

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
SEPTEMBER 24, 2013

On September 24, 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 Matt Gallo, Chaplain at Peterson Hospice, followed by the Pledge of Allegiance led by Barbara Heckman-Sauer, Associates of Vietnam Veterans of America.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Mayor Pro Tem
Stacie Keeble	Councilmember
Justin MacDonald	Councilmember
Gene Allen	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
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
John Young	Police Chief
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:** No one spoke.

2. **RECOGNITIONS:**

2A. Proclamation designating Kerrville as a Purple Heart City. Presented by Mayor Pratt.

2B. Proclamation proclaiming October 1, 2013 as National Night Out. Presented by Mayor Pratt.

3. **CONSENT AGENDA:**

Mr. Conklin moved for approval of agenda items 3A through 3G; Ms. Keeble seconded the motion and it passed 5-0:

3A. Minutes of the city council regular meeting held September 10, 2013.

3B. Resolution No. 34-2013 amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided or offered by the city.

3C. Grant application to the Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program.

3D. Independent brokerage agreement for the sale of City property at 800 Junction Highway, former City Hall site.

3E. Renewal of Geographic Information System Enterprise License Agreement with Environmental Systems Research Institute, Inc.

3F. Administrative services contract between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas.

3G. Request by Baptist Children and Family Services' (BCFS) to waive permitting fees associated with the planned construction of a new transition center for youth.

END CONSENT AGENDA

4. ORDINANCES, SECOND AND FINAL READING:

4A. Ordinance No. 2013-16 levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the fiscal year 2014; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. Mayor Pratt read the ordinance by title only.

Mr. Parton reviewed the schedule of meeting held and noted no changes to the ordinance since first reading. He recommended approval of the ordinance.

Mr. MacDonald moved that the property tax rate be increased by the adoption of a tax rate of \$0.5625, which was effectively at .14% increase in the tax rate, and for approval of Ordinance No. 2013-16 on first reading; Mr. Conklin seconded the motion and it passed 5-0 upon record vote as follows:

Mayor Pratt	Aye
Mayor Pro Tem Conklin	Aye
Councilmember Allen	Aye
Councilmember Keeble	Aye
Councilmember MacDonald	Aye.

No one voted against the motion.

4B. Ordinance No. 2013-17, adopting the annual budget for the fiscal year 2014; providing appropriations for each department and fund; containing a cumulative clause; and containing a savings and severability clause. Mayor Pratt read the ordinance by title only.

Mr. Parton noted the budget was based on council's core concepts and prioritized programs and objectives, and it was balanced and sustainable. The FY2014 general fund budget totaled \$21.8 million in revenue, \$21 million in expenditures, and added \$800,000 to the reserve fund in anticipation of the expiration of the interlocal agreements with the county due to expire and the end of FY2014. No changes had been made to the ordinance since first reading; he recommended approval.

Mr. Conklin moved for approval of Ordinance No. 2013-17, as presented, on second and final reading; Mr. MacDonald seconded the motion and it passed 5-0.

4C. Ordinance No. 2013-18 amending in part Ordinance No. 99-18, as amended, by adopting a new residential rate tariff: Burned Veterans' Discount Program rider BVDP for residential electric service administered by the Kerrville Public Utility Board; containing a cumulative clause; containing a savings and severability clause; and establishing an effective date. Mayor Pratt read the ordinance by title only.

Mike Wittler, KPUB Chief Operating Officer, recommended approval of the ordinance that would implement a bill payment assistance program for veterans who suffered from severe burns received in combat.

Mr. MacDonald moved for approval of Ordinance No. 2013-18, as presented, on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5. ORDINANCE, FIRST READING:

5A. Ordinance No. 2013-19 amending various sections of the Code of Ordinances of the City of Kerrville, Texas, to delete and remove fees for various services and amenities provided or offered by the City as said fees are established by the city's fee schedule, which is adopted by resolution of the City Council; containing a savings and severability clause; providing for an effective date; and providing other matters relating to the subject. Mayor Pratt read the ordinance by title only.

Mr. Hayes noted the ordinance would remove fees from the code of ordinances and place all fees in the fee schedule, which is adopted by the city council annually. He listed sections to be deleted.

Ms. Keeble moved for approval of Ordinance No. 2013-19, as presented, on first reading; Mr. MacDonald seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Request to abandon and vacate a small portion of Lucille Street from State Highway 27 (Junction Highway) to Woodlawn Avenue.

