

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JANUARY 25, 2011

On January 25, 2011, the Kerrville City Council meeting was called to order by Mayor Pro Tem Motheral at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Heather Mitchell, First Baptist Church, followed by the Pledge of Allegiance led by William A. Cantrell, Post Commander of the CPL Jacob C. Leicht Memorial AMVETS Post 1000.

MEMBERS PRESENT:

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

MEMBER ABSENT:

David Wampler	Mayor
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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
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Kim Meismer	Director of General Operations
Charlie Hastings	Director of Public Works
Daniel Schwartz	Library Director

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

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

1. Robert Naman questioned the need to spend \$11.5 million for exit ramps on I-10 between Harper Road and Hwy. 16 and the roadway through Town Creek Development to connect to Holdsworth Drive as proposed by Chuck Coleman at the January 11 council meeting. He noted there was no development now on Holdsworth Drive or the existing I-10 intersections.
2. Ellen Folk discussed the lack of notice and opportunity for property owners to be heard regarding the sidewalk project on Lois and Methodist Encampment roads and cited safety concerns and the destruction of property. She noted that homes on the other side of Methodist Encampment were further from the street and questioned why sidewalks were put on her side, noting her driveway was 25 ft. long and the fence would obstruct visibility entering and exiting her driveway. Her sprinkler system was 25 years old and had been destroyed, and she wanted it repaired. She requested council stall the construction until individuals had the opportunity to be heard.

2. CONSENT AGENDA:

Mr. Parton requested items 2F, 2G, and 2H be removed from the consent agenda.

Mr. Gross moved for approval of items 2A through 2E; Ms. Keeble seconded the motion and it passed 4-0:

2A. Resolution No. 005-2011 ordering that a general election be held on May 14, 2011, for the election of two city councilmembers; appointing election judges; adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing early processing of ballots.

2A. UNA RESOLUCIÓN 005-2011 QUE PIDE QUE UNA ELECCIÓN GENERAL SE LLEVE A CABO EL 14 DE MAYO DE 2011, PARA LA ELECCIÓN DE DOS MIEMBROS DEL AYUNTAMIENTO DE LA CIUDAD: NOMBRAR UN GERENTE PÚBLICO PARA LA ESTACIÓN DE CUENTAS CENTRAL: NOMBRAR UN SUPERVISOR DE LA TABULACIÓN: ESTABLECER LA ESTACIÓN DE CUENTAS CENTRAL: NOMBRAR UN SUPERVISOR DE TABULACIÓN: ESTABLECER LA ESTACIÓN CENTRAL DE CUENTAS: NOMBRANDO SU JUEZ: AUTORIZANDO EL PROCESO TAMPRANO DE LAS BALOTAS DE LA ELECCIÓN GENERAL, QUE SE LLEVARÁ A CABO EL 14 DE MAYO DE 2011.

2B. Authorize the execution of a ground lease between the City of Kerrville, Texas and United Parcel Service, Inc.

2C. Approval of the purchase and sale agreement between the City of Kerrville, Texas Economic Improvement Corporation and Kerrville Economic Development Foundation (KEDF) for the purchase of approximately 86.71 acres, addressed as 300 Peterson Farm Road, Kerrville, Texas.

2D. Resolution No. 007-2011 authorizing participation in TexPool/TexPool Prime and designating authorized representatives.

2E. Authorize execution of a professional services agreement with Peter Lewis Architect + Associates, PLLC for design of the renovation and expansion project at the Butt-Holdsworth Memorial Library in an amount not to exceed \$121,100.

END OF CONSENT AGENDA

2F. Authorize execution of a right-of-way license agreement for sidewalk café at 701 Water Street. Mr. Hastings noted an error in the license agreement as was provided in the packet; Section 6 of the agreement should state “two countertops 10 ft. x 1.5 ft. and 6 ft. x 1.5 ft.”

Mr. Gross moved to authorize a right-of-way license agreement with amendment to Section 6 as stated by staff; Mr. Allen seconded the motion and it passed 4-0.

