

CITY COUNCIL MINUTES
April 23, 2002

Cm. Wyatt 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, Watkins and Mayor Middleton
NAYS: None

The action portion of the special meeting was adjourned at 5:20 p.m. then reconvened into a Work Session that ended at 6:30 p.m.

EXECUTIVE SESSION

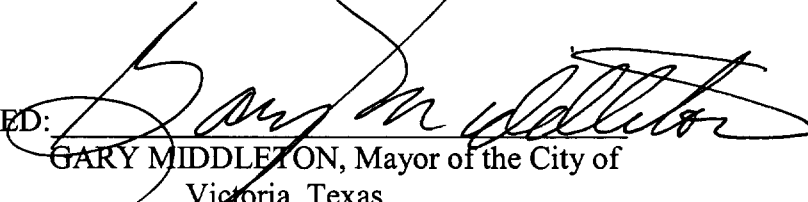
Mayor Middleton announced that Council would recess into Executive Session at 6:30 p.m., in accordance with:


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, possible acquisition of property rights along Spring Creek). David A. Smith.

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the evaluation, and duties of the City Manager and emergency management coordinator). Scarlet Swoboda.

The Council reconvened in regular session at 8:52 p.m. with nothing to report.

There being no further business, the meeting was adjourned at 8:52 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
May 7, 2002

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:06 p.m. Tuesday, May 7, 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
- Miles Risley, Assistant City Attorney
- John Johnston, Director, Public Works
- John Kaminski, Director, Planning
- Wayne Cockroft, Director, Utilities
- Tim Braaten, Chief of Police
- Steve Trevino, Director, IMS
- Scarlet Swoboda, City Secretary

OTHERS PRESENT

Bain C. Cate, M.D., Health Authority
Dale Fowler, Executive Director, Victoria Economic Development Corporation
Taylor Starkey, M.D., Parks Commission

APPROVAL OF MINUTES

The minutes of the regular meeting of April 16, 2002 and special meeting of April 23, 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 2002-11 - AMENDING THE SCHEDULE OF RATES FOR TAXICAB SERVICES

The ordinance considers amending the City's rates charged by taxicab operators for taxicab services. Miles Risley.

Miles Risley, Assistant City Attorney, advised that the City sets the maximum rates that may be charged for taxicab services. A request has been received to increase the rates, which is the first request that has been received in thirteen years. He advised that the rate increase is under twenty five percent, and in the past thirteen years the consumer price index has gone up twenty five to thirty percent.

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

Police Department Accreditation

Tim Braaten, Chief of Police, recognized Sergeant Bill DuBose, who has been the Accreditation Manager for the past three years, and announced that the Police Department has been awarded reaccredited status from the Commission on Accreditation for Law Enforcement Agencies. He advised that there are only 500 agencies in the United States that have been accredited, and only five in the State of Texas. Chief Braaten advised that the City of Victoria has been accredited since 1989 and reaccredited in 1994, 1998, and now in 2002.

RESOLUTION 2002-70R - ACCEPTING APPLICATION FOR TAX ABATEMENT FROM SONOCO PRODUCTION COMPANY

The resolution accepts an Application for Tax Abatement from Sonoco Products Company, and setting a public hearing for consideration of the application. 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

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RESOLUTION 2002-72R – APPROVING INSURANCE REQUIREMENTS FOR CITY CONTRACTS

The resolution approves general insurance requirements for City contracts. Miles Risley.

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 2002-74R – GRANTING VARIANCE TO SECTIONS 21-55(1), 21-83(A)(2), 21-59 AND 13-27 TO CHARLES REITHMEIER AT 9402 N. NAVARRO

The resolution grants a variance to sections 21-55(1), 21-83(a)(2), 21-59 and 13-27 of the Victoria City Code, which require platted lots to have frontage on a public street and a minimum of 100 feet of frontage for a commercial lot, and require the developer to extend wastewater service to the lot of the CTR Subdivision, which is located at 9402 N. Navarro and owned by Charles Reithmeier. John Kaminski.

Cm. Buckert 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

RESOLUTION 2002-75R – ADOPTING PROGRAM GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) UNSAFE BUILDING DEMOLITION PROGRAM

The resolution adopts the program guidelines for the Community Development Block Grant (CDBG) Unsafe Building Demolition Program. John Kaminski.

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 2002-76R – GRANTING VARIANCE TO SECTION 14-10(B) TO THE BUILDING AT 6908 N. NAVARRO

Consider granting a variance from Section 14-10(b) of the Victoria City Code which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital, to the building located at 6908 N. Navarro. Scarlet Swoboda.

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, Wyatt, Watkins and Mayor
Middleton

NAYS: None

ORDINANCE 2002-8 – AMENDING CHAPTER 10 ARTICLE III, “FOOD; FOOD HANDLERS; FOOD ESTABLISHMENTS”

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2002-8, which amends Article III, "Food; Food Handlers; Food Establishments," of Chapter 10 of the Victoria City Code to modify the regulation of food establishments in the City of Victoria and amending Section 24-22 of said Code to change related Health Department administered fees. Second and third reading. Bain C. Cate, M.D.

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

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

Caption:

AN ORDINANCE AMENDING ARTICLE III, "FOOD; FOOD HANDLERS; FOOD ESTABLISHMENTS," OF CHAPTER 10 OF THE VICTORIA CITY CODE TO MODIFY THE REGULATION OF FOOD ESTABLISHMENTS IN THE CITY OF VICTORIA AND AMENDING SECTION 24-22 OF SAID CODE TO CHANGE RELATED HEALTH DEPARTMENT ADMINISTERED FEES, PROVIDING FOR ENFORCEMENT, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION, PROVIDING A PENALTY NOT TO EXCEED \$2,000 UPON CONVICTION, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-9 – AMENDING ARTICLE IV OF CHAPTER 5 TO ADOPT THE 2000 INTERNATIONAL RESIDENTIAL CODE

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2002-9, which amends Article IV of Chapter 5 of the Victoria City Code to adopt the "2000 International Residential Code for One and Two Family Dwellings," published by the International Code Council. Second and third reading. John Johnston.

Cm. Wyatt moved that the ordinance pass on second and third reading, with Cm. Watkins 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 ARTICLE IV OF CHAPTER 5 OF THE VICTORIA CITY CODE TO ADOPT THE “2000 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS,” PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AS AMENDED HEREIN, PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 UPON CONVICTION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

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ORDINANCE 2002-10 – AMENDING DESIGN STANDARDS TO REQUIRE SLOPED END SECTIONS FOR IMPROVEMENTS ACROSS OPEN-DITCHES

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2002-10, which amends the City's Design Standards for Public Works Construction to require sloped end sections for improvements across open-ditches with an exemption for ditches adjacent to residential properties with pipe sizes not exceeding 15" in diameter. Second and third reading. John Johnston.

Cm. Buckert 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, Watkins and Mayor
Middleton

NAYS: None

Caption:

AN ORDINANCE AMENDING THE CITY'S DESIGN STANDARDS FOR PUBLIC WORKS CONSTRUCTION TO REQUIRE "SLOPED END SECTIONS FOR IMPROVEMENTS ACROSS OPEN-DITCHES WITH AN EXEMPTION FOR DITCHES ADJACENT TO RESIDENTIAL PROPERTIES WITH PIPE SIZES NOT EXCEEDING 15" IN DIAMETER; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-11 - AMENDING THE SCHEDULE OF RATES FOR TAXICAB SERVICES

Assistant City Attorney, Miles Risley, read the caption of Ordinance 2002-11, which amends the schedule of rates for taxicab services. First Reading. Miles Risley.

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 THE SCHEDULE OF RATES FOR TAXICAB SERVICES AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:32 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. 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. Miles Risley.

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 6:07 p.m. and considered the following:

RESOLUTION 2002-69R – AUTHORIZING SPECIAL WARRANTY DEED FOR PERMANENT EASEMENT TO CONTI FARMS

The resolution authorizes a Special Warranty Deed to convey a 50-foot wide permanent utility easement covering 1.2056 acres of land to Conti Farms in exchange for \$3,979.00. 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 2002-71R – AUTHORIZING CITY STAFF TO FILE ARTICLES OF INCORPORATION OF THE SIX FLAGS HISTORICAL PARK CORPORATION

The resolution authorizes City Staff to file Articles of Incorporation of the Six Flags Historical Park Corporation with the Texas Secretary of State and appointing representatives to serve on the Board of Directors of said corporation. Taylor Starkey, M.D.

No action was taken on this item.

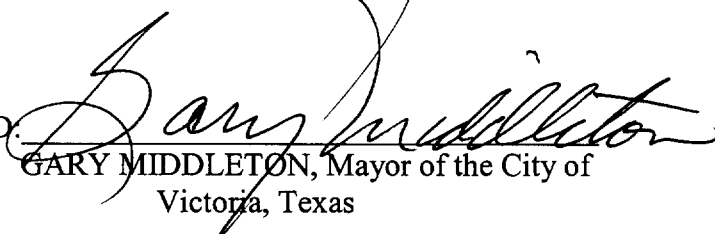
RESOLUTION 2002-73R – AUTHORIZING SPECIAL WARRANTY DEED TO TRANSFER PROPERTY AT 503 N. NAVARRO TO JAMES S. WEARDEN


The resolution authorizes a Special Warranty Deed to transfer property at 503 N. Navarro, Victoria, Texas to James A. Wearden, in exchange for \$7,600.00 bid at the City auction held on April 15, 2002. Miles Risley.

Cm. Buckert 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

There being no further business, the meeting was adjourned at 6:10 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
