

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 9, 2010

On November 9, 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 Fern Lancaster, First Assembly of God Church, followed by the Pledge of Allegiance led by Russ Holmer, Military Officers Association of America.

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 Cochran	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 Meisner	Director of General Operations
Charlie Hastings	Director of Public Works
John Young	Police Chief

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. RECOGNITION AND COMMENDATION:

2A. Kerrville Police Chief John Young for his election as the President of the Texas Police Chiefs Association for 2010-2011. Mayor Wampler presented a certificate of recognition to Police Chief John Young.

3. CONSENT AGENDA:

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

3A. Approval of the minutes of the city council meetings held on October 12, October 26, and October 27, 2010.

3B. Resolution No. 037-2010 authorizing the closure of a portion of Memorial Highway (Hwy 27) during certain hours for the Kerrville Main Street Annual Holiday Lighted Parade and authorizing the mayor to execute an agreement for

the temporary closure of state right-of-way with the Texas Department of Transportation.

3C. Authorize execution of a construction contract with N.G. Painting L.P. for rehabilitation of the College Cove ground storage tank in the amount of \$183,860.00 and execution of change orders in an amount not to exceed \$18,500.00.

3D. Authorize execution of a Homeland Security grant in the amount of \$125,000 for the police department to purchase communications equipment and backup power generators.

3E. Authorize execution of a lease agreement for a city-wide telephone system and telephony services.

3F. Authorize application for the 2010 Texas Capital Fund Grant for the Harper Road utility extension project.

END OF CONSENT AGENDA

4. ORDINANCE , SECOND AND FINAL READING:

4A. Ordinance No. 2010-023 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.

Mayor Wampler questioned if the adjustment was necessary to balance the FY11 budget; Ms. Meismer agreed.

Mr. Motheral moved for approval of Ordinance No. 2010-23 on second and final reading; Mr. Gross seconded the motion and it passed 5-0.

5. ORDINANCE , FIRST READING:

5A. An ordinance amending Chapter 26 "Buildings and Building Regulations", Article VIII "Building Board of Adjustment and Appeals" of the Code of Ordinances of the City of Kerrville, Texas, by amending the membership qualifications for said board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Mr. Coleman recommended approval of the ordinance to expand the membership qualifications to include any state licensed mechanical contractor in order to allow flexibility in filling positions on the board.

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

5B. An ordinance amending Chapter 58 "Health and Sanitation" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new Article IV "Illegal Smoking Products and Illegal Smoking Paraphernalia"; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for

violation of any provision hereof; ordering publication; providing for an effective date; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Chief Young noted the synthetic cannabinoids, also known as K2 or Spice, was a synthetic drug that mimicked the chemical found in marijuana. It was marketed as herbal incense not for human consumption and was sold in convenience stores and tobacco shops outside the city limits. Passage of the ordinance would prohibit the sale, possession, and use of synthetic cannabinoids in the city. He confirmed this was currently an unregulated drug; however there was pending state legislation that would make the drug illegal to possess or sell in Texas.

Police Officer Mike Baker stated that several states and cities had banned K2; he noted that stores inside Kerrville City Limits were not currently selling the product, but several stores outside the city were.

The following person spoke:

- Lori Gagne, representing KISD, discussed one case at Tivy High School. KISD supported passage of the ordinance as it would assist KISD in enforcement and in placement of students in alternative school.
- It was noted that a letter had been received from Schreiner University in support of the ordinance banning synthetic cannabis.

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

5C. An ordinance amending Chapter 118 “Waterways”, Article II, “City Water Impoundment Regulations,” of the Code of Ordinances of the City of Kerrville, Texas, by clarifying that the construction of habitable structures is prohibited within certain areas adjacent to the city’s impounded waters of the Guadalupe River and adding a definition for “habitable structure”; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; ordering publication; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Mr. Parton noted council instructed staff to review ordinances, specifically Chapter 118-33, Article II of the Code of Ordinances that prohibited or limited development in the flood easement, and propose possible amendments that would facilitate construction of a river trail and amenities; the proposed amendment would allow construction of non-habitable structures in the flood easement. Staff would continue to reevaluate floodplain management codes and other flood water mitigation regulations to accommodate potential development in flood easement areas; city council would have to consider potential developments on a case by case basis.

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

6. INFORMATION AND DISCUSSION:

6A. 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 the administrative law judges were expected to issue their opinion to the Public Utility Commission (PUC) in late December; it was anticipated the PUC would make a determination on the route of the CREZ line by late January or early February.

6B. Kerrville budget/economic update.

Mr. Erwin noted the local economy continued to be flat with virtually no improvement. Sales tax up slightly but HOT tax down.

7. ITEMS FOR FUTURE AGENDAS

- Naming of rivertrail.
- Edwards Plateau Conservation Plan and how it could affect Kerrville and the surrounding land owners; possible resolution from city council.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Veterans Day ceremony at the Kerr County Courthouse at 11:00 a.m. on November 11.

9. EXECUTIVE SESSION:

Ms. Keeble 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 the Texas Government Code; the motion was seconded by Mr. Motheral and passed 5-0 to discuss the following matters:

Section 551.071:

- Contemplated litigation involving a claim against C&C Groundwater Services.

Sections 551.071, 551.072 and 551.087:

- Negotiations with Hunter Equity regarding the construction of a multi-purpose meeting facility for the city of Kerrville.

At 6:31 p.m. the regular meeting recessed and council went into executive closed session at 6:34 p.m. At 7:07 p.m. the executive closed session recessed and council returned to open session at 7:08 p.m. The mayor announced that no action had been taken in executive session.

10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Negotiations with Hunter Equity regarding the construction of a multi-purpose meeting facility for the city of Kerrville.

Mr. Motheral moved to authorize an additional 30 days for receipt of information from Hunter Equity. Mr. Gross seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:09 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary