

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
APRIL 8, 2014

On April 8, 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 Mr. Eldon Sheffer, director of church relations/adjunct faculty, with Schreiner University, followed by the Pledge of Allegiance led by Cadet 1st Lieutenant Curtis Kenalty of the Tivy High School Air Force Junior Reserve Officer Training Corps.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Councilmember
Stacie Keeble	Councilmember
Justin MacDonald	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
Ashlea Boyle	Special Projects Manager
Jason Lutz	City Planner
Robert Ojeda	Fire Chief

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

1. VISITORS/CITIZENS FORUM:

1A. Carolyn Lipscomb noted that Woodlawn and Elm streets were on the street improvement list and asked that the city not remove the trees in the middle of the streets during the street maintenance project.

2. PRESENTATIONS:

- 2A. Proclamation designation April as National Safe Digging Month, presented to representatives of Atmos Energy.
- 2B. Proclamation designating April as Child Abuse Prevention Month, presented to Brent Ives.
- 2C. Proclamation designating April 13-19 as National Library Week, presented to members of the Library Advisory Board.

3. CONSENT AGENDA:

Mr. MacDonald moved to approve consent agenda items 3A and 3B; Mr. Allen seconded the motion, and it passed 4-0:

3A. Contract with Kraftsman, LP, for installation of the Louise Hays Park interactive water feature and plaza through Texas BuyBoard in the amount of \$748,316.00 and authorize the City Manager to execute change orders which may exceed \$50,000 but will not exceed a total contract value of \$800,698.12.

3B. Contract with M&C Fonseca Construction Co., Inc. for the construction of the Scott Schreiner Municipal Golf Course bridge repair and drainage improvements in the amount of \$96,533.00 and authorize the City Manager to execute change orders but will not exceed a total contract amount of \$111,533.00.

END OF CONSENT AGENDA

4. PUBLIC HEARING AND ORDINANCE, FIRST READING:

4A. Ordinance No. 2014-08, amending the zoning district boundaries of the western portion of Lot 17, Block 1, Oak Hill Addition subdivision, otherwise known as 512 Barnett Street and located within the City of Kerrville, Kerr County, Texas, from the "R1-A" residential district to "RT" residential transition district; containing a cumulative clause; containing a savings and severability clause; and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the applicant owned one property that was in two zoning districts, R1A (residential) and RT (residential transition). The zoning ordinance required that if a property was bisected by two zoning districts, the most restrictive zoning would apply, in this case, R1A. The applicant requested half of the property be zoned RT in order to increase the number of residents allowed in an existing permitted boarding home facility, and to have the option of additional permitted land uses. He noted that one protest was received from the adjacent property owner who did not want any group homes in the area.

Mayor Pratt declared the public hearing open at 6:18 p.m.; no one spoke and the public hearing was closed at 6:19 p.m.

Mr. MacDonald moved for approval of Ordinance No. 2014-08 on first reading; Ms. Keeble seconded the motion and it passed 4-0.

5. ORDINANCE, FIRST READING:

5A. Ordinance No. 2014-07 amending Chapter 18 "Animals" of the city's Code of Ordinances by deleting Section 18-2 "Bird Sanctuary" and amending Section 18-79 "Domestic Pigeons"; containing a savings and severability clause; providing an effective date; and providing other matters relating to the subject. Mayor Pratt read the ordinance by title only.

As per council's direction at the March 25 meeting, Mr. Hayes prepared the proposed ordinance that would repeal Section 18-2 "bird sanctuary" of the Code of Ordinances. He and the police chief also recommend deleting Section 18-79(c), which provided an exception and defense to prosecution under the ordinance.

The following person spoke:

1. Barbara Burton noted Kerrville was on the official birding trail. Numerous people who stayed at her place were excited about the birds. Council should not remove the bird sanctuary ordinance just because some birds messed on police cars; should consider the image of the community.

Council noted that under the existing ordinance, removing birds' nests was a crime; the purpose was to encourage birds to move from buildings to a natural habitat. Birds were already protected under state and federal laws, and the city's ordinance was unnecessary and duplicative.

Mr. MacDonald moved for approval of Ordinance No. 2014-07 on first reading; Ms. Keeble seconded the motion and it passed 4-0.

6. ORDINANCE, SECOND AND FINAL READING:

6A. Ordinance No. 2014-06 amending the budget for fiscal year 2014 to allocate \$500,000.00 for repairs to structures at the Kerrville/Kerr County Airport. Mayor Pratt read the ordinance by title only.

Mr. Parton noted this budget amendment would provide \$500,000 from the city's reserve fund to pay for half the cost of roofing and building maintenance for city and county owned facilities at the airport; there were no changes since first reading.

Mr. Allen moved for approval of Ordinance No. 2014-06 on second reading, as presented; Mr. MacDonald seconded the motion and it passed 3-1 with Messrs. Allen, MacDonald, and Pratt voting in favor of the motion and Ms. Keeble voting against the motion.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Resolution No. 09-2014, granting a petition requesting the annexation of an approximate 308.841 acres tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E. R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas, and consisting of a residential subdivision to be known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; and ordering the preparation of an annexation ordinance.

Mr. Lutz noted The Heights development agreement of 2007: established a 57 lot subdivision with R1 residential zoning upon annexation; designated streets within the subdivision as private streets not maintained by the city; provided city water service; allowed installation of private septic systems upon approval and inspection by the county; and required when the first building permit was pulled, that the agreement act as a petition for voluntary annexation of the entire 308 acres. Two permits were recently pulled for residential construction. The proposed resolution would grant the request for annexation and begin the annexation process.

Mr. MacDonald moved for approval of Resolution No.09- 2014; Mr. Allen seconded the motion and it passed 4-0.

7B. Resolution No. 08-2014 finding that the tax reforms related to the omnibus tax reform bill as drafted by the U.S. House Ways and Means Committee are contrary to the public interest, significantly reduce the ability of local governments throughout the country to effectively meet the needs of their citizens, and cause significant harm to the nation's economy.

Mayor Pratt noted potential legislation being considered by the US Congress that would eliminate or limit the tax exempt status of municipal bonds. Currently, the interest received on municipal bonds was tax exempt, and passage of this bill could result in increased interest rate paid on bonds, thus increasing costs significantly for entities borrowing money.

Mr. MacDonald moved for approval of Resolution No. 08-2014, as amended to state that the city opposed any bill that would eliminate the tax exemption status on municipal bonds. Ms. Keeble seconded the motion and it passed 4-0.

8. ITEMS FOR FUTURE AGENDAS: None

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- The police department will hold the prescription drug take back program on April 26.
- A presentation by Clarissa Zamora would be held on April 24, 10:00-11:30 a.m. at the First United Methodist Church as part of Child Abuse Awareness Month.
- The bicycle tour would be held in the Kerrville area on April 26.

10. EXECUTIVE SESSION:

Mr. MacDonald moved for the city council to go into executive closed session under Sections 551.071, 551.072 and 551.073 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.

Section 551.071:

- City of Kerrville, Texas, Plaintiff, v. C&C Groundwater Services, LLC; Old Republic Insurance Company; and CH2MHILL, Inc., Defendants, Cause No. 12276A, in the District Court of the 216th Judicial District, Kerr County, Texas.

Sections 551.071, 551.072 and 551.073:

Discuss the purchase, exchange, lease, sale, or value of real property; and a negotiated contract for a prospective gift or donation because deliberation in an

open meeting would have detrimental effect on the position of the city in negotiations with a third person, related to the development of municipal facilities.

At 6:37 p.m. the regular meeting recessed and council went into executive closed session at 6:44 p.m. At 6:59 p.m. the executive closed session recessed and council returned to open session at 7:00 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 7:00 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary