

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 10, 2013

On December 10, 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 Jimmy Sportsman, minister of Kerrville Church of Christ, followed by the Pledge of Allegiance led by Cadet 2nd Lt. Heather Rene Wyatt with the Tivy High School Air Force Junior Reserve Officer Training Corps.

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
Kim Meisner	Director of General Operations
Ashlea Boyle	Main Street Manager/Special Projects Coordinator
Stuart Barron	Interim Director of Public Works
Jason Lutz	City Planner

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

1. VISITORS/CITIZENS FORUM:

1A. Glenn Andrew, member of the charter review commission, expressed concern about council's previous action to not include on the May 2014 ballot CRC's recommendation to reduce the number of signatures required on referendum, initiative, and recall petitions. He reviewed the current process and signature requirements and stated they were non-viable alternatives. The current recall procedure was complicated and confusing and should be simplified. He understood council's concerns about recall when making decisions, and he opined that the public desired principled voting representation and council should vote their convictions without any concern about a recall. Regarding the cost of elections, if it was the citizens' position to spend money on an election that should be their choice. He opined that the current requirement was unattainable and that lowering the threshold on petitions would allow for more citizen involvement. He asked council to support CRC's recommendations.

2. CONSENT AGENDA:

Mr. Hayes requested item 2D be removed from the consent agenda.

Mr. Allen moved to approve consent agenda items 2A through 2C. Mr.

MacDonald seconded, and the motion passed 5-0:

2A. Minutes of the city council regular meeting held November 12, 2013.

2B. Resolution No. 46-2013 authorizing the filing of an application with the Alamo Area Council of Governments for a 2013 solid waste pass through grant.

2C. Election agreement with Kerr County for conducting the City of Kerrville General and Special Elections to be held on May 10, 2014.

END OF CONSENT AGENDA

2D. Accept donation of permit to use state water, Permit No. #5208.

Mike Hayes noted this was the donation of the water right along Verde Creek as offered to the city by James and Mary Hayes. Mike Hayes noted the formal agreement letter had been finalized and he read the amendments:

-Paragraph 3: "The city accepts the water right as is with all its faults, if any. The city will comply with TCEQ rules and regulations with respect to the conveyance of such right. The city plans to initiate the change of ownership status with TCEQ as soon as possible and will keep you apprised of such action."

-Added sentence: "The city's acceptance of the right herein shall deny any recourse against James Hayes and/or Mary K. Mosty Hayes."

Mr. MacDonald moved to accept the donation letter agreement as amended. Mr. Allen seconded the motion and it passed 5-0.

3. PUBLIC HEARING AND RESOLUTION

3A. Resolution No. 44-2013 repealing Resolution No. 118-2004 and granting a Conditional Use Permit for an approximate 2.80 acre tract of land located on Lots 1 and 2-R, Block 1 of the Bryant Addition, a subdivision within the City of Kerrville, Texas, and otherwise known as 1871 and 1903 Junction Highway; said tract is located within the 3-W zoning district; by permitting said property to be used for "dwelling – single family attached", "vehicle sales – new", and "vehicle sales – used"; and making said permit subject to certain conditions and restrictions contained herein.

Mr. Lutz noted the applicant (Troy Faust) was granted a CUP in 2004 for used vehicle sales. Mr. Faust was seeking a new CUP to expand his sales lot to an adjacent tract and to add vehicle sales new and single family detached as permitted uses, thus allowing the applicant to add on to an existing single family structure. Mr. Lutz noted an existing utility easement had been granted to the adjacent landowner; however, utility connection had since been re-routed and the owner was in the process of abandoning that easement. The planning and zoning commission approved the replat subject to the easement being abandoned prior to the construction of the culvert that would be located in that easement.

Mayor Pratt opened the public hearing at 6:16 p.m. and the following person spoke:

1. James Koch, adjacent neighbor on Arcadia Loop, stated that he did not oppose the development request; however, he was concerned that additional development would increase stormwater runoff on to his property from Junction Highway. He contacted TxDOT regarding the drainage structure on Junction Highway and TxDOT would not relocate the culvert, rather, they would like to increase it at this location. The culvert channeled water from Junction Highway on to his property causing flooding. Mr. Koch was concerned that additional development would result in increased flooding to his property, and he asked that any new development not be allowed to restrict water flow or direct additional water on to his property.

Mayor Pratt closed the public hearing at 6:22 p.m.

Mr. Lutz stated the city was aware of drainage from Junction Highway, and Mr. Faust's plan would continue to allow water to flow its natural course the same as now; however, it would not increase the flow. Mr. Lutz noted that Mr. Faust proposed to expand the parking lot for additional vehicles along Junction Highway. Although the parking lot may increase runoff at this location, that additional runoff would drain south/southeast and not on to Mr. Koch's property. The additional parking lot would not have an adverse effect to Mr. Koch's property with storm runoff any more than it did now.

Mr. MacDonald noted the city was meeting the standard and he moved for approval of Resolution No. 44-2013 as presented; Mr. Conklin seconded the motion and it passed 5-0.

4. ORDINANCE, SECOND AND FINAL 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 no change since first reading.

Mr. MacDonald moved for approval of Ordinance 2013-22 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Appointment of municipal court judges.

Ms. Meismer noted that Mark Prislovsky's and Patrick Maguire's terms would expire December 31, 2013; staff recommended reappointment.

Mayor Pratt noted that both judges were recognized at a reception prior to this meeting: Judge Prislovsky for 25 years of service; and Judge Maguire for 10 years of service to the City of Kerrville.

Ms. Keeble moved to reappoint Mark Prislovsky and Patrick Maguire as the city's municipal court judges for two year terms beginning January 1, 2014, and ending December 31, 2015. Mr. Conklin seconded the motion and it passed 5-0.

5B. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and Habitat for Humanity in an amount not to exceed \$375,000.

Ms. Boyle noted EIC held a public hearing and approved the funding agreement on October 28 to fund public infrastructure improvements for Phase II in an amount not to exceed \$375,000.

Mr. Hayes noted an amendment had been made to the agreement per EIC's motion: EIC voted to fund the project at \$0.50 for every \$1.00; therefore, if the project is less than \$375,000, then EIC's funding would be less than \$375,000.

Mr. Parton noted that the total value of work put into the project was \$900,000.

Mr. Allen moved for approval of the funding agreement as amended; Mr. Conklin seconded the motion and it passed 5-0.

5C. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and Schreiner University in an amount not to exceed \$250,000.

Ms. Boyle noted that the EIC held a public hearing and approved a funding agreement with Schreiner University in the amount of \$250,000 to build a 35,000 sq. ft. athletic facility and event center at an estimated total cost of \$11 million. The facility was Schreiner's top priority. Construction of the facility would add 100 temporary jobs and two permanent full time positions. She noted that community events could be held at the facility.

Council noted the economic impact that Schreiner University brings to Kerrville.

Mr. Allen moved for approval of the funding agreement; Mr. MacDonald seconded the motion and it passed 5-0.

5D. Authorization to submit application to the City of Kerrville, Texas Economic Improvement Corporation in the amount of \$500,000 for improvements to the Cailloux Theater for the construction of a support facility.

Ms. Boyle noted that on November 25 EIC considered a funding application from Playhouse 2000, Inc. (P2K) to construct a 6,000 sq. ft. support facility to be built near the Cailloux Theater and facing Jefferson Street. The property was owned by P2K, and in accordance with the operation and management agreement between P2K and the city, the land and building would be conveyed to the city; therefore, since it would become a city facility, staff requested permission to submit a funding application to EIC. EIC also recommended implementing a first right of refusal in the event that P2K decided to vacate the building.

