

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 9, 2010

On March 9, 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 Pastor David Danielson of Impact Christian Fellowship, followed by the Pledge of Allegiance led by Mayor Bock.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	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 Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Antonio Martinez	Director of Library Services
Mike Erwin	Director of Finance
John Young	Police Chief

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

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

2. **RECOGNITION AND COMMENDATIONS:**

2A. Recognition of Paramedics Joel Bryant and Robert Cummings for receiving a Certificate of Excellence from the Northeast Baptist Hospital in San Antonio.

2B. Proclamation recognizing Rosa Lea Fullwood Meek Dickerson for receiving the Congressional Gold Medal honoring Women Airforce Service Pilots in WWII.

3. **CONSENT AGENDA:**

Mr. Coleman moved for approval of items 3A and 3B; Mr. Motheral seconded the motion and it passed 4-0:

3A. Approval of minutes of the city council regular meetings held January 12 and 26, 2010, and special meeting held January 18, 2010.

3B. Authorize the city manager to execute contracts with Bloc Design Build for the purchase and installation of supervisory control and data acquisition equipment in the amount of \$70,245.

END OF CONSENT AGENDA.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2010-05 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 the ordinance had been amended to reflect changes authorized by council at the February 23 meeting.

The following person spoke:

1. David Lipscomb, chairman of the library advisory board, thanked council for amending the ordinance as recommended by the LAB to rescind residency requirements and thereby allow persons who resided outside of the county to serve on the board.

Mr. Motheral moved for approval of Ordinance No. 2010-05 on second and final reading; Mrs. Keeble seconded the motion and it passed 4-0.

5. ORDINANCE, FIRST READING:

5A. An ordinance amending the budget for fiscal year 2010 to allow for adjustments to various funds. Mayor Bock read the ordinance by title only.

Mr. Erwin reviewed decreases in revenues and expenditures and delays in capital improvement projects as proposed by staff to amend the FY 10 budget due to economic conditions. He noted the economic trends would likely affect the FY11 budget.

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

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Status report on progress of the zoning ordinance input committee's review of the zoning ordinance.

ZOIC Chairman John Mosty reported on the progress of Step 1 to identify and change legal and performance issues in the existing zoning ordinance in order to correct the most immediate weaknesses. ZOIC proposed the following amendments:

1. Define and clarify vested rights in relationship to the zoning code.

2. Permit retail trade I (up to 50,000 sq. ft.) by right in the gateway district.
3. Eliminate building height restrictions on commercial and multi-family uses.
4. Define and allow certain accessory buildings.
5. Clarify open meeting requirements and ex-parte communication restrictions for the PZC and ZBA.
6. Define and clarify building permits and certificates of occupancy in relationship to the zoning code.
7. Change the planned development district (PDD) section of the code creating a minimum size restriction and outline a streamlined approval process.
8. Move the existing requirements of the development site plan requirements currently adopted by resolution into the zoning ordinance.

Amendment 2 had been discussed and recommended by ZOIC, but was withdrawn as it would require a notification process for property owners located within 200 ft.

Mr. Mosty noted Step 2 would correct the baseline zoning city-wide using the goals of the comprehensive plan:

- Simplify and consolidate zoning districts in the existing ordinance to a minimum number needed to regulate residential, commercial and industrial uses into logical base zoning districts.
- Identify areas where an overlay district could be used to enhance and/or protect special features of specific areas through additional development restrictions.
- Reconstruct the ordinance to present changes in a logical and understandable format.

Mr. Mosty described established boundaries for a proposed central business district. ZOIC proposed adopting portions of the National American Industry Classification System (NAICS) as a basis for base line zoning land use charts and standardized definitions. ZOIC would be proposing seven commercial and industrial districts plus residential districts.

Kevin Coleman reviewed the meeting schedule.

6B. Resolution No. 003-2010 supporting the 2010 U.S. Census and encouraging participation by Kerrville residents.

Kevin Coleman noted the resolution encouraged citizens to fill out and return the census form to the US Census Bureau in order that all people could be counted.

Mr. Motheral moved for approval of Resolution No. 003-2010; Mr. Coleman seconded the motion and it passed 4-0.

6C. Designation of the city's water/wastewater manager to represent the city of Kerrville in local and regional public meetings concerning water and wastewater issues.

Mr. Hastings recommended the city council officially designate Stuart Barron, the city's water and wastewater manager, as the city of Kerrville's official representative

to attend regional meetings regarding water and wastewater issues, in particular, the Groundwater Management Area 9 and the Plateau Region Water Planning Group (Region J), and similar planning groups. He noted that Mr. Barron currently represented the city on the Region J Board.

Mr. Coleman moved to designate Stuart Barron as the official representative for the city of Kerrville in local and regional public meetings concerning water and wastewater issues. Mr. Motheral seconded the motion and it passed 4-0.

6D. Establish criteria to require a drainage analysis for development or redevelopment of land within the jurisdiction of the city of Kerrville.

Councilmember Motheral noted he had met with several members of ZOIC and the development services community advisory team (DSCAT) to discuss drainage issues and potential suggestions for improvement.

Mr. Motheral moved that he be designated by the council to work with staff and community stakeholders and persons involved in development processes to develop guidelines for drainage requirements to be submitted to the city council for adoption in the future. The motion was seconded by Mr. Coleman.

The following person spoke:

ZOIC Chairman John Mosty stated that drainage standards were needed to protect people in the community, and he supported the motion.

The motion passed 4-0.

7. INFORMATION AND DISCUSSION:

7A. Negotiations with county commissioners on platting responsibilities in the city's extraterritorial jurisdiction (ETJ).

Councilmember Motheral noted he had tried to work with Commissioner Letz since last summer to prepare a blended set of rules to be applied in the city's ETJ. Mr. Motheral had not been able to achieve a document with Commissioner Letz to bring forward for adoption by the city council and county commissioners court; progress was at a standstill. His understanding from a meeting with the city and county attorneys was that the new state law mandated a "one stop" for development; each entity cannot separately enforce their issues, it must be one or the other. The city had authority under state law to enforce its standard; however, if agreement could not be reached, the issue could go to arbitration. He proposed that the city council instruct Mr. Hayes to write a letter to commissioners' court stating if an agreement could not be reached, the city would proceed to arbitration.

Mr. Coleman noted at the last joint city/county meeting in July 2009, he thought there had been agreement between the city and county that Mr. Motheral and Mr. Letz would complete the task; where there was disagreement between the two standards, they should use the best design standard as the basis for the agreement. They would then finalize the document and present it to the city and county for official

adoption. Mr. Coleman also noted that Commissioner Letz had left the meeting before that consensus had been reached.

The consensus of the council was to place the item on the next agenda to adopt the standards proposed by Mr. Motheral and send the standards to the county for ratification or proceed to arbitration.

7B. Report on the city's operational and financial performance for the first quarter of fiscal year 2010.

Mr. Erwin presented the report and noted revenues for the first quarter totaled \$12,234,896 or 27.9%; He noted that sales tax revenue was down 11% below FY10 projections; the FY10 budget anticipated sales tax to be almost 25% of the total annual budget. Property tax collection was at 50%. He noted that other revenue sources were also below budgeted projections. Expenditures were at \$10,760,088 or 23.02% of the proposed FY10 budget. He noted employee vacancies in several categories and some projects had been put on hold. He noted that the revenue-generating funds were down as expected due to seasonal activity, e.g. water/sewer, golf course, parks, etc. He provided the departmental performance update.

7C. Receive update from the director of finance regarding existing economic conditions. Mr. Erwin presented the economic update for period ending March 1, 2010; noting the FY10 actual revenue received in the general fund at \$12,544,209; and the water and sewer fund at \$3,475,536.

8. ITEMS FOR FUTURE AGENDAS

- Consider ETJ standards.
- Prepare a list of recommended projects to be submitted to TxDOT and the Alamo Regional Rural Planning Organization.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Mr. Motheral noted that Mr. Hayes was reviewing possible federal legislation regarding collective bargaining for fire departments; how it would affect the city; and whether the city may want to make comments on the legislation.
- Mrs. Keeble advised of an upcoming event, "Bark for Life" to be held at the River Start Park on March 27.
- Mr. Coleman noted the election process had begun and six candidates were running for two positions.
- Mr. Bock noted the Mardi Gras celebration on February 16 raised \$19,500 and was attendance was about 550.
- Mr. Parton noted several meetings had been scheduled regarding the city's Certificate of Convenience and Necessity (CCN); April 16 was the deadline for submission to the state; the item may be on the April 13 council agenda for final approval of the map.

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. Motheral and passed 4-0 to discuss the following matters:

Section 551.071:

- Acquisition of property interests from property owner(s) at the end of Nugent Avenue East for the installation of drainage facilities for the Oak Hollow Subdivision drainage improvement project.” (Note: Removed; no discussion.)

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 7:11 p.m., the regular meeting recessed and council went into executive closed session at 7:12 p.m. At 7:48 p.m., the executive closed session recessed and council returned to open session at 7:49 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 7:49 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary