

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
APRIL 26, 2016

On April 26, 2016, the Kerrville City Council meeting was called to order at 6:30 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Ann Buck, Executive Director of The Christian Women's Job Corps, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

**COUNCILMEMBERS PRESENT:**

Jack Pratt	Mayor
Gary F. Stork	Mayor Pro Tem
Stephen P. Fine	Councilmember
Bonnie White	Councilmember
Gene Allen	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY CORE STAFF PRESENT:**

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
David Knight	Police Chief
Dannie Smith	Fire Chief
Trent Robertson	City Planner
Kaitlin Berry	Special Projects Manager

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

1. **VISITORS/CITIZENS FORUM:** None.

2. **PRESENTATIONS:**

- 2A. Proclamation declaring May as Lupus Awareness Month.
- 2B. Proclamation declaring May 3 as The Big Give S.A. Day.
- 2C. Proclamation declaring May 5 as National Day of Prayer.
- 2D. Resolution of Commendation for Meg Scott-Johnson for service on the Parks and Recreation Advisory Board.
- 2E. Recognition of Kerrville Fire Department Division Chief Tony Lenard for 32 years of service.

3. **CONSENT AGENDA:**

Ms. White requested item 3F be removed from the consent agenda.

Mr. Stork moved to approve consent agenda items 3A through 3E; Mr. Fine seconded the motion, and the motion passed 5-0:

3A. Minutes of the regular city council meetings held February 23, 2016, March 8, and March 22, 2016.

3B. Acceptance of a grant from the Anonymous Fund III, a donor advised fund of The Community Foundation of the Hill Country, to the City of Kerrville in the amount of approximately \$699,000 for the purpose of maintaining the Kathleen C. Cailloux Center for the Performing Arts.

3C. Request from the Cailloux Foundation to waive public safety service costs in the amount of \$3,200 for the Kerrville Chalk Festival to be held October 15-16.

3D. License agreement with Revolution Broadcasting, LLC for the REVVEST music event in Louise Hays Park on October 15, 2016.

3E. Request from Revolution Broadcasting, LLC to waive public safety service costs in the amount of \$4,768.12 for REVVEST.

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

3F. Professional services agreement with John Hewitt Engineering Inc. to perform design and construction phase services for the development of aquifer storage and recovery (ASR) water supply Well #3 and site improvements in an amount not to exceed \$112,300.00.

Ms. Day noted the agreement was for the design of an ASR well to be located in the vicinity of the reuse pond so it could also serve as a well for direct potable reuse (DPR) water. Two possible well sites had been selected.

Council questioned why the well was needed now since the DPR water would not be available for six years. Ms. Day noted the city needed the ASR well to store groundwater from the river; ASR #3 could also be used for DPR in the future. The existing distribution line on Spur 100 could tie in to the existing system.

Mr. Stork moved for approval of the agreement; Mr. Fine seconded the motion and it passed 5-0.

#### **4. PUBLIC HEARING AND RESOLUTION:**

4A. Resolution No. 10-2016, granting a Conditional Use Permit (CUP) for an approximate 1.36 acre tract of land out of the Samuel Wallace Survey No. 112, Abstract 360, within the City of Kerrville, Kerr County, Texas, and otherwise known as 2814 Memorial Boulevard; said tract located within the E-31 Zoning District; by permitting said property to be used for Business Services II purposes (automotive towing services); and making said permit subject to certain conditions and restrictions.

Mr. Robertson noted the applicant requested to amend the CUP to allow towing services; this would not allow a salvage or wrecking yard. The applicant planned to keep the existing building and meet all landscaping and screening requirements. Staff had not received any responses from the notifications that were mailed. There were no residential properties in the immediate area. The requested use was similar to neighboring land uses and consistent with the comprehensive plan. Staff recommended approval with the conditions stated in the CUP.

Mayor Pratt declared the public hearing open at 6:28 p.m.; no one spoke and Mayor Pratt closed the public hearing at 6:29 p.m.

Ms. White moved for approval of Resolution No. 10-2016; Mr. Fine seconded the motion and it passed 5-0.

