

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
AUGUST 24, 2010

On August 24, 2010, 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 Associate Pastor Tom Murray, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by William Wingate, Kerrville Memorial American Legion Post 208.

**MEMBERS PRESENT:**

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Gene Allen	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
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
John Young	Police Chief
Robert Ojeda	Fire Chief
Eric Maloney	EMS Coordinator
Antonio Martinez	Director of Library Services

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

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

2. **PRESENTATIONS:**

2A. Recognition of Emergency Medical Service Coordinator Eric Maloney by the National Fire Academy for completion of courses at the National Emergency Training Center in Emmitsburg, Maryland.

3. **CONSENT AGENDA:**

Staff requested item 3D be removed from the consent agenda.

Mr. Allen moved for approval of items 3A, 3B, 3C, and 3E; Mr. Motheral seconded the motion and it passed 5-0:

3A. Approval of the minutes of the city council meetings held on July 19, July 22, July 27, July 29, August 9, and August 10, 2010.

3B. Ratify action taken by the city manager to approve an amendment to the interlocal cooperation contract for city ambulance/Emergency Medical Services with the Department of State Health Services on behalf of the Kerrville State Hospital at 721 Thompson Drive for one year, September 1, 2010, to August 31, 2011.

3C. Authorize the execution of a professional services agreement with Hewitt Engineering, Inc. to provide professional engineering design services for the Jackson Road/Glen Road water main project in an amount not to exceed \$50,000.

3E. Resolution No. 028-2010 approving the budget for fiscal year 2011 for the Kerr Emergency 9-1-1 Network.

**END OF CONSENT AGENDA**

3D. Resolution No. 030-2010 adopting a purchasing policy and procedures manual.

Mr. Hayes noted the resolution had been changed to add language to require that if any proposed changes to the manual would change or impact council's authority, then the council must approve those changes.

Mr. Gross moved for approval of Resolution No. 030-2010 adopting the purchasing policy and procedures manual as presented by Mr. Hayes; Mr. Allen seconded the motion and it passed 5-0.

**4. PUBLIC HEARING:**

4A. Ad valorem tax rate for tax year 2010/fiscal year 2011.

Mr. Erwin noted the proposed tax rate for FY11 was \$0.5625, the same as FY10, and was 2.2% below the effective tax rate of \$0.5753. The maintenance and operation portion was \$0.489, and the debt service was \$0.0735.

Mayor Wampler opened the public hearing at 6:09 p.m.; no one spoke; Mayor Wampler closed the public hearing at 6:09 p.m.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Request by the Library Advisory Board (LAB) to reconsider funding the library accounting clerk position for FY11. LAB Chairman David Lipscomb requested funding be restored for the library accounting clerk position. He noted library staff had been cut 26%, 3.5 positions, the last 3 years, and with the pending retirement of the library director, this put pressure on remaining employees to manage the workload. If the position could not be restored, he suggested dropping the Sunday hours in order to decrease the number of hours that the library would have to be staffed.

Ms. Meismer noted the city had to cut staff city-wide; staff evaluated all positions and determined this was one position that the library could operate without. Staff had also requested funds from the Friends of the Library in order to keep this position, but the request was denied.

Mr. Gross noted many challenges for the new library director and requested council give priority to the library if funding becomes available.

No action was taken by the council.

5B. Resolution No. 029-2010 amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided by the city.

Mr. Erwin reviewed the following increases in the proposed fee schedule:

- Sewer rate: \$1 per 1,000 gallons to fund wastewater capital projects
- EMS life support rate increased by 12%
- EMS mileage rate increase of 11%
- Kerrville Schreiner Park rate increase 10%
- Increase in various parks rates
- Reclaim water rate increase by 25%
- Solid waste rate increase of 4%
- Water/wastewater lab average rate increase of 4%
- Police rate increase of 20% for funeral service.

The council discussed several of the proposed fee increases.

Mr. Motheral moved for approval of Resolution No. 029-2010 amending the fee schedule; Mr. Gross seconded the motion and it passed 5-0.

5C. Fourth of July celebration planning.

Ms. Wendele noted the 2010 event had an impact of \$28,000, excluding the cost of fireworks, on the city's budget. Mr. Parton appointed several staff members to plan an expansion the event. The committee was considering holding two events: downtown on the star, and in Louise Hays Park. She detailed matters being discussed by the committee: booking entertainers, sale of alcohol, vendors, civic groups' participation, compressed hours (5:00-10:00 p.m.), and impact of the event on city staff and the budget. Staff would host a planning session with interested persons and civic groups.

Council discussed the following:

- Need to move forward now; time was critical for some planning points.
- Would like to see an event that made money, and funding be directed toward a specific project, such as the rivertrail.
- Need a marketing plan.

The consensus of council was that Mayor Wampler be the council's representative on the committee and that Ms. Wendele prepare a schedule and provide regular reports.

5D. Receive an update and consider a regional cooperative initiative among affected cities and counties as it pertains to the proposed McCamey D to Kendall to Gillespie CREZ project (PUC Docket No. 38354).

Mr. Parton reported that he and the mayor had conversations with other hill country cities but had not received a response from Menard and Eldorado; the goal was to pull together an alliance to establish a regional approach to submit to PUC by the September 30 deadline. Kerr County Judge Tinley was spearheading a similar effort with counties.

5E. Request to remove trees along common lot line of Kerrville City Hall (800 Junction Highway) and property located at 812 Junction Highway.

Mr. Parton noted that Ed Pollard, owner of the property at 812 Junction Highway, requested permission to remove four hackberry trees on city property at 800 Junction Highway. The trees hung over onto his property and he was trying to clean and maintain the property. Mr. Parton noted the trees were not a protected species, appeared to be healthy, and did not exhibit any signs of damage. The trees provided greenery and shade for the building and if removed would leave a barren area; however if the council approved removal of the trees, he recommended it be done by city crews due to possible liability issues.

Mr. Hayes noted that if Mr. Pollard performed the work, the liability issues could be addressed by a hold harmless agreement.

The council wanted to be good neighbors; however, stressed not to spend city funds to remove the trees.

Mr. Gross moved to accept the request as presented. Mr. Allen seconded the motion and it passed 5-0.

5F. Grant application to Alamo Area Council of Governments (AACOG), FY10 Homeland Security Grant Program (HSGP) project funding request.

Chief Young noted the grant application had received initial approval from AACOG for submission as a HSGP project. The grant would purchase backup generators and communications equipment for police, fire, and EMS. No action was needed at this time; however council approval would be requested when formal notification of grant acceptance had been received from AACOG.

5G. Kerrville Economic Development Corporation (KEDC) request for funding in the amount of \$25,000.

Mr. Parton presented KEDC's funding request in the amount of \$25,000 to fund routine operations and noted the amount was included in the proposed FY11 city budget. He noted that the Kerr Economic Development Foundation (KEDF) and KEDC were working on a transition plan to transfer all assets and funds from KEDF to KEDC. With the transfer of these funds, and KPUB's \$25,000 contribution for FY11, KEDC had funds available to move forward with hiring and other functions. Mr. Parton noted that Guy Overby's last day as KEDF executive director was September 4.

Ms. Keeble moved to approve KEDC's \$25,000 funding request for FY11. The motion was seconded by Mr. Motheral and passed 5-0.

5H. Consideration of state law that allows a change in the date of the city's general election from May to November.

Ms. Craig noted that House Bill 401 allowed the city council to take action before December 31, 2010, to change its general election date from the second Saturday in May to the uniform November election date. She reviewed pros and cons of changing

the date, and discussed increased costs related to nine polling locations and ballot styles necessary in a November election versus one polling location and ballot style for a May election. She also noted that by court action KISD's election date was tied to the city's election date and that KISD did not support a change in the date. Ms. Craig recommended the city election date remain in May. Further, she recommended council authorize staff to begin negotiations with the county for a potential joint election agreement to be presented to council at a future meeting.

Mr. Gross moved to authorize staff to begin negotiations with the county elections coordinator to prepare a joint election agreement for council's consideration at a future meeting. The motion was seconded by Mr. Allen and passed 5-0.

Ms. Keeble moved that the city's general election date remain the second Saturday in May. Mr. Motheral seconded the motion and it passed 5-0.

5I. Deliberation regarding an evaluation or dismissal of Robert Miller, member of the economic improvement corporation; and/or to hear a complaint or charge against this officer.

Mayor Wampler noted he had discussed the issue with Robert Miller and was satisfied that a conclusion had been reached.

The following person spoke:

- Robert Miller questioned what conclusion had been reached.

Mayor Wampler noted that no action had been taken by city council.

## **6. INFORMATION AND DISCUSSION:**

### **6A. Library renovation project update.**

Library Director Antonio Martinez reported the following: approximately 50 persons attended an event on July 29; an informational handout was being prepared; and at the August 18 foundation board meeting staff reported on the recruitment of a new library director pending his retirement and an update of the FY11 library budget.

### **6B. Kerrville budget/economic update.**

Mr. Erwin compared current and previous monthly economic indicators and noted local unemployment dropped from 6.2% to 6.3%; HOT funds were at \$98,600, slightly down from 2009; general fund revenues were \$900,000 behind revenue from 2009; and revenues exceeded expenditures in the water fund.

## **7. BOARD APPOINTMENTS:**

7A. Appointments to the golf course advisory board. Ms. Keeble moved to appoint James Howard with term to expire July 1, 2011; and Frank Boynton, Tim Dylina, and Joe Hernandez with terms to expire July 1, 2012. Mr. Motheral seconded the motion and it passed 5-0.

7B. Appointment to the planning and zoning commission. Mr. Allen moved to appoint Tony Roberts with term to expire January 1, 2012; Mr. Motheral seconded the motion and it passed 4 to 1 with Messrs. Allen, Motheral, Gross, and Wampler voting in favor of the motion; and Ms. Keeble voting against the motion.

**8. ITEMS FOR FUTURE AGENDAS**

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Mr. Parton noted a retirement reception honoring Library Director Antonio Martinez would be held on August 31, 2010, 3:30-5:00 at the library.

**10. EXECUTIVE SESSION:**

Mr. Gross moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code; the motion was seconded by Ms. Keeble and passed 5-0 to discuss the following matters:

Section 551.071, 551.072, and 551.087:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a city facility, including a multi-purpose meeting facility, the public discussion of which would not be in the best interests of the city's bargaining position with third parties.

Sections 551.071, 551.072 and 551.087:

- Economic development grant/loan agreement between Kerr Economic Development Foundation, Inc. and the City of Kerrville, Texas Economic Improvement Corporation (USDA facility).

At 7:14 p.m. the regular meeting recessed and council went into executive closed session at 7:23 p.m. At 7:49 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 ITEMS DISCUSSED IN EXECUTIVE SESSION**

Discuss the purchase, exchange, lease, sale, or value of real property for use as a city facility, including a multi-purpose meeting facility, the public discussion of which would not be in the best interests of the city's bargaining position with third parties.

Mr. Motheral moved to authorize the city manager to execute a letter agreement with Hunter Equity, LLC for the preparation of the proposed construction of a multi-purpose meeting facility with a flag hotel for the city; Mr. Gross seconded the motion and it passed 5-0.

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

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

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary