

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 27, 2012

On March 27, 2012, 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 Beck Marlar, Area Director, Young Life, followed by the Pledge of Allegiance led by Cadet Second Lieutenant Margaret Sklar, of the Junior Reserve Officer Training Corps of Tivy High School.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochran	Director of Information Technology
Mike Erwin	Director of Finance
Charlie Hastings	Director of Public Works
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Kim Meismer	Director of General Operations

VISITORS PRESENT: List is on file in city secretary's office for the required retention period.

1. VISITORS/CITIZENS FORUM: No one spoke.

2. PRESENTATION:

2A. Parks and Recreation Department Aquatics staff as recipient of the 2011 Gold International Aquatic Safety Award.

3. CONSENT AGENDA:

Mr. Allen moved for approval of item 3A-3F; Mr. Conklin seconded the motion and it passed 5-0:

3A. Minutes of the regular city council meeting held January 24, 2012, and the special meeting held at 8:30 a.m. on January 31, 2012, and the special meeting held at 10:00 a.m. on January 31, 2012.

3B. Lease agreement between the City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library AT 505 Water Street beginning April 1, 2012.

3C. Resolution No. 07-2012 authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the Kerrville Police Department, for an automatic license plate reader, accessories, and maintenance costs.

3D. Grant contract with the Cailloux Foundation in the amount of \$163,000, and the purchase, when combined with \$20,000 in street division funds, of a double drum Cat CB-434D asphalt roller in the amount of \$99,452 and a Volvo SD70F soil compactor in the amount of \$83,546.

3E. Electronic Devices Policy for the Butt-Holdsworth Memorial Library concerning patrons' use of such devices.

3F. Resolution No. 08-2012 amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided or offered by the city's Butt-Holdsworth Memorial Library.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Request by Schreiner University via Leadership Kerr County (LKC) to use up to \$20,000 of hotel occupancy tax funds for improvements to the Schreiner Mansion Museum at 226 Earl Garrett Street.

Mr. Parton noted that LKC requested the city provide funding for improvements to the Schreiner Mansion Museum, 226 Earl Garrett Street, owned by Schreiner University. If approved, he proposed the \$20,000 funding come from the hotel occupancy tax reserve fund.

Ray Watson, Kerrville Economic Development Corporation, encouraged support of the request noting the project would enhance the overall downtown area as well as the museum. SU acquired the property a few years ago and planned to use it as a lecture room and public meeting space, as well as a museum. LKC members would contribute volunteer hours and raise funds for the renovation project, with expected investment of \$90,000 in the next 90 days. He provided a few details, i.e. the back entrance of the museum would enter onto the new Peterson Plaza; anticipated creating a friends group to assist the museum; planned to keep the museum open five days a week and have self-guided tours; a tentative grand reopening was planned for May 18.

Mr. Allen moved for approval of the request; Mr. Conklin seconded the motion and it passed 5-0.

4B. Request for proposals (RFP) process and timeline for the sale of the Kerrville City Hall located at 800 Junction Highway, Kerrville, Texas.

Mr. Parton noted with the completion of the new city hall in September, the 800 Junction Highway property would be vacant. He reviewed the timeline and details for a RFP process with proposals due about October 31, and anticipated property closing in December 2012.

Mr. Conklin moved to proceed with the RFP process and timeline as presented; Ms. Keeble seconded the motion and it passed 5-0.

4C. Request by T. Scott Gross to abandon an existing drainage easement or other relief to allow the continued existence of a wooden deck at 709 Riverhill Boulevard.

Councilmember Gross stated he had filed a conflict of interest affidavit and would not be voting on the matter.

Mr. Gross stated he had recently constructed a platform, not a deck, at his home at 709 Riverhill Boulevard. He was informed by a city inspector that he had built in a drainage easement and was given two weeks to remove the structure. He was cited by the inspector for building in a drainage easement without a permit from the city; however, he was not required to have a building permit because it was below the 120 sq. ft. requirement (64 sq. ft.). He opined that the drainage easement was not needed as there were four culverts at the end and a large drain. An easement was not ownership, and should not preclude an owner from being able to do certain things on their property. He acknowledged that he could not block a neighbor's ability to access his property; however, the platform did not have posts or concrete connected to the land, the platform sat on the property by means of four bolts connecting the platform to the home. He felt that everything working well, the easement was not necessary, and questioned why the city issued him a citation. He noted the city did not own the easement and questioned the city's necessity to enforce it; this situation was an agreement between two private property owners. He noted his neighbor had also built a deck, and most owners in that area were in violation of the five foot easement.

Council also discussed the following:

- Easement enforcement was handled through the subdivision platting process at the time homes were built, and easements had been granted to all lots along that street; therefore, waiver of any easement would have to be waived by all neighbors in that subdivision.
- Concern for starting precedence by not enforcing easements; the city should be consistent in acknowledging and enforcing rules set in place during the platting process.
- The council cannot waive the easement or provide relief because the city is not a party to the plat or the easement.
- The neighbor who had built a deck was issued a letter by the city inspector and complied within two weeks.

Mr. Hayes noted this was a private drainage easement platted during the subdivision process; the city had platting authority and enforcement authority. The purpose of the easement was for conveyance of water off adjacent property, and to allow the neighbor access for maintenance purposes. Mr. Gross' request would require an amendment to the plat that removed the drainage easements.

This would also require a drainage analysis from an engineer documenting that the easement was not needed, and agreements from all owners in that platted subdivision. These requirements are part of state law. This was a private issue, as it involved a private easement, but because those private easements were approved by a plat, the city had enforcement authority under its subdivision ordinance.

Mr. Gross requested the city allow him time to talk to his neighbors, and he would take out the platform and fill the area with gravel.

The following person spoke:

- Carolyn Lipscomb noted that when she lived in another community she constructed a greenhouse where she should not have, and had to take it down. The greenhouse was less than 100 sq. ft. and did not require a building permit. She suggested making the public aware of what the rules were; if people were required to get a permit, it would be reviewed by staff and they would have good information before something was built.

No action was taken by the council.

5. INFORMATION AND DISCUSSION:

5A. Update on wayfinding signage.

Mr. Parton noted staff had been asked to develop a plan to place wayfinding signs along major corridors. He noted that TxDOT would not require the city to sign an updated maintenance agreement to place signs in state right of ways, but did recommend the city adopt a sign plan and address long term sign maintenance issues. Staff had preliminary discussions with National Sign Planners (NSP) regarding creating a sign master plan. Staff proposed three phases of implementation: Phase 1, sign locations; Phase 2, kiosk signage; Phase 3, signage at Peterson Plaza. Staff would prepare a budget impact.

5B. Report on Kerrville Economic Development Corporation activities.

Mayor Wampler reported that Ray Watson had resigned and KEDC was in the process of interviewing applicants for that position. He acknowledged Mr. Watson for putting together a great economic development program, citing Fox Tank as a successful economic development project.

5C. Budget and economic update.

Mr. Erwin reported sales tax up almost 10% over 2011; and revenue exceeded expenditures in the general fund and the water/sewer fund. The reserve fund balance in the general fund was currently at \$3.4 million, or 17-19%; the city policy called for 15-25%; he anticipated the general fund balance would be \$4 million by FY12 year end. Bond rating agencies often consider reserve fund balances as part of their criteria for bond rating.

6. BOARD APPOINTMENTS:

6A. Appointments to the parks and recreation advisory board.

Ms. Keeble moved to appoint Lisa Ney-Salladin, Susan Sander, and Marguerite Scott-Johnson with terms to expire March 31, 2014; and to appoint Nancy Alford with term to expire March 31, 2013. Mr. Gross seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDAS: None.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Recent rains allowed the city to move to Stage 2, and considering Stage 1 in about one week.
- Library grand reopening would be held Saturday, March 31. Proceeds from the Charity Ball provided funding for the children's Playscape area of the library.
- The bid for the placement of the public art piece had been awarded to J. M. Lowe Company; the dedication was scheduled for May 11, 2012, 10 a.m.
- The downtown underground utility project on the east side of Water and Sidney Baker was nearing completion and was under budget; construction would proceed to the west side.

9. EXECUTIVE SESSION: None.

10. ADJOURNMENT. The meeting adjourned at 7:31 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary