

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
OCTOBER 22, 2013

On October 22, 2013, the Kerrville City Council special meeting was called to order by Mayor Pratt at 8:30 a.m. in the city hall council chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Mayor Pro Tem
Stacie Keeble	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
Heather Stebbins	Assistant City Attorney
Kristine Ondrias	Assistant City Manager
Cheryl Brown	Deputy City Secretary
Jason Lutz	Senior Planner
Kim Meisner	Director of General Operations
Susan Michelson	Municipal Court Coordinator

CONSIDERATION AND POSSIBLE ACTION:

Appeals by the applicant/operator for reasonable accommodations in accordance with Ordinance No. 2013-06 group home and boarding home facilities at the following addresses:

818 Bulwer Avenue
929 Pecan Street

Ms. Stebbins reviewed the ordinance, and stated its purpose. She also reviewed the requests in the applicant's request for reasonable accommodation. She stated that the applicant, Nikki Saurage requested an increase in the allowed occupants from 8 to 15 in the 818 Bulwer Avenue location, and in the 929 Pecan Street location, requested an increase from 8 to 10 occupants. The applicant also requested the \$1,000.00 fee be waived and to be excepted from the Group Home Ordinance. Ms. Stebbins explained that Council will review staff's denial of the applicant's requests.

Mr. Steven Polin, attorney representing Ms. Saurage, spoke regarding her request. He listed the reasons she should be granted the request for more occupants, and the waiver of the \$1,000.00 fee.

EXECUTIVE SESSION:

Mr. MacDonald moved for the city council to go into executive closed session under Section 551.071 of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 4-0 to discuss the following matter:

Pursuant to Section 551.071:

Appeals by the applicant/operator for reasonable accommodations in accordance with Ordinance No. 2013-06 group home and boarding home facilities at the following addresses:

818 Bulwer Avenue

929 Pecan Street.

At 8:45 a.m. the regular meeting recessed and council went into executive closed session. The executive closed session recessed and council returned to open session at 9:33 a.m. The mayor announced that no action had been taken in executive session.

Ms. Stebbins stated that the ordinance regulating group/boarding homes was not discriminatory, and that the boarding homes were held to the same standards as other group homes. Ms. Stebbins reminded those in attendance that the applicant was given a reasonable accommodation for the Pecan Street location, as she was allowed to have 8 occupants instead of only 6. Ms. Stebbins said when a complaint regarding overcrowding, even if it is a residential home, is received by the city, that complaint is investigated, and the appropriate action is taken for any code violations. She stated that the city determined when drafting the ordinance that to proceed with a permit requirement without charging a fee would be an undue burden on the City. The fee will be reviewed next year when re-permitting is done, but for the initial permit, \$1,000.00 was a reasonable fee.

Mr. MacDonald made the motion that the City Council find the applicant's request to waive the fee for both of the homes, 929 Pecan Street and 818 Bulwer Avenue, would impose an undue financial burden on the City, and further that the City Council found that the waiver of the applicability of the ordinance in its entirety also imposed an undue administrative burden on the City, and on those grounds he moved to deny both requests. Mr. Conklin seconded, and the motion passed 4-0.

Ms. Keeble made the motion that, based on the information provided to Council by Ms. Stebbins regarding the location and size of the property at 818 Bulwer Avenue, the applicant be permitted to increase the number of occupants from eight to ten. She stated the house is located next to a Residential Transitional zoning district, it is in a more secluded area, it is near places in town that the residents will need to frequent during their recovery, and because of that, a reasonable accommodation should be made to increase the number of occupants from eight to ten. Mr. MacDonald seconded, and the motion passed

4-0.

Mr. Conklin made the motion that the council deny the requested accommodation for increasing the number of occupants at 929 Pecan Street, and that the number of allowed occupants remain at eight. Ms. Keeble seconded, and the motion passed 4-0.

ADJOURNMENT: The meeting adjourned at 9:40 a.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Cheryl Brown, Deputy City Secretary