

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
NOVEMBER 27, 2012

On November 27, 2012, the Kerrville City Council meeting was called to order by Mayor Pratt in the city hall council chambers at 701 Main Street at 6:00 p.m. The invocation was offered by Lainie Johnson, Director of the Pregnancy Resource Center, followed by the Pledge of Allegiance led by Cadet Colonel Rebecca Hatcher of the Kerrville Tivy High School Junior Reserve Officer Training Corps.

**COUNCILMEMBERS PRESENT:**

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY EXECUTIVE STAFF PRESENT:**

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Cheryl Brown	Deputy City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Charlie Hastings	Director of Public Works
Kim Meismer	Director of General Operations
Jason Lutz	City Planner
Malcolm Matthews	Director of Parks and Recreation

**VISITORS PRESENT:** List on file in city secretary's office for the required retention period.

1. **VISITORS/CITIZENS FORUM** The following persons spoke:
  - 1A. Jessica Robinson invited the public to attend the Gates of the City Church's live nativity scene on December 2, 2012.
  - 1B. William Spencer Hart opined that one councilmember had a conflict of interest as a property owner with regard to the river trail. Mr. Hayes stated that Mrs. Keeble had filed a conflict of interest affidavit regarding the river trail project, and she had abstained from voting on any item regarding the property to which Mr. Hart was referring.
2. **CONSENT AGENDA:** No items.
3. **ORDINANCE, FIRST READING:**  
An Ordinance amending Chapter 74 "Parks and Recreation", Article I "Rules and Regulations for City Park and Recreation Areas" of the Code of Ordinances of

the City of Kerrville, Texas, by amending various sections to adopt operating hours for the river trail; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject. Mayor Pratt read the Ordinance by title only.

Mr. Matthews reviewed changes to the rules and procedures, e.g.: the River Trail opening during daylight hours only; no vehicle access; no skateboarding; and overnight camping, smoking and drinking would be prohibited on the river trail. Citizens would be responsible for disposing of their pets' waste. The city had applied for a grant from the Upper Guadalupe River Authority to install pet waste stations.

Mr. Hayes recommended that Council approve the ordinance on first reading, contingent upon the minor revisions discussed.

Mr. Conklin moved that the Council approve the ordinance on first reading contingent upon the revisions Mr. Hayes referenced. Mr. MacDonald seconded, and the motion passed 5-0.

#### **4. ORDINANCE SECOND AND FINAL READING:**

4A. Ordinance No. 2012-12 amending Chapter 1 "General Provisions," of the Code of Ordinances of the City of Kerrville, Texas; by deleting Sections 1-7 and 1-8 and adopting a new Section 1-7 as a general penalty provision to clarify the application of penalties and to provide that a culpable mental state is not necessary for prosecution under certain circumstances; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto.

Mayor Pratt read the ordinance by title only.

Mr. Hayes discussed the meaning of a culpable mental state, and noted that no changes had been made to the ordinance since the first reading.

Mrs. Keeble moved that Council approve Ordinance No. 2012-12 on the second and final reading. Mr. Allen seconded and the motion passed 5-0.

#### **5. PUBLIC HEARING AND CONSIDERATION:**

5A. Resolution No. 44-2012 Granting a Conditional Use Permit for an approximate 0.38 acre tract of land, being the remainder portions of lots 14, 15, 16, 17, and 18, block 6 of Section B of Westland Place, a subdivision within the City of Kerrville, Texas, otherwise known as 320 Junction Highway (State Highway 27), and located within Zoning District W-10; by permitting said property to expand the area in which it has a non-conforming use resulting from the construction of a larger building; and making said permit subject to certain conditions and restrictions contained herein. Mayor Pratt read the resolution by title only.

Mr. Lutz noted the planning and zoning commission approved the conditional use permit unanimously on November 15, 2012, that would allow the expansion of

the non-conforming use of fuel sales.

The public hearing was opened at 6:23 p.m. and the following person spoke:

1. Terry Maxey, with Maxey Energy, proposed to open a convenience store and continue fuel sales operation on the property.

The public hearing was closed at 6:25 p.m.

Mr. MacDonald moved to approve Resolution No. 44-2012; Mr. Allen seconded and the motion passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Request by the City of Ingram to expand the service area designated by the Wholesale Wastewater Agreement between the City of Kerrville and the City of Ingram.

Mr. Hastings discussed the 40 year wholesale agreement between the City of Ingram and the City of Kerrville, which was initiated in 2005; the agreement also had an option to renew by mutual agreement for an additional 40 years. The City of Ingram's line had the capacity to serve up to 425,000 gallons per day at peak limit. The peak delivery in 2012 was 28,000 in one day with 300 living unit equivalents connected to their system. The City of Ingram planned to expand their service area by 200 living unit equivalents at the intersection of Goat Creek Cut Off Road and Junction Highway, bringing the total to 500 living unit equivalents to be in service in 2014. Ultimately, in the year 2032, the City of Ingram planned to have 1,590 living unit equivalents. The proportional impact of Ingram's proposed wastewater expansion area was calculated to be approximately \$7,643,000 to the City of Kerrville's capital improvement plan. The current agreement specified the necessity for Ingram to notify Kerrville in writing of any expansion plans, and the two cities would negotiate an agreement regarding the expansion. He recommended that the City of Kerrville enter into negotiations with the City of Ingram concerning their proposed expansion, and bring a recommendation back to Council when the negotiations were concluded.

Mr. Parton stated that staff would negotiate 1) The proposed wastewater service area extension; and 2) a modification to the current agreement to accommodate the 2032 plan. He stated that the City of Kerrville would require payment from the City of Ingram upon implementation of each phase of the project, and not require funding for the entire project before work began; however, the City of Kerrville would request the City of Ingram have a funding plan in place, i.e. bond sale or cash reserves to cover the cost of the extension.

Mr. Allen moved to approve item 6A as presented, and to authorize City staff to act on behalf of the City of Kerrville in negotiating the agreement. Mr. Conklin seconded, and the motion passed 5-0.

6B. Establishing Charter Review Committee and approving charge and schedule.

Mr. Hayes noted the City Charter required a charter review every 5 years. He

reviewed the proposed charge and schedule, and noted, if the Council wanted the charter amendments on the May, 2013 ballot, a review commission should be appointed soon.

The consensus of the council was to proceed with appointment of members at the next meeting with the goal of placing amendments on the May 2013 ballot; however, if the commission did not complete its review by that time, it should report its recommended amendments to the city council

## **7. INFORMATION AND DISCUSSION**

### **7A. Budget/Economic Update.**

Mr. Erwin reported that sales tax increased approximately 3% from November 2011.

### **7B. Report on Kerrville Economic Development Corporation activities.**

Mr. Conklin reported on KEDC's recent contacts with a manufacturing company, a pizza manufacturing company, and a trucking company. He also reported that Fox Tank had decided to move ahead with the manufacture of oil field storage tanks and possibly discontinue manufacturing fiberglass tanks.

### **7C. River Trail and Parks Projects Monthly Status Report.**

Mr. Matthews reported that Package A grand opening would be on December 15, 2012. The next phases involving Louise Hays Park and G Street would begin after the utility projects in the park.

## **8. BOARD APPOINTMENTS:**

### **8A. Appointments to the Kerrville Beautification Advisory Board.**

This item was deferred to the next meeting.

## **9. ITEMS FOR FUTURE AGENDAS:** None

## **10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- On Friday December 29, 2012 the downtown merchants would be participating in the "Downtown Stroll," and the public was invited to attend.
- The Rotary Club obtained a 30 foot Christmas tree, to be placed on the courthouse square during the holiday season.
- Citizens were encouraged to use local merchants for their holiday shopping.

## **11: EXECUTIVE SESSION:**

At 6:54 p.m., Mr. MacDonald moved to adjourn the regular session and go into executive closed session under Sections 551.071, and 551.072, of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 5-0 to discuss the following matters:

### **Section 551.071 and 551.072:**

- Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the city's

bargaining position with third parties, regarding property interests related to the following public works projects:

- Jefferson Street lift station;
- G Street sewer project; and
- the River Trail project.

At 6:54 p.m. p.m. the regular meeting recessed and council went into executive closed session at 6:55 p.m. At 7:15 p.m. the executive closed session recessed and council returned to open session at 7:17 p.m.

The mayor announced that no action had been taken in executive session.

**10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION: None**

**ADJOURNMENT.** The meeting adjourned at 7:18 p.m.

APPROVED: \_\_\_\_\_

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Jack Pratt, Jr., Mayor

ATTEST:

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Cheryl Brown, Deputy City Secretary