

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, SEPTEMBER 28, 2010, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**800 JUNCTION HIGHWAY, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by Reverend Tom Murray, Associate Pastor, St. Peter's Episcopal Church.

**PLEDGE OF ALLEGIANCE TO THE FLAG.**

**1. VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

**2. CONSENT AGENDA:**

These items are considered routine and can be approved in one motion unless a councilmember asks for separate consideration of an item. It is recommended that council approve the following items which will grant the Mayor or City Manager the authority to execute all documents necessary for each transaction.

2A. Approval of the minutes of the city council meetings held on September 14, 2010. (Staff)

2B. A Resolution authorizing the transfer of ownership of Kerrville Police Department K-9 Officer "Boy." (Staff)

2C. A Resolution authorizing the waiver for Hill Country Home Opportunity Council, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2011, or the construction of ten homes, whichever occurs first. (Staff)

2D. A Resolution authorizing the waiver for Habitat for Humanity Kerr County Affiliate, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2011, or the construction of nine homes, whichever occurs first. (Staff)

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: September 24, 2010 at 4:00 p.m. and remained posted continuously for at least 72 hours proceeding the scheduled time of the meeting.

Teri Kinsey  
Deputy City Secretary, City of Kerrville, Texas

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2E. Authorize the execution of the Administrative Services Contract between the City of Kerrville and the Economic Improvement Corporation for FY11. (Staff)

**END OF CONSENT AGENDA**

**3. FISCAL YEAR 2011 BUDGET ORDINANCES, SECOND READING:**

3A. An Ordinance levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the fiscal year 2011; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. (Staff)

3B. An Ordinance adopting the annual budget for the fiscal year 2011; providing appropriations for each department and fund; containing a cumulative clause; and containing a savings and severability clause. (Staff)

**4. ORDINANCES, SECOND READING:**

4A. An Ordinance amending the budget for fiscal year 2010 to allocate surplus funds remaining within the main street fund and to make amendments to funding for various capital improvement projects. (Staff)

4B. An ordinance approving a negotiated resolution between the Atmos Cities Steering Committee (“ACSC or “Steering Committee”) and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or Company”) regarding the company’s third rate review mechanism (“RRM”) filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos Mid-Tex’s proof of revenues; extending the RRM process for two cycles and adopting a new RRM tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and the Steering Committee’s legal counsel. (Staff)

**5. PUBLIC HEARING AND RESOLUTION:**

5A. A Resolution granting a Conditional Use Permit for an approximate 2.19 acre tract of land, being Lots 134 through 143, inclusive, of Block 2 of the J.D. Brown Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 620 Main Street (State Highway 27) and located within zoning district 11-C (Central City); by permitting said property to be used for vehicle sales/service-used and vehicle maintenance and repair; and making said permit subject to certain conditions and restrictions. (Staff)

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

6A. An Ordinance authorizing the issuance of City of Kerrville, Texas general obligation refunding bonds, Series 2010, authorizing the execution of an escrow or deposit agreement, a paying agent/registrar agreement, a purchase contract and other instruments and procedures related thereto, delegating authority to certain city officials to select outstanding obligations to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain obligations for redemption. (Staff)

**7. CONSIDERATION AND POSSIBLE ACTION:**

7A. Request to review and approve abandonment of a portion of Rodriguez Street between Main Street (State Highway 27 and Water Street and a portion of an alley adjacent to Crenwelge Motors. (Jeff Carroll, Matkin Hoover Engineering)

7B. A Resolution adopting the Lytle Park site Master Plan. (Staff)

7C. Accept report from Mayor Wampler regarding the response to and resolution of issues raised by the Kerrville Performing Arts Society (KPAS) for their use of the Cailloux Theatre. (Mayor Wampler)

7D. Authorize the execution of a Construction Contract with Huser Construction Co., Inc. for construction of the waste water service facility building in the amount of \$460,000. (Staff)

7E. Authorize the execution of a Radio Antenna Tower Lease Agreement between the Grand Lodge of Hermann Sons and the City of Kerrville. (Staff)

7F. Authorize the City Manager to intervene in the Wiedenfeld Water Works, Inc. application to amend its Water Certificate of Convenience and Necessity No. 12052. (Staff)

**8. INFORMATION AND DISCUSSION:**

8A. Library renovation project. (Staff)

8B. Sign regulations in the proposed Central Business Zoning District. (Staff)

8C. Update regarding Lower Colorado River Authority Transmission Services Corporation's application for the proposed McCamey D to Kendall to Gillespie CREZ project (PUC Docket No. 38354). (Staff)

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8D. Consider conceptual community events. (Councilmember Motheral)

8E. Kerrville budget/economic update. (Staff)

**9. BOARD APPOINTMENTS:**

9A. Appointments to the Parks and Recreation Advisory Board. (Staff)

9B. Appointment to the Planning and Zoning Commission. (Staff)

**10. ITEMS FOR FUTURE AGENDAS:**

**11. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

**12. EXECUTIVE SESSION:**

The city council reserves the right to adjourn into executive session at any time to discuss any of the matters listed as permitted by law including if they meet the qualifications in 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, including the following matters:

Section 551.072:

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

Section 551.074:

- Appointment to the Planning and Zoning Commission.

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

**14. ADJOURNMENT**

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