

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
APRIL 23, 2013

On April 23, 2013, 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 Pastor James Wilson of the Kerrville Christian Center Church, followed by the Pledge of Allegiance led by Cadet Second Lieutenant Brianna Jones, of the Tivy High School Air Force Junior Reserve Officer Training Corp.

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
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Robert Ojeda	Fire Chief
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works
Ashlea Boyle	Special Projects Coordinator

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

1. VISITORS/CITIZENS FORUM None.

2. AWARDS AND PRESENTATIONS:

2A. Proclamation proclaiming the month of May as Williams Syndrome Awareness Month was accepted by Laura Wolters.

2B. Resolution of Commendation to Jim Gardner and Diane McMahon for serving on the parks and recreation advisory board.

3. CONSENT AGENDA:

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

3A. Minutes of the regular city council meetings held February 26, March 12, and March 26, 2013.

3B. Professional services agreement with Public Sector Personnel Consultants to conduct a formal classification and compensation study, to include health and fringe benefits, in an amount not to exceed \$33,000.

3C. Contract between the City of Kerrville, Texas and Kerrville Convention & Visitors Bureau, Inc. for convention and tourism promotion services.

3D. Request from Kerrville Area Chamber of Commerce for additional in-kind police and fire/EMS from the City for the 3rd Annual Kerrfest event in the additional amount of \$890.00.

3E. Resolution No. 15-2013 adopting a road naming and addressing policy and procedures.

END OF CONSENT AGENDA

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street, former Bank of America building.

Corey Walters, representing, C & W Manhattan, stated that he had done no lobbying of councilmembers or staff regarding this subject prior to the meeting. He proposed to lease to the city 92 primary, convenient parking spaces at Water and Earl Garret. He stated that the parking lot contained 47% of the total convenient downtown off-street parking. Since the Bank of America had moved, activity in the parking lot had increased, and C & W had expenses related to the parking lot, e.g. taxes, insurance, and maintenance. In a visual study, he observed that the current occupancy rate was 52-66% business patrons, merchants, and visitors, not including the existing tenants. He opined that the city's parking garage maintained an occupancy rate of less than 4% on an average day, not including city vehicles and employees.

No action was taken by the council.

4. PUBLIC HEARING AND RESOLUTION:

4A. Resolution No. 14-2013 granting a Conditional Use Permit (CUP) for an approximate .25 acre tract of land located on the southern 105 feet of lot 1, block 1 of the Vetterville Subdivision, within the City of Kerrville, Texas, and otherwise known as 1912-A Junction Highway; said tract is located within the W-3 zoning district; by permitting said property to be used for "vehicle sales/service-used"; making said permit subject to certain conditions and restrictions contained herein.

Mr. Lutz noted the proposed use was not permitted by right in this district, but was allowed by CUP. Parking spaces meet the requirements; a 20 ft. wide dedicated fire lane is required to access the structure at the rear of the property; and no screening is required as adjacent land uses are similar.

Mayor Pratt opened the public hearing at 6:24 p.m.; no one spoke; Mayor Pratt closed the public hearing at 6:24 p.m.

Mr. MacDonald moved for approval of Resolution No. 14-2013; Mr. Allen seconded the motion and it passed 5-0.

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2013-06 amending Chapter 30 “Businesses” of the city’s code of ordinances by adopting a new Article I “Group Homes and Boarding Home Facilities”; establishing registration, permitting, and inspection of group homes and boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title.

Mr. Hayes noted the ordinance was passed on first reading on April 9 with the following changes:

- Revised definition of boarding home facility to exclude foster arrangements
- Added concerns about vehicle requirements.

Council also discussed the following:

- Section 30-28C required 150 sq. ft. floor space per occupant, the International Property Maintenance Code only required 70 sq. ft. per occupant and at least one wall of not less than 10 ft. in length per bedroom. Mr. Parton noted this requirement would be consistent with current building code requirements.

Mr. MacDonald moved for passage of Ordinance No. 2013-06 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 13-2013 amending the City of Kerrville fee schedule by adding fees for the permitting of boarding home facilities.

Mr. Erwin noted the resolution would amend the fee schedule to establish fees:

- Group homes and boarding home facilities annual permit - \$1,000
- Re-inspection fee for group homes and boarding home facilities - \$75
- Variance from distance requirement for a boarding home facility - \$150.

Council noted the proposed fees were in-line with other fees and would fund the necessary services without having to hire additional staff.

Mr. Conklin moved for approval of Resolution No. 13-2013; Mr. MacDonald seconded the motion and it passed 5-0.

6B. Request to allow a property at 2262 Bandera Highway (State Highway 173) to connect to city water and sanitary sewer services prior to the completion of the annexation process.

Mr. Conklin noted at the April 9 meeting council had voted to deny Mr. Howard the opportunity to connect to city utilities prior to completion of the annexation in late July. He noted that Mr. Howard already had a business opening scheduled in May, and he suggested council reconsider this request.

Council noted that Mr. Howard was not trying to skirt the rules, and he had voluntarily cooperated with staff to meet city inspections and permitting processes.