**5. ORDINANCES, SECOND AND FINAL READING:**

5A. Ordinance No.2016-06, annexing an approximate 194.79 acre tract of land into the City of Kerrville, Texas, and extending the boundary limits of the city to include the property within the city limits; said property generally located south of and adjacent to State Highway 27 and between Oak Way Street and Split Rock Road; said tract out of the William Watt Survey No. 69, Abstract No. 367 and the W.T. Crook Survey No. 70, Abstract No. 113, Kerr County, Texas; said tract located adjacent to the corporate limits of the City of Kerrville, Texas, and more commonly known as 337 Split Rock Road; further describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed as "R-1" Single Family Residential in accordance with the City's Comprehensive Plan. Mayor Pratt read the ordinance by title only. Mr. Robertson noted that all of the state and local requirements, including public hearings for the annexation and zoning, had been met. There were no changes to the ordinance since first reading.

The following person spoke:

1. Garrett Harmon, member of the planning and zoning commission (PZC), noted that PZC did not agree with the recommended R-1 single family residential zoning classification. March 17 staff brought PZC a zoning classification of R-1, and PZC voted unanimously that R-1 was not appropriate considering its current land use. Mr. Harmon noted there was not any discussion about a district overlay. He also noted that the comp plan allowed a future land use for rural undeveloped land; that is, when annexed it should be zoned at the most restrictive use or a zone applicable to its immediate planned use. PZC did not recommend a zoning classification and directed staff to bring back to PZC an alternate zoning classification; staff did not bring back an alternate zoning classification for PZC to consider. He felt that PZC was bypassed. Council proceeded with R-1 zoning classification. Mr. Harmon asked:

- 1) Why did staff not come back to PZC with an alternate zoning classification?
- 2) Why did the city pursue R-1 zoning when there were other zoning options that were more appropriate?

Mr. Parton noted that PZC was the recommending body; zoning was presented to PZC for a recommendation to city council; PZC recommended zoning be forwarded to city council for consideration. R-1 zoning was consistent with the comprehensive plan.

Council also discussed the following:

1. Questioned the public hearing notice designating R-1 zoning being sent to the newspaper prior to the meeting at which zoning was voted on. Mr. Parton noted

the notice must be published in the newspaper 15 days prior to the meeting in order to meet state notification requirements. Public hearings were held March 17 by PZC and March 22 by city council

2. Annexation would not stop MM from operating their business.

### **EXECUTIVE SESSION:**

Mr. Fine moved for the city council to go into executive closed session under Sections 551.071 of the Texas Government Code; motion was seconded by Mr. Allen and passed 5-0 to discuss the following:

#### **Section 551.071:**

Ordinance No. 2016-06, annexing an approximate 194.79 acre tract of land into the City of Kerrville, Texas, and extending the boundary limits of the city to include the property within the city limits; said property generally located south of and adjacent to State Highway 27 and between Oak Way Street and Split Rock Road, and more commonly known as 337 Split Rock Road.

At 6:40 p.m. the regular meeting recessed. Council went into executive closed session at 6:41 p.m. At 7:07 p.m. the executive closed session recessed and council returned to open session at 7:08 p.m. Mayor Pratt announced no action was taken in executive session.

1. Aleisha Knochenhauer, regional environmental manager for Martin Marietta (MM), owner of the property, stated MM would support a development agreement as an alternative to annexation and potential litigation process, and MM had been working with the city to put together the agreement; MM preferred not to be annexed.

### **ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:**

Mayor Pratt moved to adopt Ordinance 2016-06 as presented. Mr. Stork seconded the motion and it passed 3 to 2 with Councilmembers Pratt, Stork, and Allen voting in favor of the motion and Councilmembers White and Fine voting against the motion.

5B. Ordinance No. 2016-03, repealing Ordinance No. 2010-22, which created a "Planned Development District" for the approximate 1.2 acre tract of land, being Lots 3 through 8, inclusive, Block 27 of the J.A. Tivy Addition, a subdivision within the City of Kerrville, Texas, and otherwise known as 1001 Jefferson Street; said property to return to the "RT" Residential Transition Zoning District. Mayor Pratt read the ordinance by title only.

Mr. Robertson noted many calls had been received in favor, and zero in opposition, to the proposed zone change. The item was approved by PZC; there were no changes since first reading.

Mr. Allen moved to approve Ordinance No. 2016-03 on first reading; Mr. Fine seconded the motion and it passed 5-0.

