

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MAY 10, 2011

On May 10, 2011, 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 Reverend Tom Murray of St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Keith Ellis of the Military Officers Association of America.

MEMBERS PRESENT:

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

MEMBER ABSENT:

T. Scott Gross	Councilmember
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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 Cochran	Director of Information Technology
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Tara LaMontia	Assistant to the City Manager
Robert Ojeda	Fire Chief
Kim Meismer	Director of General Operations
Daniel Schwartz	Library Director

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

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

2. **CONSENT AGENDA:**

Mr. Parton requested item 2D be removed from the consent agenda.

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

2A. Approval of the minutes of the council informational meeting held April 15, special meeting held April 20, and the regular meeting held April 26, 2011.

2B. Authorize the city manager to execute the third option year of the initial contract with City-County Benefits Service for the period June 1, 2011-May 31, 2012, for employee benefits.

2C. Authorize the city manager to execute a change order to increase the construction contract with Nelson Lewis, Inc. for the construction of the Harper Road utility extension project from \$2,520,564.40 to \$2,703,592.40 for extending water and sewer mains to the west side of Harper Road.

END OF CONSENT AGENDA

2D. Resolution authorizing the submission of a grant application to the United States Department of Justice Office of Community Oriented Policing Services – COPS hiring program. Item was removed from the agenda.

3. ORDINANCES, SECOND AND FINAL READING:

3A. Ordinance No. 2011-07 annexing multiple tracts of land along with and including adjacent and intervening public right-of-way; said area totaling approximately 278.4 acres and located adjacent to the corporate limits of the city of Kerrville, Texas, when considered as a whole; and being generally located beginning northeast of the intersection of Morris Road and Town Creek Road, continuing in a northerly direction across and including Interstate 10 as it passes between the existing city limits, then continuing north and terminating at the James Avery Craftsman Campus, located on the corner of Harper Road (RR 783) and Avery Road; specifically 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 noted no change since first reading and recommended approval.

Mr. Motheral moved for approval of Ordinance No. 2011-07 on second and final reading; Ms. Keeble seconded the motion and it passed 4-0.

3B. Ordinance No. 2011-08 annexing an approximate 43.72 acre tract of land, being all of a revision of Hartshorn Country Sites, a subdivision of record found at volume 7, page 148, plat records of Kerr County, Texas, and all of the James Avery Craftsman subdivision, a subdivision of record found at volume 7, page 149, plat records of Kerr County, Texas, and those portions of Avery Road North and Lessie Lane, public roads located within and between the two subdivisions; and said property lying adjacent to the corporate limits of the city of Kerrville, Texas, within the city's extraterritorial jurisdiction, and generally located at and east of the intersection of Harper Road (RR 783) and Avery Road North; providing a legal description of the tract to be annexed; adopting a service plan for the tract annexed; establishing the zoning for the area annexed by creating a "planned development district" for said area; making said district subject to certain conditions and restrictions; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed two thousand dollars (\$2,000.00); ordering publication; and providing other matters relating to the subject. Mayor Wampler read the ordinance by title only.

Mr. Coleman noted no change since first reading and recommended approval.

Mr. Allen moved for approval of Ordinance No. 2011-08 on second and final reading; Mr. Motheral seconded the motion and it passed 4-0.

3C. Ordinance No. 2011-09 amending the city's "zoning code" to revise article 11-I-6 "zoning districts-central city" by creating a new zoning district, the central business district, which will include and rezone parts of current zoning districts C-11, C-12, residential transition, and all of zoning district C-18; providing for use regulations within the new district; and making other amendments to the zoning code to account for the new district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars(\$2,000.00); and ordering publication. Mayor Wampler read the ordinance by title only.

Mr. Coleman stated that the ordinance had been amended to include the lot at 600 Earl Garrett as instructed by council during first reading on April 26, 2011.

Ms. Keeble moved for approval of Ordinance No. 2011-09 on second and final reading; Mr. Motheral seconded the motion and it passed 4-0.

3D. Ordinance No. 2011-10 amending the city's "Zoning Code" to revise Article 11-I-19 "Special Development Regulations for Specific Uses" in its entirety to include changing the title of the article to "Supplementary Development Requirements" and adding development requirements to specific land uses within any zoning district; 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 Wampler read the ordinance by title only.

Mr. Coleman noted that technical edits had been made since first reading and staff recommended approval.

Ms. Keeble moved for approval of Ordinance No. 2011-10 on second and final reading; Mr. Motheral seconded the motion and it passed 4-0.

3E. Ordinance No. 2011-11 amending the city's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" in its entirety to make amendments which include increasing the parking requirements for various uses, requiring specific types of paving for parking lots, requiring stacking areas for uses utilizing drive-through services, requiring lights for parking lots used at night, and establishing an appeal process; 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 Wampler read the ordinance by title only.

Mr. Coleman noted that technical edits had been made since first reading and staff recommended approval.

Mr. Motheral moved for approval of Ordinance No. 2011-11 on second and final reading; Ms. Keeble seconded the motion and it passed 4-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Interlocal agreements between Kerr County and the City of Kerrville for joint operations.

Mr. Parton compared the proposal adopted by the county commissioners' court on May 9 with the city's April 13 proposal and noted a net difference to the city of -\$754,000 over a three year period. He stated that Judge Tinley informed him that the volunteer fire departments were requesting an increase in their allocation so the court voted to decrease the amount paid to the city for fire service by \$100,000 to be distributed to VFDs. The city had requested funding for library services at the same level as three years ago, \$375,000 each; the county proposal included zero participation from the county, but included \$200,000 annually for three years contingent upon a grant to the county from the Cailloux Foundation in that amount. The city and county proposals were consistent for FY12 for: EMS (\$400,000), airport (\$165,000), and animal control (\$368,160). Mr. Parton noted that he had discussed the matter with Mr. Gross, who was absent due to a business trip, and he did not support the city accepting the county's May 9 proposal.

Mayor Wampler noted to county had underfunded the services they received for many years and the city had tried since November 2010 to work out the agreements with the county with a sincere desire to provide the services; however the city could not continue to provide services to residents beyond the city limits without adequate compensation.

The following points were also discussed by the council:

- Airport: City should not provide any contribution to the airport operation.
- Animal control: the city citizens already paid for this service through their county taxes and should get the same level of service as county citizens outside the city limits.
- Library: 42% of the library use was by county residents outside the city.
- In addition to providing 47% of the county's income, the citizens of Kerrville have been subsidizing services to the county for many years.
- The city could not continue to fund the services being provided to the county; this was not sustainable and city had to operate within budget constraints.
- If the county accepted the \$200,000 grant offered by the Cailloux Foundation, the net difference between the two proposals would only be a net difference of \$75,000 from the county's budget for FY12.

Mayor Wampler, upon consensus of the council, instructed staff to proceed to prepare the budget and move forward without county participation or services for fire/EMS, no funding from the city to the county for animal control or airport, and no funding from the county for library services.

The following person spoke:

1. Carolyn Lipscomb stated that citizens of the city also paid county taxes and therefore were paying for fire/EMS through the city budget and the county budget. The county was not paying its fair share of the services, and she supported the council's decision.

4B. Possible amendment to Chapter 110 Utilities, Article III, water management plan, to change the days watering is allowed for water conservation stages 1, 2 and 3. (Councilmember Motheral)

Councilmember Motheral noted the current ordinance allowed landscape watering on two days for four consecutive days a week, i.e. Monday/Saturday for odd addresses and Tuesday/Sunday for even addresses. He proposed the ordinance be amended to change the watering schedule to Tuesday/Saturday and Wednesday/Sunday. Water customers would have the same number of days to water, but splitting the days more evenly would allow the city water system time to recharge.

Mr. Hastings noted the proposal made better sense from an operational standpoint.

The council also encouraged continued efforts for water conservation and it was noted that future population growth exceeded water availability.

The following person spoke:

1. David Lipscomb suggested that council also consider splitting the days for watering by automatic sprinklers so that drops in pressure would not occur.

Mr. Hastings noted that landscape watering should not affect water pressure under the current system and he would work with Mr. Lipscomb to try to resolve any issues.

4C. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County. No report given.

5. INFORMATION AND DISCUSSION:

5A. Library update.

Mr. Schwartz provided the circulation report for April 30 and noted a total of 3,142 patrons in April, and 236 people had checked out 6,403 books in the basket of books program.

5B. Economic update.

Mr. Erwin reported local unemployment at 6.3%, median home listing price at \$210,000, sales tax \$315,508, EIC tax \$157,729, and hotel occupancy tax

\$75,004; city revenues and expenditures were on target as budgeted.

6. ITEMS FOR FUTURE AGENDA

- Review of process for hotel occupancy tax allocations.

7. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Republican Women meeting on Friday, May 20 at 11:15 a.m. at the Inn of the Hills, guest speaker would be County Judge Pat Tinley.

8. EXECUTIVE SESSION:

Ms. Keeble moved for the city council to go into executive closed session under Section 551.072 (deliberation regarding real property) of the Texas Government Code; the motion was seconded by Mr. Allen and passed 5-0 to discuss the following matter:

Section 551.072:

- Discuss the purchase and value of a utility easement for use by the city for the Birkdale lift station and force main.

At 6:43 p.m. the regular meeting recessed and council went into executive closed session at 6:46 p.m. At 6:50 p.m. the executive closed session recessed and council returned to open session at 6:51p.m. Mayor Wampler announced that no action had been taken in executive session.

9. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Discuss the purchase and value of a utility easement for use by the city for the Birkdale lift station and force main

Mr. Allen moved to ratify action to acquire the easement; Ms. Keeble seconded the motion and it passed 4-0.

ADJOURNMENT. The meeting adjourned at 6:52 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary