

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
JANUARY 12, 2010

On January 12, 2010, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Patty Edwards of the Unity Church of the Hill Country, followed by the Pledge of Allegiance led by Ed Nail of the Retired Military Officers Association.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Teri Kinsey	Administrative Assistant to the Secretary
Travis Cochran	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
John Young	Police Chief
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance

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

1. VISITORS/CITIZENS FORUM: None

2. PRESENTATION:

2A. Proclamation honoring the Kerrville Independent School District for receiving 32 Gold Performance Awards from the Texas Education Agency.

2B. Proclamation honoring the Kerr Arts and Cultural Center for furthering the art and cultural education of the community.

3. CONSENT AGENDA:

Mr. Coleman requested item 3C be removed from the consent agenda.

At the request of the city manager agenda item 3E was removed.

Mr. Motheral moved for approval of items 3A, 3B, and 3D; Mr. Gross seconded the motion and it passed 5-0:

3A. Approval of minutes of the city council regular meetings held August 25, September 8, September 22, October 13, and October 27, 2009; and special meetings held September 10, and November 5, 2009.

3B. Authorize the city manager to execute a contract with RePipe Construction, Ltd. for replacement and/or renewal of approximately 9,691 feet of sanitary sewer pipe and associated manholes to serve the Westland and Colonial Manor subdivisions in an amount not to exceed \$452,307.70 and change orders in an amount not to exceed \$127,692.30.

3D. Authorize the city manager to execute a contract with Lambda Construction I, Ltd. for the construction of the belt filter press and building improvements at the wastewater treatment plant in an amount not to exceed \$577,000.00 and change orders in an amount not to exceed \$28,404.00.

**END OF CONSENT AGENDA.**

3C. Approval of request for proposal for the convention center/conference center project.

Mr. Coleman withdrew his donation of 25 acres out of the Town Creek and Holdsworth Drive project, which eliminated his previously filed conflict of interest on the issue.

The council requested: 1.) clarification of the square footage indicated in the proposal. Mr. Parton stated that staff would clarify the square footage at each of the four locations. 2.) amend section 3.3 to read shall read city shall "reserve" the right to approve instead of "select".

Mr. Gross moved for approval of the request for proposal for the convention center/conference center project as amended; Mr. Motheral seconded the motion and the motion passed 5-0.

3E. A resolution granting the Kerrville Performing Arts Society (KPAS) limited use of the Cailloux Theatre without charge pursuant to the development and operations agreement with Playhouse 2000. Item removed from agenda

**4. PUBLIC HEARING:**

4A. An ordinance annexing an approximate 86.71 acre tract out of the W.T. Crook Survey No. 71, Abstract No. 114; said tract being located adjacent to the corporate limits of the city of Kerrville, Texas and generally located northwest of the Kerrville/Kerr County Airport fronting the northeast side of Peterson Farm Road; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. Mayor Bock read the ordinance by title only.

4B. An ordinance annexing an approximate 3.954 acre tract, said property being located adjacent to the corporate limits of the city of Kerrville, Texas, and consisting of a tract adjacent to the Kerrville/Kerr County Airport and being more particularly described as part of Lot 1, Shady Grove Subdivision; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. Mayor Bock read the ordinance by title only.

The council considered items 4A and 4B together.

Council accepted voluntary annexation petitions for items 4A and 4B on December 8, 2009; the Planning and Zoning Commission had recommended approval.

Mayor Bock opened the public hearings at 6:24 p.m. No one spoke. Mayor Bock closed the public hearings at 6:24 p.m.

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

5A. Update on the feasibility study for the firearms training center with the FBI at the city landfill and the scheduling of a town hall meeting.

Mr. Parton stated that phase I had been completed, Chief Young recommended to opt out of the FBI firearms training center due to additional cost that would be incurred by the city.

Mr. Gross moved to decline further pursuit of this project; Ms. Keeble seconded the motion and it passed 5-0.

The following person spoke:

- Tom Moser, speaking on behalf of The Summit, Twin Springs and Creekwood subdivisions, commended council, the police department and city staff for their professionalism.

5B. Development Services Community Action Team (DSCAT) recommendation to adopt the International Existing Building Code (IEBC 06).

Peter Lewis and Justin McDonald, representing DSCAT, recommended adoption of the International Existing Building Code (IEBC 06).

Council instructed staff to prepare documents to initiate the adoption of the IEBC 06 and needed changes to the IBC and the fire district ordinance to facilitate its full implementation.

5C. Funding and level of construction completion of downtown pavilion project. (Councilmember Gross)

Mr. Gross requested the matter be postponed at this time.

5D. Update on branding project and appointment of a committee to review, evaluate and recommend a tag line and logo design for the city.

Ms. Wendele noted the city received approximately 90 tag lines during the contest. Mr. Gross read several of the tag lines. They also had been working on a new city logo and wayfinding signs. The wayfinding signs would introduce tourists to available sights in Kerrville; the logo should depict the river. The city's total cost to date was \$399.00. Mr. Gross recommended council appoint a 6 member committee to review tag lines, city logos, and wayfinding signs. The consensus of the council was to ask the following persons to serve on the committee: Brian Bondy, Kyle Bond, Sudie Burditt, KEDF representative, Mindy Wendele, and Scott Gross.

5E. Discussion of amendments to the water conservation ordinance

Charlie Hastings presented topics to be considered for the water conservation ordinance.

- Dust control prohibited in stages 1-4. Recommend only in stage 1; alternative methods in stages 2-4.
- Athletic fields, no exceptions outside permitted hours. Recommend the city manager grant exceptions on a case by case basis related to health and safety issues.
- Car washes. Restricted in stages 3 and 4. Recommend moving the restriction from stage 3 to stage 4.
- Filling and refilling of water in swimming pools, wading pools and Jacuzzi pools was prohibited in stages 3 and 4. Recommend prohibit in stage 4 only; also prohibit spray parks in stages 3 and 4.
- Lawn watering. Three options presented: 1.) No changes to the existing ordinance. 2.) Allowed in stage 3, days and times for watering would depend on odd or even addresses. 3.) Redefine the stages, days, times, and add a stage 5. Stage 1 would be at 65% SOC (safe operating capacity); stage 2 at 75% SOC, stage 3 at 85% SOC, stage 4 at 95% SOC, and stage 5 at 100% SOC. All stages of watering would be Monday through Friday depending on the last digit of the address and times would vary depending on the water stage. Mr. Hastings noted that this option was consistent with other cities in the area and would provide some uniformity. Option 3 allowed for the most hours of watering, had the least impact on the water system, and allowed deep root watering. The ordinance encouraged the use of native plants that required less watering.

Mr. Parton will review the restriction with airport representatives to ensure that the restrictions would not hinder operations at the airport.

The council also discussed the following points:

- Power washing. Mr. Hastings noted power washing was addressed in several stages.
- The city's website provided a list of native, drought resistant vegetation; brochures were available at city hall.
- Drip irrigation was defined in the ordinance and was allowed in several stages.
- Lessening restrictions in the existing water conservation ordinance should eliminate the perception that the city was out of water; rather the city was being proactive in the conservation of water.
- Power washing affected construction projects and citizens' health.

- The current ordinance prohibited the issuance of water permits in stage 3, but after an appeal process, some individuals were granted a permit for power washing, especially when a safety or health care issue was involved.

The following persons also spoke:

- Sudie Burditt, of the Conventions and Visitors Bureau, advised council the inability to refill hotel swimming pools had a definite economic impact on tourism and citing an 18% drop in revenue and some full time jobs were reduced to part time. Hotels/motels had to take water from Jacuzzis and hot tubs to refill swimming pools; when that supply was diminished, water had to be brought in from out of county.
- David Lipscomb stated citizens could help prevent having to go into these stages beforehand by being good stewards of water conservation; water rates could be raised to better inspire the public to conserve rather than waste water. Ms. Keeble suggested spray parks should be in the same stage as a carwash because they use recyclable water, or like a swimming pool. Ms. Ondrias noted a spray park was considered more as a fountain than a pool and recommended it be in stage 3.
- Justin MacDonald suggested the city manager be authorized to grant variances during stages 3 & 4; under TCEQ guidelines, grass should be planted after new construction and the ordinance would prohibit sufficient landscape watering.
- Council directed staff to prepare an ordinance addressing water conservation, the operation of car washes, pressure washing for construction, health and safety, refilling of swimming pools, provisions for the operation of spray parks, landscape irrigation after new construction and adjustments to lawn watering schedules.

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

### **6A. Status report on progress of the zoning ordinance input committee's review of the zoning ordinance. (Councilmember Keeble)**

Kevin Coleman noted the Zoning Input Committee had reviewed and recommended interim zoning ordinance changes and he anticipated an ordinance would be presented to council in about two months. The rezoning of central city was a two tier process and should be completed in a few months; ZOIC will provide a timeline of the remainder of the zoning ordinance upon completion of the zoning of central city. Kevin Coleman committed to give an update on ZOIC's process quarterly or sooner if available.

### **6B. Update on negotiations with county regarding subdivision regulation standards in the city's extraterritorial jurisdiction. (Councilmember Keeble)**

Ms. Keeble requested an update. Mr. Motheral noted that progress on this project had slowed; but he would contact the county and try to bring the project to completion.

**7. BOARD APPOINTMENTS:**

7A. Appointment to the library advisory board. Mr. Gross moved to reappoint Diana Martin with term to expire November 22, 2011. Mr. Coleman seconded the motion and it passed 5-0.

7B. Appointments to the planning and zoning commission. Mr. Motheral moved to reappoint Harold Buell and to appoint David Watterson as regular board members and to appoint Michael Sigerman as alternate board member with terms to expire January 1, 2012. Mr. Coleman seconded the motion and it passed 5-0.

**8. ITEMS FOR FUTURE AGENDAS**

- Update on FY10 employee compensation.
- Keep Texas Beautiful member.
- Changes to ordinances regarding the licensing of peddlers and solicitors.

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Mayor Bock invited everyone to the Cowboy Breakfast on January 15, 2010. Mr. Parton introduced of Mike Erwin, the new Finance Director.

**10. EXECUTIVE SESSION:**

William Beltrone questioned when it would be appropriate to open public discussion of the purchase of the property for a future City Hall, and requested the item be placed on the next agenda. Council noted they would be able to discuss the matter publicly following Executive Session.

Mr. Coleman moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code of the State of Texas; the motion was seconded by Ms. Keeble and passed 5-0 to discuss the following matters:

Sections 551.071, 551.072, and 551.087:

- Harper Highway utility extension project.

Section 551.072:

- Discuss the purchase, exchange, lease, sale or value of real property located at 741 Water Street, Kerrville, Texas, for use as a city hall, the discussion of which would not be in the best interests of the city's bargaining position with third parties.

At 7:55 p.m., the regular meeting recessed and council went into executive closed session at 7:58 p.m. At 9:35 p.m., the executive closed session recessed and council returned to open session at 9:37 p.m. The mayor announced that no action had been taken in executive session.

**11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION**

Harper Highway utility extension project.

Mr. Coleman moved to direct the city manager to execute an agreement with property owners for the Harper Highway utility extension project. Mr. Motheral seconded the motion and it passed 5-0.

Discuss the purchase, exchange, lease, sale or value of real property located at 741 Water Street, Kerrville, Texas, for use as a city hall, the discussion of which would not be in the best interests of the city's bargaining position with third parties.

Mayor Bock explained to Mr. Beltrone that there was a third party involved in this transaction which caused an issue of full disclosure. The action that council took created a path toward accomplishing the purchase of the property; however there were several triggers to be met before it could be completed, at that time the city council will publicly address a funding plan. The contract for the 741 Water Street property stated that the closing date must be on or before July 15, 2010.

**ADJOURNMENT.** The meeting adjourned at 9:44 p.m.

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

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Todd A. Bock, Mayor

ATTEST:

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Teri Kinsey,  
Administrative Assistant to City Secretary