2G. Approval of the economic development grant agreement between the Kerrville Economic Development Corporation (KEDC) and the City of Kerrville, Texas Economic Improvement Corporation (EIC). Mr. Parton noted EIC voted to approve a funding agreement authorizing an allocation of \$225,000 to KEDC. He noted KEDC’s FY2011 budget totaled \$301,378 and the remaining \$76,378 would be funded by contributions from other participating entities.

Mr. Gross moved for approval of the agreement; Ms. Keeble seconded the motion and it passed 4-0.

2H. Resolution No. 003-2011 abandoning a waterline easement located within the Summit Phase V subdivision; and ordering recording. Mr. Hayes noted the original easement was recorded in 1973; however, the final plat did not recognize the easement and a house had been built over the easement. The property owner requested abandonment of the 20 ft. easement on Lot 21, Block 8 of Summit Phase V subdivision. He noted the water mains were relocated sometime in the past; however, staff did not recommend abandoning the entire easement but recommended a partial release of the easement. He also noted that Atmos Energy had provided a release of the easement.

Mr. Allen moved to approve Resolution No. 003-2011 authorizing a partial release. Mr. Gross seconded the motion and it passed 4-0.

3. ORDINANCE, FIRST READING

3A. An ordinance amending the budget for fiscal year 2011 to account for changes in the status of various capital improvement projects, to amend other city funds to account for balances for approved purposes, and to account for revenue resulting from the settlement of a claim and grant funding awards.

Mayor Pro Tem Motheral read the ordinance by title only.

Mr. Erwin reviewed the proposed changes to FY11 budget and noted many of the changes were necessary to close out completed projects; also, transferring funds into the legal fund to cover unanticipated legal costs related to the CREZ line, and increase in the EIC fund to cover the purchase of property from the Kerr Economic Development Foundation for the USDA facility.

Ms. Keeble moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 4-0.

3. PUBLIC HEARING AND ORDINANCE, FIRST READING

3B. An ordinance amending the zoning district boundaries of Lot 445, Block 60, Schreiner Addition, otherwise known as 509 Barnett Street and located within the City of Kerrville, Kerr County, Texas, from the "R1-A" residential district to "C-19" central city district; containing a cumulative clause; containing a savings and severability clause; and ordering publication. Mayor Pro Tem Motheral read the ordinance by title only.

Mr. Coleman noted the applicant, Christian Assistance Ministry (CAM) recently purchased the subject property adjacent to their existing facility in order to expand their services. CAM requested the rezoning in order to combine all the property owned by CAM under one zoning district. Staff notified all area property owners of the rezoning, and no comments were received; staff and P&Z recommend approval.

Mayor Pro Tem Motheral opened the public hearing at 6:25 p.m.; no one spoke; Mr. Motheral closed the public hearing at 6:25 p.m.

Mr. Gross moved for approval of the ordinance on first reading as presented; Mr. Allen seconded the motion and it passed 4-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Resolution No. 006-2011 granting petitions requesting the annexation of various properties, such properties generally located beginning near the Town Creek Road and Morris Road intersection, north along Town Creek Road, across and including Interstate 10, continuing north through undeveloped property, and terminating at and including the James Avery Company headquarters, located along Avery Road, which intersects with Harper Road (FM 783); rejecting one petition for annexation for property within this same general area; and ordering the preparation of an ordinance to annex the petitioned properties and to include the annexation of Interstate 10 to an easterly point that it connects to the city's limits.

Mr. Coleman noted Item 4A and 4B were two resolutions authorizing annexation of areas receiving utilities with the James Avery Craftsman utility construction project. The 4A voluntary annexation included properties that petitioned the city for annexation in accordance with development agreements with the city. That area ran from the Town Creek Road/Morris Road intersection along Town Creek Road and Old Harper Road, IH-10, the undeveloped property on the north side of I-10, and the James Avery Campus.

Item 4B would initiate involuntary annexation of the Higgins tract and a portion of the Hilburn property as well as small portions of two other tracts adjacent to Old Harper Road. Staff recommended council authorize surveys and include other areas in this annexation: 1) the I-10 right of way between Hwy. 16 and Harper Road; and 2) That portion of Avery Road adjacent to the northeast corner of the Avery Campus not included in 4A. The purpose of annexing the I-10 right of way would be for continuity and clarity; to assist public safety agencies when responding to emergency calls on I-10, and for clarity for the public instead of switching back and forth between in city and out of city.

If the resolutions in 4A and 4B were approved, staff will present the properties to the planning and zoning commission for a zoning recommendation, schedule public hearings, and prepare ordinances to complete the annexation of these properties.

The following persons spoke:

1. Robert Naman questioned what the statement "further action" meant? Mr. Coleman noted in order to be considered for annexation, property had to be adjacent to the city limits. There were two methods of annexation: 1) voluntary whereby an owner petitioned the city for annexation; and 2) involuntary, which required a minimum width and length. He noted the Harper Road/I-10 interchange was not part of the 4A or 4B annexations as the property was too narrow. The interchange could be part of a future annexation when properties were annexed in the future.

2. Allan Pose questioned where the CREZ power line would go in relationship to the proposed annexation. Mr. Coleman noted generally along the north side of I-10.

Mr. Gross moved for approval of Resolution No. 006-2011 and Resolution No. 004-2011 and to direct staff to proceed with the annexation of I-10 as presented; the motion was seconded by Ms. Keeble and passed 4-0.

4B. Resolution No. 004-2011 authorizing issuance of notice of intent to annex various properties, including public roads, generally located northeast of the intersection of Town Creek Road and Old Harper Road.
(Included in Item 4A above.)

4C. Courtesy EMS request to approve a certificate of necessity to provide ambulance service in the City of Kerrville.

Scott Evans, CEO, Courtesy EMS, stated he had purchased vehicles and had a state license, and he requested council approve a certificate of necessity for Courtesy EMS to operate an ambulance service in Kerrville. He was willing to get under the city medical director's guidance, and even though he was requesting a certificate to operate as an ambulance transport, he would be available to assist as a backup for 9-1-1 calls if called upon by the city.

Mr. Beavers, assistant fire chief, noted the city would not be comfortable using a BLS (basic life support) service staffed with ECAs (emergency care attendant) to assist on emergency 9-1-1 calls. In the event of a large number of calls, disaster, or multi-casualty incident, KFD would utilize the regional resources provided by the Southwest Texas Regional Advisory Council for Trauma (STRAC) for assistance. Mr. Beavers address inaccurate statements provided by Mr. Evans in his letter dated January 11:

- Patients at local nursing homes, Peterson Regional Medical Center, VA Medical Center, and Kerrville State Hospital were waiting an average of one hour or more for transfers. The PRMC, VAMC, and 9-1-1 did not track that information; also, there were no transfers initiated from KSH in 2010. The average pending status for all calls in FY10 was 2 minutes 5 seconds. 98% of KFD's transfers originated at PRMC and VAMC; PRMC and VAMC informed Mr. Beavers that there were no issues with KFD's service or any problem with delayed response for transfers.

- KFD had one (1) transfer ambulance. KFD operated 3 transfer ambulances and 2 emergency ambulances that could be used for transfer calls; approximately 65% of the time (24/7) KFD had 2 or 3 units available for transfers.

- Courtesy EMS will operate as Basic Life Support (BLS) with Mobile Intensive Care Unit (MICU) capability. KFD is licensed by the state as ALS (Advanced Life Support)-MICU and has 49 paramedics and 2 EMT intermediates; no operational personnel are certified below EMT basic. KFD has been operating as an MICU service staffed with an EMT basic and paramedic for several years.

Mr. Parton asked that council table the request in order that Mr. Evans could provide additional information regarding Courtesy EMS's state license, staffing levels and proposed local operation.

Mr. Allen moved to table the matter for staff to investigate and obtain additional information; Ms. Keeble seconded the motion and it passed 4-0.

4D. Discuss possible meeting dates and topics of discussion for joint meeting between the Kerrville City Council and the City of Kerrville, Texas Economic Improvement Corporation (EIC).

Mr. Parton noted at the January 11 meeting council voted to have a joint meeting with EIC to discuss a strategic plan to address economic development needs; EIC voted on January 17 to have a joint meeting. The council discussed topics of discussion and information to be available for the joint meeting: original document that established the EIC board; 4B information in state law; discussion of goals; type of projects that qualified for 4B funding; and long term vs. short term funding.

The consensus of the city council was to schedule a joint meeting with the EIC for the morning of Wednesday, February 2.

5. INFORMATION AND DISCUSSION:

5A. Update regarding Lower Colorado River Authority Transmission Services Corporation's (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project (PUC Docket No. 38354). Matter was deferred to executive session.

The following persons spoke prior to executive session:

1. Mike Allen noted the appearance of the CREZ power line on I-10 was of great concern to the community. He stated that when the federal government discontinues subsidizing wind energy, it will no longer be economically feasible as compared to gas power, however the CREZ lines would remain. He encouraged council to appeal the PUC's decision and file legal action.

Mr. Motheral noted that wind farms across Europe were closing because they had proven not to be economically feasible to operate.

2. Dana Kirk, landowner north of I-10, stated that council had made a wise decision to bring utilities north of I-10 to serve James Avery Craftsman as well as other potential new developments in the area; however, construction of the CREZ line near the I-10 corridor would impede quality economic development. He encouraged council to file legal action for immediate irrevocable injury and to try to prove that the line was unnecessary; the city would have a strong case.

3. Cecil Atkisson, property and business owner at I-10 and SH16, stated his continued support of the city and encouraged council to take whatever action was necessary to keep the line from damaging Kerrville's gateway area.

4. Carolyn Lipscomb agreed that no one, including herself, liked the appearance of power lines; however, the decision of the PUC judges was unanimous. PUC's mind was made up and a court appeal would be costly; she would rather see city money spent on infrastructure or a new city hall, and try to make the best of the situation, for example, developing hike and bike trails and parking areas under the line.

5B. Library of Congress—Gateway of Knowledge Exhibit tour stop in Kerrville on February 18 and 19, 2011.

Mr. Schwartz noted the Library of Congress' Gateway to Knowledge tour would be in Kerrville February 17-19, with opening ceremony at 9:45 a.m. on February 18. The exhibition would be parked at Quinlan and Water streets, would be open to the public 10 a.m. to 6 p.m., and group tours could be arranged through the Library of Congress. He gave details about several of the exhibits and noted Kerrville was one of 60 cities selected for the tour.

5C. Economic update.

Mr. Erwin noted a 14% increase in sales tax, but HOT tax continued to drop; and despite housing prices dropping nationally, he noted that the Kerr Central Appraisal District believed home prices locally would remain static in 2011.

6. BOARD APPOINTMENTS:

6A. Appointments to the main street advisory board.

Mr. Gross moved to reappoint Penni Carr, Lee Fry, and Brett McDowell; and to appoint Rich Schneider and Scott Rain; all with terms to expire January 31, 2013. Mr. Allen seconded the motion and it passed 4-0.

6B. Appointment to the zoning ordinance input committee.

Mr. Gross moved to appoint Rustin Zuber; Ms. Keeble seconded the motion and it passed 4-0.

7. **ITEMS FOR FUTURE AGENDAS:** No items were proposed.

8. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** None discussed.

9. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney of the Texas Government Code; the motion was seconded by Mr. Allen and passed 4-0 to discuss the following matter:

Section 551.071:

LCRA Transmission Services Corporation proposed McCamey D to Kendall to

Gillespie 345-kV CREZ Transmission Line in Schleicher, Sutton, Menard, Kimble, Mason, Gillespie, Kerr, and Kendall Counties, Texas. Public Utility Commission of Texas (PUC) Docket No. 38354.

At 7:20 p.m. the regular meeting recessed and council went into executive closed session at 7:28 p.m. At 7:58 p.m. the executive closed session recessed and council returned to open session at 7:59 p.m. The mayor pro tem announced that no action had been taken in executive session.

10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

The consensus of council was to move forward with the appeal and to determine the interest of other partners.

ADJOURNMENT. The meeting adjourned at 8:00 p.m.

APPROVED: _____

B. Bruce Motheral, Mayor Pro Tem

ATTEST:

Brenda G. Craig, City Secretary