY FOR THE LONE TREE ACRES DRAINAGE PROJECT

The resolution authorizes the City Manager to execute offers and contracts for the purchase of property and/or easements for the Lone Tree Acres Drainage Project from David and Iris Fay Chester, Edward Alexander Rigamonti, Donald David Rigamonti, PhD., Thomas Joseph Rigamonti, Helen Hoogendam, James Ray Rigamonti and Leonard Paul Rigamonti, in the amount of \$1,000, authorizes the acquisition of other interests in said project and/or property(ies), and authorizes the acceptance of deeds and other documents granting interests in the aforementioned property(ies) and/or easement(s). John Johnston.

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

RESOLUTION 2004-70R – AWARDING THE WEST OUTFALL DRAINAGE PROJECT-PHASE 1 TO LAUGHLIN-THYSSEN, LTD.

The resolution awards the bid for the West Outfall Drainage Project – Phase I and the Northcrest Outfall from Mead to Spring Creek to Laughlin – Thyssen, Ltd. of Houston, Texas, in the amount of \$6,158,147.40. John Johnston.

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

RESOLUTION 2004-71R – APPROVING TERMS OF THE TAX ABATEMENT WITH GEMCO OF PORT LAVACA, INC.

The resolution approves the terms and conditions of a tax abatement agreement between the City of Victoria, Texas and GEMCO of Port Lavaca, Inc., provides for a commercial/industrial tax abatement for GEMCO of Port Lavaca, Inc., for a period of four years, and authorizes execution of the agreement by the City Manager. Dale Fowler.

Dale Fowler, Executive Director of the Victoria Economic Development Corporation, advised that VEDC conducted an analysis of the estimated tax phase-in, based on the \$1.5 million investment. It is expected that over the four-year phase-in GEMCO would pay the City over \$13,000 and the tax abatement from those taxes would save approximately \$28,000 of City taxes. GEMCO would spend an estimated \$123,000 during that time to all taxing authorities.

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

RESOLUTION 2004-72R – AUTHORIZING A VARIANCE TO THE SEPTIC TANK REQUIREMENTS FOR 501 ANTHONY ROAD OWNED BY SCHWAN'S FOOD COMPANY

The resolution grants a variance to Section 10-115 of the Victoria City Code, which prohibits a person from installing a septic tank within ¾ mile of an existing city sewer service main, to Lot 1, Block 1, Bailey Subdivision No. 1, Resubdivision No. 1, which is located at 501 Anthony Road, owned by Schwan's Food Company, with the condition that the variance would terminate when a sewer line is installed to that area, or if there is a change of use of the property. Lynn Short.

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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

RESOLUTION 2004-73R – APPROVING THE FINANCIAL PLAN FOR ADDITIONAL FUNDING OF THE LONE TREE CREEK DRAINAGE PROJECT

The resolution approves a finance plan to fund additional estimated costs of the Lone Tree Creek Drainage Project, and indicates the City’s intent to request additional funding for said project from the Victoria Sales Tax Development Corporation in the amount of \$1,800,000 for Fiscal Year 2004-2005 and \$2,115,824 for Fiscal Year 2005-2006. John Johnston.

Mayor Middleton suggested looking into the possibility of moving the dam structure over or making it a little larger toward U.S. 59, which would enhance the area along Business 59 by raising the elevation and improving the property value for future development.

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

ORDINANCE 2004-7 - ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, SPEED LIMITS, AND MAPS PERTAINING TO TRUCK ROUTES AND PARKING RESTRICTIONS

City Attorney, David A. Smith, read the caption of Ordinance 2004-7, which adopts schedules of one-way streets, parking restrictions, and speed limits; adopts maps pertaining to truck routes and parking restrictions, provides that schedules of such traffic regulations and fees shall be maintained for public inspection, provides a penalty not to exceed \$200 upon conviction. Second and third reading. John Johnston

Cm. Russell moved to amend Section 22-63(2) to change the reserved parking on the east side of the 200 and 300 blocks of S. Bridge, to the 300 and 400 blocks of S. Bridge Street, 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. Wyatt moved that the ordinance pass on second and third reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, 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 ADOPTING SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS; ADOPTING MAPS PERTAINING TO TRUCK ROUTES AND PARKING RESTRICTIONS, PROVIDING THAT SCHEDULES OF SUCH TRAFFIC REGULATIONS AND FEES SHALL BE MAINTAINED FOR PUBLIC INSPECTION, PROVIDING A PENALTY NOT TO EXCEED \$200.00 UPON CONVICTION, REPEALING PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, PROVIDING FOR SAVINGS, AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2003-2004E - AMENDING THE 2003-2004 BUDGET OF THE CITY OF VICTORIA STREET DEPARTMENT AND ROADWAYS MAINTENANCE LINE ITEM

City Attorney, David A. Smith, read the caption of Ordinance 2003-2004E, which amends the 2003-2004 Fiscal Year Budget of the City of Victoria by transferring \$360,000 from the General Fund fund balance to the Street Department Street and Roadways Maintenance line item for additional funding for the 2003-04 Reclaim, Overlay Project/Reconstruction to Laurel Avenue, Yupon Avenue and Wagner Way, street inventory, and maintenance for the remainder of Fiscal Year 2003-2004. Second and third reading. Gilbert P. Reyna, Jr.

Cm. Russell moved that the ordinance pass on second and third reading, with Cm. Wyatt 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 AMENDING THE 2003-2004 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$360,000.00 FROM THE GENERAL FUND FUND BALANCE TO THE STREET DEPARTMENT STREET AND ROADWAYS MAINTENANCE LINE ITEM FOR ADDITIONAL FUNDING FOR THE 2003-04 RECLAIM, OVERLAY PROJECT/RECONSTRUCTION TO LAUREL AVENUE, YUPON AVENUE AND WAGNER WAY, STREET INVENTORY, AND MAINTENANCE FOR THE REMAINDER OF FISCAL YEAR 2003-2004; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE. FIRST READING. GILBERT REYNA, JR.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:43 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, potential litigation concerning the acquisition of property south of the Houston Highway in the vicinity of Lone Tree Creek). 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, property south of the Houston Highway in the vicinity of Lone Tree Creek). David A. Smith.

Section 551.087, Texas Government Code, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Victoria and with which the City of Victoria is conducting economic development negotiations. 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 City Manager). Scarlet Swoboda.

The Council reconvened in regular session at 9:00 p.m. and had nothing to report.

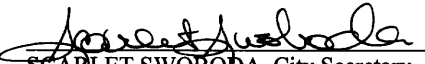
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ITEMS FROM COUNCIL

Mayor Middleton suggested that the Council readdress the issue of obtaining easements along Berkman to alleviate the water problems in that area. He urged staff to again approach the landowners about possibly donating the easements.

There being no further business, the meeting was adjourned at 9:01 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