Mr. MacDonald moved to approve the request to allow connection to city water and sewer services at 2262 Bandera Highway prior to completion of the annexation process; Mr. Conklin seconded the motion and it passed 5-0.

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street, former Bank of America building.

This matter was also considered earlier in the meeting after item 3E.

Council acknowledged the value of the parking spaces being offered for lease; however, a lot of property owners have parking spaces downtown, many of whom allow public parking, and they have the same expenses and liability issues. The concern was in setting precedence for other property owners to request the city lease their parking spaces as well. Mr. Walters had been generous to allow free public parking in the past, and if he continued to do so that would be appreciated; however, no councilmember expressed interest in renting parking spaces.

Mr. Walters stated he had expenses and liability and he would be forced to make it private and by permit only. He felt that his parking lot was unique in that it was the most accessible, convenient, and widely used by the public.

6D. Purchase of new aerial platform fire truck to replace the city's 23-year old unit in FY2014.

Staff noted the aerial platform truck was put in service in 1989 and was now 23 years old. It was an established priority in past budgets to replace the ladder truck and remodel central fire station. As authorized by council earlier in the year, staff was preparing specifications on renovation of central fire station and construction would soon be underway. Chief Ojeda noted it would take 3-4 months to create specifications for a fire apparatus, and 9-12 months before delivery. National Fire Protection Association (NFPA) standards recommended not having any vehicle over 15 old as front line equipment, after 15 years, a vehicle could be used as a reserve unit, and it should be removed from inventory entirely after 25 years. Chief Ojeda noted there had been four revisions to NFPA standards since the 1989 truck was built. Because of its length, the new aerial platform would be housed at central fire station.

Mr. Parton discussed short term 5-7 year bank financing for \$1.3 million. He stated that debt for major capital purchases went against the city's debt cap, which was \$10 million, and he noted the council recently approved the notice of intent for KPUB to issue \$6 million against the city's debt cap.

Council also discussed the following:

- Purchase of used ladder truck from another department.
- Refurbish existing ladder truck. Chief Ojeda noted the existing truck could be

refurbished again, but in the end, it would still be a 23 year old fire apparatus and reliability and safety were key issues.

- Options for the existing truck, e.g. sell or keep as a reserve vehicle. Chief Ojeda discussed times in the past when the ladder truck was requested for assistance in other towns, and when the city responded, it left the city without a ladder truck. The city could keep the ladder truck in reserve for such occasions.
- Questioned how this might affect the city's favorable ISO rating of 2. Chief Ojeda noted that ISO ratings, 1 (best) – 10 (worst), were based on several factors, i.e. fire prevention efforts, building codes and fire codes, equipment, fire stations, etc. The ISO board was concerned about the favorable ratings in Texas, due in part to the Texas Addendum, and were lobbying to eliminate the Texas Addendum, which could move the city back to a 3 rating. The city could receive additional points by ISO for having an aerial ladder truck in reserve, and perhaps keep the city at a 2 even if the Texas Addendum is eliminated. ISO re-graded once every ten years, and the city was scheduled for another evaluation in six years.

Mr. Allen moved to approve authorize staff to evaluate as presented purchase and finance; Mr. Conklin seconded the motion and it passed 5-0.

6E. Pending legislation from the 83rd Texas Legislature, regular session.

Mr. Parton reported that the letter stating the city's position on legislative issues was presented to Senator Fraser and Representative Hilderbran on April 10 during Kerrville Community Day in Austin. He updated the council on several bills and recommended the city support a new bill, HB 56, regarding hotel occupancy tax exemptions.

Mr. MacDonald moved to approve the recommendations as presented by staff, including support of HB56; Mr. Conklin seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION

7A. Report on Kerr Economic Development Corporation activities.

Mr. Conklin reported on the following:

- Fox Tank Company received the American Petroleum Institute audit conducted in March and recommended certification; it should take 45 days for completion; this certification will allow Fox Tank to sell to larger petroleum industry operators.
- West Texas manufacturer of specialized compressed pump systems was still looking at Kerrville; decision scheduled in June.
- A trucking transportation company.
- Continuing to work on incentive guidelines.
- Working on wine industry marketing plan; making real estate assessments.

7B. Economic update.

Mr. Erwin reported sales tax for April 2013 was up 16% over April 2012; however, he opined that was an anomaly with one large commercial business; overall, sales tax was 6.29% ahead of last year. HOT revenue was 8% above last year

for April. Revenue exceeded expenditures in the general fund and the water and sewer fund. There were two state-wide issues to watch: employment in Texas decreased this month, and sales tax statewide continued to increase but not as high as in the past.

8. **ITEMS FOR FUTURE AGENDAS:** None

9. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- An event honoring Heisman Trophy Winner Johnny Manziel was scheduled for April 20, 6 p.m. at the Tivy Antler Stadium.
- The Girl Scouts mobile leadership center will be in Kerrville on April 25, noon to 2:15 p.m. at Hastings.
- The police department and the KPAAA will hold a drop off collection on Saturday, April 27 to accept drugs to be disposed of properly.
- Several county commissioners would be touring the library on Monday, April 29 to take an in depth look at library operations.

10. **EXECUTIVE SESSION:** None.

ADJOURNMENT. The meeting adjourned at 7:09 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary