

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 12, 2013

On November 12, 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 Father Tom Murray, of St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Kerrville Fire Chief Robert Ojeda.

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	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Ashlea Boyle	Special Projects Coordinator
John Young	Police Chief
Charlie Hastings	Director of Public Works
Kim Meismer	Director of General Operations
Jason Lutz	City Planner

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

1. VISITORS/CITIZENS FORUM:

1A. Suzanne Tomerlin noted that Hill Country Cares would be the beneficiary of the New Year's 2014 MO Ranch Polar Bear Plunge. Hill Country Cares provides services to Kerr Gillespie, Kendall, Kimble, and Bandera counties; she urged the council's and public's participation.

2. CONSENT AGENDA:

Mr. MacDonald moved to approve consent agenda items 2A and 2B. Mr. Allen seconded, and the motion passed 5-0:

2A. Minutes of the city council special meeting held October 22, 2013 at 8:30 a.m. and the regular meeting held October 22, 2013 at 6:00 p.m., as amended.

2B. Authorization to submit a funding application in the amount of \$20,000 to the City of Kerrville, Texas Economic Improvement Corporation to host an arts event during Memorial Day weekend.

END OF CONSENT AGENDA

3. PUBLIC HEARING AND RESOLUTION

3A. Resolution No. 43-2013 amending Resolution No. 34-2010, which granted a Conditional Use Permit (CUP) for an approximate 2.19 acre tract of land, being Lots 134 through 143, inclusive, of Block 2 of the J.D. Brown Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 620 Main Street (State Highway 27) and located within zoning district 11-C (Central City), by amending the provisions applicable to signage on the property. Mr. Lutz noted the applicant wished to replace the existing sign at Sidney Baker and Main with a larger electronic sign; however, the current CUP limited existing signs at this location to their current size and dimension; therefore, Mr. Miller requested the CUP be amended to allow the new sign. The sign code did not allow a sign between the height of 2' and 10' to be located in the sight visibility triangle of an intersection; the existing sign was located in that triangle, and Mr. Miller proposed to remove that sign. The proposed sign would meet sign code regulations and be outside of the sight visibility triangle. Mr. Lutz noted that the planning and zoning commission voted 4-0 to recommend approval of the CUP.

Mayor Pratt opened the public hearing at 6:09 p.m.; no one spoke; Mayor Pratt closed the public hearing at 6:10 p.m.

Mr. Allen moved for approval of Resolution No. 43-2013; Ms. Keeble seconded the motion and it passed 5-0.

4. PUBLIC HEARING AND ORDINANCE, FIRST READING:

4A. Ordinance No. 2013-22, amending the city's "Zoning Code" by revising regulations regarding building setbacks; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for a violation of any provision hereof; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the zoning ordinance input committee (ZOIC) recommended approval of the proposed amendments regarding accessory structures in residential areas:

- Allow accessory structures with a floor area between 150 square feet and 528 square feet to extend into the 25 foot rear setback but not within six foot of the property line.
- Increase from 400 sq. ft. to 528 sq. ft. to accommodate standard two-car garage.
- Refer to screening as Type A screening fence for accessory structures located on property not zoned as residential, or on property abutting property not zoned residential.

Mayor Pratt opened the public hearing at 6:12 p.m.; and the following persons spoke:

1. John Mosty, chairman of ZOIC, noted that in 2010 ZOIC had proposed a similar amendment but the language was changed by the council and no longer reflected ZOIC's intent; specifically, ZOIC wanted the ordinance to state that a person in a residential zone could build an accessory building in the back yard within the 25 foot setback.

2. Ruth Spradling, ZOIC member, stated she was against the amendment. Accessory buildings did not require a building permit, and a 528 square foot structure was too large to be considered an accessory building; in comparison, a guest home could be smaller and it would require a building permit.

Mr. Lutz explained that anything over 120 square feet would require a permit. A guest home did not fall into the definition of an accessory structure; any guest home would have to meet full setbacks and requirements of the zoning district. whether it was an accessory structure or a guest house.

No one else spoke and Mayor Pratt closed the public hearing at 6:19 p.m.

Mr. MacDonald moved for approval of Ordinance 2013-22 on first reading, as presented Mr. Conklin seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Charter of the City of Kerrville, Texas and proposed amendments, if any.

Mr. Hayes noted that council should consider the amendments they wanted to be placed on the May 2014 ballot; he proposed the first reading of the ordinance setting the ballot and ordering the special election be held at the first meeting in January, and second reading at the second meeting in January.

Council discussed the amendments presented by the Charter Review Commission (CRC).

Ms. Keeble was opposed to placing on the ballot amendments to sections 5.04 (recall), 5.12A (initiative) and 5.13A (referendum) that would reduce the number of signatures required on a petition. Under the principle of a democracy, citizens elect officials to represent them in matters. If every issue had to be voted on by citizens, no work would ever be accomplished, and councilmembers would not take action for fear of recall so they would do nothing. She noted the county did not even have a procedure for recall; however, citizens could petition the county for a referendum to stop the issuance of certain certificates of obligation, and the requirement for that petition was 5% of qualified voters, the same requirement as in the city's current charter. She opined that 5% or 300 voters was not an undue burden; if the petitioner could not get the support of 5%, the city should not be forced to pay for a special election brought by special interest groups. She recommended keeping the number of signatures required on petitions the same as

was voted on and adopted by the citizens previously. Elections were held every year for councilmembers and at least two positions were voted on, and the citizens could vote councilmembers out if they did not approve of their actions. She was not proposing to remove these sections from the charter, but to keep the petition requirements the same; the 5% threshold was fair.

The following person spoke:

1. John Mosty, chairman of the charter review commission, noted the charter was the citizens' document, not the council's and citizens should have the right to vote on any amendments. He opined that the number of signatures required for petitions was too high, especially during the timeframe that was allotted. A home rule city was the only political subdivision that had these rights; others do not have that right. The charter is what citizens want the city council to govern by, and the citizens have the right to voice their opinion on it.

Council and Mr. Hayes noted that the citizens had the right to put this item on the ballot through a petition process if they so desire. Mr. Hayes noted that qualified voters could vote for each individual amendment that was on the ballot.

Ms. Keeble moved to approve the amendments to be placed on the May 2014 ballot as proposed by the charter review commission, excluding Sections 5.04 (recall), 5.12A (initiative) and 5.1A (referendum) that would reduce the number of signatures on a petition. Mr. Conklin seconded the motion and it passed 3 to 2 with Councilmembers Keeble, Conklin, and MacDonald voting in favor of the motion and Councilmembers Pratt and Allen voting against the motion.

5B. Resolution No. 42-2013 nominating candidates to Kerr Central Appraisal District Board of Directors.

Mr. Parton noted the city could nominate up to 5 persons to be on the 2014-15 KCAD board. Each taxing entity was allotted a number of votes based on the value of its property tax levy; the city had 709 votes. The appointments were for two years, and qualifications were stated in the letter from KCAD. Mr. Moody, the city's current representative, asked not to be reappointed.

Mr. Conklin moved to approve Resolution No. 42-2013; Mr. Allen seconded the motion. Ms. Keeble amended the motion to approve Resolution No. 42-2013 and to officially nominate Justin MacDonald to the Kerr Central Appraisal District Board of Directors for FY 2014-2015; Mr. Allen seconded the amended motion and it passed 5-0.

5C. Offers to purchase property at 800 Junction Highway, the former city hall. This matter was deferred to executive session.

5D. Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest corner of the intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street. Deferred to executive session.

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update.

Ms. Yarbrough noted city revenue for October was \$1,734,107 and expenditures were \$1,803,065; October property tax was coming in steady. Water and sewer fund revenue was at \$812,371, and expenditures were at \$674,179. Delinquent property tax was up 29% over October 2012; the city recently received \$65,000 from one local manufacturing company for prior year's taxes. Hotel occupancy tax was up 8.84% over 2013. Building permits were unchanged.

The following person spoke:

1. Ruth Spradling questioned why the year to date figures were the same as the current month figures. Ms. Yarbrough said she would look into it.

7. BOARD APPOINTMENTS:

7A. Appointments to the food service advisory board. Ms. Keeble moved to reappoint Tyler Archer and Brenda Hughes, and to appoint Dainelle Logan, all with terms to expire December 1, 2015. Mr. Conklin seconded the motion and it passed 5-0.

7B. Appointments to the beautification advisory committee. Mr. MacDonald moved to reappoint Brandon Douglass and John Risher with terms to expire December 11, 2015. Mr. Allen seconded the motion and it passed 5-0.

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

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Reviewed three days of activities in observance of Veterans' Day.
- Mr. Spradling stated he was unclear on whether a building permit was necessary to place an accessory building in a back yard. (Item 4A.) Council explained that an accessory building less than 120 sq. ft. did not require a building permit; above 120 sq. ft. required a building permit; however, if the accessory building was to be occupied, in which case by definition it was not an accessory building, then it could not be located within the setback.

10. EXECUTIVE SESSION:

Mr. Conklin 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. MacDonald and passed 5-0 to discuss the following matters:

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:

- 800 Junction Highway, former city hall
- Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at

the northwest intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street

- Jefferson lift station
- River Trail.

Section 551.074:

- Annual review of city attorney.

At 6:52 p.m. the regular meeting recessed and Council went into executive closed session at 6:53 p.m. At 7:59 p.m. the executive closed session recessed and Council returned to open session at 8:01p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

5D. Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest corner of the intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street.

Mr. Allen moved to authorize staff to execute all necessary documents to accept the generous offer by the Cailloux Foundation for the parking garage and adjacent buildings. The motion was seconded by Ms. Keeble and passed 5-0.

ADJOURNMENT. The meeting adjourned at 8:02 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary