

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JANUARY 28, 2014

On January 28, 2014, 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 Reverend Linda McWhorter, Interim Minister for the First Christian Church, followed by the Pledge of Allegiance led by Kerrville Police Chief John Young.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Councilmember
Justin MacDonald	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT:

Carson Conklin	Mayor Pro Tem
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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 Manager
Jason Lutz	City Planner
John Young	Police Chief
Robert Ojeda	Fire Chief
Danny Batts	Chief Building Official

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

A moment of silence was held in honor of Tamara Pfiester Pate and her family. Ms. Pate died from injuries sustained in a weather-related traffic accident.

1. VISITORS/CITIZENS FORUM:

1A. Bill Lewis, resident of Rio Robles Mobile Home Park (RR), noted the park consisted of 105 homes. Speaking for himself, he noted several concerns about the proposed river trail: 1) the sidewalk in his back yard would give the public access to RR property and would deny him access to his play ground and place where he and his grandchildren drive golf carts; and 2) RR would have all of the liability, e.g., if people leave the sidewalk and become injured, RR would be liable.

2. CONSENT AGENDA:

Mr. Allen moved to approve consent agenda items 2A; Mr. MacDonald seconded

the motion, and it passed 4-0:

2A. Minutes of the city council regular meeting held January 14, 2014, and the special meeting held January 14, 2014.

END OF CONSENT AGENDA

3. ORDINANCES, SECOND AND FINAL READING:

3A. Ordinance No. 2014-01, ordering a special election to be held on May 10, 2014, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; establishing early voting locations and polling places for this election; and making provisions for the conduct of the election.

3A. UNA ORDENANZA 2014-01 QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN.

Mayor Pratt read the ordinance by title only.

Mr. Hayes noted the ordinance called for a special election on May 10 to consider eight charter amendments; there were no changes since first reading.

Mr. MacDonald moved for approval of Ordinance No. 2014-01 on second reading; Ms. Keeble seconded the motion and it passed 4-0.

3B. Ordinance No. 2014-03, amending the city's "Zoning Code" by adding a definition of "Boarding Home Facility" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; and revising Article 11-I-4 to add boarding home facility as a use that is permitted within any zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted this ordinance would establish definitions consistent with the boarding home facilities ordinance and would allow boarding home facilities in all zones. He noted no changes since first reading.

Mr. MacDonald moved for approval of Ordinance No. 2014-03 on second reading; Mr. Allen seconded the motion and it passed 4-0.

4. ORDINANCES, FIRST READING

4A. Ordinance No. 2014-02, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise Sections 6-36 and 6-40 to authorize the use of political signs on City property being used as a polling place; amending Chapter 70 "Offenses and miscellaneous provisions" to add a new Article III "Electioneering at polling places" to provide regulations regarding the time, place, and manner of the use of such signs; 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 only.

Mr. Hayes noted a recent change in state law that would allow electioneering on public property used as a polling location; also, the law would allow the city to adopt reasonable regulations. Previously, the city prohibited the posting of political signs on city property. The proposed ordinance would allow the posting of political signs on public property used as a polling location subject to regulations. The ordinance was not specific to the Cailloux Theater, and if the polling location changed, the ordinance would apply at the new location. Mr. Hayes reviewed regulations being considered:

- Prohibited leaving electioneering signs or literature at a polling location 30 minutes before and 30 minutes after the polls closed.
- Did not apply to vehicles with signs affixed which were legitimately parked; however, such vehicles had to be removed from the polling location each night.
- Prohibited electioneering in driveways, parking areas, medians, etc. where such activities could create an issue of public safety.
- Prohibited attaching signs to city improvements, buildings, landscaping, or within 10 ft. of public right of way, or in a manner that would obstruct visibility.
- Signs could not exceed 36 sq. ft. or 8 ft. in height or use any lights or moving elements.
- Authorized the city manager to remove and dispose of signs in violation of the ordinance.
- No electioneering activity within 100 ft. of the entrance to the polling location.

