

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
FEBRUARY 23, 2010

On February 23, 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 Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Fire Chief, Robert Ojeda.

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 City Secretary
Travis Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
John Young	Police Chief
Kim Meismer	Director of General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief

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

1. **VISITORS/CITIZENS FORUM:** The following persons spoke:
  - 1A. Diane McMahon discussed LCRA power lines and bicycling lanes.
  - 1B. Snider King was concerned about excessive noise from vehicles, and he had called police on several occasions. He requested an ordinance prohibiting such noise be enforced. Mayor Bock instructed Mr. Parton to look into the matter and report to council.

2. **RECOGNITION AND COMMENDATIONS:**

- 2A. Resolutions of commendation to Tom Anthony and Rose Marie Jundzilo for serving on the food service advisory board.

3. **CONSENT AGENDA:**

Mr. Motheral requested item 3B be removed from the consent agenda.

Mr. Chuck Coleman moved for approval of item 3A; Ms. Keeble seconded the motion and it passed 5-0:

3A. Approval of minutes of the city council regular meetings held November 24, and December 8, 2009, and special meetings held on November 17 and December 17, 2009.

**END OF CONSENT AGENDA.**

3B. Authorize the city manager to execute a contract with Kerrville Kayak and Canoe to operate non-motorized watercraft concessions at Louise Hays Park. Council discussed the term of the contract and tracking/monitoring the contractor, noting the city received 8% of all receipts or \$100.00, whichever was greater from the vendor. Mr. Parton will continue to monitor the vendor.

Mr. Motheral moved for approval of item 3B; Mr. Gross seconded the motion and it passed 5-0.

**4. ORDINANCE, FIRST READING:**

4A. An ordinance amending Chapter 66, "Library," of the code of ordinances of the city of Kerrville, Texas, by amending Article II "library advisory board", concerning the creation, powers, and authority of the library advisory board; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject. Mayor Bock read the ordinance by title only.

Mr. Martinez noted that the intent of the ordinance was; 1.) to reflect funding relationship between the city and the county; and 2.) to establish the library board in conformity with the rules and procedures for the boards and commissions.

David Lipscomb LAB chairman discussed the residency for board members. The ordinance required that all members must live in Kerr County and a majority of the board must live in the city. These restrictions limited The Friends of the Butts-Holdsworth Memorial Library ability to appoint members. He suggested the board make an exception in regard to the appointee from The Friends due to the fact that the current appointee is from Gillespie County. It was the LAB's desire to allow The Friends to place anybody they chose on the board.

Mr. Coleman moved for approval of the ordinance on first reading with modification of the language under Section 66.32, removing all language after the word "member"; Mr. Gross seconded the motion and it passed 5-0.

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

5A. Ordinance No. 2010-04 creating a "planned development district" for retail trade I, business services I, life care development, multifamily residential, professional office, restaurant (general and limited), and personal services I on an approximately 11.16 acre tract of land, made up of 10.10 acres out of the Benjamin F. Cage Survey Number 116, Abstract Number 106 and 1.06 acres out of the Fritz Vollmering Survey Number 1432, Abstract Number 1519, within the city of Kerrville, Texas, and generally located west of Loop 534 (Veterans Highway) between Stoneledge Drive and Paragon Place; adopting a concept plan and conditions related to the

development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000 for each day of violation of an provision hereof; ordering publication; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Council asked when flooding and compaction issues discussed at the previous meeting would be addressed. Kevin Coleman stated the next step would be platting and submission of civil engineering plans, with review by the city engineer, the planning and zoning commission, and the development review committee.

Mr. Gross moved for approval of Ordinance No. 2010-04 on second and final reading; Mr. Motheral seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

**6A. Proposal authorizing the establishment of Keep Kerrville Beautiful.**

Mrs. Keeble addressed requirements to establish a Keep Kerrville Beautiful program affiliated with the Keep Texas Beautiful program, e.g.: organizational structure of the board (bylaws, guidelines, etc.); appointments to the board; community needs and assessment evaluations; prioritized projects list; establish a budget, and submission of the application package. The responsibilities of a KTB affiliate were: submit annual fee (\$75.00); attend annual KTB training; report activities annually; participate in at least one KTB endorsed program. She proposed the council appoint a commission of seven members with two year staggered terms, and one city councilmember. The city would also be responsible for adopting an ordinance, providing code enforcement, publicizing activities of the program, and participating in beautification and educational efforts.

Council requested information regarding the city's financial responsibility, a sample ordinance, and an inventory of resources and cost estimates. Ms. Keeble noted the program would be completely funded through donations and all projects would be performed by volunteers and that an ordinance could be provided. She did not wish to pursue this program unless she had the full support of council.

Mr. Gross moved for council to come back at a future council meeting with an overview of the program to include a list of all applicable city nuisance ordinances, specifically looking at which ones would need to be enforced and which ones could be considered for modification; a list of resources within the community that would be participating in the program, including any organizations, and to look at cost estimates and accomplishments to be completed within the year; Mr. Coleman seconded the motion.

The following person spoke:

- Diane McMahan spoke in support of the Keep Kerrville Beautiful Program.

The motion passed 5-0.

6B. Receive a recommendation from the Kerrville Economic Development Task Force (KEDTF) to restructure Kerrville's Economic Development Program (EDP) and take action on said recommendation.

Mike Huff, representing the KEDTF, noted the major findings of the task force:

- All major stakeholders must be included
- ED entity limited to 9 members
- No single entity should have absolute control
- EDP must have a degree of autonomy
- EDP priorities/objectives be established through joint efforts of stakeholders
- All stakeholders must have a financial commitment
- Desired outcomes and expectations must be clearly defined
- Routine reporting must be required
- No more business as usual.

Mr. Huff outlined new organizational structure, the sources of revenues, annual budget, and duties of the director.

The council discussed the following:

- Goal was to focus on accountability and achieving real, measurable success
  - Governing board members should receive representation commensurate with their contributions
  - Membership would include city, EIC, Chambers of Commerce, one business at large and one county representative
  - The economic director would be an employee of the ED governing body and have a focus of 75% retention/expansion of local business and 25% relocation of business from other areas
  - The city could manage funds more efficiently and would speed the process
  - Questioned why the chamber of commerce was not contributing any funding.
- Trevor Hyde, past chairman of the chamber stated the chamber supplied KEDF a building and support staff at a reduced rate, and this would be put into a contract.
- The city should not fund anymore than necessary and the council should be provided the budget
  - Voiced concern about who would be held accountable.

Mr. Huff noted the discussion before the council was the organizational structure, the funding sources, and the implementation plan; after the ED Board was appointed they would come back with a funding request.

Ms. Keeble moved to accept the recommendation and creation of the economic development governing body by the partnering entities in the existing KEDF executive board; Mr. Gross seconded the motion and it passed 5-0.

6C. Direction regarding disposal of structure at 433 Water Street and carriage house.

Mindy Wendele advised council that no proposals were received for the carriage house. Two proposals were received regarding disposal of the structure at 433 Water Street: 1) Mark and Linda Stone, and 2) the Texas Arts & Crafts Educational Foundation (TACEF). Both proposals included relocating the front part of the structure (minus any contaminates); and city funds that were budgeted for the disposal of the building be provided to the foundation for relocating the building.

Ms. Wendele noted the main street advisory board supported the relocation of the building because of its historical nature. She recommended the proposal be awarded to TACEF and the funds budgeted for demolition be used to relocate the building to the county-owned River Star Arts and Events Park no later than June 1, 2010, provided the site work could be accomplished at the same time.

Council discussed the following:

- What the cost would be for filling the hole left by the removal of the building
- Questioned if the county could help TACEF with the cost of the relocation of the building
- Construction materiel from another project in the main street district could be used to fill in the hole
- The relocation of the building would cost between \$25,000 and \$35,000.

Mr. Parton noted the difference between the total cost of the demolition and the relocation was approximately \$15,000; as an option, council could defer action until time to proceed with the library renovation project.

Peter Lewis, president of the TACEF advised council that there was no rush to receive the building but TACEF did want the building. Council agreed that it would be in the city's best interest to wait and be more financially stable, and TACEF might possibly receive funds from the county to assist with moving the building.

Mr. Gross moved to donate the 433 Water Street building to the Texas Arts & Crafts Educational Foundation, Inc. subject to its availability, as related to phase I of the library renovation and related costs to the city not to exceed \$35,000; Ms. Keeble seconded the motion and it passed 5-0.

7A. Update on library renovation. Mayor Bock requested this item be moved in the agenda for consideration with Item 6C. Antonio Martinez reported that on January 15<sup>th</sup> and 29<sup>th</sup> staff met with HEB representatives to discuss the renovation progress, to establish required future activity, and to discuss the draft of the narrative strategic plan and timeline. It was decided that fundraising feasibility for the overall project needed to be established before moving forward, and a fundraising consultant should be contacted. On February 5<sup>th</sup> the fundraising consultant met with Mr. Martinez for a tour of the campus and buildings before meeting with the Library Foundation Steering Committee. No action was recommended at this time.

6D. Authorization for Mayor Bock to complete a questionnaire from Guadalupe-Blanco River Authority.

Council asked if there were any issues that should be addressed prior to the Mayor completing the survey and what the purpose of the survey was. The Mayor advised that he saw no issues that would prevent council from allowing him to complete the survey and believed the purpose of the survey was to determine priorities and job tasks of the GBRA.

Mr. Gross moved to authorize the mayor to make all selections of the survey “very important”; Ms. Keeble seconded the motion and it passed 5-0.

6E. Initiating discussions with the Kerrville Public Utility Board (KPUB) regarding KPUB’s assumption of the operation and maintenance of City of Kerrville’s water and wastewater systems.

Mayor Bock requested the city council agree to a joint meeting with the KPUB board to discuss the responsibility for maintenance and operations of the city’s water and wastewater utility operations. The purpose of this effort was to fully evaluate the pros and cons of such reorganization in order to determine the optimal arrangement for the city and citizens.

Council discussed the following points:

- There were strong benefits to KPUB maintaining the city’s water and wastewater operations
- KPUB was not subject to public input and could possibly raise more funds.
- KPUB did not have the management expertise for water and wastewater operations.
- Controlling the water and wastewater operations gives the city more leverage.
- Consideration should be made that the city absorb KPUB operations; council asked the city manager to look into how other cities managed water and wastewater operations.

Mr. Gross moved for city council to meet with KPUB to explore organizational issues Mr. Motheral seconded the motion and it passed 5-0.

**7. INFORMATION AND DISCUSSION:**

7A. Update on library renovation.

Item discussed earlier with item 6C.

7B. Update on the status of the city’s budget and current economic trends affecting the city of Kerrville.

Mike Erwin presented and updated council as to the status of the city's budget and current economic trends affecting the city.

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

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST.** None

**10. EXECUTIVE SESSION:**

Mrs. Keeble 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 Mr. Coleman and passed 5-0 to discuss the following matter:

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 8:47 p.m., the regular meeting recessed and council went into executive closed session at 8:48 p.m. At 8:54 p.m., the executive closed session recessed and council returned to open session at 8:54 p.m. The mayor announced that no action had been taken in executive session.

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

Ms. Keeble moved to approve a one year extension of existing and new leases subject to a 90 day termination clause for property at 741 Water Street. The motion was seconded by Mr. Gross and passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 8:55 p.m.

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

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Todd A. Bock, Mayor

ATTEST:

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Teri Kinsey  
Administrative Assistant to the City Secretary