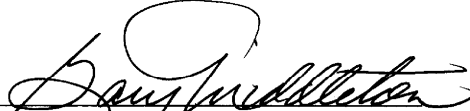



**CITY COUNCIL MINUTES
November 19, 2002**

Section 551.074, Texas Government Code, with regard to personnel matters (including, without limitation, the appointment, evaluation, and duties of the City Manager and members and directors of the Golden Crescent Regional Planning Commission). Scarlet Swoboda.

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

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

**VICTORIA CITY COUNCIL
December 3, 2002**

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Gary Middleton at 5:08 p.m. Tuesday, December 3, 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
Doug Cochran, Director, Parks and Recreation
Wendi DuVall, Deputy City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of November 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:

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

A public hearing required for the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) from October 1, 2001 to September 30, 2002. John Kaminski.

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

CITY COUNCIL MINUTES**December 3, 2002****ORDINANCE 2002-21 – WAVING PRE-STUBBED WATER AND WASTEWATER CONNECTION FEES**

The ordinance considers waiving pre-stubbed water and wastewater connection fees for persons who receive building permits to construct new residences between December 1, 2002 and January 1, 2006. Wayne Cockroft.

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

ORDINANCE 2002-22 – AUTHORIZING SALE OF STREETS TO DETAR HOSPITAL

The ordinance considers authorizing the sale of streets to Detar Hospital in exchange for \$125,000 and other valuable considerations. John Johnston.

David A. Smith, City Attorney, presented a graph outlining the proposed building plan and the costs involved in closing Cameron Street between the following intersections: (1) Guadalupe and San Antonio Streets, (2) San Antonio Street between the intersections of Cameron and Depot Streets, (3) the intersection of San Antonio and Depot Streets, (4) and Depot Street between the intersections of San Antonio and Nueces Streets. He advised that Detar Hospital would pick up the cost of moving the water line along Cameron Street and donate two street entrances at the corner of Nueces and Navarro and one street entrance at Navarro and Rio Grande. He advised that the City would no longer be responsible for the maintenance of those sections of streets.

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**Report from Rescue Old 771 Group**

Mike Boyd and Ron Pereida, representatives of the Rescue Old 771 and Restore Group (ROAR), presented a report on the status of restoring and moving the locomotive from Memorial Square Park. Mr. Boyd thanked Doug Cochran, Director of Parks and Recreation for being very cooperative. He advised that property located on Cameron/Goodwin Street had been leased from a local family, for an estimated \$1.00 a month. Mr. Boyd requested tax exemption for the property, with David A. Smith, City Attorney, explaining that Council does not have the ability to waive taxes. Mr. Boyd advised that ROAR had been offered an existing building from the time period that would become the 771 Museum and house the artifacts and history of the locomotive. He advised that ROAR had obtained their tax identification number, however they were still waiting on their tax exempt status.

Ron Pereida presented a train bell from Austin Steam Train Association, advising that the bell was a replica of the 400 pound Old 771 bell. He expressed appreciation to Victoria Machine Works for work that had been done on the bell and the reinforcement of the trailer used to transport it.

Mayor Middleton commended the progress of the group, but reiterated that the Council does not want the maintenance of the locomotive and property to become the responsibility of the City in a few years. The ROAR representatives assured Council that after the train is moved, maintenance would be simple. Council requested a timeline for moving the locomotive and suggested that April would be a good time to move the train to keep from interfering in the summer road improvement projects.

Noise Ordinance

Miles Risley, Assistant City Attorney, presented a memo explaining a draft of the proposed noise ordinance for Council to review, and advised that the City of Houston has a similar ordinance. Cm. Buckert suggested that out of town owners of local business be notified so they can change their leases. Cm Russell suggested the ordinance include residential property as well. David A. Smith, City Attorney, suggested that it be left as a case by case basis.

CITY COUNCIL MINUTES
December 3, 2002

Electrical Deregulation

David A. Smith, City Attorney, presented an update on the electrical deregulating setup as it affects the City of Victoria, estimating a savings of \$303,000 to the City in electrical cost for the calendar year 2002. He advised that the electricity was being purchased from First Choice Power Company through the City's partnering in the South Texas Aggregation Project. He advised that the City would continue contracting with First Choice Power Company for an additional year with an option for the City to continue for a second year. Present savings are estimated at 14% (below the price to beat), with a third year savings estimate of 16% (below the price to beat).

RESOLUTION 2002-205R – GRANTING A VARIANCE FOR SUBDIVISION SIDEWALK REQUIREMENTS TO RIATA SUBDIVISION OWNED BY STEVE KLEIN

The resolution grants a variance to Section 21-54(E)(1) of the Victoria City Code, which requires sidewalks along abutting perimeter streets, to Riata Subdivision, owned by Steve Klein, which is located on Ben Jordan Street next to the Oak Haven Estates subdivision. It is conditioned on the developer's execution of a contract to install sidewalks after the City, within three years after subdivision acceptance, has performed grading and excavation activities sufficient to enable the sidewalk to be placed in a permanent location between Ben Jordan Street and the Riata Subdivision. 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 2002-206R – GRANTING A VARIANCE TO THE ALCOHOLIC BEVERAGE DISTANCE LIMIT AT 3702 N. LAURENT AND 1201 SAM HOUSTON DRIVE

The resolution grants 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 3702 N. Laurent and 1201 Sam Houston Drive, which are owned by Munir A. Muniwar. David A. Smith

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

ORDINANCE 2002-21 – WAVING PRE-STUBBED WATER AND WASTEWATER CONNECTION FEES

City Attorney, David Smith, read the caption of Ordinance 2002-21, which amends Sections 24-124 and 24-125 of the Victoria City Code to waive pre-stubbed water and wastewater connection fees for persons who receive building permits to construct new residences between December 31, 2002 and January 1, 2006. First Reading. Wayne Cockroft.

Cm. Wyatt moved that the ordinance pass on first reading, with Cm. Watkins 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 SECTIONS 24-124 AND 24-125 OF THE VICTORIA CITY CODE TO WAIVE PRE-STUBBED WATER AND WASTEWATER CONNECTION FEES FOR PERSONS WHO RECEIVE BUILDING PERMITS TO CONSTRUCT NEW RESIDENCES BETWEEN DECEMBER 31, 2002 AND JANUARY 1, 2006, REPEALING CONFLICTING PARTS OF ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE 2002-22 – AUTHORIZING SALE OF STREETS TO DETAR HOSPITAL

City Attorney, David Smith, read the caption of Ordinance 2002-22, which authorizes the City Manager to execute a Special Warranty Deed to transfer the following parcels of property to Victoria of Texas, L.P., a Delaware limited partnership, d/b/a Detar Hospital, which is the abutting property owner, in exchange for \$125,000 and other consideration:

- (1) Cameron Street between the intersections of Guadalupe and San Antonio Streets,
 - (2) San Antonio Street between the intersections of Cameron and Depot Streets,
 - (3) the intersection of San Antonio and Depot Streets, and
 - (4) Depot Street between the intersections of San Antonio and Nueces Streets,
- First Reading. John Johnston.

Cm. Buckert moved that the ordinance pass on first reading, with Cm. Wyatt 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 AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED TO TRANSFER THE FOLLOWING PARCELS OF PROPERTY TO VICTORIA OF TEXAS, L.P., A DELAWARE LIMITED PARTNERSHIP, D/B/A DETAR HOSPITAL, WHICH IS THE ABUTTING PROPERTY OWNER, IN EXCHANGE FOR \$125,000 AND OTHER CONSIDERATION:

- (1) CAMERON STREET BETWEEN THE INTERSECTIONS OF GUADALUPE AND SAN ANTONIO STREETS,
- (2) SAN ANTONIO STREET BETWEEN THE INTERSECTIONS OF CAMERON AND DEPOT STREETS,
- (3) THE INTERSECTION OF SAN ANTONIO AND DEPOT STREETS, AND
- (4) DEPOT STREET BETWEEN THE INTERSECTIONS OF SAN ANTONIO AND NUECES STREETS,

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 6:17 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, the value of parts of Cameron, San Antonio, and Depot streets). David A. Smith.

**CITY COUNCIL MINUTES
December 3, 2002**


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


The Council reconvened in regular session at 9:15 p.m. and had nothing to report.

ITEMS FROM COUNCIL

Cm. Buckert inquired about the status of the pay grade study. Mayor Middleton advised that he and Charmelle Garrett, Director of Human Resources were working on it.

There being no further business, the meeting was adjourned at 9:16 p.m.

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

ATTEST: 
SCARLET SWOBODA, City Secretary