Mr. Hayes presented a map depicting a possible electioneering zone that could be established at the Cailloux Theater; however, he stated that the hatched area on the map incorrectly included the handicap access area, and he was proposing the area north and outside the 100 ft. line.

The following person spoke:

1. Ed Shuler noted that part of the hatched area on the map was for handicap parking and access. He recommended clarifying more appropriate areas for electioneering activities, and stated that the front parking lot of the Cailloux Theater was not heavily used particularly during early voting, and voters could use the walk area between the parking spaces. He asked if there was any change in how the posting of signs on public and private property would be handled, if signs could be placed on cars, and if any change in timing was proposed. He stated that the current code prohibited loud speakers within 1,000 feet and suggested this also be included in the ordinance so people would know where a person could and could not use loud horns. He wanted clarification about signs on cars, stickers, labels, and what was inside of a car. He requested candidates be allowed additional parking spaces so they could setup a table and/or a tent for protection from the weather.

Mr. Hayes noted the ordinance was consistent with the policy that had been in effect for many years; the ordinance would provide written regulations to help everyone understand what would be allowed/prohibited; the city would not be looking inside of people's cars.

Councilmembers also discussed the following:

- If allow two parking spaces for each candidate, one for vehicle parking and one for table and electioneering activities, could run out of parking spaces during a large election.
- Did not see any serious problem with the way electioneering had been handled in the past.

The consensus of the council was: define an area where electioneering activities could occur; staked yard signs would be allowed within the 10 ft. area in front by the sidewalk, but eliminate the placement of larger signs; the regulations would apply only to unattended signs; persons holding signs and conducting electioneering activities would be allowed anywhere. This item should be placed on the next agenda.

4B. Ordinance No. 2014-05, amending Chapter 6 “advertising”, Article II “Signs”, of the City’s Code of Ordinances to revise the definition of a projecting sign and to revise the regulations applicable to projecting signs and roof signs; 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 only.

Mr. Lutz noted the existing sign code allowed projecting signs attached directly to the wall up to a maximum of 9 ft. Two applications were submitted requesting the city allow signs to be hung by pole or other support structure. The proposed ordinance would allow projecting signs to be attached to a pole or other structure, with requirements: minimum spacing of 10 ft. between signs; minimum height of 7 ft. for pedestrian clearance; and current size limitations would apply.

The existing sign code does not allow a roof sign to extend above the apex of the roof. The proposed amendment would allow a flat roof or a roof with a minimum pitch of 3 on 12 or less to have a roof sign with a limit of 4 ft. in height.

Council questioned if any existing signs would be in violation if the amendment passed. Mr. Batts noted that the ordinance would not change the status of existing non-conforming signs. Non-conforming signs that were grandfathered could only be repaired/maintained, not replaced; if the sign was removed for any reason, the new sign would have to be built in accordance with current code. The proposed amendment did not address non-conforming signs, the amendment would relax current regulations to allow buildings with a flat roof to install a roof sign up to 4 ft. height. The current code did not allow roof signs on flat roofs.

Ms. Ondrias did not anticipate any negative reaction from property owners or the businesses community as the proposal was less restrictive than the current ordinance; however, some members of the sign committee would like the regulations to be more restrictive.

Mr. MacDonald moved for approval of Ordinance No. 2014-05 on first reading; Mr. Allen seconded the motion and it passed 4-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Streetscape master plan (Kerrville Central City Plan) by Peter Lewis Architect + Associates, PLLC.

Mr. Lewis defined the central city area as Five Points to Water/Main intersection and Barnett Street to Thompson Drive and presented the streetscape master plan for that area. He met with the Economic Improvement Corporation, Main Street Advisory Board, and Historic Downtown Business Association and other interested groups and incorporated their comments into the plan. The plan was also consistent with the city's comprehensive plan and relied on many of its components. Mr. Lewis identified and discussed particulars of the plan:

- New and improved sidewalks and pedestrian crosswalks with textured brick pavers, aerial and ornamental lighting, benches, fountains, trash containers, wayfinding signage and landscaping that would identify the central city area.
- Plan would be budgeted and implemented in phases.
- Traffic signal lights were proposed to be replaced with monopole arms and overhead wiring and poles be removed; would have to get KPUB support.
- Work would be limited to public right of ways; the city would not remove any trees and would not destroy anything done by property owners; existing brick pavers would remain.
- Drought tolerant plants that require very little maintenance.
- Looking at a way to connect both sides of the river that would be pedestrian friendly and ADA accessible. A pedestrian bridge connected to the Highway 16 bridge had been considered; however, TxDOT advised that the 16 bridge was not designed for an additional structure.
- Modify the façade of the parking garage by accentuating the pedestrian openings and placing a series of trellises for vines.
- Install textured paved crosswalks mid-block for pedestrian safety because pedestrians do not go to the intersection to cross the street.
- Connect the overlook pavilion to Earl Garrett Street.
- Improve public access, parking, and landscaping in Veterans Park at Main and Water.
- Create a pedestrian crossing mid-block on Main Street to connect the courthouse to Peterson Plaza and across the river; may request TxDOT install pedestrian crosswalk signal.
- Identified locations for future art projects; opportunity to have painted murals or changing projected images on buildings, such as Hastings Store.
- Phasing the project as funds and time allow; suggested starting at Five Points Park and Veterans Park.

The following person spoke:

1. Vicki Love noted that persons were very excited about the plan when it was presented at the Downtown Association meeting, especially the plans for the parking garage; she encouraged people to use the parking garage.

Mr. MacDonald moved to accept the vision of the plan; Mr. Allen seconded the motion and it passed 4-0.

5B. Request from Kerrfest committee to provide in-kind police and fire/EMS services for the 4th annual Kerrfest event.

Ms. Boyle noted the Kerrville Area Chamber of Commerce requested the city provide public safety services for the Kerrfest event scheduled for May 15-18 in the amount of over \$4,500, the same as last year.

Kristan Weaver, representing the chamber, noted the paid attendance for 2013 was 1,600.

Mr. Allen moved for approval of the request as presented; Ms. Keeble seconded the motion and it passed 4-0.

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update.

Ms. Yarbrough reported year-to-date figures for the general fund, water and sewer fund, and hotel/motel tax fund and noted revenue was higher in all funds when compared to 2013, except the water/sewer fund, which revenue was affected by the extended drought, conservation measures, and winter averaging that would set customers' sewer bill for the year.

The following person spoke:

- Ruth Spradling requested in the future that the financials be put on the screen so the audience could see it.

7. BOARD APPOINTMENTS:

7A. Appointments to the main street advisory board.

Mr. Allen moved to reappoint Stan Cobbs, David Martin, and William Rector, and to appoint Tamilynn Kay Edwards, all with terms to expire January 31, 2016. Mr. MacDonald seconded the motion and it passed 4-0.

8. ITEMS FOR FUTURE AGENDAS

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- The Chocolate Fantasy event would be held at the Kerr Arts and Cultural Center on February 9; the deadline to enter the contest was February 7.
- Father/daughter dance on February 9 at the Dietert Center.
- Petitions were available in the city secretary's office for persons interested in running for city council; the filing period would end February 28.

10. EXECUTIVE SESSION:

Mr. MacDonald moved for the city council to go into executive closed session under Sections 551.071 and 551.072 of the Texas Government Code; motion was seconded by Mr. Allen and passed 4-0 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:

- Jefferson lift station
- River Trail.

At 7:25 p.m. the regular meeting recessed and council went into executive closed session at 7:31 p.m. At 7:42 p.m. the executive closed session recessed and council returned to open session at 7:43 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 7:43 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary