

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 13, 2012

On November 13, 2012, the Kerrville City Council meeting was called to order by Mayor Pratt in the city hall council chambers at 701 Main Street at 6:12 p.m. The invocation was offered by Charlie Hastings, followed by the Pledge of Allegiance led by Russ Holmer of the Military Officers Association of America.

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
Robert Ojeda	Fire Chief
John Young	Police Chief
Charlie Hastings	Director of Public Works
Kim Meismer	Director of General Operations
Jason Lutz	City Planner
Eric Maloney	EMS Coordinator

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

1. VISITORS/CITIZENS FORUM The following person spoke:

1A. Stacy Stavinoha with Kerrville Public School Foundation, organizers of the "Duck Race" in Louise Hays Park noted she received a letter from the city stating the park would be closed during the time their event was to take place. She stated she had reserved the park for the event, and was dismayed that she was going to have to find another venue. Mr. Parton stated that the park closure was due to the utility expansion and river trail construction, which would create safety hazards for the public. Council discussed other possible options and asked staff to work with Ms. Stavinoha to try to find a solution.

2. PRESENTATIONS AND RECOGNITIONS:

Mr. Pratt read the Proclamation declaring November 14, 2012 as Sudie Burditt Day in recognition of her service to the community as Executive Director of the Kerrville Convention and Visitors Bureau. Mr. Pratt recessed the meeting at 6:25 p.m. to allow persons time to congratulate Ms. Burditt. The meeting reconvened at 6:34 p.m.

3. CONSENT AGENDA:

Ms. Keeble requested that item 3C be removed from the consent agenda.

Mr. MacDonald moved for approval of items 3A and 3B; Mr. Allen seconded the motion and it passed 5-0:

3A. Minutes of the City Council special meeting held October 4, 2012.

3B. Approval of a Patron Conduct Policy and Public Internet Use Policy for the Butt-Holdsworth Memorial Library.

END OF CONSENT AGENDA

3C. Resolution No. 40-2012 to create the City of Kerrville Beautification Advisory Committee.

Mrs. Keeble moved for approval of Resolution 40-2012; Mr. Allen seconded the motion and it passed 5-0.

4. ORDINANCES FIRST READING:

4A. An Ordinance amending Chapter 102 "Traffic and Vehicles," Article II "Administration; Enforcement" of the Code of Ordinances of the City of Kerrville, Texas; by amending sections 102-35 and 102-36 to increase the penalty for parking violations; adopting a new section 102-37 to establish presumptions applicable to the adjudication of parking citation; 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.

The consensus of the Council was to postpone further discussion of this ordinance until the January 8, 2013 meeting. Mr. Parton stated that the Main Street Advisory Board was working on a presentation for the January 22, 2013 Council meeting for an overall long term parking strategy in the downtown area.

4B. An Ordinance 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 cited state law as it pertained to a culpable mental state. He noted that in order to comply with state law, the proposed ordinance specifies a culpable mental state of recklessness for all violations where possible punishment exceeds \$500 and it dispenses with the requirement for any violation where the punishment is less than \$500.

Mr. Conklin moved for approval of the ordinance on first reading; Mr. Allen seconded and the motion passed 5-0.

5. PUBLIC HEARING AND ORDINANCE, SECOND READING:

5A. Public hearing and Ordinance No. 2012-13, creating a "Planned Development District" for an approximate 4.241 acres consisting of tracts 1 and 2, Texas National Guard Armory Board in the Samuel Wallace Survey No. 113, Abstract No. 761, within the City of Kerrville, Kerr County Texas, and more commonly known as 411 Meadow View Lane; adopting a phased concept plan and conditions related to the development of said district to include a phased development schedule; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000 for each day of violation of any provision hereof; and ordering publication.

Mayor Pratt read the Ordinance by title only.

Mr. Lutz stated that the first reading of the Ordinance was on October 9, 2012, and that he had received no correspondence regarding the Ordinance.

Mayor Pratt opened the public hearing at 7:00 p.m. No one spoke and Mayor Pratt closed the public hearing at 7:00 p.m.

Mr. Allen moved to approve Ordinance No. 2012-13; Mr. Conklin seconded and the motion passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Request by the Texas Lions Camp for the donation of the Riverhill standpipe (water storage) that is designated to be decommissioned.

Mr. Hastings stated the reasons the standpipe was no longer needed by the City, and was scheduled for demolition and sale of the scrap metal would not cover the cost of demolition.

Mr. Steve Mabry with the Texas Lions Camp stated that the TLC would have the standpipe inspected, dismantled and reconstructed on their property at their cost.

Ms. Keeble filed a conflict of interest form and recused herself, stating the standpipe was located on her property.

Mr. Allen moved to allow the Texas Lions Camp to have the standpipe inspected to see if it would meet their needs. Mr. Conklin seconded, and the motion passed 4-0-1, with members Allen, Conklin, MacDonald and Pratt voting in favor of the motion; no one voted against the motion; and Ms. Keeble abstained.

6B. Update and direction to city staff regarding the Interlocal Agreement for

Library Services between the City of Kerrville, Texas and Kerr County.

Mr. Parton discussed efforts to communicate with the county regarding the use of the Butt-Holdsworth Memorial Library by county residents, given the County's default of the interlocal agreement for library funding. Mr. Parton presented options for payment, i.e. annual membership or a fee-for-use in the form of day passes to be made available to residents living outside the city who wished to use the city library. Mr. Parton stated that the demand by the county residents represented approximately 40% of the library patronage. He recommended that the council consider an annual membership for county residents. Council also discussed the following:

- The necessity of establishing a fee for library patrons who live outside the city was to cover the shortfall of the county Interlocal agreement.
- The city could apply to the Cailloux Foundation for a grant to cover the cost of library services for county residents.
- The city should not continue to subsidize services for county residents at a cost to the city taxpayer; the council's responsibility was to the city citizens.

Council directed staff to send notices to library card-holders who live outside the city limits, telling them that their cards would no longer be valid, and that they will be required to reapply and pay a fee for a library card for the Butt-Holdsworth Memorial Library.

6C. Establishing a policy requiring a minimum of two City Council members to place an item on an agenda.

Ms. Keeble proposed a change in the procedural rules that would require a minimum of two councilmembers to place an item on the council's agenda. The impetus for the change was better management of council and staff time. Council discussed the potential of "walking quorums".

The following person spoke:

1. Bruce Strake opined that agenda bills should be submitted by citizens directly to the city manager and not to a councilmember. When a citizen contacted a councilmember about a matter, the councilmember should direct them to the city manager.

Mrs. Keeble moved to establish a policy requiring two councilmembers' agreement to place an item on a council agenda. Mr. Allen seconded the motion; the motion failed 2-3 with members Keeble and Allen voting in favor of the motion and members Conklin, MacDonald, and Pratt voting against the motion.

7. INFORMATION AND DISCUSSION

7A. Economic update.

Mr. Erwin reported that the auditors would conduct their audit during the next two weeks.

7B. Water resources report.

Mr. Hastings noted the city was still in a severe drought; aquifer storage level

was slightly over 700 million gallons.

7C. Staff report on the third and fourth quarter departmental performance measures for Fiscal Year 2012.

Mr. Erwin reported on the third and fourth quarter departmental performance measures for Fiscal Year 2012.

8. BOARD APPOINTMENTS:

8A. Appointment to the Library Advisory Board.

Mr. MacDonald moved to re-appoint Judy Carr, with a term to expire November 22, 2014. Mr. Allen seconded the motion and it passed 5-0.

8B. Appointment to the Kerrville-Kerr County Joint Airport Board.

Mr. Allen moved to appoint Kirk Griffin, with a term to expire June 1, 2014. Mr. MacDonald seconded the motion and it passed 5-0.

9. ITEMS FOR FUTURE AGENDAS: None

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Appreciation was stated to all community members who served and honored the veterans through various means.
- Discussed "Movember," which raises awareness for men's health.
- Recognized Mayor Pratt on his birthday.
- "Polar Bear Plunge," to benefit Baptist Children and Family Services would be held on New Year's Day.

11: EXECUTIVE SESSION:

At 7:58 p.m., Mr. MacDonald moved for the city council to 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 7:58 p.m. p.m. the regular meeting recessed and council went into executive closed session at 8:05 p.m. At 8:25 p.m. the executive closed session recessed and council returned to open session at 8:25 p.m.

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

12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 8:25 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Cheryl Brown, Deputy City Secretary