Mr. Hastings noted the city received a request to abandon a section of Lucille Street from SH27 to Woodlawn Avenue, which was the main entrance into Lone Star Lodges, property owned by the applicant. If abandoned, the applicant planned to cut off entrance to SH27 with curbing and landscaping and move traffic to the signalized intersection at SH27 and Woodlawn. The applicant would then convert the abandoned area as an entrance into their property, perhaps creating access from Woodlawn. Before proceeding with a formal request for abandonment and site development plan, the applicant requested city council's acceptance of the plan.

Council discussed an email from residents regarding safety and noted the

applicant's plan was consistent with their concerns and would provide a safer intersection.

Mr. Conklin moved that council authorize the city manager to proceed with the process of abandonment of Lucille Street from SH27 to Woodlawn; Ms. Keeble seconded the motion and it passed 5-0.

6B. Report of the 2013 Charter Review Commission regarding proposed amendments to the City Charter.

John Mosty, Chairman of CRC, reported on the recommendations of the CRC:

- Section 1.03 Special Provision for Damage Suits: Delete section as the subject is addressed and superseded by state law.
- Section 2.04 Vacancies: Clarify how a vacancy from a recall is addressed, and require council to make an appointment to fill a vacancy within 30 days.
- Section 3.02 Mayor and Mayor Pro Tem: Provide authority for the mayor to act during emergencies without council approval, and clarify that council must appoint a mayor when the position is vacant.
- Section 4.03 Application for Candidacy: Increase candidate petition signature threshold to 100 or require \$100 filing fee.
- Section 4.08 Canvassing Elections: Reflect state law which governs canvassing.
- Section 5.04 Petitions for Recall: Currently there are three methods for recall, initiative, and referendum petitions; propose to simplify process and decrease the number of signatures to 20% of the number of persons who voted in the most recent election or no fewer than 200 qualified voters.
- Section 5.10 Result of Recall Election: Majority of remaining councilmembers fill vacancies; recalled member ineligible for appointment or as a candidate.
- Section 5.11 Recall Restrictions: Delete as unnecessary due to election schedule and two year terms.
- Section 5.12 Initiative; Petition; Procedure: Clearer process and decrease signature threshold (same as Section 5.04)
- Section 5.13 Referendum; Petition; Procedure; Effect Prior to Election: Clearer process and decrease signature threshold (same as Section 5.04)
- Section 8.07 Amendments after Adoption: Clarify that budget amendments occur via ordinance.

Mr. MacDonald moved to accept the report; Mr. Conklin seconded the motion and it passed 5-0.

Mr. Hayes suggested council review the changes submitted in the report and see if there were other changes that council may want to consider and discuss proposed amendments at the second meeting in October.

Council suggested Mr. Hayes review the issue of a person running for re-election while being recalled.

6C. Appeals by the applicant/operator for reasonable accommodations in accordance with the Ordinance No. 2013-06 group home and boarding home

facilities at the following addresses:

1. 818 Bulwer Avenue

2. 929 Pecan Street.

This matter was set aside.

6D. Ethics policy.

Mr. Hayes noted that changes received from council had been incorporated into the policy.

Mr. Allen moved to accept the policy as presented; Mr. MacDonald seconded the motion and it passed 5-0.

6E. Conceptual plan for Louise Hays Park and Lehmann and Monroe Park improvements.

Architect Peter Lewis stated that improvements were designed to make the park more accessible to the public and enhance pedestrian safety and traffic circulation. Paved parking would be located under the bridge, and no vehicles would be allowed to cross pedestrian pathways near the river. The plan included access to potable water and electricity, lighting for security and amenities, and public restrooms. The interactive fountain area used treated recirculated potable water for the splash pad. The amphitheater had two stage areas one facing the river, and one facing the hillside. The existing pavilion and tennis court area would be repurposed. The Lehmann and Monroe Park would have a sand volleyball area and an enclosed dog park; pets on a leash would be allowed throughout the park.

Mayor Pratt asked if public notice had been issued to encourage citizen participation in this conceptual plan? Mr. Parton said no; however, public meetings were held and a public survey conducted, and the public's comments and input were incorporated into the parks master plan adopted in 2009.

The following persons spoke:

- Sharon Walling stated that the 2008 plan was different than what was being proposed, and the city should give the public 1-2 months to give input. She opined that the east restrooms were too far from the amphitheater and should be in the event plaza area for better access for the handicapped. The current graveled parking area should be paved for parking, and not have parking under the bridge as that would be the view from the amphitheater area. The pavilion in Peterson Plaza was not being used by any groups, such as the car show; groups could use the park pavilion for functions. The concept plan had potential, but council should give people time to give input.
- Mack McElvain asked: 1) what was proposed to replace the graveled area shown in grey on the map; and 2) with emphasis on lighting for the water feature and other amenities, was the city considering expanded hours for night time use beyond organized events? 1) Mr. Lewis noted would be grass. 2) Council noted lighting would be equipped with night sky fixtures to shield the light in the water

park; there had been no discussion to extend the hours of operation in the park, which currently closed at 10:00 p.m. on weekdays and 11:00 p.m. on weekends.

