

CITY COUNCIL MINUTES

February 5, 2002

Cm. Watkins 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, Watkins and Mayor Middleton
NAYS: None


RESOLUTION 2002-25R – AUTHORIZING AMENDMENT NUMBER ONE TO THE PROGRAMMATIC AGREEMENT BETWEEN THE COMMUNITY ACTION COMMITTEE AND THE CITY OF VICTORIA


The resolution authorizes Amendment Number One to the Programmatic Agreement between the Community Action Committee and the City of Victoria for administration of the CDBG Owner-Occupied Home Rehabilitation Program, which will extend the termination date of the agreement from June 1, 2002 to September 1, 2002. John K. Kaminski.

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, Watkins and Mayor Middleton
NAYS: None

There being no further business, the meeting was adjourned at 5:46 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
February 19, 2002

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 4:00 p.m. Tuesday, February 19, 2002 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
- Wayne Watkins

STAFF PRESENT

- Denny Arnold, City Manager
- Charles Windwehen, Assistant City Manager
- David Smith, City Attorney
- John Johnston, Director, Public Works
- Doug Cochran, Director, Parks and Recreation
- Wayne Cockroft, Director, Utilities
- Brian Jahn, Traffic Engineer
- Scarlet Swoboda, City Secretary

EXECUTIVE SESSION

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Mayor Middleton announced that Council would recess into Executive Session at 4:00 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, without limitation, potential litigation involving Jalco, Inc. and the Sewer Replacement Project). 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, without limitation, the value of real property interests in or on Navarro Street and Cameron Street). 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 members of the Victoria City/County Board of Health). Scarlet Swoboda.

The Council reconvened in regular session at 5:00 p.m. and considered the following:

APPROVAL OF MINUTES

The minutes of the regular meeting of February 5, 2002 were approved as presented.

CITIZENS COMMUNICATION

No one wished to address Council.

PUBLIC HEARINGS

Mayor Middleton opened a public hearing on the following items:

ORDINANCE 2002-1 – ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

The ordinance considers adopting standard specifications and amending residential street standards for public works construction. John Johnston.

John Johnston, Director of Public Works, suggested that two amendments be considered for the third reading of the ordinance. He presented two exhibits of street sections for Local and Collector Streets and recommended that exhibit B, dated February 19, 2002 replace exhibit B which was an amendment to the ordinance on the first reading. The second recommended amendment was a typing correction to Standard Specifications, number 2.03, which should read Quality of Flexible Base.

Denny Arnold, City Manager, advised that at the last meeting there was discussion to come up with a policy for participating in the cost of paving streets. The staff is working on it and will come back to Council with their recommendations in the form of a resolution in the near future.

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

ORDINANCE 2002-4 - AMENDING THE CITY'S SCHEDULE OF PARKING RESTRICTIONS TO PROHIBIT PARKING NEXT TO THE FEDERAL BUILDING

The ordinance considers amending the City's schedule of parking restrictions to prohibit parking on the north side of Church Street between Liberty Street and Main Street. John Johnston.

John Johnston, Director of Public Works, advised that shortly after the incident of September 11, 2001 the Attorney General of the United States required that all federal buildings have no

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parking zones beside them. This ordinance will be re-evaluated in one year to see if the need still exists.

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

RESOLUTION 2002-32R – APPLYING FOR GRANT FROM U.S. DEPARTMENT OF COMMERCE FEDERAL ECONOMIC DEVELOPMENT AGENCY TO FUND INDUSTRIAL PARK

The resolution considers authorizing the City Manager to execute all necessary documents to apply for a Grant for Public Works and Economic Development from the U.S. Department of Commerce's Federal Economic Development Agency to fund the development costs of a proposed business and industrial park, which will be located on the corner of Loop 463 and Lone Tree Road. Dale Fowler.

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

There were none.

RESOLUTION 2002-26R – AUTHORIZING A VARIANCE TO MICHAEL AND KELLY FELCHAK AT 101 BLOOMINGDALE CIRCLE

The resolution authorizes a variance from Section 20-82(a) of the Victoria City Code, which defines the maximum number of driveways for a residential land use, to 101 Bloomingdale Circle, which is owned by Michael and Kelly Felchak. Brian Jahn.

Brian Jahn, Traffic Engineer, advised that staff had recommended denial of the variance, based on the functional classification of how the streets are identified. Burning Tree functions as a collector street, with approximately 4,000 vehicles a day. He explained that it was platted with a restriction of driveway access, because it was identified as a primary entryway into the subdivision.

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

AYES: None

NAYS: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Watkins and Mayor Middleton

RESOLUTION 2002-27R – GRANTING A VARIANCE TO TEXAS TOOL AND HARDWARE AT 303 E. CRESTWOOD DRIVE

The resolution grants a variance from Sections 20-82(a), 20-83, 20-84, 20-85, and 20-86 of the Victoria City Code, which (1) define the maximum number of driveways for commercial land uses, (2) establish allowable driveway locations and spacing, (3) define maximum driveway widths, (4) identify minimum driveway curb radii, and (5) define the minimum internal storage requirements for driveways, to 303 E. Crestwood Drive, which is owned by Keith Redburn (Texas Tool and Hardware). John Johnston.

Cm. Buckert moved to amend the resolution granting the variance conditioned on the owner's execution of a license agreement with the City, with Cm. Watkins seconding the motion. The resolution was amended by the following vote:

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

NAYS: None

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

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

NAYS: None

RESOLUTION 2002-28R – AUTHORIZING CHANGE ORDER #8 WITH JALCO, INC.

The resolution authorizes the Director of Utilities to execute Change Order #8 to the Sewer Replacement Project, Job No. 13-65990-105, with Jalco, Inc. for \$59,497.02, which brings the total contract amount to \$3,794,545.61. Wayne Cockroft.

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, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-29R – AUTHORIZING SETTLEMENT OF A CLAIM AGAINST THE CITY BY JALCO, INC.

The resolution authorizes settlement of a claim against the City by Jalco, Inc. involving its contract with the City for the construction of the Sewer Replacement Project, Job No. 13-65990-105, for \$129,593.96 payable by the City of Victoria, plus the execution of Change Order #8 and foregoing of liquidated damages. David A. Smith.

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, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-30R – AUTHORIZING AN INTERLOCAL COLLABORATIVE AGREEMENT WITH CITIZENS MEDICAL CENTER, GULF BEND MENTAL HEALTH/MENTAL RETARDATION, THE UNIVERSITY OF HOUSTON-VICTORIA, VICTORIA COLLEGE, VICTORIA COUNTY, VICTORIA INDEPENDENT SCHOOL DISTRICT, AND VICTORIA LIBRARY TO PROVIDE INTERNET SERVICES

The resolution authorizes an Interlocal Collaborative Agreement with Citizens Medical Center (Victoria County), Gulf Bend Mental Health/Mental Retardation, the University of Houston-Victoria, Victoria College, Victoria County, Victoria Independent School District, and Victoria Library to provide Internet services to selected areas in Victoria County, for \$10,000 from the City of Victoria. David A. Smith.

Cm. Watkins 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, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-31R – AUTHORIZING ADVERTISEMENT FOR THE SALE OF PROPERTY AT 503 N. NAVARRO

The resolution authorizes all necessary documents to advertise for the sale of 503 N. Navarro in accordance with Tex. Local Gov't Code § 272.001(a). David A. Smith.

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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, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-32R – APPLYING FOR GRANT FROM U.S. DEPARTMENT OF COMMERCE FEDERAL ECONOMIC DEVELOPMENT AGENCY TO FUND INDUSTRIAL PARK

The resolution authorizes the City Manager to execute all necessary documents to apply for a Grant for Public Works and Economic Development from the U.S. Department of Commerce's Federal Economic Development Agency to fund the development costs of a proposed business and industrial park, which will be located on the corner of Loop 463 and Lone Tree Road. Dale Fowler.

Cm. Watkins 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, Watkins and Mayor Middleton

NAYS: None

ORDINANCE 2002-1 – ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

City Attorney, David Smith, read the caption of Ordinance 2002-1, which adopts Standard Specifications for Public Works Construction and amending the City's Local and Collector Street Standards. Third Reading. John Johnston.

Cm. Watkins moved that the ordinance be amended to reflect exhibit B dated February 19, 2002, and correct the wording in Section 2.03 to read Quality of Flexible Base, with Cm. Neitsch seconding the amendment. The amendment passed by the following vote:

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

NAYS: Council Members Buckert and Wyatt

Cm. Watkins moved that the ordinance pass on third reading, with Cm. Neitsch seconding the motion. The ordinance passed, as amended, on third reading by the following vote:

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

NAYS: Council Members Buckert and Wyatt

Caption:

AN ORDINANCE ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND AMENDING THE CITY'S LOCAL AND COLLECTOR STREET STANDARDS; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-4 - AMENDING THE CITY'S SCHEDULE OF PARKING RESTRICTIONS TO PROHIBIT PARKING NEXT TO THE FEDERAL BUILDING

City Attorney, David Smith, read the caption of Ordinance 2002-4, which amends the City's Schedules of One-Way Streets, Parking Restrictions, and Speed Limits to prohibit parking on the north side of Church Street between Liberty Street and Main Street. First Reading. John Johnston

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

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

NAYS: None

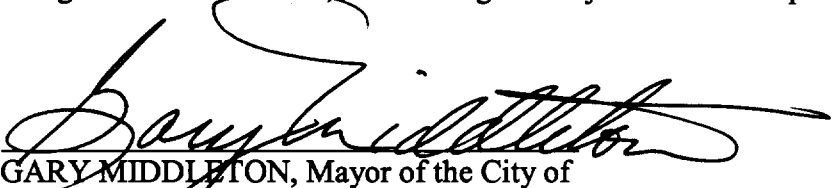
Caption:


AN ORDINANCE AMENDING THE CITY'S SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS TO PROHIBIT PARKING ON THE NORTH SIDE OF CHURCH STREET BETWEEN LIBERTY STREET AND MAIN STREET; PROVIDING A PENALTY NOT TO EXCEED \$200.00 UPON CONVICTION; SUSPENDING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

ITEMS FROM COUNCIL

Cm Buckert advised that Downtown parking is getting worse, and requested that staff look at easing the parking demands. She noted that the revitalization of Downtown would not happen without improving the parking situation.

There being no further business, the meeting was adjourned at 5:56 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
