

VICTORIA CITY COUNCIL
April 2, 2002

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, April 2, 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
 Miles Risley, Assistant City Attorney
 John Johnston, Director, Public Works
 John Kaminski, Director, Planning
 Wayne Cockroft, Director, Utilities
 Steve Trevino, Director, IMS
 Gilbert Reyna, Jr., Director, Finance
 Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of March 19, 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 2002-5 – AUTHORIZING CLOSURE OF CAMERON STREET BETWEEN COMMERCIAL STREET AND STAYTON AVENUE

The ordinance considers authorizing the closure of various streets, described in the body of the amended ordinance, as amended by action of the City Council on second reading. The closures would include Cameron Street between Commercial Street and Stayton, and Commercial Street at Navarro and Stayton Avenue at Navarro. The streets would be closed when the construction of the Navarro Street Underpass begins. John Johnston.

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

ORDINANCE 2002-7 – AMENDING CHAPTER 10 TO ADD SECTION 10-29 “DISCARDING YARD WASTE ONTO STREET”

The ordinance considers amending Chapter 10, “Health and Sanitation”, Article II, Division 1, of the Victoria City Code to add Section 10-29, “Discarding Yard Waste onto Street”, which will prohibit the blowing or sweeping of leaves and grass into City streets, gutters and storm sewer inlets and pipes. John Johnston.

John Johnston, Director of Public Works, advised that the ordinance addresses issues anticipated in the National Pollutant Discharge Elimination System (NPDES) Phase II of the Environmental Protection Agency (EPA) Storm Water Regulations. The City has to declare its intention to comply with the general permit that Texas Natural Resource Conservation Commission (TNRCC) drafts at the end of this year. This is one of the items that would be included in the notice of intent. Mr. Johnston advised that the best way to eliminate material in the storm drainage is through public education, with enforcement being the last choice.

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C. B. McCloud, owner of Friendly Oaks Bed and Breakfast, advised that oak leaves do not decompose as most leaves do. She expressed concerns that leaves falling into the street will be taken to the landfill, causing it to fill up rapidly. Mayor Middleton advised that the ordinance addresses the blowing of rubbish into the street, not the natural act of trees shedding their leaves.

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**Community Development Block Grant (CDBG) Silver City Target Neighborhood Program**

John Kaminski, Director of Planning, advised that April 1 through April 7 is National Community Development Week, which is dedicated to recognizing the Community Development Block Grant (CDBG) program. He reported on the status of the CDBG Silver City Target Neighborhood Program, and presented a handout showing the progress for the 2001-2002 action plans. He addressed the following programs and associated costs:

- **Affordable Housing**
 - Owner-Occupied Home Rehabilitation - \$428,000
 - Land Acquisition - \$100,000
 - New Housing Initiative - \$150,000
- **Code Enforcement**
 - Demolition - \$80,000
 - Neighborhood Clean-up - \$5,000
- **Public Facilities**
 - Neighborhood Resource Center - \$55,000
- **Public Improvements**
 - Street Improvements - \$300,000
 - Sidewalk Improvements - \$35,000
 - Street Lighting Improvements - \$36,000
- **Public Services**
 - Neighborhood Services - \$70,000
- **Other Activities**
 - Neighborhood Association
 - Neighborhood Action Plan
 - Volunteer Service Program

Mr. Kaminski acknowledged Holly Pakebusch, Jared Mayfield and Darlah Sims for the outstanding work they have done on this project.

Introduction of New Staff Member

Scarlet Swoboda, City Secretary, introduced Wendi DuVall, the newest member of her staff to the Mayor and Council.

RESOLUTION 2002-56R – AWARDING BID FOR PURCHASE OF MULTI-AGENCY SUPPORT VEHICLE

The resolution awards the bid for the purchase of a Multi-Agency Support Vehicle (mobile command post) to Clegg Industries, Inc. of Victoria, Texas in the base amount of \$103,900, plus options totaling \$5,523, for an adjusted total purchase price of \$109,423. Steve Trevino

Cm. Wyatt moved that the resolution be adopted, with Cm. Watkins 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

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RESOLUTION 2002-57R – AWARDING NORTHCREST HIGHLAND AREA DRAINAGE IMPROVEMENTS PROJECT TO KING ISLES, INC.

The resolution awards the bid for the Northcrest Highland Area Drainage Improvements Project to King Isles, Inc. of Corpus Christi, Texas for the amount of \$4,089,288.05. John Johnston.

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, Watkins and Mayor Middleton

NAYS: None

ABSTENTION: Council Member Russell

Denny Arnold, City Manager, inquired whether Council was in favor of Tom Schmidt, P.E., representing Urban Engineering to negotiate a better price for concrete driveway approaches for this project. It was the general consensus of Council to move forward with negotiations.

RESOLUTION 2002-58R – AUTHORIZING CHANGE ORDER 1 TO THE SAM HOUSTON RECONSTRUCTION PROJECT

The resolution authorizes the Director of Public Works to execute Change Order Number 1 to the Sam Houston Reconstruction Project to authorize (1) the addition of 2705 linear feet of 8" water line on Mesquite Lane, (2) the addition of three 1.5" water services, and (3) the removal of six trees adjacent to the roadway, in the amount of \$129,820.75, which will bring the total contract price to \$2,869,089.53. John Johnston.

Cm. Wyatt 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, Watkins and Mayor Middleton

NAYS: None

RESOLUTION 2002-59R – AUTHORIZING AGREEMENT WITH RELIANT ENERGY-ENTEX FOR RELOCATION OF NATURAL GAS PIPELINE ON AIRLINE

The resolution authorizes an agreement with Reliant Energy-Entex for the relocation of an existing 4" natural gas pipeline in Airline Road between Navarro Street and Arroyo Street in an amount not to exceed \$90,000. Wayne Cockroft.

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 2002-60R – ACCEPTING NATURAL GAS SERVICE BASE RATE ADJUSTMENTS FILED BY RELIANT ENERGY-ENTEX

The resolution accepts natural gas service base rate adjustments filed by Reliant Energy Entex, a division of Reliant Energy Resources Corp. Denny L. Arnold.

Denny Arnold, City Manager, advised that approximately twenty-seven years ago Houston Natural Gas came to cities asking city councils to pass ordinances that allow yearly cost of service adjustments in their contracts.

Charles Luker, District Manager for Reliant Energy, advised that adjustments in the past five years have been flat, and the new rate would raise a residential customers rates by \$2.26 a month.

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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 2002-61R – ADVERTISING THE SALE OF PROPERTY AT 503 N. NAVARRO – SECOND TIME

The resolution authorizes the City Manager to execute all necessary documents to advertise for the sale of 503 N. Navarro in accordance with Tex. Local Gov't Code §253.008. David A. Smith.

David A. Smith, City Attorney, advised that this is the second time this piece of property has come before Council. He advised that the newspaper published the wrong date on the notice for the auction, thus making the previous sale null and void. A second notice for the auction will be published stating the rescheduled date of April 15, 2002.

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, Russell, Buckert, Wyatt, Watkins and Mayor Middleton

NAYS: None

ORDINANCE 2001-02B – AMENDING 2001-2002 FISCAL YEAR BUDGET TO TRANSFER FUNDS FROM MOTEL TAX FUND TO CONVENTION CENTER LINE ITEM FOR THE VICTORIA PERFORMING ARTS CENTER AT 214 N. MAIN

City Attorney, David Smith, read the caption of Ordinance 2001-02B, which amends the 2001-2002 Fiscal Year budget of the City of Victoria by transferring \$100,000 from the Motel Tax Fund Balance to the Convention Center line item account for services to be provided from the Cultural Council of Victoria, Inc. for the improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities and visitor information centers and historical restoration and preservation projects and activities at the site of the Victoria Performing Arts Center at 214 N. Main, Victoria, Texas. It authorizes execution of a Hotel Occupancy Tax Revenue Convention Center/Historical Restoration Services Agreement with said entity, and approves an amended FY 2001-2002 Budget of the Cultural Council of Victoria, Inc. Second and third Reading. Gilbert Reyna, Jr.

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

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

NAYS: None

Caption:

AN ORDINANCE AMENDING THE 2001-2002 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$100,000 FROM THE MOTEL TAX FUND BALANCE TO THE CONVENTION CENTER LINE ITEM ACCOUNT FOR SERVICES TO BE PROVIDED FROM THE CULTURAL COUNCIL OF VICTORIA, INC. FOR THE IMPROVEMENT, ENLARGING, EQUIPPING, REPAIRING, OPERATION, AND MAINTENANCE OF CONVENTION CENTER FACILITIES AND VISITOR INFORMATION CENTERS AND HISTORICAL RESTORATION AND PRESERVATION PROJECTS AND ACTIVITIES AT THE SITE OF THE VICTORIA PERFORMING ARTS CENTER AT 214 N. MAIN, VICTORIA, TEXAS, AUTHORIZING EXECUTION OF A HOTEL OCCUPANCY TAX

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REVENUE CONVENTION CENTER/HISTORICAL RESTORATION SERVICES AGREEMENT WITH SAID ENTITY, APPROVING AN AMENDED FY 2001-2002 BUDGET OF THE CULTURAL COUNCIL OF VICTORIA, INC., REPEALING PARTS OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-6 – EXEMPTING TRAVEL TRAILERS FROM AD VALOREM TAXATION

City Attorney, David Smith, read the caption of Ordinance 2002-6, which exempts travel trailers from ad valorem taxation. Second and third Reading. Gilbert Reyna, Jr.

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

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

Caption:

AN ORDINANCE EXEMPTING TRAVEL TRAILERS FROM AD VALOREM TAXATION, REPEALING PARTS OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-5 – AUTHORIZING CLOSURE OF CAMERON STREET BETWEEN COMMERCIAL STREET AND STAYTON AVENUE

City Attorney, David Smith, read the caption of Ordinance 2002-5, which authorizes the closure of Cameron Street between Commercial Street and Stayton Avenue to public vehicular traffic, authorizes the director of public works to place such traffic control devices at said crossing as are appropriate to discourage public vehicular traffic. Third Reading. John Johnston.

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

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

Caption:

AN ORDINANCE AUTHORIZING THE CLOSURE OF CAMERON STREET BETWEEN COMMERCIAL STREET AND STAYTON AVENUE TO PUBLIC VEHICULAR TRAFFIC, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PLACE SUCH TRAFFIC CONTROL DEVICES AT SAID CROSSING AS ARE APPROPRIATE TO DISCOURAGE PUBLIC VEHICULAR TRAFFIC; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-7 – AMENDING CHAPTER 10 TO ADD SECTION 10-29 “DISCARDING YARD WASTE ONTO STREET”

City Attorney, David Smith, read the caption of Ordinance 2002-7, which amends Division 1 of Article II of Chapter 10, "Health and Sanitation", of the Victoria City Code to add section 10-29, "Discarding Yard Waste onto Street," which will prohibit the blowing or sweeping of leaves and grass into city streets or gutters. First Reading. John Johnston.

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Cm. Buckert 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, Watkins and Mayor Middleton

NAYS: None

Caption:

AN ORDINANCE AMENDING DIVISION 1 OF ARTICLE II OF CHAPTER 10, "HEALTH AND SANITATION", OF THE VICTORIA CITY CODE TO ADD SECTION 10-29, "DISCARDING YARD WASTE ONTO STREET," WHICH WILL PROHIBIT THE BLOWING OR SWEEPING OF LEAVES AND GRASS INTO CITY STREETS OR GUTTERS; PROVIDING A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION; PROVIDING FOR ENFORCEMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:53 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, *First Preferred Insurance Company as Subrogee of James Wayne vs. The City of Victoria*, filed in State District Court in Victoria County, Texas). 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, proposed lease of 6.89 acres of land at the intersection of Bluff and Colorado Streets and proposed acquisition of water rights attached to real property in the Guadalupe River Basin). David A. Smith

The Council reconvened in regular session at 8:03 p.m. and had nothing to report:

ITEMS FROM COUNCIL

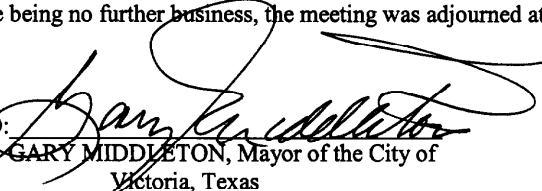
Cm. Wyatt requested staff and Council to consider designating a safe area, with a fire truck on duty during the Fourth of July celebrations for families to pop fireworks. He also, requested that staff look into safety issues involved with funeral processions through the City.

Mayor Middleton requested a briefing from staff concerning state legislation, where the City and County have a mutual agreement on various issues.

Cm. Russell requested that Civilians on Patrol become more involved, and suggested the Chief of Police and City Manager visit about the issue.

There being no further business, the meeting was adjourned at 8:04 p.m.

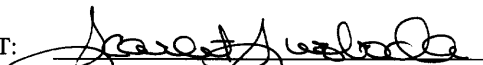
APPROVED:


GARY MIDDLETON, Mayor of the City of
Victoria, Texas

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ATTEST:


SCARLET SWOBODA, City Secretary