Council also discussed the following:

- The number of existing parking spaces versus the number proposed. Mr. Lewis discussed proposed parking as shown on the plan and noted that vehicle parking was located away from the river to create a pedestrian only area, and to lessen the chance of contaminants entering underground seepage and the river.
- Parking for handicapped accessibility near Tranquility Island was desired.
- Access for loading/unloading kayaks was desired. Mr. Lewis noted access was available under the bridge near the river.
- The longer the public input process was extended, the longer the park would be closed. Mr. Lewis noted the park was scheduled to open in March 2015, and in order to meet the schedule, he had to have the background plan to the consultants this week.

Mayor Pratt noted that there was public input in the overall 2009 parks master plan, but not on the detail of this specific plan, and he asked if council should encourage public input before going further with this plan, or move forward with the conceptual plan and consider modifications as the project progressed based on public input. Mr. Parton noted it would be difficult to proceed as changes could result in significant modifications and time delays. If council wanted to solicit more public input and evaluate suggestions to incorporate into the plan, it should do so, and give time for that process and then move forward.

Mr. Lewis noted the consulting team had agreed and committed to an aggressive schedule to complete the bid documents by December, and any significant changes would impact the overall schedule. Construction changes were limited because of the floodplain and floodway. The hydrology report would be a crucial element of the plan, as the city must compensate for anything that could displace water in the floodplain, and that was the reason that structures were located near Thompson Drive.

Council consensus was that the conceptual plan had citizen input for several years and the public had many opportunities to participate; e.g. tonight's meeting received good newspaper coverage, and not many people were in attendance to speak to the plan. Council consensus was to proceed with construction so that the park could be opened on schedule. Mr. Lewis was coordinating a team of consultants, and, based on council's decision tonight, they would either move forward or stop. If they stopped, this would affect the schedule that consultants had set to make their deliveries, which would delay the scheduled opening.

Mr. Conklin moved to accept and approve the conceptual plan for Louise Hays Park and Lehmann and Monroe Park improvements as discussed and presented by Mr. Lewis, including kayak loading area and additional parking by Tranquility Island Bridge. Ms. Keeble seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION:

7A. Budget and economic update.

Ms. Yarbrough reported the 2013 budget: 1) general fund revenue was at 110% of projection, and expenditures at 93% of budget; and 2) utility fund was at 103% of projected revenue and expenditures at 92%. There was one more pay period in both funds.

8. BOARD APPOINTMENTS:

8A. Appointments to the Zoning Board of Adjustment. Matter was deferred to executive session.

9. ITEMS FOR FUTURE AGENDAS: None

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Mayor Pratt noted that a recent newspaper article, which stated that Kerr County approved hiring an EMS consultant to assist them in providing EMS service for all of Kerr County, was not accurate; the county's EMS would provide service to all citizens who did not reside in the City of Kerrville.
- The Kerrville Triathlon would be held Saturday and Sunday, September 28 and 29, beginning at 7:30 a.m. at Nimitz Lake. The Kids Fun Run would be 11:00 a.m. Saturday in downtown.
- Jimmie Spradling was recognized for cleaning grass and weeds from the sidewalk along Jackson Road.

11. EXECUTIVE SESSION:

Mr. MacDonald moved for the city council to go into executive closed session under Sections 551.071, 551.072, and 551.074 of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 5-0 to discuss the following matters:

Section 551.074: Appointments to the Zoning Board of Adjustment

Sections 551.07: Appeals by the applicant/operator for reasonable accommodations in accordance with the Ordinance No. 2013-06 group home and boarding home facilities at the following addresses: 1) 818 Bulwer Avenue and 2) 929 Pecan Street.

Sections 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 projects:

- Jefferson lift station
- River Trail.

At 7:50 p.m. the regular meeting recessed and council went into executive closed session at 7:55 p.m. At 9:01 p.m. the executive closed session recessed and council returned to open session at 9:03 p.m. The mayor announced that no action had been taken in executive session.

Ms. Keeble left the meeting at 8:47 p.m.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

8A. Appointments to the Zoning Board of Adjustment. Mr. Allen moved to reappoint Linda Stilwell as a regular board member with term to expire September 30, 2015; Ms. Keeble seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 9:04 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary