

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 8, 2011

On February 8, 2011, 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 Mike Williams, Zion Lutheran Church, followed by the Pledge of Allegiance led by Jerry Lane, of the 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: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochran	Director of Information Technology
Charvy Tork	IT Systems Administrator
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Kim Meisner	Director of General Operations
Charlie Hastings	Director of Public Works
Mike Wellborn	Director of Engineering
Robert Ojeda	Fire Chief
John Young	Police Chief
Daniel Schwartz	Library Director

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

1. VISITORS/CITIZENS FORUM: The following persons spoke:

1A. Kate Roos noted the League of Women Voters Kerrville Area were sponsoring a series of public education forums regarding state wide water resources and the availability of water locally. The meetings will be held at the UGRA offices at 125 Lehmann Drive 9:00 a.m.–1:00 p.m. on February 19, March 19, and April 9.

1B. Sara Hendricker urged council to accept the donation of land from the Cailloux Foundation for a new city hall; the location would benefit the citizens and would increase pedestrian traffic and support local downtown businesses, and

ensure the availability of public parking at the parking garage. She also asked council to consider using economic development funds to partner with local schools to better educate students, noting an educated workforce was an important factor in job creation and retention. She urged the city and county to come to an agreement for emergency medical services and not create another taxing district. Also, she questioned how the city's sidewalk project met ADA disability requirements with regard to obstacles, e.g. mailboxes.

2. RECOGNITIONS AND COMMENDATIONS:

2A. Police Captains David Knight and Jeffrey Wendling upon graduation from the FBI National Academy in Quantico, Virginia.

3. PRESENTATION:

3A. Alamo Area Council of Governments (AACOG) regarding the Kerr County weatherization assistance program.

Joe Ramos, AACOG representative, presented a weatherization assistance program designed to provide energy conservation to low income households; he noted that \$400,000 was available for the Kerr area.

4. CONSENT AGENDA:

Mr. Gross moved for approval of items 4A through 4B; Ms. Keeble seconded the motion and it passed 5-0:

4A. Approval of the minutes of the regular city council meeting held January 11, 2011.

4B. Resolution No. 008-2011 authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the City of Kerrville.

END OF CONSENT AGENDA

5. ORDINANCES, SECOND AND FINAL READING

5A. Ordinance No. 2011-02 amending the budget for fiscal year 2011 to account for changes in the status of various capital improvement projects, to amend other city funds to account for balances for approved purposes, and to account for revenue resulting from the settlement of a claim and grant funding awards. Mayor Wampler read the ordinance by title only.

Mr. Erwin noted no changes to the ordinance since first reading and recommended approval.

Mr. Motheral moved for approval of Ordinance No. 2011-02 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

5B. Ordinance No. 2011-03 amending the zoning district boundaries of Lot 445, Block 60, Schreiner Addition, otherwise known as 509 Barnett Street and located within the City of Kerrville, Kerr County, Texas, from the "R1-A" residential district to "C-19" central city district; containing a cumulative clause; containing a savings

and severability clause; and ordering publication. Mayor Wampler read the ordinance by title only.

Mr. Coleman noted that approval of the ordinance would put all of the property owned by the same owner under one zoning district. The planning and zoning commission recommended approval, and there were no changes to the ordinance since first reading.

Mr. Motheral moved for approval of Ordinance No. 2011-03 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

6. ORDINANCE, FIRST READING

6A. An ordinance amending Chapter 54 "Floods", Article II "Floodplain Management," of the Code of Ordinances of the City of Kerrville, Texas, to adopt the flood insurance study and updated flood insurance rate maps issued by the Federal Emergency Management Agency; 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. Wellborn noted in 2006 FEMA began updating flood insurance rate maps. In 2009 the city and county protested the preliminary maps based on incorrect/incomplete data and resubmitted information to FEMA; FEMA reissued revised maps and letter of final determination on September 7, 2010, to become effective March 3, 2011. The city was required to adopt the new maps in order to maintain eligibility in the national flood insurance program. He noted 150 structures would be impacted as a result of the new maps; those property owners were notified, and staff had met with owners making inquiries to answer questions and provide information. Adoption of the ordinance would not affect the city's plan to build the river trail.

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

7. CONSIDERATION AND POSSIBLE ACTION

7A. Lower Colorado River Authority (LCRA) Transmission Services Corporation (TSC) regarding right-of-way acquisition process for the Public Utility Commission ordered CREZ transmission project, Big Hill to Kendall (McCamey D-Kendall-Gillespie) line. (Barbara Hofmann, Public Affairs Representative, LCRA). The matter was postponed at the request of LCRA.

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). Matter was deferred to executive session.

7C. Request to discuss safety issues and repair of sprinkler system related to the sidewalk project on Methodist Encampment Road (Ellen M. Folk).

Mr. Parton noted Ms. Folk requested the item be cancelled; however, he reported on her concerns: damage to private property (destruction of her irrigation system), pedestrian safety, and sidewalk location. He noted that the project includes the requirement that the contractor repair damages to property and TxDOT will inspect repairs. He discussed the factors considered in determining the location of the sidewalks, i.e. utility lines, landscape features, number of properties to be disrupted, and pedestrian safety.

Mr. Wellborn noted that Kerrville Landscape had been hired to repair irrigation systems within the sidewalk project, and all repairs would be inspected before final acceptance of the project. Mike Coward, engineer for Texas Department of Transportation (TxDOT), noted all repairs would be inspected and completed before TxDOT would release funds to the contractor.

The following persons spoke:

1. Sara Hendricker questioned whether the sidewalks would meet ADA disability requirements with regard to the placement of mailboxes and other obstacles in sidewalks. Sidewalks switched from one side of the street to the other and she questioned the safety of pedestrians having to go back and forth across streets.
2. Derik Naiser, LNV Engineering, stated the sidewalks, as designed, were compliant with ADA regulations. He would review construction for compliance as sections were completed to make sure the sidewalks had been constructed to design specifications. All pedestrian crossings would occur at intersections and would be marked appropriately.

7D. Update on the safe routes to schools construction project by Texas Department of Transportation and LNV Engineering, Inc.

Mike Coward, engineer for TxDOT, noted that TxDOT had received 8 bids for the project and the construction contract had been awarded to TI-ZACK Concrete to construct over 8 miles of sidewalks in the amount of \$1,784,709.95. The contractor was ahead of schedule, currently at 22% completion.

7E. Request for council direction regarding zoning ordinance review and implementation.

John Mosty, chair of the Zoning Ordinance Input Committee (ZOIC), noted that work was progressing on the rewrite of the zoning ordinance and public forums were being held by ZOIC at each step; however, ZOIC was disappointed in the lack of public participation. He reported ZOIC had completed sections of the zoning ordinance rewrite and it had been submitted to the legal department. He noted ZOIC was unanimous in its opinion that public input was vitally important, and was concerned about the lack of public input; however, he noted some public participation was received during discussions regarding the creation of a central business district. He presented future steps in the review process.

Mr. Mosty requested guidance from city council on whether to continue the process of presentation and adoption of sections of the zoning ordinance incrementally as ZOIC completed those sections, or to wait until the entire zoning ordinance rewrite was complete and present it as one document.

Mr. Motheral opined that consideration and adoption of the zoning ordinance should not be in piecemeal fashion; rather the document should be considered as a whole where all pieces were connected and worked together. He requested that the document not be adopted in incremental sections.

The council discussed advantages/disadvantages of piecemealing the project in increments in order to adopt sections as they were completed and progress forward, versus waiting until all sections were finished and then presenting one complete document for public hearing and adoption. It was noted that the incremental process as recommended by ZOIC would allow sections to be implemented incrementally and speed up the review process, and amendments could be made if necessary.

The consensus of the council was that ZOIC should continue the process of reviewing the zoning ordinance in incremental sections and schedule presentations and public hearings before the planning and zoning commission and city council.

7F. Authorize execution of a contract with Alsay, Inc. for the construction of the Methodist Encampment water well in the amount not to exceed \$1,150,000.

Mr. Wellborn recommended awarding the contract for construction of the Methodist Encampment water well to Alsay in the amount not to exceed \$1,150,000 including contingencies.

Mr. Gross moved to authorize execution of the contract to Alsay, Inc. as stated; Ms. Keeble seconded the motion and it passed 5-0.

7G. Approval of the 2011 street rehabilitation list.

Mr. Hastings reviewed the pavement management system adopted in 2004 as a guide to address street rehabilitation needs for the city's 141 miles of pavement. All streets were evaluated and assigned an index number based on its condition. He noted 18% (26 miles) of streets were rated as failed, and streets were failing at a rate of 2.5% (3.6 miles) per year. He reviewed a list of streets recommended for sealcoat, overlay, and reconstruction in 2011, and upon approval by council, he will notify the utility companies and allow them 90 days to relocate any utilities in conflict with the city's construction plans.

Ms. Keeble moved for approval of the 2011 street rehabilitation list as presented and authorization to notify the affected utility companies; Mr. Allen seconded the motion and it passed 5-0.

7H. Interlocal agreements between City of Kerrville and Kerr County for joint operations.

Mr. Parton noted the city provided the county notice of termination of the existing interlocal agreements with the intent of renegotiating those agreements. At the joint meeting on January 19 the city and county established a subcommittee process for reviewing operations for animal control, fire and emergency medical services, library, and airport operations. Mr. Parton provided the document received from the county giving a profile of joint functions with a list of questions and comments. He noted he had provided the county the city's review of joint operations.

Mr. Parton provided an analysis of city and county revenue sources and noted the city was a primary revenue source for the county, comprising 47% of the county's population and 43.4% of the county's assessed valuation, and noted that \$7,349,681 of the county's revenue was generated within the city: \$5,492,545 in ad valorem tax; \$523,511 for county road and bridge; \$305,500 vehicle registration; \$235,000 for an additional \$10 vehicle registration fee; and \$793,125 in sales tax. He noted that county residents accounted for \$1,788,750 in sales tax revenue to the city; therefore, city residents contributed a net \$5.6 million to the county's budget. He estimated that the provision of all city services would require a contribution of \$1.9 million from the county, including animal control services; netting the county with approximately \$5.6 million contribution from city residents.

The following points were also noted by council and staff:

- The county proposed that the city separate the fire and EMS service. Mr. Parton noted the department operated as a combination service; certified personnel were cross trained for both functions and equipment was used to provide both services. Regarding having multiple units respond to Priority 1 and 2 calls, protocols were in place to ensure the safety of city personnel and to have sufficient manpower and equipment to be able to adequately manage a situation on a case-by-case basis. The city did not routinely send a fire engine to an EMS call in the county unless it was a Priority 1 or 2 call. Councilmembers stated they were strongly opposed to separating fire and EMS service.
- The fire department also provided swift water rescue, emergency management, county-wide communications, search and rescue, back up to other agencies, and first responder services; severing fire and EMS would have a domino effect on the impact of these services as well.
- The city was a fire and EMS services provider; the county was not a partner in this service. Payment should not be on a per call basis, rather, on the fixed costs for having the service available when needed.
- Mayor Wampler noted that Eric Maloney, city EMS coordinator, received the 2010 EMS Coordinator of the Year Award from the State of Texas. Mr. Parton noted that in addition to running an exemplary EMS service, the city also had a collection rate of 79-80% which was an extremely high collection rate. Mr. Maloney also oversaw the county's the first responder program and training.
- Only 1% of the communities in the entire country had an ISO rating of 2 or better; due to the city's funding investment in the fire department, the city had a 2;

this benefited county residents in their insurance premiums also.

- The county was discussing creating an emergency services district; the city would likely opt out as it already had a professional service and there would be no advantage of paying an additional tax.
- The city is equal owner of the airport and should be involved in that operation; the city has the option of terminating the existing airport agreements. The county has not provided information regarding airport allocation for FY12.
- The county was not upholding its long-standing prior agreement with Mr. Butt to equally fund the library; the city had never stepped away from honoring that commitment.
- Under state law, the county must provide animal control services for large animals for the entire county. The county desired to correlate regulations and provide the same level of service county-wide.
- County road and bridge operation was funded through ad valorem tax, vehicle registration and vehicle fee; in FY10 \$1.1 million was levied city wide; the total county wide expenditure for that operation was \$2.6-2.7 million. Mayor Wampler noted that of that amount, the city citizens contributed \$523,511 but only received a total of eight days of work on 2.8 miles of chip seal overlay over the past three years.
- Based on information in the county's budget, sufficient funds were available in the county budget to pay for all joint services, including fire and EMS, without interfering with the county's existing service levels in their other functions.

Mr. Parton proposed an overview of funding operations of the four joint functions:

- Fire and EMS: be based on service demand, time out and equipment utilization.
- Library: expenditure based on past 10 year average of \$825,000, split equally city/county.
- Airport: end of year expenditure from FY2010 at \$460,000 and split equally.
- Animal Control: continue to be run and funded by the county; county proposed to correlate city/county regulations.

The provision of services under this plan would require a net \$450,000-500,000 additional contribution from the county.

Mayor Wampler noted the county had not provided an official review of the joint services provided or the desired level of services, rather the county provided a profile of comments and suggestions, but with the caveat that the profile was not acted on by the county; so there was confusion on how the city should proceed in order to complete the negotiations and meet the March 31 deadline.

Mr. Parton proposed that staff prepare a plan for funding operations based on the proposal cited above, maintaining existing service levels for fire and EMS with current operating protocols in place and cost allocation to support that service; maintain service level at library at 54 hours per week; airport commitment be where it had been in the past and based on end of year actual expenditure with cost split equally; and animal control funded by county at level proposed. If the plan was not acceptable, then break into subcommittees with the county. Mr.

Gross volunteered to work on library negotiations; Ms. Keeble, animal control; Mr. Motheral and Mr. Allen on any subcommittee needed; Mayor Wampler will serve on all subcommittees. The council's goal was to have negotiated agreements in place and meet deadline of March 31.

The consensus of council was to proceed to initiate the proposal outlined by Mr. Parton and let the county respond.

8. INFORMATION AND DISCUSSION:

8A. Update on Millenium—the new integrated library system.

Mr. Schwartz reported on the library's new Millenium system that replaced the Galaxy system. The library circulated 3,146 items the first week. He reviewed the type of reports the system could perform, including residency reports, data base searches, and on-line registration. Since January 24, the library had registered 1,488 persons for library cards, and checked out 5,536 items.

8B. Update on the new voice over internet protocol (VoIP) telephone system installation.

Mr. Cochrane reported equipment installation and on-site training had begun; and he anticipated the entire system should be operational by February 18. The VoIP system should save the city \$40,000 annually over the cost of the previous system.

8C. Economic update.

Mr. Erwin reported unemployment was at 9% and even though the number was down, he felt this trend may be due to people dropping out of unemployment numbers. Sales tax was up 14%; HOT tax was down. General fund and water/sewer fund revenues and expenditures were on target with the budget. He noted the backup generator at the wastewater treatment plant had gone out during the emergency rolling electric shut-downs necessary during the freezing weather and had to be replaced. Staff will place an item on a future agenda to ratify this emergency purchase in the amount of \$120,000 plus installation cost to be paid out of the water/sewer contingency fund.

9. ITEMS FOR FUTURE AGENDAS: No items were proposed.

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Ms. Keeble noted that Partners in Ministry would be holding a Community Service Infusion (CSI) event on March 26 to help with minor home repairs and clean up for persons in need; she asked if city council or staff were interested in forming a team to contact her.
- Father Daughter Dance on February 12 at 6 p.m. at the Dietert Center.
- Ray Watson, the new Economic Development Director was introduced.
- Mr. Parton noted staff would be submitting a grant application to the Peterson Foundation for the Butt-Holdsworth Library renovation.
- Ruth Spradling questioned where the funding for the AACOG weatherization program originated. Mayor Wampler noted it was federal money passed through to the local AACOG.

11. EXECUTIVE SESSION:

Ms. Keeble 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 Mr. Motheral and passed 5-0 to discuss the following matter:

Section 551.071:

- LCRA Transmission Services Corporation proposed McCamey D to Kendall to Gillespie 345-kV CREZ Transmission Line in Schleicher, Sutton, Menard, Kimble, Mason, Gillespie, Kerr, and Kendall Counties, Texas. Public Utility Commission of Texas (PUC) Docket No. 38354.
- Contemplated litigation involving a claim against C&C Groundwater Services regarding aquifer storage recovery well 3 (ASR3).

At 8:19 p.m. the regular meeting recessed and council went into executive closed session at 8:25 p.m. At 9:03 p.m. the executive closed session recessed and council returned to open session at 9:04 p.m. Mayor Wampler announced that no action had been taken in executive session.

12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 9:05 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary