

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
FEBRUARY 22, 2011

On February 22, 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 Stockton Williams, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Bill Cantrell and Jim Myers of the CPL Jacob C. Leicht Memorial AMVETS Post 1000.

**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
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Kim Meismer	Director of General Operations
Charlie Hastings	Director of Public Works
John Young	Police Chief
Malcolm Matthews	Director of Parks and Recreation

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

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

2. **PRESENTATIONS:**

2A. Proclamation honoring Partners in Ministry and the Volunteers for their hours of hard work and dedication to the community through CSI (Community Service Infusion): Kerr County Program to be held March 26, 2011.

2B. Recognition of City Secretary Brenda Craig upon her third recertification from the Texas Municipal Clerks Program at the University of North Texas.

4. **CONSENT AGENDA:**

Citizen Ruth Spradling requested 3D and 3E be removed from the consent agenda.

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

3A. Approval of the minutes of the city council meetings held on January 18, January 19, and January 25, 2011.

3B. Authorize execution of a contract to M & C Fonseca Construction Company for the construction of the Jackson Road/Glen Road water main project in an amount not to exceed \$450,000.

3C. Resolution No. 010-2011 amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided by the city to include wholesale sewer rate and rental of the downtown pavilion.

#### **END OF CONSENT AGENDA**

3D. Authorize an easement agreement with the Kerr Arts and Cultural Center for the placement of public art.

Ms. Wendele noted the art work would be unveiled at the Mardi Gras on Main event on March 8, and would be purchased with proceeds from that event.

3E. Resolution No. 009-2011 authorizing the use of internal combustion engines on the lake upstream of the city's impoundment dam for a triathlon.

Mr. Hastings noted the resolution would allow the use of watercraft equipped with internal combustion engines to prepare the lake for the swimming portion of a triathlon and to monitor participants during the event in case rescue was needed. This would be a one-time only exception to the water impoundment regulations; if event coordinators proposed to hold the event in Kerrville again, they would have to request authorization for that event also.

Mr. Allen moved for approval of Agenda Items 3D and 3E as presented; Mr. Motheral seconded the motion and it passed 5-0.

#### **4. ORDINANCE, SECOND AND FINAL READING**

4A. Ordinance No. 2011-04 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 the ordinance would adopt the new flood insurance rate maps and flood insurance study to become effective March 3, 2011. The ordinance passed first reading on February 8.

Mr. Motheral moved for approval of Ordinance No. 2011-04 on second and final reading; Mr. Gross seconded the motion and it passed 5-0.

## **5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Building board of adjustment and appeals' (BBAA) recommendation to amend the plumbing code to allow grey (recycled) water reuse systems.

Mr. Coleman noted previously a citizen requested a change in the plumbing code that would allow the reuse of grey water for outdoor irrigation; council referred the issue to the BBAA for review and recommendation. The BBAA recommended an amendment to the city's plumbing code that would adopt Texas Commission on Environmental Quality minimum standards to allow the reuse of reclaimed (grey) water. He noted the requirements under TCEQ, in particular: installation by a licensed plumber, and must not create a nuisance or a health problem. He also noted that TCEQ standards exempted the requirement for installation by a licensed plumber for owner installed systems and systems for domestic use of up to 400 gallons per day for a private residence .

Council discussed the following points:

- Grey water had the potential of becoming a septic problem.
- Currently, treated water from the city's wastewater system: 1) went into the river and the city received credit from the state for that amount of water; or 2) was sold by the city.
- The amount of potable water saved through the reuse of grey water would be insignificant.
- Concern that during wet seasons grey water systems could fail, creating a potential health problem.
- Rainwater catchment systems would be safer environmentally, and were a more efficient way to conserve water.
- Staff was in the process of addressing rainwater catchment systems in the drainage ordinance, with possible incentives for installation.

Mr. Motheral moved to deny the request to amend the plumbing code to allow grey (recycled) water reuse systems until the drainage ordinance could be written, which would include standards for rainwater catchment systems. Mr. Allen seconded the motion.

After discussion, Mr. Motheral noted that even after the drainage ordinance was rewritten to allow rainwater catchment systems, he would still be opposed to allowing grey water reuse systems due to potential health issues.

Mayor Wampler clarified that the motion being voted on was that council was opposed to amending the plumbing code to allow grey (recycled) water reuse systems regardless of the completion of the rewrite of the drainage ordinance or whether rainwater catchment systems would be allowed in the city.

The motion passed 4–1 with Messrs. Allen, Gross, Motheral, and Wampler voting in favor of the motion, and Ms. Keeble voting against the motion.

5B. Direction to staff regarding amendments to the city's sign regulations in the proposed central business district (CBD).

Mr. Coleman reviewed the proposed application of the sign ordinance in the newly created central business district, and discussed a set of proposed amendments to the sign ordinance 2003-07 and the proposed areas where those amendments would apply: in the CBD, along SH 173, portions of Loop 534, Guadalupe River zone; and newly developed commercial property on: FM783, Holdsworth Drive, Spur 98, SH 16 South, and the gateway district. He noted that of the 80 properties in the CBD, 9 signs would not be in compliance. He noted the proposed amendments would relax current standards in commercial corridors, and he recommended that banner signs be allowed in all districts but with a time restriction.

Council discussed the following points:

- Concern that the standards not give advantage or disadvantage to commercial properties, but be consistent and enforced equally to all.
- Internally lit signs should be allowed as a good city-wide standard. Mr. Coleman noted that the current ordinance did not permit internally lit signs; the proposed amendment would allow internally lit signs with certain conditions.
- There were areas where monument signs would not be effective or would be a safety hazard by blocking a driver's vision. Mr. Coleman noted the existing sign code restricted signs where they created visual impairments.
- Sign ordinance should not be so restrictive that it did not allow a business to advertise; city should not hinder a business from being successful.
- City should establish criteria and standards for monument signs and review each situation on a case-by-case basis.
- Ordinance should have flexibility but with guidelines.
- Sign ordinance should be enforceable and not subjective.
- Council was also responsible to establish aesthetic standards.

Mr. Parton reviewed direction to staff regarding amendments to the sign ordinance:

- Provide flexibility: owner has the option of a monument sign or pole sign.
- Height limit be 15 ft. for pole sign; 8 ft. for monument sign. Ground clearance for pole signs be 8 ft. from finished grade to the bottom of the sign.
- Facilitate visibility by keeping the sign outside of general visibility triangles.
- Right of way setbacks for both types of signs be 10 ft.
- Keep existing spacing standards for both types of signs.
- Allow internally lit signs for both monument and pole signs.
- Advertising area for both monument and pole signs be consistent, but as yet to be determined.
- Multi-tenant signs for both pole and monument signs have allowance on advertising space and height.
- Contemplate aesthetic design and define standards.
- Bring draft back to council before initiating public vetting process.

5C. Regulation and land use control of coin operated machines commonly known as “8 liners”. Mr. Coleman noted a recent inquiry about opening an 8 liner gaming facility in Kerrville. He reviewed regulations and enforcement under state law and noted the state allowed cities to adopt additional restrictions, e.g. registration and background checks of owners and operators; annual licensing of machines; separations (such as walls) between gaming machines and non-gaming areas; and control the location of such facilities through land use and zoning districts.

Mr. Hayes stated there were additional legal issues associated with regulating 8 liners that he would like to discuss with council in executive session.

5D. Recommended amendments to the Code of Ordinances regarding park regulations.

Mr. Matthews noted staff and the parks and recreation advisory board recommended the following amendments to the park regulations:

- Park hours be changed from 7:30 a.m. to dawn to allow for change in seasons; this will allow activities such as walking during early morning. The change to “dawn” would be consistent with park operating hours in other cities. He noted that the Louise Hays Park pavilion and Kerrville-Schreiner Park were addressed in separate ordinances and a time change was not recommended at those sites.
- The current ordinance restricted the use of all motorized vehicles except on roadways or parking areas; he proposed the ordinance be amended to “any motor-driven vehicle” in order to allow the use of mopeds.
- Swimming pool and swimming areas: The current ordinance stated “children under 12, who are unable to swim, should be accompanied by a person at least 14 years of age.” Staff was not always available, particularly along the river, to determine a person’s age or ability to swim. He recommended the language be removed from the ordinance as this was addressed in the administrative rules for the pool and spray park, which established the age for escorts at 17.
- Alcohol restrictions in Kerrville-Schreiner Park: The current ordinance allowed the possession and consumption of alcohol only in certain permitted areas of KSP; for consistency in enforcement, he recommended alcohol be allowed in KSP as in all other city parks.
- Boardwalk Pavilion: He recommended establishing a rental schedule for the pavilion: 6 p.m.-9 p.m. weekdays and 1 p.m. to 9 p.m. on weekends/holidays; limit the number of attendees at 75 per event; restrict the consumption and display of alcohol on the boardwalk, pavilion, or adjacent public property unless authorized in writing by rental or special event permit.

Staff should prepare an ordinance for council’s consideration at a future meeting.

5E. 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 that PUC had to rule on the city’s request for rehearing by March 13 unless they extended the deadline. He had additional information to present to council in executive session.

5F. Interlocal agreements for services and joint operations between the City of Kerrville and Kerr County.

Mr. Parton reviewed the six step process agreed to by the city and county. The council previously instructed staff to prepare an outline for the four services: airport, library, fire and EMS, and animal control operations. He provided copies of the letter and outline that was presented to County Judge Tinley on February 15 (step 3). Staff had proceeded to setup subcommittee meetings between city and county representatives (step 4); instead, the county requested another joint meeting of city council and county commissioners.

**6. INFORMATION AND DISCUSSION:**

6A. Economic update.

Mr. Erwin noted local unemployment was the same as one year ago; consumer confidence rose about 6 points; sales tax was up, but HOT tax was down.

6B. Report by Kerrville Economic Development Corporation regarding the trip to Washington, D.C. February 10-12, 2011. (Ray Watson)

Mr. Watson, KEDC executive director, reported on the delegation that went to Washington DC February 10-12 and met with representatives from congressmen's and senators' offices, USDA, and US Secretary of Agriculture regarding the USDA lab project. He reported that during the current budget crisis no federal funds were available for the project; however, the project had support of congress and USDA when funds become available in the future.

Mr. Parton noted that Congressman Smith agreed to take a letter of support from the Texas delegation to the USDA.

Ms. Keeble presented a letter to the city council regarding her objections to a proposed roadway connection to I-10 midway between SH16 and Harper Road as presented by former Councilmember Chuck Coleman. She noted the project was presented to council and two weeks later it was presented to representatives in Washington DC. Ms. Keeble stated she objected to this project being allowed to circumvent established process and cautioned fairness.

The Mayor and Mr. Watson explained that the delegation had presented a wish list of conceptual projects that would be a long term benefit to the community in the next 10-25 years. Mr. Watson noted that mobility projects were more likely to receive federal funding than other type of projects. Mayor Wampler stated the delegation attempted to provide viable projects for the area that had a chance of funding; there was no expectation of receiving funds. Mr. Watson stated the importance of a strategic plan and working toward the same goal and direction.

Bruce Stracke encouraged council to develop and follow a strategic plan, otherwise, things would develop haphazardly without direction. The city needed to have a strategic plan to guide growth and bring in industry and commercial

business. He was opposed to the city participating in funding the proposed roadway connection to I-10.

7. **ITEMS FOR FUTURE AGENDAS**: No items were proposed.

8. **ANNOUNCEMENTS OF COMMUNITY INTEREST**: None discussed.

9. **EXECUTIVE SESSION**:

Mr. Motheral 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. Allen and passed 5-0 to discuss the following matters:

Section 551.071:

- Regulation and land use control of coin operated machines commonly known as "8 liners".
- Cause No. SA11CA0116 - FB; Louis V. Doss and Carolyn Doss, individually and d/b/a Mulugan's Pub v. Chief John M. Young, et al.; in the United States District Court for the Western District of Texas, San Antonio Division.
- Voluntary Cleanup Program No. 1793, Mooney Airplane Company, Inc. - Original Application.
- 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.

Sections 551.071, 551.072 and 551.073:

- Discuss the purchase, exchange, lease, sale, value or donation of real property from the Cailloux Foundation for use as a city hall, the public discussion of which would not be in the best interests of the city's bargaining position.

At 8:09 p.m. the regular meeting recessed and council went into executive closed session at 8:19 p.m. At 9:19 p.m. the executive closed session recessed and council returned to open session at 9:20 p.m. Mayor Wampler announced that no action had been taken in executive session.

10. **ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION**: None.

**ADJOURNMENT**. The meeting adjourned at 9:20 p.m.

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

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

ATTEST:

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