

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 11, 2012

On December 11, 2012, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Public Works Director Charlie Hastings, followed by the Pledge of Allegiance led by Fire Chief Robert Ojeda.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

Gene Allen	Councilmember
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Robert Ojeda	Fire Chief
Kim Meisner	Director of General Operations
Charlie Hastings	Director of Public Works
Malcolm Matthews	Director of Parks and Recreation
Sai Vongchampa	Budgeting and Purchasing Manager
Laura Bechtel	Library Director

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

1. **VISITORS/CITIZENS FORUM** The following persons spoke:
 - 1A. Bill Rector noted that local football player Johnny Manziel received the Heisman Trophy and he suggested the city recognize him in some manner, such as a key to the city.
 - 1B. David McElvain asked that council consider an amendment to the pending parks and recreation rules and regulations (3A) that would allow landowners on which the trail was located to cross the river trail after hours to access their property.

2. **CONSENT AGENDA:**

Mayor Pratt removed item 2D from the consent agenda.

Mr. Conklin moved for approval of items 2A, 2B, 2C, and 2E; Mr. MacDonald seconded the motion and it passed 4-0:

2A. Resolution No. 42-2012 authorizing publication of notice of intention to issue certificates of obligation in the maximum aggregate principal amount of \$10,000,000 for the purpose of financing waterworks and sewer system improvements.

2B. Contract between the City of Kerrville and the Kerrville Economic Development Corporation for economic development program services.

2C. Contract with Kerr County for conducting the City of Kerrville general election to be held on May 11, 2013.

2E. Resolution No. 43-2012 adopting a criminal trespass policy for city-owned property.

END OF CONSENT AGENDA

2D. Professional services agreement with Halff Associates, Inc. for the design of Louise Hays/Lehmann & Monroe Parks and the river trail – package B project in an amount not to exceed \$298,610.

Mr. Conklin moved to approve the agreement as presented; the motion was seconded by Ms. Keeble and passed 4-0.

3. ORDINANCE, SECOND AND FINAL READING:

3A. Ordinance No. 2012-07 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 minor changes that had been made as discussed during first reading; however, there were no changes to the intent of the ordinance. He noted that the ordinance as revised would allow access to the property owners; the intent of the city was clear to allow property owners access to their property at all times. Mr. Hayes noted Section 74-5, opening and closing hours, stated “it was unlawful for any unauthorized person to remain on or enter the river trail” during non-open hours; clearly, the property owner was considered to be an authorized person. Mr. Matthews noted the dedication and opening would be held at 10:00 a.m. December 15.

Mr. MacDonald moved for approval of Ordinance No. 2012-07, as presented, on second and final reading; Mr. Conklin seconded the motion and it passed 4-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Resolution No. 41-2012 approving a drainage project at the Kerrville-Kerr County Airport, authorizing the joint airport board for the Kerrville-Kerr County Airport authorizing the Joint Airport Board for the Kerrville-Kerr County Airport to apply for financial assistance necessary for the project, and designating the airport manager to act as the project representative for the project.

Bruce McKenzie, airport manager, noted TxDOT and FAA had concerns about a drainage ditch located within the 250 foot runway safety area. Wellborn Engineering developed a plan, which had been approved by FAA, to relocate the ditch under Al Mooney Road and drain into Silver Creek. Al Mooney Road would

be closed for about two days to put in the culverts, and the project cost would be \$50,000, of which the city's portion would be \$2,500.

Stephen King, chairman of the airport board, noted that TxDOT required the following documents before this project could be funded by a 90/10 grant: resolution to approve and fund the project, certification of project funds, and designation of sponsor's authorized representative. The airport board voted to pay the local match out of airport reserve funds; therefore, the city would not pay the \$2,500. After TxDOT approves the project, the board will bid construction of the culvert, and the city and county will provide in kind services; the county will provide moving and excavation services, and the city will pave a 20' x20' area.

Mr. MacDonald moved for approval of Resolution No. 41-2012; Mr. Conklin seconded the motion and it passed 4-0.

4B. Establishment of library membership fees for patrons who live outside of the City of Kerrville.

Mr. Parton noted per council's previous direction, staff created a fee schedule for county residents to pay for library use in order to recoup some of the cost to operate the library since the county did not allocate any funding for FY2012. The library advisory board voted 4-1 to set the annual fees at: \$35.00 books only, \$35.00 computer use only, or \$65.00 full membership; or a monthly membership fee of \$8.00. If approved, staff will provide notice to patrons that their cards were being terminated, and effective February 1, 2013, they had the opportunity to have a new card issued to them upon payment of the membership fee option selected.

Council also discussed the following:

- Disappointment that providing free library services to its citizens was not a priority for county commissioners.
- The city council had a fiduciary responsible to the citizens of Kerrville and could not fund services to others free of charge.
- Over 40% of the library use was from county residents who do not provide any funds into the operation of the library. Based on the annual library budget, city citizens were paying \$139 for library services; a \$65 annual fee per household for full library services for county residents was a fair fee.
- There was not a "free library"; somebody had to pay the cost to operate and maintain the library.
- Cards could be provided to those who volunteer or donate to the library.

Mr. MacDonald moved to direct staff to establish library membership fees as presented by staff in the staff report with exceptions of those who volunteer in kind services or donate to the Friends of the Library. The motion passed 3-1 with councilmembers: Conklin, MacDonald, and Pratt voting in favor of the motion; and Councilmember Keeble voting against the motion.

4C. Update of the City's wastewater master plan.

Ms. Ondrias noted the council reviewed the wastewater master plan at the October 4 budget workshop and asked staff to include a 3% inflationary factor; she reported this would have a \$15 million impact on the 20 year integrated capital improvements plan, increasing it from \$33 million to \$48 million. She noted that when each project was bid, it would be brought to council for final approval before the project would proceed to construction.

Mr. Parton noted staff should not over estimate project costs as this could affect the CIP planning and influence the setting of utility rates; staff would continue to monitor cost estimates to stay on target.

Council discussed placing a message on water bills letting citizens know that the increase was to fund future capital improvements.

Council consensus was to proceed with the master plan and projects as necessary.

4D. Consider gift of the land and improvements associated with the Clock Tower adjacent to the City Hall building from the Cailloux Foundation and authorize the City Manager to execute a deed associated with the gift.

Mr. Parton reported that upon completion of the clock tower, the parking garage and clock tower would be donated to the city by the Cailloux Foundation. The issue before council was to accept: 1) The clock tower and ancillary improvements estimated at \$2 million; and 2) The mechanical components, i.e. air conditioning, electricity, and elevator. He noted the elevator had maintenance issues; however, the elevator was under warranty through 2013 and the warranty on the elevator and all construction would transfer with ownership. The city had taken over maintenance responsibilities for the clock tower and parking garage. He noted that the Cailloux Foundation would retain ownership of Peterson Plaza.

Ms. Keeble moved to accept the gift of the land and improvements associated with the clock tower from the Cailloux Foundation and to authorize the city manager to execute a deed associated with the gift. Mr. MacDonald seconded the motion and it passed 4-0.

5. INFORMATION AND DISCUSSION

5A. Report on Kerr Economic Development Corporation activities.

Councilmember Conklin reported that the KEDC director met with a business that planned to relocate and had narrowed its site selection between Kerrville and San Marcos. KEDC supported EIC's decision to provide funding for the demolition of an abandoned building on Broadway to provide additional parking for a business. Under the EIC program, EIC could fund up to 40% the cost to demolish existing buildings for the improvement of the community.

5B. Water resources report.

Mr. Hastings reported Kerrville continued to be in severe drought condition as established by the US Drought Monitor; he noted that severe drought designation was being extended into other counties. The city received 1.83 inches of rainfall October through December. The river flow was at 29 cfs; the annual average was 145 cfs; below 50 cfs the city cannot store river water in the ASR; ASR was currently at 700 MG. The city's goal was to have one year's supply of water (1.4 billion gallons) available in the ASR. He opined that the city would have sufficient water to get through the drought; however, the city may have to go into advanced water stages with tighter restrictions. Weather forecasters predicted the area would remain drier than normal through June.

5C. Budget/Economic Update.

Mr. Vongchampa reported that the St. Louis Fed rated the probability of a recession occurring at 3% in the next 3-6 months; this decrease from their previous rating of 20% was based on improved economic factors. Local sales tax for November was at \$421,537, about \$15,000 increase over November 2011; this was attributed to new retailers coming on line. Hotel occupancy tax decreased from \$69,508 in 2011 to \$57,624 in November 2012. The city's general fund revenue in November was less than expenditures, but he noted that was typical for this time of year as ad valorem taxes were just starting to come in. The water & sewer fund revenue exceeded expenditures.

6. BOARD APPOINTMENTS:

6A. Approval of charge and schedule, and appointments to the charter review commission.

Mr. Hayes noted that proposed charter amendments recommended by the commission would be presented to the city council for consideration prior to being placed on a ballot.

Mr. MacDonald moved to approve the charge for the commission as presented; Mr. Conklin seconded the motion and it passed 4-0.

Mr. Conklin moved to appoint the following persons to the charter review commission: Harvey Brinkman, Joe Herring, Jr., John Mosty, Bruce Motheral, Thomas Myers, Michael Robinson, and Gene Smith. Ms. Keeble seconded the motion and it passed 4-0.

6B. Appointments to the beautification advisory committee and designation of one city council member to serve as liaison.

Mr. Conklin moved to appoint the following persons: Brandon Douglas with term to expire December 11, 2013; and David Tritenbach and Judy Webb-Smith with terms to expire December 11, 2014. Ms. Keeble seconded the motion and it passed 4-0.

Mr. Conklin moved to appoint Mayor Pratt as the council liaison to the committee; Ms. Keeble seconded the motion and it passed 4-0.

6C. Appointments to the food service advisory board.

Mr. MacDonald moved to reappoint Abel Vazquez; and to appoint Debbie Bading, Rebecca Dittmar, and Darrell Young; all with terms to expire December 1, 2014; Mr. Conklin seconded the motion and it passed 4-0.

7. **ITEMS FOR FUTURE AGENDAS**

- The city would participate in the community's recognition of Johnny Manziel, local athlete who won the Heisman Trophy, at the appropriate time in the future.

8. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Mayor Pratt reported that the Aqua Texas rate increase was in mediation.
- An email had been received stating that the city had a "gold mine" if police would issue more traffic tickets. Council noted the city received very little revenue from traffic tickets and the intent of issuing tickets was to change drivers' behavior.
- Staff noted city offices would be closed December 24 and 25 in observance of Christmas.

9. **EXECUTIVE SESSION:** None

ADJOURNMENT. The meeting adjourned at 7:14 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary