

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
JANUARY 14, 2014

On January 14, 2014, 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 Reverend David McMillan, Rector for St. Michael Anglican Church, followed by the Pledge of Allegiance led by First Lieutenant Brianna Jones, of the Tivy High School Air Force Junior Reserve Officer Training Corps.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

|                  |                          |
|------------------|--------------------------|
| Todd Parton      | City Manager             |
| Mike Hayes       | City Attorney            |
| Brenda G. Craig  | City Secretary           |
| Sandra Yarbrough | Director of Finance      |
| Robert Ojeda     | Fire Chief               |
| Ashlea Boyle     | Special Projects Manager |
| Jason Lutz       | City Planner             |
| John Young       | Police Chief             |

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

**1. VISITORS/CITIZENS FORUM:**

1A. Jan Stutts spoke on behalf of the residents of Rio Robles regarding the use of eminent domain for a sidewalk that would cut off their exclusive private access to the river. Should the city prevail in its taking of the approximate ½ acre, they wanted to be fairly compensated for the total impairment of their property, and not just the land where the sidewalk would be located; the public would have access, but Rio Robles would have all of the liability and taxes; the compensation offered by the city would not cover the increase in their liability. There were alternatives available to the city that would not involve the taking of their property. Rio Robles granted a utility easement.

**2. MOMENT OF SILENCE:**

2A. Moment of silence in remembrance of the late Kerr County Judge Pat Tinley's service to the citizens of Kerr County.

### **3. CONSENT AGENDA:**

Mr. MacDonald moved to approve consent agenda items 3A and 3B. Mr. Allen seconded the motion, and it passed 5-0:

3A. Minutes of the city council regular meeting held December 10, 2013, and the special meeting held December 23, 2013.

3B. Resolution No. 01-2014 ordering that a general election be held on May 10, 2014, for the election of a Mayor and two City Councilmembers; appointing election judges, adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing the early processing of ballots.

3B. RESOLUCIÓN 01-2014 QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 10 DE MAYO DEL 2014 PARA ELEGIR AL ALCALDE DE LA CIUDAD Y A DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES.

### **END OF CONSENT AGENDA**

### **4. PUBLIC HEARING AND RESOLUTION:**

4A. Resolution No. 02-2014, granting a conditional use permit (CUP) for an approximate 0.94 acre tract of land within the City of Kerrville, Kerr County, Texas, with a street address of 233 and 237 Guadalupe Street, and located within an R-1 zoning district; by permitting said property to be used for a bed and breakfast; and making said permit subject to certain conditions and restrictions.

Mr. Lutz noted the applicant requested a CUP to allow the continuance of a bed and breakfast that had been operating in two homes at this location since July 2009. The property met the requirement of two off-street parking spaces per home. The planning and zoning commission approved the request 5-0 on December 5, 2013, based on the fact that the bed and breakfast had been in operation since 2009 with no complaints, and that adjacent zoning allows bed and breakfast operations by right.

Mayor Pratt opened the public hearing at 6:09 p.m.; no one spoke, and the public hearing was closed at 6:09 p.m.

Mr. MacDonald moved to approve Resolution 02-2014 as presented; Mr. Conklin seconded the motion and it passed 5-0.

### **5. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

5A. Ordinance No. 2014-02, amending the city's "Zoning Code" by adding a definition of "Boarding Home Facility" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; and revising Article 11-I-4 to add boarding home facility as a use that is permitted within any zoning district; containing a

cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted this ordinance would amend the zoning code to: 1) add the definition for boarding home facilities as adopted by Ordinance No. 2013-06 on April 23, 2013; and 2) allow boarding home facilities in any zoning district. These changes would bring the zoning code into conformance with Ordinance 2013-06.

Mayor Pratt opened the public hearing at 6:11 p.m.; no one spoke and the public hearing was closed at 6:11 p.m.

Mr. Allen moved for approval of Ordinance 2014-02 on first reading; Mr. MacDonald seconded the motion and it passed 5-0.

**6. ORDINANCES, FIRST READING:**

6A. Ordinance No. 2014-01, ordering a special election to be held on May 10, 2014, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; establishing early voting locations and polling places for this election; and making provisions for the conduct of the election.

6A. UNA ORDENANZA 2014-01 QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN.

Mayor Pratt read the ordinance by title only.

Mr. Hayes noted the ordinance reflected the amendments to the charter as recommended by the charter review commission, with the exception of the recommendation to lower the number of signatures required on recall, referendum, and initiative petitions. The ordinance would authorize a special election to be held in conjunction with general election and set the ballot as drafted pursuant to state law. Upon approval, staff will issue public notifications and begin the election process.

Mr. Conklin moved for approval of Ordinance No. 2014-01 on first reading; Ms. Keeble seconded the motion and it passed 5-0.

**7. BOARD APPOINTMENTS:**

7A. Appointments to the planning and zoning commission, one term expired January 1, 2014; and one term due to expire January 1, 2015 currently held by William Morgan due to not meeting attendance requirements. This matter was deferred to executive session.

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

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Encouraged the public's participation in the upcoming stock show and rodeo.
- Kerrville Beautification Day event, sponsored by the beautification advisory committee, was scheduled for Saturday, January 18; the public was encouraged to participate.

**10. EXECUTIVE SESSION:**

Mr. MacDonald 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; motion was seconded by Mr. Allen and passed 5-0 to discuss the following matters:

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:

- 800 Junction Highway, former city hall property
- Jefferson lift station
- River Trail.

Section 551.074:

- Appointments to the planning and zoning commission.

At 6:17 p.m. the regular meeting recessed and council went into executive closed session at 6:19 p.m. At 6:50 p.m. the executive closed session recessed and council returned to open session at 6:50 p.m. The mayor announced that no action had been taken in executive session.

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

800 Junction Highway, Former City Hall Property:

Mr. MacDonald moved to authorize the city manager to execute and enter into a letter of intent regarding the sale of 800 Junction Highway, former city hall property. Mr. Conklin seconded the motion and it passed 5-0.

7C. Appointment to the planning and zoning commission. Mr. Conklin moved to appoint R. Bruce Motheral with term to expire January 1, 2016. Mr. MacDonald seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 6:52 p.m.

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

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Jack Pratt, Jr., Mayor

ATTEST:

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Brenda G. Craig, City Secretary