

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JUNE 28, 2016

On June 28, 2016, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Tom Murray, St. Peters Episcopal Church, followed by the Pledge of Allegiance led by Boy Scout Will Zuber.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Gary F. Stork	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Malcolm Matthews	Interim Deputy City Manager
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
David Knight	Chief of Police
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager
Kim Meisner	Director of General Operations
Kyle Burow	Public Works Director

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

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

2. **PRESENTATIONS:**

2A. Resolution of Commendation to David Jones for time served on the Library Advisory Board.

3. **CONSENT AGENDA:**

Ms. White requested Item 3E be removed from the consent agenda.

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

3A. Minutes of the regular meeting held May 10, 2016; and the special meetings held May 17, May 19, and May 23, 2016.

3B. Memorandum of Understanding between BCFS Health and Human Services (BCFS HHS) and the City of Kerrville, Texas for the City's use of BCFS HHS resources during incidents of need.

3C. Authorize city staff to execute a construction contract with Zuber Construction, Inc. for the Utility, Construction and Transportation (UTC) building project in the amount of \$1,004,490.00 and authorization for the city manager to execute additional change orders which may not exceed a total contract value of \$1,200,000.00.

3D. Lease agreement with PNC Equipment Finance, LLC for 60 new E-Z-Go RXV electric golf carts through BuyBoard Purchasing Cooperative.

END OF CONSENT AGENDA

3E. Approval of the selection of an auditor to provide professional audit services for fiscal years ending September 30, 2016, 2017, and 2018, with an option to extend the contract for 2019 and 2020.

Mayor White noted an increase in the fee for the audit and asked if the city had a three year contract in the past. Council discussed the proposal and having a rotating lead auditor each year rather than the same person leading the audit every year.

Mr. Parton stated that the services were bid and staff recommended BKD.

Mr. Andrew moved to approve Item 3E. Mr. Fine seconded, and the motion passed 5-0.

4. ORDINANCE SECOND AND FINAL READING:

4A. Ordinance No. 2016-07, amending the city's "Zoning Code" to revise Section 11-I-12(f) "Temporary Construction Trailers and Buildings" to allow for the expanded use of such structures; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Mayor White read the ordinance by title only.

Mr. Matthews reported no changes to the ordinance since first reading.

Mr. Fine moved for approval of Ordinance No. 2016-07 on second reading. Mr. Allen seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Resolution No. 13-2016 approving/disapproving Kerr Central Appraisal District's (KCAD) proposed fiscal year 2017 budget.

Justin MacDonald, Secretary for the KCAD Board, reported that KCAD passed the proposed budget and noted the FY2018 budget would include the purchase of land and construction of a new office building. Fourth Coates, Chief Appraiser, was also present.

Mr. Stork moved for approval of Resolution No. 13-2016. Mr. Allen seconded the motion and it passed 5-0.

5B. Request from Kerr County to waive any and all city building permit, plan check, and inspection fees associated with Kerr County's expansion of the Kerr County Jail.

Mr. Parton noted staff previously calculated the plan review and permitting fees for the Kerr County jail expansion project to be \$82,537.50 (permit fee, \$55,025.00 and plan check fee, \$27,512.50). There would be additional costs to the city that were currently under review, which may have to be outsourced. He estimated the amount of indirect costs associated with the project to be \$25,000 to \$40,000.

The consensus of the council was that the city would bill the county for only hard or direct costs associated with the project.

Kerr County Commissioner Moser indicated his agreement on behalf of the county.

5C. Letters of intent between the City of Kerrville and Schreiner University, and between the City of Kerrville and Southern Golf Properties for the supply of reclaimed water.

Mr. Parton reviewed council's direction to staff regarding execution of letters of intent to Schreiner University (SU) and Southern Golf Properties (Riverhill Golf Course [RGC]) for reclaimed water. He presented draft letters of intent and stated there were some outstanding comments being discussed with SU and RGC and he planned to present final letters for council's review and approval at the July 12 meeting. After council's approval, staff will make application for funding to the economic improvement corporation on July 18. The letters of intent stated that the city would pay for the design, installation and construction of the section of the distribution system from the city's facility to a point of delivery at SU and at RGC. The cost of design, installation and construction from the point of delivery to the final location would be borne by SU and RGC. He noted that the system was not a pressurized system; it was a storage pond and pumping system that would send the water to an on-site storage pond at the final location.

Mr. Andrew moved to approve the drafts of the letters of intent in form; Mr. Fine seconded, and the motion passed 5-0.

5D. Request to waive the perimeter sidewalk construction, per City Code Section 26-36(f), for property located adjacent to the west frontage of State Highway Loop 534 and being generally located between the Sendero Ridge residential subdivision and a commercial development known as Destination Cyclesports.

Mr. Burow reviewed the site plan for a proposed mini storage development on the west side of Loop 534 north of Singing Winds Drive. He noted commercial development to the north and residential to the south. The developer requested an administrative waiver to Section 26-36, which required sidewalks to be constructed on all street right-of-ways along the full length of the property for all tracts or lots intended for commercial development purposes. The site plan was approved without a sidewalk conditioned upon the council granting a waiver to Section 26-36. An administrative waiver can only be issued by staff if the city engineer determined that adequate right-of-way did not exist to allow for the construction of a sidewalk; staff denied the waiver. The developer filed an

appeal to the council. The council may grant a waiver based on the criteria established in code. Staff recommended denial of the waiver request as it did not satisfy the criteria established by city code; further, that sidewalk construction follow the goals of the Sidewalk Master Plan along the Loop 534 corridor.

Council noted that TXDOT would be submitting a request to lower the speed limit on Loop 534 in this area.

Oscar Enriquez, property developer, requested the waiver. He opined that constructing a sidewalk on his property would create a financial burden. Mike Wellborn, engineer for the developer, spoke in support of the waiver.

Mr. Stork moved for approval of the sidewalk waiver. Ms. White seconded the motion and it passed 4-1, with Councilmembers Stork, White, Allen, and Andrew voting in favor, and Councilmember Fine voting against the motion.

6. INFORMATION AND DISCUSSION:

6A. Update from City staff regarding the creation of a demolition delay ordinance.

Mr. Parton noted staff had been working with representatives of the Kerr County Historical Commission (KCHC) to develop a process to review applications submitted for the demolition of a building to determine if it qualified for a demolition delay. Buildings would be evaluated based on criteria currently being developed and would include an assessment of the building. The property owner would be required to provide evidence that it was not feasible to renovate or relocate the building. Staff was developing technical criteria for the evaluation of buildings targeted for demolition. Input was being sought from local experts in the fields of structural engineering, architecture, construction, and historical preservation. The purpose of the demolition delay program was to balance a property owner's right to develop their property with the desire to preserve Kerrville's historically significant buildings by encouraging property owners to rehabilitate or move buildings as an alternative to demolition.

Deborah Gaudier spoke regarding the Kerr County Historical Commission.

6B. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending May 31, 2016: general fund revenues totaled \$19,249,014 and expenditures \$14,713,482; water and sewer fund revenues totaled \$7,378,739 and expenditures \$6,827,384; hotel/motel fund revenues totaled \$640,539 and expenditures \$707,850; 56 permits for new residential construction and commercial new/remodel construction totaled \$9,196,075. She provided budget information for four major capital projects: River Trail, Louise Hays and Lehmann/Monroe Park, athletic complex, and reuse pond/distribution.

7. ITEMS FOR FUTURE AGENDAS

- Workshop to discuss the sidewalk master plan.
- Overgrowth of weeds and grass at the entrance to the City.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- City offices and library would be closed on July 4, 2016.
- Kerrville's 4th on the River, July 4, Louise Hays Park, fireworks at 9:30 p.m.
- The Kerr Regional History Center would be closed for renovation beginning June 29, 2016.
- Kerrville Police Department honored the 7th Junior Police Academy Class on Friday, June 17, 2016 at the Doyle Community Center; 14 Junior Cadets were in the graduating class.

9. EXECUTIVE SESSION:

Mr. Fine 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. Andrew and passed 4-0 to discuss the following:

9A. 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 7:44 p.m. the regular meeting recessed. Council went into executive closed session at 7:45 p.m. At 8:17 p.m. the executive closed session recessed and council returned to open session at 8:17 p.m. Mayor White announced no action was taken in executive session.

10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

ADJOURNMENT. The meeting adjourned at 8:17p.m.

APPROVED: 08/23/2016

ATTEST:

Bonnie White, Mayor

Cheryl Brown, Deputy City Secretary