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

6A. Participation in construction of road to Hangar 19 and paving of apron and taxiway at the Kerrville/Kerr County Airport.

Bruce McKenzie, airport manager, noted the airport board proposed to construct and pave the apron around Hangar 19 and repave the existing taxiway. The county agreed to build the 650 ft. roadway from Peterson Farm Road, estimated at \$30,000. He asked the city to furnish the labor and equipment to pave the apron and taxiway at a time convenient for the city. The airport board would furnish the material, 400 tons of asphalt, at a cost of about \$30,000. Once completed, the hangar could be leased to store four airplanes for a total \$1,700 per year and generate revenue that would lessen the city/county contribution each year.

Mr. Parton noted the city's priority was city road rehabilitation; he requested council give him the option of performing the work with city crews, or contracting out the project.

Mr. Stork moved to approve participation in the project as outlined. Mr. Fine seconded the motion and it passed 5-0.

6B. Consideration of the FY2016-17 Kerrville-Kerr County Airport budget.

Bruce McKenzie, airport manager, presented the airport budget for FY2016-17. The total budget was \$397,165; the city's and county's contribution was \$21,000 each. Mr. Parton noted \$21,000 was already appropriated in the city's budget.

Mr. Allen moved to approve the FY2016-17 airport budget in the amount of \$21,000.00 as presented; Mr. Fine seconded the motion and it passed 5-0.

6C. Text amendments to the City's Zoning Code and building codes regarding the use of temporary structures, including construction trailers, and recreational vehicles.

Mr. Robertson noted the text amendment would address the location and requirements of temporary structures, including construction trailers and recreational vehicles. Requests had been received: 1) to allow construction trailers to be located on different lots in the development during construction; and 2) complaints that RVs were being located on property and connected to utilities for people to reside in. The proposed text amendments would also require a review and possible amendments to the zoning code and building code. The process to amend the zoning code would go through PZC; the process to amend the building codes would be through city council.

Council consensus was that staff should prepare a recommendation.

**7. INFORMATION AND DISCUSSION:**

7A. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending March 31, 2016: general fund revenues totaled \$16,131,392 and expenditures \$11,262,406; water and sewer fund revenues totaled \$5,513,586 and

expenditures \$5,423,013; hotel/motel fund revenues totaled \$460,218 and expenditures \$457,600; 43 permits for new residential construction and 2 for new commercial construction. She provided budget information for seven major capital projects: Jefferson lift station, Broadway lift station, wastewater treatment plant clarifier/motor control center improvements, river trail, Louise Hays and Lehmann/Monroe Park, athletic complex, and reuse pond/distribution.

**8. ITEMS FOR FUTURE AGENDAS:** None.

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Violation of state law to tamper or remove election campaign signs; the public should report offenders to the police department.
- Kerrville Police Department was accepting applications through April 29 for the Junior Citizen Police Academy for ages 11-14; classes would run June 6-16.
- Kerrville Police Department “Got Drugs” event would be held April 30, 10 a.m. to 2 p.m. collecting unwanted drugs for destruction.
- Registration underway for swimming lessons to begin May 1.
- City was accepting applications for lifeguards.
- Mr. Parton announced that Ashlea Boyle had been promoted to assistant parks and recreation director.
- Mr. Parton introduced Kaitlin Berry as the special projects manager.
- Early voting by personal appearance was underway at the Cailloux Theater, Monday – Friday, 8:00 a.m. – 5:00 p.m., ending Tuesday, May 3. Election Day would be Saturday, May 7.

**10. EXECUTIVE SESSION:**

Mr. Pratt moved for the city council to go into executive closed session under Sections 551.071 of the Texas Government Code; motion was seconded by Mr. Allen 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.

Section 551.071 and 551.072:

Discuss City of Kerrville, Texas vs. Stadter, 216<sup>th</sup> District Court of Kerr County, No. 131160A (condemnation).

At 7:36 p.m. the regular meeting recessed. Council went into executive closed session at 7:38 p.m. At 8:00 p.m. the executive closed session recessed and council returned to open session at 8:05 p.m. Mayor Pratt announced no action was taken in executive session.

**11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:** No action was taken.

**ADJOURNMENT.** The meeting adjourned at 8:05 p.m.

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

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

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