

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
FEBRUARY 11, 2014

On February 11, 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 Father Tom Murray, of St. Peter's Episcopal Church, followed by the Pledge of Allegiance led Police Chief John Young.

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 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.

**1. VISITORS/CITIZENS FORUM:**

1A. Carol Nichols, resident of Rio Robles Mobile Home Park (RR), stated they were against the city using eminent domain to take their land as alternatives were available that did not entail taking their property, but the city refused to consider them. The city was taking their land without any responsibility and did not want to pay RR for damages or liability they will incur on the remainder of their property. RR was having issues with trespassers; she questioned if RR was going to have to hire security to patrol the area in order to restore residents' sense of security; they were already paying for everything else.

**2. RECOGNITIONS:**

2A. Proclamation for National Salute to Veteran Patients Day, by Mayor Pratt presented to Ricardo Rodriguez, Volunteer Services Coordinator for the Veterans Administration Medical Center. Mr. Rodriguez invited everyone to the VAMC February 12 to visit with patients and deliver Valentines.

2B. Resolution of Commendation to Diana Martin for serving on the Library Advisory Board. Ms. Martin was unable to attend due to weather.

2C. Resolution of Commendation to Harold Buell for serving on the Planning and Zoning Commission, by Mayor Pratt.

2D. Presentation of Life Saving Award to Police Officer Kyle Schneider was presented by Chief Young.

**3. CONSENT AGENDA:**

Mr. Allen moved to approve consent agenda items 3A and 3B; Mr. Conklin seconded the motion, and it passed 5-0:

3A. Minutes of the City Council regular meeting held January 28, 2014. (staff)

3B. Construction contract with M&C Fonseca Construction Co., Inc. for the construction of the 8 inch waterlines on Spence Street and Herzog Street project in the amount of \$137,727.00 and authorize the city manager to execute additional change orders in an amount not to exceed \$27,545.00. (staff)

**END OF CONSENT AGENDA**

**4. ORDINANCE, SECOND AND FINAL READING:**

4A. 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 no changes since first reading.

Mr. MacDonald moved for approval of Ordinance No. 2014-05 on second reading; Mr. Conklin seconded the motion and it passed 5-0.

**5. ORDINANCES, FIRST READING**

5A. 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 that new state legislation prohibited owners from banning electioneering beyond the 100 ft. line on public property used as a polling location, but allowed owners to establish reasonable regulations. The proposed ordinance formally adopted the policy that staff had been enforcing in the past,

and amended the sign code, which prohibited political signs on city property. The ordinance found electioneering to be lawful at any polling location on city property with the following exceptions:

- Unlawful to leave electioneering signs or literature 30 minutes before or after the voting period.
- Unlawful to engage in electioneering on driveways at the polling location.
- Unlawful to attach, place, or affix electioneering sign, literature, or material to any building, tree, shrub, pole, or other improvement.
- Unlawful to place electioneering sign that is larger than 18 inches by 24 inches within 10 feet of the public roadway adjacent to the polling location.
- Unlawful to place a sign that exceeds 36 sq. ft., or exceeds 8 ft. in height, including supporting poles, and signs which use lights or moving elements.
- Gives city manager or his designee authority to remove signs that are in violation of the ordinance.

Mr. Hayes noted the ordinance was generic with regard to location; the Cailloux Theater is the current polling location, but if the polling location is moved, the ordinance would apply to any new location.

Mr. MacDonald moved for approval of Ordinance No. 2014-02 on first reading, as presented; Mr. Allen seconded the motion and it passed 5-0.

5B. Ordinance No. 2014-04 amending the budget for fiscal year 2014 to account for various changes to the city's operational budget. Mayor Pratt read the ordinance by title only.

Mr. Parton discussed amendments detailed in a list of adjustments attached to the ordinance, which included: department reorganizations and restructuring, closing of completed projects and reallocating remaining funds for other projects, and capital projects discussed by council at the February 5 budget workshop.

Mr. Conklin moved for approval of Ordinance No. 2014-04 on first reading; Mr. MacDonald seconded the motion and it passed 5-0.

## **6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation, Inc. (EIC), the City of Kerrville, and Playhouse 2000, Inc. in the amount of \$500,000 for construction of a support facility to be owned by the City and used in conjunction with the Cailloux Theater for the Performing Arts.

Ms. Boyle noted council authorized staff to submit a funding agreement to EIC on December 10, 2013; On January 27, 2014, EIC held a public hearing and approved the funding agreement in the amount of \$500,000. The total project cost was \$755,000, and the balance of the project was being raised by Playhouse 2000 through private donations.

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

6B. Violation of Kerrville City Charter and Ethics Policy.

Councilmember Keeble questioned if Mayor Pratt should file a conflict of interest affidavit and recuse himself with regard to this item; Mr. Hayes opined that there was no conflict of interest under state law.

Ms. Keeble asked Mr. Hayes if he had advised Mayor Pratt that his signs with an "R" indicating Republican might be a violation of ethics. Mr. Hayes stated he had not discussed this with Mayor Pratt prior to the item being placed on the agenda.

Ms. Keeble noted the city charter stated that newly elected councilmembers assume their duties of office without party or partisan mark or designation; and the ethics policy, which was written and adopted unanimously by this council one year ago, included this same statement. Mayor Pratt was running for re-election and his signs had an R Republican Party designation; she opined that the signs violated the charter and ethics policy in both the letter and the spirit of the law. She cited the previous mayoral election and noted that Mayor Pratt won by only 23 votes, and people told her they voted for him because they thought he was the only Republican candidate. Many people do not understand that city elections are run without party affiliation and the R mark on the signs was misleading and took advantage of voters' lack of knowledge in the city's non-partisan process.

Mr. Pratt was mayor now, he assumed office without party designation, and he knew the charter and ethics policy. Placing R on his signs in this year's election was a deliberate deception to the voters. Elected officers should be held to higher standards and should avoid even the appearance of impropriety. Council should follow the rules it wrote and adopted; if one member did not follow the rules, it reflected on all. She did not condone this and asked council to vote whether it was a violation of the charter or ethics policy, and if so, determine the proper remedy.

Mayor Pratt stated it was unfortunate that citizens were being exposed to negative campaigning issues; neither Ms. Keeble nor his opponent, Scott Gross, had confronted him personally on this issue but decided to make it public. Stating on a sign that he is a Republican was not a violation of charter, ethics policy, or state ethics commission rules, which he confirmed with the Texas Ethics Commission. As a councilmember, he had always been non-partisan on all issues. The city council did not participate in party platform; therefore, the allegations were without merit. He was very proud of his affiliation with the Republican name; trying to tell someone that they cannot speak their opinion was a violation of their First Amendment Right.

Ms. Keeble stated she had not consulted Scott Gross and it was unfair to implicate him. She was a proud Republican also but she followed the rules as written and adopted by this council.

Mr. Conklin recalled the Republican designation on Mayor Pratt's signs two years ago and thought that it was odd to put opponents in an awkward position, and it was a disadvantage to opponents in this heavy Republican county; however, in his

opinion, there was nothing in the charter or ethics policy to prohibit putting an R on a sign, and the R did not indicate that he was supported by the Republican Party; therefore, he did not find it to be a violation. He preferred that Mayor Pratt's signs be different. He preferred not to drag the ethics policy into a legislative roll; to create a rule about something that can or cannot be on a political sign should not be in an ethics policy. Ethics was about conduct and behavior.

Mr. MacDonald did not agree with putting the R mark on signs and thought it did violate the spirit of the ethics policy that was discussed and adopted by this council; however, both the Charter and ethics policy state the member should not assume office with partisan mark, neither addressed campaigning. He felt that the signs violated the spirit but not the letter; therefore, nothing should be done with regard to issuing a reprimand. He asked Mayor Pratt to amend his signs voluntarily by covering the R in the spirit of getting along.

Mr. Allen stated he had called the Texas Ethics Commission and the Texas Attorney General's Office in Austin and was told this did not violate any state law or rule.

The following person spoke:

1. Gene Smith stated when a person assumed duties it is without partisan, but the charter did not say anything about election. There was nothing to keep other candidates from stating their party affiliation on a sign. He was a member of PK2 and appreciated council's approval of Item 6A.

Ms. Keeble agreed; however, Mayor Pratt had assumed the duties and was mayor so he should follow the rules; she was disappointed that ethics was not taken more seriously.

Ms. Keeble moved that council find Mayor Pratt in violation of the ethics policy and charter by using R on his campaign signs. The motion failed for lack of a second.

## **7. ITEMS FOR FUTURE AGENDAS**

7A. Hotel/motel tax ordinance and related matters.

## **8. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- During severe weather last week the city had six ambulances at the same time responding to calls outside the city limits. Council appreciated the efforts of public safety and public works departments and other staff who worked to keep people safe during the ice conditions.
- The city had been invited to attend a meeting with the county on EMS for February 21, the city cancelled its participation in that meeting.
- At one point during the storm, city street crews sanded parts of I-10, at the request of TxDOT, because they were tied up with accidents and ice in other areas.
- Petitions were available in the city secretary's office for persons interested in running for city council; the filing period would end February 28.

- Karen Quanstrum had announced her retirement from Habitat for Humanity; her service during the past 2 years was appreciated.
- Daddy-daughter dance was February 15 at the Dietert Center, 6:00-8:00 p.m.
- Blind date with a book program would start on February 14 at the library.
- Mardi Gras on Main event, downtown, March 4, 6:00 p.m., tickets \$30.

9. **EXECUTIVE SESSION:** None

**ADJOURNMENT.** The meeting adjourned at 6:52 p.m.

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary