

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
MARCH 17, 2015

On March 17, 2015, 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 Susie Hackleman, Director of Client Services for the Pregnancy Resource Center, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Councilmember
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT:

Gene Allen	Mayor Pro Tem
------------	---------------

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
David Knight	Interim Chief of Police
Dannie Smith	Fire Chief
Trent Robertson	City Planner
Kim Meisner	Director of General Operations

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

1. **VISITORS/CITIZENS FORUM:** no one spoke.

2. **AWARDS AND RECOGNITIONS:**

2A. Resolution of Commendation to Paul Zohlen for service on the Zoning Board of Adjustment.

2B. Resolution of Commendation in recognition of Jimmie Spradling for service on the Beautification Advisory Committee.

3. **CONSENT AGENDA:**

Mr. Conklin moved to approve consent agenda items 3A through 3D; Ms. Keeble seconded the motion, and it passed 4-0:

3A. Minutes of the special city council meeting on February 3, 2015, and the regular city council meetings held February 10 and 24, 2015.

3B. Ratify emergency purchase of water treatment plant membrane filters in the amount of \$233,800.

3C. Resolution No. 10-2015, finding that legislation filed during the current 84<sup>th</sup> session of the Texas Legislature as to the issuance and management of City debt could be detrimental toward the City and urging its defeat. (Mayor Pratt)

3D. Resolution No. 11-2015, finding that legislation filed during the current 84<sup>th</sup> session of the Texas Legislature as to the abolishment of Home Rule Law would be detrimental toward the City and urging its defeat.

#### **END OF CONSENT AGENDA**

#### **4. PUBLIC HEARING:**

4A. Public hearing concerning a 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.

Ms. Day noted this was the second of two required public hearings; the ordinance annexing the property will occur at a future meeting.

Mayor Pratt declared the public hearing open at 6:07 p.m.; no one spoke; the public hearing was closed at 6:07 p.m.

#### **5. PUBLIC HEARING AND ORDINANCES FIRST READING:**

5A. Ordinance No. 2015-03 amending the City's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" by exempting existing buildings within the Central Business District (CBD) from requiring off-street parking in specific circumstances; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Ms. Day noted this ordinance would apply the current parking standards that applied to the downtown core district to the central business district, that is, if existing property changed use, it would not be required to meet current parking standards. The issue came to light with a request to waive parking requirements in order for a business to open at 332 Clay Street. Ms. Day noted the parking issue was widespread throughout the CBD, and she presented 10-15 properties that could not meet current parking standards if their use changed; such properties could apply for a variance, but staff recommended changing the parking requirements in the code in order to be efficient and consistent. The only way for many properties in the CBD to meet current parking requirements would be to demolish existing buildings, or go to another property owner and get an irrevocable license agreement to use their parking lot, but those options are not available to many properties.

It was noted that parking for some properties would back on to Highway 27 into traffic. Staff noted this was regulated by TxDOT and existing properties had been allowed to continue this practice; however, it was unlikely that TxDOT would allow this to expand to new properties. The city would not recommend additional head-in parking on city streets due to safety issues.

This item was presented to the planning and zoning commission (PZC) on March 12; however PZC did not vote on the issue, which was the equivalent of denial. PZC's concerns were: fairness to people in the past who had not received the same consideration, and the city should allow more on-street parking.

Staff recommended not marking spaces to encourage on-street parking citing issues with utilities placed in the streets, public safety, and maintaining access for emergency vehicles.

Mayor Pratt declared the public hearing open at 6:28 p.m. and the following persons spoke:

1. John Mosty, Chairman of the Zoning Ordinance Input Committee (ZOIC), noted he (speaking for the Peterson Foundation) was a neighbor to the 332 Clay Street property where a variance was being requested. At the time he purchased his property, he bought more than was needed in order to construct parking. Any zoning change affects neighbors and that should be a prime consideration of any zoning change. Throughout the process of this particular request, 332 Clay Street, the neighbors objected to the proposed zoning change. The Peterson Foundation was opposed to the change; in effect, the foundation's parking lot would become the parking lot for 332 Clay Street. ZOIC created the downtown core district based on the unique characteristics of the buildings, i.e. zero lot lines, common walls, property platted before streets were built, etc. The city's code required that parking be provided in order to accommodate redevelopment. He recommended that the city NOT encourage on-street parking as streets were made for vehicular traffic and not meant to be a parking lot. Some areas of town were almost limited to one-way streets because of on-street parking. These same problems existed all over town and council should correct the problem of parking standards city-wide and not just in one area. ZOIC tried to resolve parking and other issues in their recommended rewrite of the zoning ordinance. If the city wanted development to occur, the city would have to relax its unreasonable parking restrictions.
2. Harvey Brinkman stated he was a commercial broker and he had put off a lot of business issues because he was waiting for the new zoning ordinance to be completed. He asked council and staff to finalize the new zoning ordinance and move forward to adopt it and a lot of issues would be resolved.
3. Jeremy Walther, potential business owner at 332 Clay Street, said he had worked 18 months to bring a craft brewery and restaurant business to Kerrville. He had local investors and a \$1.2 million budget; the project would create jobs, serve local food, and be a gathering place for the community. He looked at many buildings in downtown and some properties were not considered because parking requirements could not be met. The property at 332 Clay was a historically significant building in a good location, and only one block from the city's parking garage. He would install bike racks, encourage customers to use the city parking

garage, and require employees to use the garage. Several neighbors agreed to allow parking on their property and were supportive of his project. Development and parking issues were not unique to downtown. He asked council to approve the ordinance as it was a balance of business growth and preservation of small town character.

4. Chris Avery stated he was a principal investor in the business proposed and asked council to look at the bigger issue of parking in the CBD and approve the ordinance. If council considered only the safety aspect of parking on the streets, many properties would never be developed. He noted that Fredericksburg had 1.2 million visitors annually on Main Street and none of those businesses provided parking; 18 wheeler trucks travelled on Main Street constantly and on-street parking was done successfully in Fredericksburg.

The public hearing was closed at 6:36 p.m.

Mr. Conklin moved for approval of Ordinance No. 2015-03 on first reading; Mr. Stork seconded the motion and it passed 4-0.

5B. Ordinance No. 2015-04 amending the City's "Zoning Code" by adding a definition of "Community Gardens" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; revising Article 11-I-4 to add Community Garden as a use that is permitted within any zoning district; revising Article 11-I-19 to adopt regulations applicable to the use of property as a community garden; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Ms. Day noted the current zoning code allowed gardens by right; however, the code did not allow an accessory structure without a primary structure. The proposed ordinance would add the definition of a community garden and allow an accessory structure without a primary structure. The ordinance was presented to PZC on March 12; PZC voted unanimously to deny the recommendation. Staff recommended approval of zoning text amendment adding the definition of community garden and allowing for an accessory structure. This ordinance was previously considered and approved by the city council but was being reconsidered due to a posting error.

Mayor Pratt declared the public hearing open at 6:43 p.m. and the following persons spoke:

1. John Mosty, stated he had no problem with the ordinance if accessory buildings would be required to meet the building standards developed by ZOIC for residential property, that is, 158 sq. ft. Ms. Day stated it would.

2. Bruce Motheral, PZC member, noted PZC voted unanimously to recommend that community gardens be managed through a conditional use permit (CUP) rather than the ordinance being proposed; PZC supported community gardens, but was

concerned with the process. The city code stated: "Accessory buildings do not include ..., or buildings with more than two plumbing fixtures connected with sanitary sewer." For example, if the owner installed three drinking fountains, lavatory, or other plumbing fixtures, the structure would thereby become a main building and would no longer be considered an accessory structure. Also, the proposed ordinance would not necessarily apply to other neighborhoods in the city, and did not address issues typically associated with homeowners associations such as traffic, parking, lighting, times of operation; a CUP process would address those concerns and allow the community the opportunity to voice pertinent concerns for their neighborhood. PZC felt the ordinance would create future problems. Regarding the fee for a CUP, the city could waive the fee, or he volunteered to pay the fee for the project currently under consideration.

3. Marie Brown spoke in support of the current project and zone change. Community gardens would enlarge a sense of community and provide fresh vegetables for people who were willing to work in a garden.

No one else spoke and the public hearing was closed at 6:49 p.m.

Mr. Stork moved for approval of Ordinance No. 2015-04 on first reading; Mr. Conklin seconded the motion and it passed 4-0.

5C. Ordinance No. 2015-05, creating a Planned Development District (PDD) as zoning for an approximate 6.920 acre tract consisting of several parcels located in the Walter Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas, addressed as 1107 Junction Highway. (State Highway 27), and generally located on the southwest corner of Junction Highway and its intersection with Guadalupe Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000.00 for each day of violation of any provision hereon; and ordering publication. Mayor Pratt read the ordinance by title only.

Ms. Day noted the property was currently zone GR, Guadalupe River, and the applicant requested PDD for a mixed use development. The city's sign ordinance did not address signage for a mixed use development. The developer requested and agreed to a more restrictive sign package, using less electronic signs than allowed by right, and the majority of the signs would be stone monument signs. PZC voted unanimously to approve the PDD on March 12.

Mayor Pratt declared the public hearing open at 6:52 p.m.; no one spoke; the public hearing was closed at 6:53 p.m.

Ms. Day introduced the new city planner, Trent Robertson.

Mr. Stork moved for approval of Ordinance No. 2015-05 on first reading; Mr. Conklin seconded the motion and it passed 4-0.

## **6. INFORMATION AND DISCUSSION:**

### **6A. Quarterly Report by Playhouse 2000 (P2K).**

Jeffery Brown, Executive Director of P2K, reported on the fourth quarter, October through December, 2014:

- 25 separate events, 54 lit nights, attendance 17,900, ticket value over \$146,000.
- Operating income, \$156,000, expenses, \$115,000; net income \$41,000.

Mr. Brown gave the following annual report for 2014:

- The Cailloux Theater had been closed 60 days in 2014 due to construction.
- 67 separate events, 130 lit nights, attendance 42,600, ticket value \$535,500.
- Available operating cash as of December 31, 2014: \$117,263.
- Development activity: building fund contributions, \$204,000, included pending \$88,000 grant from the Peterson Foundation; annual fund and operational donations, \$39,000; and business and corporate sponsorships, \$13,250.
- Staffing changes: added a management assistant.

Mr. Brown reviewed upcoming events and noted construction activity for the Cailloux campus support facility: design scheduled to be completed this month, bid specifications to be release in April, and developing plans for groundbreaking and grand opening activities.

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

- Temporary lane closure on Thompson Drive through April 24 to accommodate the installation of a water transmission main.
- National Fire Protection Assn. recommended checking smoke alarms and replacing batteries. Kerrville Fire Department will provide and install smoke detectors free to citizens.
- The library would be hosting a free craft session, March 26, 4 p.m.

## **8. EXECUTIVE SESSION:**

Mr. Conklin 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. Stork and passed 4-0 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.

At 7:12 p.m. the regular meeting recessed and council went into executive closed session at 7:17 p.m. At 7:37 p.m. the executive closed session recessed and council returned to open session at 7:37 p.m. The mayor announced that no action had been taken in executive session.

9. **ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION**: No action was taken following executive session.

**ADJOURNMENT**. The meeting adjourned at 7:38 p.m.

APPROVED: April 28, 2015

/s/

Jack Pratt, Jr., Mayor

ATTEST:

/s/

Brenda G. Craig, City Secretary