

CITY COUNCIL MINUTES

July 2, 2002

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

NAYS: None

Caption:

AN ORDINANCE AMENDING ARTICLE IV, TOW TRUCK PERMITS; TOW TRUCK ROTATION LIST PRIVILEGE CONTRACTS, OF CHAPTER 23 OF THE VICTORIA CITY CODE TO INCORPORATE THE REGULATIONS OF THE TEXAS DEPARTMENT OF TRANSPORTATION CONCERNING STORAGE CHARGES INTO THE CITY'S STORAGE RATE LIMITS AND MAKE OTHER MISCELLANEOUS CHANGES THEREIN, PROVIDING A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION; PROVIDING FOR ENFORCEMENT; REPEALING CONFLICTING PARTS OF 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 5:27 p.m., in accordance with:

Section 551.071, Texas Government Code, consultation with attorney on matters involving litigation or potential litigation, a settlement offer or matters 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, legal issues involving pipelines in City rights-of-way, claims against City by contractor installing Vine Street sewer line, settlement of FLSA claim, and information system implementation contract). 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 purchase of property adjacent to Ben Jordan for Ben Jordan Reconstruction Project). John Johnston.

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

The Council reconvened in regular session at 8:14 p.m. and considered the following:

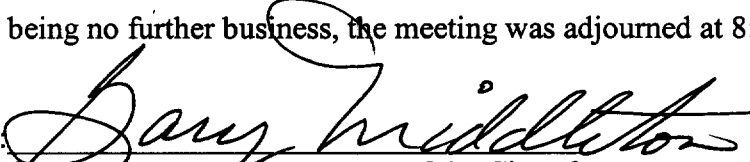
RESOLUTION 2002-101R - AUTHORIZING CANCELLATION OF THE CITY CONTRACT WITH SOLBOURNE COMPUTERS, INC.

The resolution authorizes the City Manager to execute all documents necessary to cancel & confirm cancellation of the City's contract with Solbourne Computer, Inc. for implementation of the SAP R/3 Financial and Human Resources Computer Systems. Gilbert Reyna, Jr.

Cm. Watkins moved that the resolution be adopted, with Cm. Buckert seconding the motion. The resolution was adopted by mutual consent.

There being no further business, the meeting was adjourned at 8:15 p.m.

APPROVED:


GARY MIDDLETON, Mayor of the City of
Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
July 8, 2002

CALL TO ORDER

A special meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 12:04 p.m. Monday, July 8, 2002 at Holiday Inn Victoria, Guadalupe Room, 2705 Houston Highway, Victoria, Texas.

MEMBERS PRESENT

Gary Middleton, Mayor
Philip Guittard
Lewis Neitsch
Shirley Buckert
Jim Wyatt
Wayne Watkins

STAFF PRESENT

Denny Arnold, City Manager

MEMBERS ABSENT

Bill Russell


EXECUTIVE SESSION

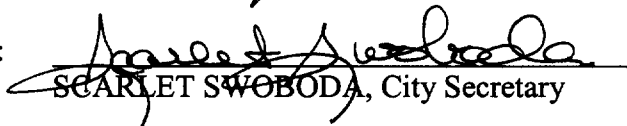
Mayor Middleton announced that Council would recess into Executive Session at 12:05 p.m., in accordance with:

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the evaluation and duties of the City Manager. David A. Smith.

The Council reconvened in regular session at 4:00 p.m. with nothing to report.

There being no further business, the meeting was adjourned at 4:01 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
July 16, 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, July 16, 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
Gilbert Reyna, Jr., Director, Finance
John Johnston, Director, Public Works
John Kaminski, Director, Planning
Lynn Short, Assistant Director, Utilities
Brian Jahn, Traffic Engineer
Kevin Stewart, Assistant Director, Parks
Scarlet Swoboda, City Secretary

CITY COUNCIL MINUTES
July 16, 2002

OTHERS PRESENT

Dale Fowler, Executive Director, Victoria Economic Development Corporation

APPROVAL OF MINUTES

The minutes of the regular meeting of July 2, 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 2002-13 - AMENDING THE SCHEDULE OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS TO ESTABLISH DEAN COOK STREET AS A ONE-WAY STREET DURING SPECIFIC HOURS

The ordinance considers amending the City's schedules of one-way streets, parking restrictions, and speed limits to establish Dean Cook Street as a one-way street during specified morning and afternoon school pick-up/drop-off times. Brian Jahn.

Sherry Singleton, Rowland Elementary School Principal, 602 Dunbar Drive, spoke in favor of making Dean Cook Street one-way during specific hours before and after school. She advised that this would make a safer environment for the children.

Dr. William Sage, 1 Oakwood, advised that he is the owner of the property across the street from Rowland Elementary School on Dean Cook. He advised that this property has been up for sale and there is no other access to that property. He expressed concerns that turning this street into a one-way street could have a negative impact on the sale of this property.

Mayor Middleton advised that the issue could be re-addressed in the future if the one-way status becomes a problem with future development. Denny Arnold, City Manager, would advise the traffic department and the planning department to study this issue before the next reading of the ordinance.

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

ORDINANCE 2001-02C - AMENDING THE 2001-2002 FISCAL YEAR BUDGET BY TRANSFERRING \$38,000 FROM THE MOTEL TAX FUND TO THE NAVE MUSEUM FUND FOR HISTORICAL RESTORATION AND PRESERVATION TO THE NAVE MUSEUM

The ordinance considers amending the 2001-2002 Fiscal Year Budget of the City of Victoria by transferring \$38,000 from the Motel Tax Fund line item to the Nave Museum line item for historical restoration and preservation to the Nave Museum. Gilbert Reyna, Jr.

Diana Mills, Executive Director of the Victoria Regional Museum Association, advised that they were under the impression that these funds had already been allocated. She requested that the funds now be approved.

Gilbert Reyna, Jr., Director of Finance, advised that these funds were allocated in 2000, but were not used, so the 2001 budget was amended to approve the funds, which were still not used. The current budget did not allocate any funds for the Nave Museum.

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

ORDINANCE 2001-02D - AMENDING THE 2001-2002 FISCAL YEAR BUDGET BY TRANSFERRING \$59,000 FROM THE GENERAL FUND TO THE PARKS-RECREATION DEPARTMENT FOR ADDITIONAL ELECTRICITY AND LIGHTING

The ordinance considers amending the 2001-2002 Fiscal Year Budget of the City of Victoria by transferring \$59,000 from the City of Victoria General Fund to the Parks-Recreation Department Other Structures line item for additional electricity/lighting. Gilbert Reyna, Jr.

Kevin Stewart, Assistant Director of Parks, advised that these funds would allow for the installation of electrical outlets in the special events area, as well as moving the overhead electrical lines in order to place them underground, along with some additional water lines. The new services would be placed above the 100 year flood plain line.

Cm. Buckert inquired whether a use fee would be implemented. Mayor Middleton advised that the breakers would probably be locked up and turned off when not in use.

Terry Robinson, 606 Joplin, representing the Chamber of Commerce expressed their endorsement, as it will make the Macaroni Festival much more successful.

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 REPORT**Project Status Report**

Charles Windwehen, Assistant City Manager, presented a short version of the 2002 General Obligation Capital Improvement Programs. He advised that staff members were involved with flood activities and were unable to have the full blown report complete. He advised that the report presented shows the street and drainage construction projects. Three of the projects listed will start later than originally planned, four will start sooner, and one start date has not changed.

Cm. Russell inquired when the overpasses for the Upper Mission Valley and Lower Mission Valley Roads would be complete, and when the U.S. Highway 87 (Main Street) overpass would begin. Mayor Middleton advised that the Upper Mission Valley and Lower Mission Valley Roads are supposed to start later this month. Denny Arnold, City Manager, advised that within sixty days the Texas Department of Transportation Commission would be meeting to take action on whether the project would be approved or not. Mayor Middleton advised that the City is hoping for an early spring letting on that project.

Mayor Middleton advised that the off-channel detention pond now being built, will not work effectively until it is completed, but the current work being done puts the City that much further ahead.

RESOLUTION 2002-102R - ACCEPTING A GRANT TO FUND A PROPOSED BUSINESS AND INDUSTRIAL PARK AT LOOP 463 AND LONE TREE ROAD

The resolution authorizes the City Manager to execute all necessary documents to accept a \$1,600,000 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. 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, Watkins and Mayor Middleton
NAYS: None

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RESOLUTION 2002-103R - AUTHORIZING SUPPLEMENTAL AMENDMENT NO. 1 TO CONDUCT A WASTEWATER POLLUTANT LOCAL LIMITS STUDY

The resolution authorizes Supplemental Amendment No. 1 to the Agreement between the City of Victoria / Guadalupe-Blanco River Authority and Alan Plummer & Associates, Inc., for Professional Services to conduct a Wastewater Pollutant Local Limits Study for the City's industrial waste discharge ordinance in the amount of \$5,500, which will increase the total contract amount to \$50,263. Lynn Short.

Cm. Guittard 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 2002-104R - GRANTING A VARIANCE TO ROBERT T. MCMAHON, M.D. AT 4406 N. LAURENT

The resolution authorizes granting a variance to Section 21-83(a)(7) of the Victoria City Code, which requires a minimum rear yard setback of 10 feet for General Commercial Lots, to the Victoria Stations Subdivision, Resubdivision No. 4 at 4406 N. Laurent Street, which is owned by Robert T. McMahon, M.D. 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 2002-105R - GRANTING A VARIANCE TO BRUCE EPPINGER AT 107 MONTERREY DRIVE

The resolution authorizes granting a variance to Section 21-82(d)(5) of the Victoria City Code, which requires a minimum exterior side yard setback of 20 feet for townhouse lots, to 107 Monterrey Drive, which is owned by Bruce Eppinger. John 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, Wyatt, Watkins and Mayor
Middleton

NAYS: None

RESOLUTION 2002-106R - GRANTING A VARIANCE TO LOUIS CHENAULT, JR. AT 7955 U.S. HWY 59 BUSINESS

The resolution authorizes granting variances to Sections 13-27(a), 13-96(l), 21-58(d), and 21-59(d) of the Victoria City Code, which require all persons developing property within ¼ mile of existing water and sanitary sewer mains to tap and extend the City's water and sewer mains and prohibit the installation of septic tanks in said ¼ mile zone, to the property located at 7955 U.S. Highway 59 Business, which is owned by Louis Chenault, Jr. John Kaminski.

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

CITY COUNCIL MINUTES

July 16, 2002

RESOLUTION 2002-107R - GRANTING A VARIANCE TO DAN GOYEN AT 402 S. LAURENT STREET

The resolution authorizes granting a variance to section 21-82(a)(2) of the Victoria City Code, which requires that a single-family residential lot have 50 feet of lot width, to Lot 3 of Goyen Subdivision No. 1, at 402 S. Laurent Street, which is owned by Dan Goyen. John Kaminski.

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, Watkins and Mayor Middleton
NAYS: None

RESOLUTION 2002-108R - AUTHORIZING ABANDONING A 10 FOOT WIDE UTILITY EASEMENT AND EXECUTING A QUITCLAIM DEED TO THE OWNER

The resolution authorizes abandoning a 10 foot wide utility easement that runs through the property to be known as Lot 57R Northgate Subdivision No. 1, Resubdivision No. 1, located at 913 Eden Roc, which is owned by Billie B. Cole. 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

ORDINANCE 2002-13 - AMENDING THE SCHEDULE OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS TO ESTABLISH DEAN COOK STREET AS A ONE-WAY STREET DURING SPECIFIC HOURS

City Attorney, David Smith, read the caption of Ordinance 2002-13, which amends the City's schedules of one-way streets, parking restrictions, and speed limits to establish Dean Cook Street as a one-way street during specified morning and afternoon school pick-up/drop-off times. First Reading. John Johnston.

Cm. Wyatt 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 CITY'S SCHEDULES OF ONE-WAY STREETS, PARKING RESTRICTIONS, AND SPEED LIMITS TO ESTABLISH DEAN COOK STREET AS A ONE-WAY STREET DURING SPECIFIED MORNING AND AFTERNOON SCHOOL PICK-UP/DROP-OFF TIMES, PROVIDING A PENALTY NOT TO EXCEED \$200.00 UPON CONVICTION, REPEALING PARTS OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

CITY COUNCIL MINUTES
July 16, 2002

ORDINANCE 2001-02C - AMENDING THE 2001-2002 FISCAL YEAR BUDGET BY TRANSFERRING \$38,000 FROM THE MOTEL TAX FUND TO THE NAVE MUSEUM FUND FOR HISTORICAL RESTORATION AND PRESERVATION TO THE NAVE MUSEUM

City Attorney, David Smith, read the caption of Ordinance 2001-02C, which amends the 2001-2002 Fiscal Year Budget of the City of Victoria by transferring \$38,000 from the Motel Tax Fund line item to the Nave Museum line item for historical restoration and preservation to the Nave Museum. First Reading. Gilbert Reyna, Jr.

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 2001-2002 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$38,000.00 FROM THE MOTEL TAX FUND LINE ITEM TO THE NAVE MUSEUM LINE ITEM FOR HISTORICAL RESTORATION AND PRESERVATION TO THE NAVE MUSEUM; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2001-02D - AMENDING THE 2001-2002 FISCAL YEAR BUDGET BY TRANSFERRING \$59,000 FROM THE GENERAL FUND TO THE PARKS-RECREATION DEPARTMENT FOR ADDITIONAL ELECTRICITY AND LIGHTING

City Attorney, David Smith, read the caption of Ordinance 2002-02D, which amends the 2001-2002 Fiscal Year Budget of the City of Victoria by transferring \$59,000 from the City of Victoria General Fund to the Parks-Recreation Department Other Structures line item for additional electricity/lighting. First Reading. Gilbert Reyna, Jr.

Cm. Buckert moved that the ordinance pass on first reading, with Cm. Guittard 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 2001-2002 FISCAL YEAR BUDGET OF THE CITY OF VICTORIA BY TRANSFERRING \$59,000.00 FROM THE CITY OF VICTORIA GENERAL FUND TO THE PARKS-RECREATION DEPARTMENT OTHER STRUCTURES LINE ITEM FOR ADDITIONAL ELECTRICITY/LIGHTING; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Middleton announced that Council would recess into Executive Session at 5:52 p.m., in accordance with:

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

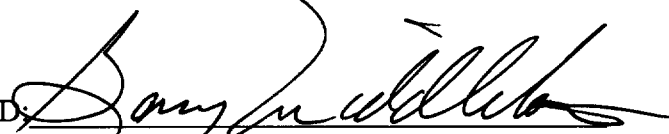
The Council reconvened in regular session at 7:08 p.m. with nothing to report.


ITEMS FROM COUNCIL

Cm. Wyatt expressed concerns with the street paving project and its affects on the drainage in the Silver City Neighborhood. He expressed a desire to revisit this issue in the future.

John Kaminski, Director of Planning, advised that construction had not been completed, but when the final layer of asphalt is applied it would be flush with the concrete drains in the center of the streets.

There being no further business, the meeting was adjourned at 7:09 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