Council noted the city was being asked to be the applicant for funding on property that the city did not own; if P2K owned the property, they should be the applicant. Mr. Hayes noted that in terms of control of the construction and site, the city could request ownership sooner.

The following person spoke:

1. Jeffrey Brown, representing P2K, stated that in the past property conveyance occurred upon completion of the facility; however, he opined that P2K would not object to conveyance of the building and surrounding property to the city at groundbreaking.

Mr. MacDonald moved to authorize staff to submit funding application to EIC in the amount not to exceed \$500,000 for improvements to the Cailloux Theater for a support facility, contingent upon conveyance of the property to the city at the appropriate time. Ms. Keeble seconded the motion and it passed 5-0.

5E. Kerrville Beautification Advisory Committee's (BAC) proposed goals and objectives.

Brandon Douglass, chairman of the BAC, presented the goals and objectives as required by the resolution that created the BAC. The goals covered a broad spectrum of what the committee wished to accomplish.

Council cautioned not to expand the program beyond a voluntary program with regard to developing an urban forestation program.

Mr. Douglass noted that BAC had no power, and he proposed to amend the goals to state "Work with landowners to voluntarily identify and label landmark trees."

5F. Casting votes to elect member to the Kerr Central Appraisal District 2014-2015 Board of Directors.

Mr. Parton noted the city had 709 votes to cast and recommended 705 be cast for Justin MacDonald and one vote for each of the remaining candidates to ensure that the city has standing in the event of a recall of any board member.

Mr. Conklin moved to cast 705 votes for Justin MacDonald, and one vote each for: Mark Bigott, Jack Parks, Charles Lewis, and Ray Orr. Mr. Allen seconded the motion and it passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update.

Ms. Yarbrough noted: general fund revenue at \$3,137,497, expenditures \$3,249,369; water and sewer fund revenue at \$1,529,973, expenditures \$1,302,556; hotel/motel tax revenue at \$115,616 and expenditures \$214,550.

7. BOARD APPOINTMENTS:

7A. Appointments to the library advisory board. Mr. MacDonald moved to

reappoint Thomas Jones and Jeanine Kenworthy, and to appoint Gail Brown, all with terms to expire November 22, 2015. Mr. Allen seconded the motion and it passed. 5-0.

7B. Appointments to the building board of adjustment and appeals. Matter was deferred to executive session.

7C. Appointments to the planning and zoning commission. Matter was deferred to executive session.

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

9. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- The Holiday Lighted Parade had a grand turn out in spite of freezing weather.
- Jimmie and Ruth Spradling were recognized for their 60th wedding anniversary.
- Supper with Santa on December 14 at Schreiner Park, 4-6:00 p.m.
- The Polar Bear Plunge would be January 1 at MO Ranch; proceeds from the event would go to Hill Country Cares.

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; motion was seconded by Mr. Allen 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 property
- Jefferson lift station
- River Trail.

Section 551.074:

- Appointments to the planning and zoning commission

At 6:53 p.m. the regular meeting recessed and council went into executive closed session at 6:59 p.m. At 7:25 p.m. the executive closed session recessed and council returned to open session at 7:26 p.m. The mayor announced that no action had been taken in executive session.

Ms. Keeble left the meeting at 7:23 p.m.

11. **ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

7B. Appointments to the building board of adjustment and appeals. Mr. Conklin moved to reappoint the following persons to the specific positions: John Hewitt, professional engineer; Kenneth Bledsoe, contractor; Dwayne Downey, active construction; and John Priour, alternate member; all with terms to expire August 31, 2015. Mr. MacDonald seconded the motion and it passed 4-0.

7C. Appointments to the planning and zoning commission. Mr. MacDonald moved to reappoint David Watterson and Doyle Malone to their current positions with terms to expire January 1, 2016, and to appoint Rustin Zuber to the alternate member position with term to expire January 1, 2015. Mr. Conklin seconded the motion and it passed 4-0.

ADJOURNMENT. The meeting adjourned at 7:29 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary