

CITY COUNCIL MINUTES
October 5, 2004

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong
NAYS: None

Caption:

AN ORDINANCE AMENDING ARTICLE XIII, "SIGNS" OF CHAPTER 5 OF THE VICTORIA CITY CODE TO AMEND VARIOUS SIGN REGULATIONS, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR CODIFICATION AND SAVINGS, PROVIDING FOR ENFORCEMENT AND A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION, PROVIDING FOR PUBLICATION, AND DECLARING AN EFFECTIVE DATE.

EXECUTIVE SESSION

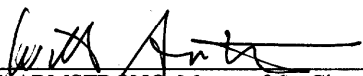
Mayor Armstrong announced that Council would recess into Executive Session at 7:17 p.m., in accordance with:


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, but not limited to, possible condemnation of properties to be acquired along Navarro Street for the Navarro Street Water Main Replacement Project). 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 (including, but not limited to, properties to be acquired along Navarro Street for the Navarro Street Water Main Replacement Project). Miles Risley.

The Council reconvened in regular session at 7:30 p.m. and had nothing to report.

There being no further business, the meeting was adjourned at 7:31 p.m.

APPROVED: 
WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary

VICTORIA CITY COUNCIL
October 19, 2004

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:01 p.m. Tuesday, October 19, 2004 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

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MEMBERS PRESENT

Will Armstrong, Mayor
Philip Guittard
Lewis Neitsch
Bill Russell
Shirley Buckert
Jim Wyatt
Tom Halepaska

STAFF PRESENT

Denny Arnold, City Manager
Charles Windwehen, Assistant City Manager
David A. Smith, City Attorney
Miles Risley, Senior Assistant City Attorney
John Johnston, Director, Public Works
John Kaminski, Director, Planning
James Stewart, Director, Public Library
Doug Cochran, Director, Parks and Recreation
Steve Trevino, Director, IMS
Scarlet Swoboda, City Secretary

APPROVAL OF MINUTES

The minutes of the regular meeting of October 5, 2004 were approved as presented.

CITIZENS COMMUNICATION

Frank Wearden, 901 N. East Street, requested that Council not pass any type of ordinance, and then not enforce it. He stated that if current ordinances were enforced there would be no need to pass new ones.

ITEMS FROM COUNCIL

Mayor Armstrong announced that there would be a work session following the November 16, 2004 regular Council meeting or on November 23, 2004. The meeting would provide updates on the new initiatives that were adopted in the 2004-2005 budget. He also requested reviewing the salvage yard fencing ordinance at the work session.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

ORDINANCE 2004-16 – DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 1.095 ACRES OF PROPERTY

The ordinance considers declaring a public necessity for the acquisition of property rights in tracts of land under and across a total of approximately 1.095 acres in the James Reed Survey, Abstract 286, and in the J. Pointevent Survey No.3. Abstract 280, Victoria County, Texas, for the public purposes of providing underground utility access and public access to areas annexed by the City of Victoria. Miles Risley.

Miles Risley, Senior Assistant City Attorney, advised that the areas considered were on the Tex-Mex Railroad right-of-way, near the airport and the newly annexed area along Highway Business 59. He advised that negotiations with the Tex-Mex Railway had been attempted but they have not responded to date. He stated that the action would not prevent the railway from maintaining a railroad line in the future.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

ORDINANCE 2004-16 – DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 1.095 ACRES OF PROPERTY

City Attorney, David A. Smith, read the caption of Ordinance 2004-16, which declares a public necessity for the acquisition of property rights in tracts of land under and across a total of approximately 1.095 acres in the James Reed Survey, Abstract 286, and in the J. Pointevent Survey No.3. Abstract 280, Victoria County, Texas, for the public purposes of providing underground utility access and public access to areas annexed by the City of Victoria. First Reading. Miles Risley.

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

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

Caption:

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PROPERTY RIGHTS IN TRACTS OF LAND UNDER AND ACROSS A TOTAL OF APPROXIMATELY 1.095 ACRES IN THE JAMES REED SURVEY, ABSTRACT 286, AND IN THE J. POINTEVENT SURVEY NO. 3. ABSTRACT 280, VICTORIA COUNTY, TEXAS, FOR THE PUBLIC PURPOSES OF PROVIDING UNDERGROUND UTILITY ACCESS AND PUBLIC ACCESS TO AREAS ANNEXED BY THE CITY OF VICTORIA, AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY OF VICTORIA IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THIS NEEDED PROPERTY, AUTHORIZING THE CITY MANAGER TO EXECUTE OFFERS AND CONTRACTS FOR THE PURCHASE OF PROPERTY INTERESTS FROM THE OWNERS THEREOF, AUTHORIZING THE ACCEPTANCE OF DEEDS AND OTHER INSTRUMENTS, AUTHORIZING THE JOINDER OF ALL PERSONS WITH RIGHTS IN THE AFOREMENTIONED PROPERTY, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, TEST, SPECIFY, DEFINE AND SECURE THE NECESSARY PROPERTY RIGHTS, DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

RESOLUTION 2004-174R – ADOPTING UNATTENDED CHILDREN AND BEHAVIOR POLICIES FOR THE VICTORIA PUBLIC LIBRARY

The resolution approves and adopts unattended children and behavior policies for Victoria Public Library. James Stewart.

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, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2004-175R – RENEWING CONTRACT FOR MAINTENANCE MOWING OF DITCHES AND OUTFALLS

The resolution renews the contract for Maintenance Mowing of Drainage Ditches & Outfalls, and authorizes changes to said contract, which will result in a reduction in the estimated amount expended on said contract from \$181,600 per year to \$85,735 in the upcoming year. Doug Cochran.

Cm. Russell 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, Halepaska, and Mayor Armstrong
NAYS: None

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RESOLUTION 2004-176R – AWARDING BID FOR TREE TRIMMING IN RIGHT OF WAYS FOR FISCAL YEAR 2004-2005 TO M.V. HENKE ENTERPRISES, INC.

The resolution awards a bid for Fiscal Year 2004-2005 Trimming of Trees in City Right of Way to M.V. Henke Enterprises, Inc. of Hallettsville, Texas, in the amount of \$45,696.70. Doug Cochran.

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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2004-177R – ADOPTS AN UPDATE TO THE 2002 PARKS, RECREATION AND OPEN SPACES MASTER PLAN

The resolution adopts an update to the 2002 Parks, Recreation and Open Space Master Plan. Doug Cochran.

Doug Cochran, Director of Parks and Recreation, distributed a revised cost estimate page for the prioritized projects.

Cm. Buckert moved to amend the resolution by moving the expansion of the RV Park from the number two priority on the list to number eighteen in priority, moving all other recommendations up by one in priority, with Cm. Wyatt seconding the motion. The resolution was amended by the following vote:

AYES: Council Members Neitsch, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: Council Members Guittard and Russell

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

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2004-178R – AUTHORIZING THE PURCHASE OF POLICE PATROL SEDANS FROM PHILPOTT MOTORS, LTD.

The resolution awards a bid for the purchase of six Year Model 2005 four-door police package patrol sedans in the amount of \$20,577 apiece and two Year Model 2005 four-door police package, street appearance sedans in the amount of \$20,226 apiece to Philpott Motors, Ltd. of Port Neches, Texas, in the total amount of \$163,914 (all vehicles are Ford Crown Victorias). Steve Trevino.

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, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2004-179R – APPOINTING A MEMBER TO THE VICTORIA PARKS AND RECREATION COMMISSION

The resolution appoints Dwayne Bennett to the Victoria Parks and Recreation Commission. Scarlet Swoboda.

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Cm. Neitsch 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, Halepaska, and Mayor
Armstrong

NAYS: None

ABSTENTION: Council Member Wyatt

RESOLUTION 2004-180R – AUTHORIZING A CONTRACT WITH SOUTHWESTERN BELL TELEPHONE, L.P. FOR THE RELOCATION OF TELEPHONE LINES

The resolution authorizes a contract with Southwestern Bell Telephone, L.P. for the relocation of underground and overhead telephone lines for the West Outfall Drainage Phase I Project in the estimated amount of \$29,695.40. 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, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

RESOLUTION 2004-181R – APPROVING MODIFIED INSURANCE REQUIREMENTS FOR CITY CONTRACTS

The resolution to consider approving modified insurance requirements for City contracts was postponed for further study. Miles Risley.

RESOLUTION 2004-182R – APPROVING THE VICTORIA SALES TAX DEVELOPMENT CORPORATION PROGRAMS AND EXPENDITURES FOR FISCAL YEAR 2004-2005

The resolution to approve the Victoria Sales Tax Development Corporation programs and expenditures for Fiscal Year 2004-2005 was postponed until the next meeting. Miles Risley.

RESOLUTION 2004-183R – AUTHORIZING AN AGREEMENT WITH LANDTECH, INC. FOR THE NAVARRO AND HATHAWAY CONNECTOR STREET PROJECT

The resolution authorizes a Professional Services Agreement between the City of Victoria and Landtech, Inc., for the North Navarro and Hathaway Connector Street Project in the amount of \$54,322. John Johnston.

John Johnston, Director of Public Works, recommended to amend number two of the resolution, which states the resolution shall become effective immediately upon adoption; instead to read, the resolution shall become effective subject to the City Attorney's approval of participation agreements for construction between the City of Victoria, Hull-Storey Group and the Target Stores for the funding of part of the construction of the project.

Cm. Wyatt moved to amend the resolution as recommended, with Cm. Buckert seconding the motion. The resolution was amended by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

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

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor
Armstrong

NAYS: None

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ORDINANCE 2004-13 - AMENDING ARTICLE XIII, "SIGNS" OF CHAPTER 5 OF THE VICTORIA CITY CODE

City Attorney, David Smith, read the caption of Ordinance 2004-13, which amends Article XIII, "Signs" of Chapter 5 of the Victoria City Code to amend various sign regulations. Third Reading. Miles Risley.

Mayor Armstrong announced that a public hearing would be allowed on the ordinance.

David Johnson, 116 Byron, the owner of Grandy's, encouraged the Council to equally enforce whatever ordinance is in place, suggesting that any fee charged should be in relationship to the amount of work it creates for the City government.

Tommy Edwards, 104 Warwick Glen, stated that citizens are interested in the beauty of Victoria, and streamers and balloons were not needed to attract customers.

John Crews, Local Realtor, stated that banners and streamers seemed to attract attention to businesses. He also suggested that if permitting were required, registering by letter or email would be a more efficient way of obtaining a permit.

Bill Stock, 123 Berkshire, expressed his opinion against the sign ordinance and suggested that business should be allowed to advertise as they wish.

Mayor Armstrong closed the public hearing.

Miles Risley, Senior Assistant City Attorney advised that there were housekeeping changes to the ordinance in order to insert specific language that was recommended at the last meeting. Following discussion the Council requested that the following items also be included in the ordinance:

- Promotional banners would be allowed twice per year for 14 days per period, requiring a permit fee.
- Streamers and pennants would be allowed subject to a permit fee, for six months per location.
- Balloons would not be allowed.
- Inflatables would be allowed subject to a permit for 14 days twice a year.

Cm. Russell moved to postpone the third and final vote until the next meeting, with Cm. Guittard seconding the motion. The motion to postpone was approved by the following vote:

AYES: Council Members Guittard, Neitsch, Russell, Buckert, Wyatt, Halepaska, and Mayor Armstrong


NAYS: None

EXECUTIVE SESSION

Mayor Armstrong announced that there was no need for an Executive Session.

There being no further business, the meeting was adjourned at 7:02 p.m.

APPROVED: 
WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary
