

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
JANUARY 22, 2013

On January 22, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Lieutenant Phon Kamphouthasak with the Salvation Army, followed by the Pledge of Allegiance led by Cadet Captain Romeo Garza, of the Tivy High School Junior Reserve Officer Training Corps.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Robert Ojeda	Fire Chief
John Young	Police Chief
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works
Laura Bechtel	Library Director
Misty Kothe	Main Street Manager

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

1. **VISITORS/CITIZENS FORUM** No visitors spoke.

2. **RECOGNITION AND COMMENDATIONS**

2A. Recognition of Citizens Police Academy Alumni Association.

Councilmember Conklin recognized the CPAAA for many of the programs they have become involved in, volunteering 1,000 hours since August 2012. Through the Blue Santa Program they helped 70 families and 148 children have a nice Christmas by providing food and toys. In addition, the CPAAA provided support to a KPD sergeant who was serving in Afghanistan, as well as his family here.

3. **CONSENT AGENDA:**

Mr. MacDonald moved for approval of items 3A through 3D; Mr. Allen seconded the motion and it passed 5-0:

3A. Approve minutes of the October 23, 2012 regular meeting, the November

13, 2012 special meeting, and the regular meeting held on November 13, 2012.  
3B. Purchase of a 120H Caterpillar Motor Grader in the amount of \$104,956.62 for Public Works, Street Division.  
3C. Resolution No. 04-2013 changing the regular meeting time of the City Council scheduled for February 12, 2013.  
3D. Council authorization for the City Manager to enter into a Professional Services Agreement with Freese & Nichols, Inc. to perform a Water System Master Plan update and provide a Master Plan for the Water Treatment Plant in an amount not to exceed \$166,500.00.

**END OF CONSENT AGENDA**

**4. ORDINANCE, FIRST AND ONLY READING:**

4A. Ordinance No. 2013-01 authorizing the issuance, sale and delivery of up to \$10,000,000 in aggregate principal amount of "City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013"; securing the payment thereof by authorizing the levy of an annual ad valorem tax and a pledge of certain surplus revenues of the city's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar agreement, an official statement and all other instruments and procedures related thereto. Mayor Pratt read the ordinance by title only.

Mr. Erwin introduced Tom Spurgeon and Richard Ramirez with First Southwest Company. Mr. Erwin noted the bond issue would fund water and sewer capital needs, and the utility rate increase passed in October 2012 would be sufficient to fund bond payments. The city's bond rating had been upgraded from AA- to AA, and the proposed interest rate was 2.103898. He recommended approval.

Mr. Allen moved to adopt Ordinance No. 2013-01 on first and only reading; Mr. Conklin seconded the motion and it passed 5-0.

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

5A. Ordinance No. 2013-02 amending Chapter 66, "Library," of the Code of Ordinances of the City of Kerrville, Texas; by amending Article II "Library Advisory Board" to change the composition and qualifications of the Library Advisory Board; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject. Mayor Pratt read the ordinance by title only.

Ms. Bechtel noted that the ordinance was being amended as a result of the county not participating in funding library operations, and due to the addition of electronic devices at the library. The ordinance was amended after first reading to reflect council's direction that any person who maintained a library card in good standing would be eligible to serve on the library advisory board.

Mr. Parton noted the fee structure as established would allow patrons to select the desired level of service, and allowed exceptions for those persons who either donated \$100 annually or who volunteered at least 10 hours a month at the

library. An example of the two groups whose members could receive a library card under this were the Friends of the Library and the Genealogy Society, because they worked under the auspices of the library operation, provide research to the library, and in the case of the Friends, actively did fundraising that benefited the library. The one group that might not be covered under that exception would be the library foundation as their mission was to serve Kerr County and there was not a direct link between the foundation and the city library.

Mr. MacDonald moved to adopt Ordinance No. 2013-02 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5B. Ordinance No. 2013-03 amending Chapter 102 "Traffic and Vehicles," Article II "Administration; Enforcement" of the Code of Ordinances of the City of Kerrville, Texas by amending Sections 102-35 and 102-36 to increase the penalty for parking violations; adopting a new Section 102-37 to establish presumptions applicable to the adjudication of parking citations; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. Mayor Pratt read the ordinance by title only.

Mr. Parton noted the ordinance reflected changes discussed at previous meetings, increasing the parking fine from \$5 to \$25; however, if a fine was not paid in accordance with city policy, the fine could double to \$50. The ordinance complied with the overall downtown parking strategy and was consistent with recommendations of the downtown parking committee. (Item 9A)

Mr. Conklin moved to adopt Ordinance No. 2013-03 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

**6. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

6A. An ordinance amending Article 10-IV-1 of the City of Kerrville Subdivision Code, commonly referred to as the City's "Subdivision Regulations", by amending Section 10-IV-1(B)(2)(D) of said regulations to address nonconforming lots; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. Mayor Pratt read the ordinance by title only.

Mr. Lutz addressed the issue of certain non-conforming lots by updating the date that exempted certain tracts of land from the city's platting requirements from January 1, 1981, to the date of passage of this ordinance; however, applicants would still have to meet other platting requirements.

Mayor Pratt declared the public hearing open at 6:19 p.m.; no one spoke; Mayor Pratt closed the public hearing at 6:19 p.m.

Mr. Allen moved to approve the ordinance on first reading; Mr. MacDonald seconded the motion and it passed 5-0.

**7. ORDINANCE, FIRST READING:**

7A. An ordinance amending the budget for Fiscal Year 2013 to account for various changes to the City's operational budgets, donation to the City's Library, and closing out and supplementing capital improvement projects.

Mayor Pratt read the ordinance by title only.

Mr. Erwin detailed the amendments: 1) \$200,000 increase for demolition of former city hall; 2) \$17,000 purchase of special operations unit body armor through their program income; 3) \$260,000 trust donation that would go to the library memorial fund to be used on Phase II of library renovation through the capital improvement program; 4) \$90,000 (fund balance) for repairs at the history center; 5) \$40,000 acceptance of Peterson Foundation grant for parking garage lighting; 6) closing and moving funding for CIP. Mr. Erwin noted the donation to the library memorial fund could not be used for general library operations.

Mr. Conklin moved to approve the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

**8. CONSIDERATION AND POSSIBLE ACTION:**

8A. Resolution No. 05-2013 adopting the City of Kerrville Utility Master Plan.

Ms. Ondrias noted the plan prepared by Freese & Nichols, Inc. was based on information presented at several planning workshops that addressed land use assumptions, wastewater collection system, and wastewater treatment plant. The plan included an integrated capital improvement plan; she recommended adoption of the plan to be used as a guide for future capital planning.

Mr. Allen moved for approval of Resolution No. 05-2013; Mr. Conklin seconded the motion and it passed 5-0.

8B. Request by citizen to review the City's Sign Code, Chapter 6, Article II of the Code of Ordinances. John Miller stated that recent sign ordinance amendments regarding restrictions in the downtown core area made it virtually impossible for him to use his existing electronic sign at Main Street and Sidney Baker. He understood that the primary purpose of the downtown core was to relieve building setback and side lot line requirements and parking restrictions. He discussed the characteristics and boundary of the downtown core area and noted that his property was directly across the street from the downtown core. Under the new sign ordinance, electronic signs were prohibit in the downtown core and on properties across the street from the downtown core. Existing signs, such as his, were grandfathered; however, older technology limited signs to two rows of eight characters. The new sign ordinance prohibited scrolling messages and established the 4 second rule, thereby making his sign unusable.

Mr. Miller wanted to improve his sign and go to newer technology with a sign 20 sq. ft. or more (existing sign was 11 sq. ft.), but could not under the new

ordinance. He noted the city's sign at the Cailloux Theater was 32 sq. ft., and it also was located directly across the street from the downtown core.

Mr. Miller noted his sign was grandfathered when the previous sign ordinance passed, and he assumed it would be grandfathered this time, but it was not. Mr. Conklin noted that even though electronic signs were prohibited in the downtown core, Mr. Miller's sign was grandfathered in that it was allowed to remain, and he could replace the sign at the same size, but not exceed 11 sq. ft. This was consistent with council's recent action on another request whereby the applicant was allowed to replace a sign at the existing size but not a larger sign.

Mr. Miller agreed that the downtown character should be maintained and that electronic signs were not appropriate in the downtown core where there were common-wall buildings and buildings right up to the sidewalks or in the public right of ways; however, his property on Main Street did not have any historic characteristics and would not affect the integrity of the downtown core. He applied to the planning and zoning commission for a variance, but PZC denied the variance. He requested:

- 1) The last sentence be removed under Section 6-35.1. Downtown Core, which stated: "The street borders include properties on both sides of the street." Or, as an alternative,
- 2) Change Ordinance 2012-05, P. Electronic Signs: 3) must operate in a way that its message remains static for a minimum of four seconds; 4) must operate in a way that all screen transitions occur within one second such that the initial message does not fade, dissolve, or travel; and 5) may not use motion, such as a scrolling message.

The following persons spoke:

1. Traci Carlson, representing the Historic Downtown Business Alliance, encouraged council to uphold the amendment to the sign code regarding downtown core. The committee had spent much time and effort on the amendments, and she felt the integrity of the sign ordinance and the downtown core would be compromised if both sides of the street were not included. Integrity was important to the downtown.
2. Bill Rector noted he was a member of the Kerr County Historical Commission and a downtown property and business owner. He served on the sign ordinance amendment committee a few months ago, and the committee intentionally placed the downtown core requirements in the ordinance to protect the historic character of the downtown area. They tried to encourage Mr. Miller to look at a sign similar to the bank at Clay and Main, or to relocate his sign to his corner on Jefferson and Sidney Baker away from the downtown core. He opined that electronic signs were not appropriate in the historic core and asked council not to allow the perimeter of the downtown core to be encroached upon by electronic signs. When questioned about another sign at Main and Sidney Baker, Mr. Rector noted that sign was not in compliance, but was grandfathered. When a change in ownership occurs, those signs would have to be removed and new signs would have to comply with the sign

ordinance, including the downtown core requirements. He felt that a lot of time and compromise went into the sign code, and if people did not want to comply, they could go before the planning and zoning commission and request a variance.

3. Bruce Stracke noted the city's sign at the Cailloux Theater was not in the downtown core or across the street from the downtown core as was Mr. Miller's sign; rather, it was a block away from the downtown core. As a downtown business owner he liked the direction the city was going, and the zoning committee was trying to correct past mistakes and make downtown the best it can be, and the city needed good guidelines to do that.

4. Jack Millikan, representing Riverside Nature Center, stated he supported Mr. Miller's proposal. Mr. Miller provided a service to the community without charge, but under the current ordinance RNC was not able to get their activities advertised on the existing sign because of limitations. He asked council to consider the whole aspect of the issue.

5. Cory Traub, owner of Pro Tech Sign Company, supported Mr. Miller's request and discussed changes in technology. He was on the committee that recently reviewed the sign ordinance, but he did not agree with 70% of the ordinance and opined there were a lot of problems with the current ordinance and recommended changes. Mr. Miller's sign would not make an ugly downtown core.

6. Carolyn Lipscomb asked when a sign was grandfathered if that applied to the scrolling aspect of the sign. She understood that new signs could not scroll but an existing screen could continue to scroll. She understood that grandfathering was never intended to render a sign useless or non-functional; if a sign was rendered useless by a change in programing, could the program be grandfathered?

Mr. Conklin noted that grandfathering applied only to the size and location of the sign; the time of the message was a programing issue and could be modified on any existing sign; therefore scrolling was not grandfathered. The issue with older signs was that they were not able to display some messages, and the ordinance did not address the type of electronic sign.

Council also discussed the following:

- Under the ordinance the downtown core restrictions applied to the entire property, so if Mr. Miller relocated his sign to Jefferson and Sidney Baker he still would not be able to make the sign larger. The sign was only grandfathered at its current location at its current size.
- Mr. Miller's business brought in tax dollars and his property was the best landscaped property in downtown.
- If Mr. Miller replatted his property, would he then be able to have a monument sign at the current location and electronic sign at Jefferson and Main.

Mr. Lutz noted that replatting was an option provided that lots established met platting requirements and signs met the restrictions of the sign ordinance. At the city's request, Mr. Miller recently replatted 12-14 lots into one lot.

- Questioned the logic of requiring a property outside of the affected boundary and on the other side of the street, having to comply with the same restrictions as property inside the boundary of the downtown core? Should properties outside the boundary be affected the same as those inside the boundary? Mr. Lutz noted the purpose was to create uniformity along the street boundary.
- Parties on both sides of the sign ordinance issue did not agree with everything in the ordinance; the sign ordinance amendments were a compromise.
- Whether a sign was used for community service messaging or not should have no bearing on sign restrictions.
- The downtown core was not created to waive setback and parking requirements; it was a distinct area and boundary established with a specific purpose in mind.

Mr. Parton suggested if the sign ordinance was opened up for review again, council may want to look at the issue of the 18" limit on awning signs.

Mr. Conklin moved to direct staff to revise the signage ordinance to delete the sentence requiring property outside the identified boundary of the downtown core to be restricted by the rules put in place governing the downtown core signage; further, for staff to bring back additional items for consideration on specific issues in the sign ordinance. Mr. MacDonald seconded the motion and it passed 5-0.

8C. City's acquisition of easements with respect to the Jefferson Street Lift Station Project, G Street Sewer Project, and the River Trail.

Item was deferred to executive session.

8D. Project funding agreement between the City of Kerrville, Texas Economic Improvement Corporation (EIC) and the City of Kerrville, Texas for downtown streetscape design.

Mr. Parton noted council previously directed staff to make application to EIC to fund a downtown streetscape master plan. On December 17 EIC approved the funding agreement based on the same scope and budget as presented to council.

Ms. Keeble moved to approve the funding agreement as presented; Mr. Allen seconded the motion and it passed 5-0.

8E. Economic development grant agreement between Kerr Economic Development Corporation (KEDC) and the City of Kerrville, Texas Economic Improvement Corporation (EIC).

Mr. Parton noted this was the annual agreement between EIC and KEDC for economic development services and would provide the allocation of \$127,000 to KEDC's funding request for FY2013.

Ms. Keeble moved to approve the agreement as presented; Mr. MacDonald seconded the motion and it passed 5-0.

8F. Interview team for board appointment process to include council liaison member.

Councilmember Conklin noted that the two councilmembers who comprise the interview team for board appointments did not always include the council liaison member to that board.

Mr. Conklin moved that Mr. MacDonald serve on the interview team for the planning and zoning commission, Mr. Allen on the parks and recreation advisory board interview team, and Ms. Keeble on the food service advisory board interview team. Mr. MacDonald seconded the motion and it passed 5-0.

## **9. INFORMATION AND DISCUSSION**

9A. Report on downtown parking strategy.

Scott Rain, Chairman, and Aaron Yates, member, of the Main Street Advisory Board (MSAB) noted the MSAB and Historic Downtown Business Alliance (DBA) had worked together to identify areas of concern. They provided a downtown parking survey that identified three types of parking: public, quasi-public, (combined 914 spaces), and private (333), for a total of 1,247 within two blocks of Earl Garrett and Water Street. Many businesses did not have their own parking, and the number of employees parking in downtown daily was 290; this did not include the Schreiner One Center as those figures were not provided. Based on the findings: 1) There was a “perceived” parking shortage particularly during peak hours 11:00 a.m.-2:00 p.m. Monday-Friday; 2) Concern about some employees and business owners parking on the street and taking up valuable spaces for customers; and 3) Lack of enforcement, i.e. parking limits and fines.

Mr. Rain noted the committee recommended the following short-term solutions: 1) Raise parking fine to \$25; 2) Increase parking time limit from 2 hours to 3 hours; 3) Better marketing and education of existing parking options, particularly the city’s parking garage, e.g. parking signs, wayfinding signs, advertising. The city’s parking garage provided covered parking, was clean, well lit, within 1-2 blocks, no time limit, and free to the public. The committee’s long term recommendation was to create an employee only parking lot as land becomes available in downtown.

The following persons spoke:

1. Bill Rector noted the Historic Downtown Business Alliance had taken a proactive approach to parking and asked employees to not park on the street and allow on-street parking for customers. The city’s parking garage was clean, well lit, and free parking to the public.

2. Larry Hesketh noted there were 10-12 parking spaces behind KACC.

Mr. Rain noted the survey did not count designated business parking spaces and assumed those spaces were for KACC employees and not specifically for visitors.

Council also discussed the following:

- The downtown parking problem was a “perceived” problem.

- Public facilities and city revenue were largely tourism based; questioned whether the Kerr Arts and Cultural Center (KACC) and the Schreiner Museum had been contacted about extending the parking time from 2 hours to 3 hours as extending the time period could result in denying visitors access to those facilities.

3. Traci Carlson noted that KACC was contacted, and they felt the 3 hour parking time limit could increase the amount of time that visitors had to look at exhibits; 2 hours was not enough time, 3 was adequate, but 4 may lead to employee parking.

The consensus of the council was to direct staff to continue to work with the MSAB and DBA on the recommendations stated in the report, particularly wayfinding signage and marketing the parking garage.

#### 9B. Report of Kerrville Economic Development Corporation activities.

Mr. Conklin reported on the following:

- Fox Tank second phase: Economic Improvement Corporation (EIC) voted on January 14 to approve the framework for a \$150,000 package for infrastructure and machinery for fabrication of oil separator units; could add 30 jobs.
- Wine industry: KEDC approved business plan and objectives on December 20.
- Revolving loan fund: Businesses that would not qualify for private financing or traditional economic development incentives could draw from a revolving loan fund supported by EIC.
- Business incentive guidelines: KEDC and EIC were working to create policies and frame work.
- Prospects: 1) Odessa prospect was making their third site visit to Kerrville in February, could create between 4-20 jobs; 2) A local manufacturer was planning to invest \$.5 million in new plant expansion and equipment, could create up to 65 jobs; and 3) A local manufacturing company planned the expansion of a new product line, could create up to 20 new jobs. KEDC was also looking at locations for these prospects.

#### 9C. Budget/Economic Update.

Mr. Erwin noted that nationally the housing market was improving and unemployment was down; local sales and hotel occupancy taxes were up; and the general fund and the water/sewer fund were on budget. He noted a special council budget workshop was scheduled for Friday, January 25, 8:30 a.m.

#### 9D. Beautification Committee Endorsement of Republic Services Good Stewards Project.

Sheri Jones, representing Republic Services, noted that Republic proposed to hold quarterly cleanups along three miles: Highway 27 in May; Holdsworth Drive in August, and Highway 173/Bandera Highway in December. Republic would also encourage participation of customers and volunteers.

Mayor Pratt noted the beautification committee approved the project January 10.

**10. BOARD APPOINTMENTS:**

10A. Appointment of a member of the Kerrville City Council to the Kerrville Citizen Police Academy Alumni Association Board of Directors.

Mr. Allen moved to appoint Justin MacDonald to the Kerrville Citizen Police Academy Alumni Association Board of Directors; Mr. Conklin seconded the motion and it passed 5-0.

10B. Appointments to the main street advisory board.

Mr. Conklin moved to reappoint Shelby Braswell, Scott Rain, Rich Schneider, and Aaron Yates; and to appoint Leticia Perez all with terms to expire January 31, 2015. Mr. Allen seconded the motion and it passed 5-0.

10C. Appointments to the planning and zoning commission. This matter was deferred to executive session and acted upon under Item 14 below.

**11. ITEMS FOR FUTURE AGENDAS:** None.

**12. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Gene Smith, President of Doyle School Community Center, noted about 30 people attended the Martin Luther King celebration on January 21 at 11 a.m.
- An update was requested on the downtown underground utilities project; Mr. Parton noted staff was finalizing agreements, and there were some relocation issues with property owners. Mr. Parton will provide council an update.
- The February 12 council meeting would begin at 5:00 p.m. to allow council to attend the Mardi Gras celebration at 6:00 p.m.

**13. EXECUTIVE SESSION:**

Mr. Conklin moved for the city council to go into executive closed session under Sections 551.071, 551.072, and 551.074 of the Texas Government Code; the motion was seconded by Mr. MacDonald and passed 5-0 to discuss the following matters:

Section 551.074:

- Appointments to the planning and zoning commission.

Sections 551.071 and 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the city's bargaining position with third parties, regarding property interests related to the following public works projects:

- Jefferson Street lift station
- G Street sewer project
- River trail.

At 8:02 p.m. the regular meeting recessed and council went into executive closed session at 8:06 p.m. At 9:39 p.m. the executive closed session recessed and council returned to open session at 9:40 p.m. The mayor announced that no action had been taken in executive session.

**14. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

10C. Appointments to the planning and zoning commission.

Mr. MacDonald moved to reappoint John Bart Stevens and to appoint Edward Hamilton and William Morgan as regular members; and to appoint Garrett Harmon as an alternate member; all with terms to expire January 1, 2015. Mr. Conklin seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 9:41 p.m.

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

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Jack Pratt, Jr., Mayor

ATTEST:

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Brenda G. Craig, City Secretary