

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
JULY 27, 2010

On July 27, 2010, the Kerrville City Council meeting was called to order by Mayor Wampler at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by U.S. Army Specialist Reese Taylor, recently returned from Afghanistan.

MEMBERS PRESENT:

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Gene Allen	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Mindy Wendele	Director of Business Programs
Charlie Hastings	Director of Public Works
Mike Erwin	Director of Finance
John Young	Police Chief
Robert Ojeda	Fire Chief
Kim Meisner	Director of General Operations
Antonio Martinez	Director of Library Services
Stuart Barron	Utilities Manager

VISITORS PRESENT: List on file in city secretary's office.

**1. VISITORS/CITIZENS FORUM:** The following persons spoke:

1A. Roy Kilgore discussed the necessity of the city and county spending tax money to hire legal counsel to fight the CREZ (Competitive Renewable Energy Zones) transmission line. He was an intervener in another power line issue and spent \$200,000; he cautioned the city council about opposing the 100 mile CREZ line, which was a much larger issue and would be more costly. If the city chose to proceed, he hoped the city would be successful and noted the advantages of having a coalition that included the support of KPUB (Kerrville Public Utility Board).

Mayor Wampler stated the council would endeavor to protect the city's interests, noting \$14 million investment in infrastructure at the two I-10 corridors, and the potential loss in commercial development and property tax base.

1B. David Lipscomb, chairman of the Library Advisory Board (LAB), noted the LAB believed the city council was responsible to provide adequate staffing for the library; therefore, he requested the council continue to fund the library accounting clerk position that was recently eliminated due to economic conditions. He reviewed the support of The Friends and Mr. Butt in the past and noted current plans for renovation. He asked when the library operation could expect a stable economic environment.

## **2. CONSENT AGENDA:**

Staff requested Item 2D be removed from the consent agenda.

Mr. Motheral moved for approval of items 2A 2B, 2C, and 2E; Mr. Allen seconded the motion and it passed 5-0:

2A. Approval of minutes of the regular meeting held on July 13, and special meetings held on July 13 and July 19, 2010.

2B. Authorize the execution of a contract for the purchase of liquid aluminum chlorohydrate at a unit price of \$3.89 per gallon from Gulbrandson Technologies, Inc.

2C. Authorize the execution of a contract for the purchase of chlorine gas at a unit price of \$558.00 per one ton cylinder and \$94.50 per 150 pound cylinder from Acetylene Oxygen Company.

2E. Resolution No. 024-2010 appropriating all revenue from the hotel occupancy tax for fiscal year 2011 pursuant to state law and city policy.

### **END OF CONSENT AGENDA**

2D. Authorize execution of a contract with Alsay Incorporated in the amount of \$31,394 plus a 10% contingency for a total project expenditure of \$34,533 for the rehabilitation of the Louise Hays Park well.

Staff proposed further review of the issue before proceeding.

## **3. ORDINANCES, SECOND READING:**

3A. Ordinance No. 2010-16 annexing an approximate 3.12 acre tract and an approximate 0.49 public right-of-way, which includes a portion of a paved roadway, both the tract and the right-of-way are out of the W.T. Crook Survey No. 71, Abstract No. 114, Kerr County; said area being approximately 3.61 acres and located adjacent to the corporate limits of the city of Kerrville, Texas, and being more particularly described as 327 Peterson Farm Road and the adjacent public right-of-way; describing the area to be annexed; adopting a service plan for the area annexed; and establishing the zoning for the area annexed. Mayor Wampler read the ordinance by title only.

Mr. Coleman recommended approval of the ordinance and noted the annexation would be effective ten days after passage.

Ms. Keeble moved to approve Ordinance No. 2010-16 on second and final reading; Mr. Motheral seconded the motion and it passed 5-0.

3B. Ordinance No. 2010-15 amending Chapter 26 "Buildings and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new Article VIII "Building Board of Adjustment and Appeals", said board created with

authority to consider appeals from the application of the city's standardized building codes and as a replacement for the city's various boards which previously had responsibility for such issues; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Mr. Coleman recommended approval of the ordinance creating one building board of adjustment and appeals (BBAA). He noted that applications had been sent to current members of the four existing building-related boards. He noted under the former BBAA councilmembers Place Two and Place Four, Keeble and Allen, were assigned to interview the applicants and he anticipated they would continue as the interview team.

Mr. Allen moved to approve Ordinance No. 2010-15 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

**4. CONSIDERATION AND POSSIBLE ACTION:**

4B. Resolution No. 023-2010 providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2011 budget.

Mr. Parton presented KCAD's FY11 budget and noted a 2% overall increase. The council noted that other entities were decreasing their FY11 budgets and cutting employees.

Mr. Motheral moved for approval of Resolution No. 023-2010; Mr. Gross seconded the motion and it passed 5-0.

**CITY COUNCIL RECESS:**

The Kerrville City Council recessed the regular city council meeting to convene a meeting of the City of Kerrville Employee Benefits Trust at 6:20 p.m. Following the City of Kerrville Employee Benefits Trust meeting, the Kerrville City Council reconvened into regular session at 6:33 p.m.

**4. CONSIDERATION AND POSSIBLE ACTION:**

4A. Resolution No. 022-2010 authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits.

Ms. Meismer noted that due to the action taken by the City of Kerrville Employee Benefits Trust authorizing the city manager to execute contracts with Humana and Kanawha for employee benefits for FY11, she recommended city council approve the resolution authorizing the transfer of funds to the City of Kerrville Employee Benefits Trust in the amount not to exceed \$7,800 per employee.

Mr. Motheral moved for approval of Resolution No. 022-2010; Mr. Allen seconded the motion and it passed 5-0.

4C. Resolution No. 021-2010 making findings concerning the acquisition of three general utility easements as described herein; determining that these property

interests are needed for the construction and maintenance of public water and wastewater facilities which the city will install along Town Creek Road as a means of extending such utility services to the IH-10 and Harper Highway (FM 783) intersection and areas beyond; confirming and ratifying the final offer made by the city to the owner(s) of such property interests; and authorizing the city attorney to acquire the property interests through an eminent domain proceeding.

Mr. Hayes noted that staff had worked for several years to acquire easements in order to extend utilities to the Harper Road and I-10 area and northward, and all easements had been acquired except three tracts owned by one owner. He noted the appraised value for all three easements was \$11,121.00 and that amount had been offered to the owner. He had contacted the property owner's attorney; the owner had not stated any opposition to the project or to providing an easement; however, there had been no response to the city's offer. He noted that staff rarely asked city council to take such action; however, the city awarded a contract for the utility project and construction had begun; it was necessary to acquire an easement through the subject property. Mr. Hayes requested council adopt the resolution ratifying staff's final offer and authorizing eminent domain proceedings in order that the project could proceed.

Mr. Motheral moved to adopt Resolution No. 021-2010 as presented. Mr. Gross seconded the motion, and it passed 5-0.

## **5. INFORMATION AND DISCUSSION:**

### **5A. Library renovation project update.**

Jena Krause, executive director of the Mary Elizabeth Holdsworth Library Foundation, reported the following:

- Operating capital contribution from Charles Butt/H.E.B. in the amount of \$50,000.
- Filing IRS Form 1023 to receive a 501(c)3 designation.
- "Mad Hatter Tea Party" event scheduled for July 29 to introduce the foundation to the community.

### **5B. Groundwater Management Area 9 (GMA 9) update regarding desired future condition for the Trinity Aquifer.**

Mr. Hastings noted the Texas Water Development Board (TWDB) was developing a state water plan; one branch of the TWDB was the Groundwater Management Area (GMA 9 representing the Kerrville area). GMAs were tasked with developing a Desired Future Condition (DFC) for all significant aquifers as part of the state water plan. The DFC identified the acceptable amount of drawdown in an aquifer over a fifty year planning cycle. DFCs will be adopted by GMAs and submitted to the TWDB before September 2010. The city was represented on GMA 9 by the Headwaters Groundwater Conservation District (HGCD). GMA 9 was in the process of setting the DFC for all Trinity aquifers and had identified seven scenarios with Scenario 1 being the most conservative and not allowing groundwater to be pumped.

Mr. Hastings noted the city had seven groundwater wells and two ASR wells in the Lower Trinity, and HGCD supported Scenario 6 which would allow 58 ft. of drawdown, equivalent to 100,000 acre ft. per year of pumping, and GMA9 approved Scenario 6 for

the city; this would provide for a population of 50,000, Kerrville's estimated 50 year population. He noted the city would still have to negotiate the amount with HGCD every few years.

Mr. Barron noted HGCD was assigned with setting the groundwater pumping limits in order that GMA 9 area would not exceed the allowed draw down. HGCD would determine who would be allowed what amount within the GMA 9 area.

The council noted that the well monitoring system installed by HGCD over the past several years have provided good data and science to support Scenario 6.

5C. Kerrville budget/economic update.

Mr. Erwin noted sales tax and hotel occupancy tax had decreased from June, and unemployment continued to increase. The water/sewer fund was behind 10% compared to FY09, and he attributed this to a wet winter; staff identified projects and expenditures to be delayed in order to hold down expenditures.

**6. ITEMS FOR FUTURE AGENDAS:**

- Funding for the Fourth of July Celebration and potential expansion of the event.

**7. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Mr. Parton noted the city had received an official letter of commitment from Mamacita's Corporation to fund the fireworks display in the amount of \$10,000-12,000 annually for a total up to \$100,000.

**8. EXECUTIVE SESSION:**

Ms. Keeble moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney) of Chapter 551 of the Texas Government Code; the motion was seconded by Mr. Motheral and passed 5-0 to discuss the following matter:  
Section 551.071:

- Lower Colorado River Authority (LCRA) Competitive Renewable Energy Zone (CREZ) project.

At 6:54 p.m. the regular meeting recessed and council went into executive closed session at 6:56 p.m. At 7:19 p.m.; the executive closed session recessed and council returned to open session at 7:19 p.m. The mayor announced that no action had been taken in executive session.

**ADJOURNMENT.** The meeting adjourned at 7:20 p.m.

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

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David Wampler, Mayor

ATTEST:

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Brenda G. Craig, City Secretary