

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 9, 2014

On December 9, 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 Jimmy Sportsman, Senior Minister for Kerrville Church of Christ, followed by the Pledge of Allegiance led by Police Chief John Young.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
John Young	Police Chief
Danny Batts	Chief Building Official
Dannie Smith	Fire Chief
Stuart Barron	Director of Public Works
Chris Stewart	Senior Planner
Kim Meismer	Director of General Operations
Kim Snyder	Main Street Manager

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

A SPECIAL CHRISTMAS PRESENTATION: Art 2 Heart students performed several Christmas songs.

1. VISITORS/CITIZENS FORUM:

1A. Doris Williams was concerned about a recent termination of an employee at the library and asked for consideration of a reversal of that decision.

2. PRESENTATIONS:

2A. Kerrville Beautification Advisory Committee's Pride of Property Awards: presented to: David and Susie Moore (residential); and National Car Sales (commercial).

2B. Texas Police Chiefs Association's Certificate of Re-recognition presented to the Kerrville Police Department by Max Westbrook Jr., Texas Police Chiefs Assn., in recognition of the KPD continuing to maintain best practices for professional law enforcement; he noted only 33 agencies in Texas had received recognized status.

2C. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting presented to the Kerrville Finance Department (Sandra Yarbrough, Amy Dozier, Vanessa Silva, Randi VanWinkle, and Sureena Cripps) in recognition of 30 years of excellence in financial reporting since 1984.

3. CONSENT AGENDA:

Ms. Keeble moved to approve consent agenda items 3A, 3B, 3C, and 3E; Mr. Stork seconded the motion, and it passed 5-0:

3A. Minutes of the regular city council meetings held October 28 and November 11, 2014.

3B. Resolution No. 38-2014 granting a petition requesting the annexation of an approximate 23.38 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and consisting of the property addressed as 5235 State Highway 27; and ordering the preparation of an annexation ordinance.

3C. Request to abandon land deeded to the City of Kerrville for a "Kerrville River Walk Trail" recorded in Volume 0793, Page 853, Kerr County Records and being generally located within the 700 block of Water Street.

END OF CONSENT AGENDA

4. PUBLIC HEARING:

4A. Proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W. H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street.

Mr. Stewart noted the first public hearing was held on November 11. First reading of the ordinance will be on January 13, 2015.

Mayor Pratt opened the public hearing at 6:26 p.m.; no one spoke and the public hearing was closed at 6:26 p.m.

5. ORDINANCES, SECOND AND FINAL READING:

5A. Ordinance No. 2014-23, amending the comprehensive plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code; by revising the Future Land Use Plan for certain properties located along West Main Street and between its intersection with Powell Ave N. and Cox Avenue N.; and specifically, changing the future land use of this area to Neighborhood Commercial. Mayor Pratt read the ordinance by title only.

Mr. Stewart noted that in order to approve the zoning request in item 5B, the city must first amend the comprehensive plan by revising the future land use plan for this area.

Mr. Conklin moved to approve Ordinance No. 2014-22 on second and final reading; Mr. Stork seconded the motion; Mr. Conklin withdrew the motion and Mr. Stork withdrew the second.

Mr. Stork moved for approval of Ordinance No. 2014-23 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5B. Ordinance No. 2014-22, amending the City's "Zoning Code" by changing the zoning district of certain properties located along West Main Street and between its intersection with Powell Avenue N. and Cox Avenue N.; such change will result in the placement of the properties within a Residential Transition (RT) district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor Pratt read the ordinance by title only.

Mr. Stewart noted the request was to change the zoning from single family residential to residential transition.

Mayor Pratt opened a public hearing at 6:32 p.m.; no one spoke and the public hearing was closed at 6:33 p.m.

Mr. Conklin moved for approval of Ordinance No. 2014-22 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

5C. Ordinance No. 2014-25 altering the prima facie speed limit on State Highway 173 (Bandera Highway) from approximately two hundred feet south of the intersection of the highway with Comanche Trace Drive and continuing south to the City's limits, such distance equal to 0.179 mile; reducing said speed limit to 55 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00) and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Allen moved for approval of Ordinance No. 2014-25 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5D. Ordinance No. 2014-26, amending Chapter 58, Article III of the City's Code of Ordinances titled "Smoking in enclosed public places and places of employment"; to prohibit the sale, purchase, and possession of electronic vaping devices to minors; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Parton noted no changes since first reading.

Ms. Keeble moved for approval of Ordinance No. 2014-26 on second and final reading as presented; Mr. Allen seconded the motion and it passed 5-0.

5E. Ordinance No. 2014-27, amending Chapter 110 “Traffic and Vehicles” of the City’s Code of Ordinances by adopting a new Article XII “Golf Carts”; authorizing the use of golf carts on public streets for parcel delivery during the fall and winter holiday season; establishing regulations under which golf carts are allowed to use public streets; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$500.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Allen moved for approval of Ordinance No. 2014-27 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Increasing downtown parking time limit in public spaces from two hours to three hours.

Councilmember Stork noted that the downtown parking committee’s report in September recommended increasing the parking limit from two hours to three hours and was supported by the Main Street Advisory Board (MSAB) and the Historic Downtown Business Alliance.

The following persons spoke:

- Jon Wolfmueller, downtown business owner, noted the purpose of the parking limit was to free up parking for customers. Business owners and employees already abused the two hour parking limit, and increasing the limit to three hours would basically allow abusers to park all day. The city should enforce the two hour parking limit by issuing parking tickets.
- David Martin noted he was a member of the MSAB and he presented the parking committee’s findings and recommendations to city council in September. The committee found that there was a perception of a parking problem, but not a lack of parking, with 1,200 spaces of which 900 were public or quasi-public. The committee recommended: increasing the downtown parking limit from two hours to three hours to allow customers more time to eat and shop; signage advising of the three hour parking limit; enforcement of the three hour parking limit; and signs advising of the availability of free covered parking in the parking garage. Abuse of the parking limit could be handled through enforcement.

Council also discussed the following:

- The former bank property was sold and soon that parking area would no longer be available for public parking, thus placing greater demand on available parking. Increasing the parking limit would hurt businesses because the number of shoppers would be decreased by one-third. The city should enforce the current parking limit before considering changing the hours.
- People needed more time than two hours to eat and shop.
- The increase to three hours was supported by the downtown business owners, and a majority of the owners wanted the parking limit extended to three hours.

Ms. Keeble moved to increase the parking limit from two hours to three hours,

continued enforcement of parking limit by issuing tickets, signage advertising three hour parking limit, and placement of additional signage advertising the parking garage. Mr. Stork seconded the motion and it passed 4 to 1 with Councilmembers Keeble, Stork, Allen, and Conklin voting in favor of the motion; and Mayor Pratt voting against the motion.

6B. Amendments to the composition of Kerrville City Boards and Commissions and the procedural rules for Kerrville City Boards.

Mr. Parton reviewed the core elements for each city board and noted conflicts between the various documents that established each of the boards and the board rules and procedures adopted by city council in 2008. He noted that the term limits and the rule prohibiting persons from serving on multiple boards, created a hindrance in maintaining full boards, particularly those boards that required specific technical expertise and professional requirements, such as building board of adjustments and zoning board of adjustment.

Council and staff discussed term limits, continuing to serve after the term expired, attendance requirements, and serving on multiple boards. The consensus of council was to have consistency in boards and terms be based on each board's term year rather than a calendar year.

Mr. Parton recommended the following changes:

- Attendance requirements: 3 consecutive regular meetings or 25% of regular meetings during the calendar year based on appointment date (existing requirement 25% within any 12 month period) applicable to all boards.
- Term expiration: some boards require that when a term lapses, if a qualified applicant was not available, the current member may continue to serve until replaced in order that the board can continue to function. The building board of adjustment allows council to reappoint a member who has reached term limit to another term if another qualified applicant is not available.
- Serve past term: All board members may serve until replaced.
- Term limits: apply only to persons serving on the following boards: economic improvement corporation (2 terms), zoning board of adjustment (3 terms), and planning and zoning (3 terms); the remaining boards would not have term limits.
- Multiple memberships: board members may serve on more than one board at a time, except those persons serving on the following boards may not serve on multiple boards: building board of adjustments, economic improvement corporation, zoning board of adjustment, and planning and zoning.

Mr. Stork moved to accept the recommendations of the city manager, except term limits for the zoning board of adjustment be amended from three terms to four terms, and ZBA members be allowed to serve on multiple boards. Mr. Allen seconded the motion and it passed 5-0.

Staff noted that changes would require amendments to various resolutions and ordinances.

6C. Entrance lighting project for Comanche Trace.

Ms. Day noted that Comanche Trace (CT) requested additional lighting be placed in the city's right of way at CT's entrance on Hwy. 173. CT will donate some of the necessary right of way, and CT will install the lighting following all building and electric codes. Future repairs and maintenance will be performed by KPUB and the city will bill the homeowner's association, as agreed by CT. Staff requested city council authorize the city manager to enter into an agreement with CT to accept the donation of land for the additional right of way and reimbursement of installation and any future services and repairs.

Mr. Allen moved to approve the donation and authorize the city manager to sign an agreement with Comanche Trace for entrance lighting as presented. Ms. Keeble seconded the motion and it passed 5-0.

6D. Set date for budget workshop.

The consensus of the council was for staff to schedule the workshop sometime the first week of February 2015.

7. INFORMATION AND DISCUSSION:

7A. Report on Code Red emergency notification system.

Chief Smith described Code Red as a web-based notification system with ability to notify up to 60,000 residents per hour by phone, voice mail, email, or text message about emergency situations and general information. The system had the capability of allowing the operator to select the area in which persons would be notified, and to select the method of notification. Code Red was maintained and operated by the Kerr County Sheriff's Department and they offered the city full access to the system in the event of an emergency at no cost to the city or residents, unless the person chose to sign up for mobile app service. The local phone directory was used as the data base for Code Red; however, Chief Smith recommended that people confirm that their number was registered; also, persons who had unlisted numbers or cell phones should register. Citizens may also opt out of Code Red if they are in the phone book and do not wish to be contacted. The city contained 10,062 phone contacts, 890 email, and 508 text contacts. The following city personnel would be authorized to activate the Code Red system in the city: fire chief, police chief, assistant police chief, dispatch, battalion chiefs and patrol lieutenants. Training of designated city staff should be completed by December 15 and citizens may register beginning December 16.

The following person spoke:

1. Carolyn Lipscomb asked if a person was already signed up with Kerr County Code Red, if they should sign up for the city also. Chief Smith noted if they signed up with Kerr County, then they were already in city's system.

7B. Update on City of Kerrville Fiscal Year 2015 road improvement program. (Councilmember Stork). Item was postponed.

8. APPOINTMENTS TO BOARDS AND COMMISSIONS:

8A. Appointments to the Beautification Advisory Committee. Item was tabled.

8B. Appointment to the Economic Improvement Corporation. Item was deferred to executive session.

8C. Appointments to the Food Service Advisory Board.

Ms. Keeble moved to reappoint Rebecca Dittmar, David Gonzales, Abel Vasquez, and Darrell Young all with terms to expire December 1, 2016; the motion was seconded by Mr. Conklin and passed 5-0.

8D. Appointment to the Library Advisory Board.

Mr. Stork moved to appoint Marty Lenard with term to expire November 22, 2016; Mr. Allen seconded the motion and it passed 5-0.

8E. Appointments to the Zoning Board of Adjustment. Item was deferred to executive session.

9. ITEMS FOR FUTURE AGENDAS: None.

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Supper with Santa, Saturday, December 13 at Kerrville Schreiner Park, 4:00-6:00 p.m.

-December is national impaired driving month.

-Monday, December 15 Sandi Patty concert at the Cailloux Theater.

-The city was aware of mistakes on the wayfinding signs and the contractor would correct the signs at their expense; however, some of the signs needed to be relocated and the city was waiting permission from TxDOT.

-Mr. Parton noted that Police Chief John Young would retire December 31, 2014.

11. 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 Ms. Keeble and passed 5-0 to discuss the following:

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:

- River trail.
- 800 Junction Highway, former City Hall property.

Sections 551.074:

- Appointment to the economic improvement corporation.
- Appointments to the zoning board of adjustment.

At 7:55 p.m. the regular meeting recessed and council went into executive closed session at 8:00 p.m. At 8:45 p.m. the executive closed session recessed and

council returned to open session at 8:46 p.m. The mayor announced that no action had been taken in executive session.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

8B. Appointment to the Economic Improvement Corporation.

Mr. Conklin moved to appoint Sherri Jones with term to expire June 1, 2016; Mr. Allen seconded the motion and it passed 3-2 with Councilmembers Conklin, Allen, and Keeble voting in favor of the motion and Mayor Pratt and Councilmember Stork voting against the motion.

8E. Appointments to the Zoning Board of Adjustment

Ms. Keeble moved to reappoint Judy Eychner, and to appoint Peter Lewis as regular members; and to appoint Justin MacDonald, and Robert Parks as alternate members, all with terms to expire September 30, 2016; Mr. Allen seconded the motion and it passed 5-0.

11. 800 Junction Highway, former City Hall property. Mr. Stork moved to accept the offer and authorize staff to enter into a contract for the sale of the property at 800 Junction Highway; Ms. Keeble seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 8:47 p.m.

APPROVED: 01/13/15

/S/
Jack Pratt, Jr., Mayor

ATTEST:

/S/
Brenda G. Craig, City Secretary