

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
OCTOBER 26, 2010

On October 26, 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 Reverend Tom Preininger, New Hope Church, followed by the Pledge of Allegiance led by Tivy Air Force Junior ROTC Cadet Lt. Colonel Marki Hoyne.

MEMBERS PRESENT:

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Gene Allen	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: No one

STAFF PRESENT:

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
Robert Ojeda	Fire Chief
Kevin Coleman	Director of Development Services
Kim Meismer	Director of General Operations
Charlie Hastings	Director of Public Works

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

1. **VISITORS/CITIZENS FORUM:** No one spoke.
2. **RESOLUTIONS OF COMMENDATION:** Presented to the following:
 - 2A. Building Board of Adjustment and Appeals
 - 2B. Electrical Board of Adjustments and Appeals: Keith Harmon, and Robert Thomas.
 - 2C. Mechanical Board of Adjustments and Appeals: Donald Kampfenkel.
 - 2D. Plumbing Board of Adjustments and Appeals: Steve Holloway, and Johnny Bryant.

3. **CONSENT AGENDA:**

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

3A. Authorize the purchase of a Vac-Con hydraulic sewer cleaner/vacuum truck from Houston-Galveston Area Council Buy (HGAC Cooperative Purchasing), in the amount of \$259,155.07.

3B. Authorize the execution of a funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and San Saba Cap Company in the amount of \$10,000.

3C. Authorize the execution of a funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and Hewitt Engineering, Inc. in the amount of \$8,000.

END OF CONSENT AGENDA

4. ORDINANCE , SECOND AND FINAL READING:

4A. Ordinance No. 2010-22 creating a “planned development district” for dwelling, multi-family (apartment) and professional office on an approximately 1.2 acre tract of land, being Lots 3 through 8, inclusive, Block 27 of the J.A. Tivy Addition, a subdivision within the City of Kerrville, Texas, and otherwise known as 1001 Jefferson Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000 for each day of violation of any provision hereof; ordering publication; and providing other matters relating to the subject. Mayor Wampler read the ordinance by title only.

Mr. Coleman noted changes had been made to the ordinance and site plan as requested by city council on first reading.

Mr. Motheral moved for approval of Ordinance No. 2010-22 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

5. ORDINANCE , FIRST READING:

5A. An ordinance terminating the automatically repeating allowance of updated service credits and increased prior and current service annuities under the Texas Municipal Retirement System; and establishing an effective date for the ordinance. Mayor Wampler read the ordinance by title only.

Ms. Meismer noted the ordinance would terminate updated service credits (USC) and cost of living adjustments (COLA) as proposed during the budget workshops. She estimated the annual cost savings to the city at \$490,000.

Mayor Wampler noted the ordinance did not give up the city’s right to reinstate the USC and COLA benefits in the future.

Mr. Motheral moved for approval of the ordinance on first reading; Mr. Gross seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Receive update from city staff and consider direction to staff regarding amendments to Chapter 118, Article II, City Water Impoundment Regulations of the Kerrville Code of Ordinances.

Mr. Hastings noted council had requested staff review ordinances that prohibited development along the river corridor. He noted at the time the city acquired the dam and lake from UGRA, the city also received the flood easement. He reviewed water impoundment regulations that prohibited certain uses, construction, and activities on the lake that were necessary to minimize potential damage from flooding and to ensure water quality at the city lake. He reviewed water pollution sources and noted ways the city could help manage pollution, e.g. federal and state laws, hazardous material routes for truck traffic, zoning buffer to protect the river from developments that had a potential for pollution.

He noted the National Pollutant Discharge Elimination System (NPDES) required certain cities adopt ordinances to protect their area lakes and rivers; although the city of Kerrville was not an NPDES city, Kerrville was not prohibited from implementing such standards. He reviewed components that should be considered in a water quality ordinance and noted that since UGRA acquired the flood easement in 1990, no construction had been allowed in the flood easement. Mr. Hastings noted he had drafted an ordinance in 2007 in anticipation of the city becoming an NPDES city. The city could abandon the UGRA flood easement in lieu of FEMA regulations; however, the city then would have to address the issue of storm water mitigation and water quality. In adopting an ordinance, the city had to balance allowing construction in the flood easement with ensuring water quality. Water quality could be addressed through creation of a special zoning district that would prohibit construction and operation of certain types of facilities.

Council also discussed the following:

- FEMA flood easements did not anticipate construction of river trails.
- FEMA flood easements prohibited construction at certain levels.
- City should not have regulations that prohibit projects that will benefit or help develop the city.
- Regulations that applied to the river should also apply to all water sources in the city.
- The FEMA flood plain elevation rose when the dam was built.
- In order to establish a hazardous material route, every major route in the city would have to be evaluated individually, and every major route had a bridge crossing the river.

The following person spoke:

- Carolyn Lipscomb noted after the 2002 flood, FEMA changed the floodplain on Town Creek; she questioned how that would affect development and how the FEMA boundary line differed from the UGRA easement.

Mr. Wellborn noted the current FEMA data was more accurate than the UGRA flood easement.

The consensus of the council was that Mr. Hastings should provide his draft ordinance to the city council and pursue establishment of hazardous material routes.

6B. Update on zoning ordinance input committee's (ZOIC) recommendations regarding off-street parking standards and special development regulations.

John Mosty, ZOIC chairman, noted that ZOIC would be addressing zoning along the river corridor in the future.

The council expressed concern that they had not had any direct communication with ZOIC and requested staff set up a joint meeting.

Mr. Parton provided council with copies of the May 2009 ZOIC report and other information.

The consensus of council was that ZOIC should proceed with the public vetting process through the planning and zoning commission regarding the central business district, off-street parking standards, and special development regulations.

7. INFORMATION AND DISCUSSION:

7A. Library renovation update.

Jeana Krause, executive director of the Mary Elizabeth Holdsworth Library Foundation, reported the following:

- Foundation joined the chamber of commerce and participated in Showcase 2.1.
- Received \$10,000 donation from Friends of the Library that had been gifted to them from Charles Butt.
- The foundation was selected be the recipient of the 2011 Charity Ball; therefore, a playground task force had been formed to develop the campus and playground plan.
- A new board member had been appointed: Jo Ann Henke Redden.

7B. Update regarding Lower Colorado River Authority Transmission Services Corporation's (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project (PUC Docket No. 38354).

Mr. Hayes noted this was the first week of a two week hearing in Austin. Mayor Wampler had filed written testimony and would be testifying in Austin on October 27 along with KPUB General Manager Tracy McCuan and County Judge Pat Tinley. Following the testimony period, the administrative law judges will issue their recommendation to PUC and PUC will ultimately determine the route of the CREZ line.

7C. Update regarding planning and preparation for a 2011 July 4th celebration.

Ms. Wendele presented a planning map detailing events and schedule and stated meetings had been held with non profit organizations, and they were asked to sponsor certain events. Kerr County Market Days volunteered to manage vendors and a fine arts gallery in the downtown area during the day. Some committee members offered to solicit donations to fund entertainment for the event with a deadline of January 1, 2011. She noted that previous council discussions proposed that any profit would be divided equally to: 1) the river trail; 2) participating non profits; and 3) start up money for 2012 4th of July event.

Council was concerned that waiting until January may not give sufficient time to book entertainers.

The following person spoke:

- Carson Conklin, committee member, stated that a plan had been developed and the committee was excited to make it a reality. He asked that council publicly support their concept and enthusiasm as this would assist them in seeking funding commitments.

7D. Kerrville budget/economic update.

Mr. Erwin noted local unemployment in September was at 6.0 up from 5.8 in 2009; the local median housing listing had declined 6% from September 2009 to September 2010.

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

9. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- The Hill Country Holiday Roundup would be held November 20 from noon to 6:00 p.m. at the Kerr County Courthouse, followed by the parade at 6:00 p.m.
- The Salvation Army Kroc Center Gala was well attended; the Kroc Center was an amazing facility and she encouraged people to join.

10. **EXECUTIVE SESSION:**

Mr. Gross moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney) of the Texas Government Code; the motion was seconded by Ms. Keeble and passed 5-0 to discuss 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.
- City of Kerrville, Texas vs. Edwin D. Higgins and Grace Higgins, No. 10838C, County Court of Law, Kerr County, Texas

At 7:25 p.m. the regular meeting recessed and council went into executive closed session at 7:34 p.m. At 7:55 p.m. the executive closed session recessed and council returned to open session at 7:56 p.m. The mayor announced that no action had been taken in executive session.

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

ADJOURNMENT. The meeting adjourned at 7:56 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary