

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
NOVEMBER 8, 2011

On November 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 Eldon Sheffer, Director of Church Relations, Schreiner University, followed by the Pledge of Allegiance led by Russ Holmer, Military Officers Association of America.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBER ABSENT:

Gene Allen	Mayor Pro Tem
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochran	Director of Information Technology
Mike Erwin	Director of Finance
Charlie Hastings	Director of Public Works
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. CONSENT AGENDA:

Mr. Conklin moved for approval of items 2A – 2F; Ms. Keeble seconded the motion and it passed 4-0:

2A. Resolution No. 043-2011 cancelling the regular meeting of the city council scheduled for December 27, 2011.

2B. Agreement with the Kerrville Convention & Visitors Bureau, Inc. for the use of hotel occupancy tax funds for promoting the arts advertising committee.

2C. Award contract to Library Interiors of Texas for furniture and its installation for the Butt-Holdsworth Memorial Library in an amount not to exceed \$201,500.00.

2D. Work order amendment to the professional services agreement with Peter Lewis Architect + Associates, PLLC for design of the renovation and expansion project at the Butt-Holdsworth Memorial Library in an amount not to exceed \$25,000.00 for a total contract amount not to exceed \$146,000.00.

2E. Work order amendment to the professional services agreement with Freese and Nichols, Inc. for additional design services of the Birkdale lift station and new force main/co-mingle box at the wastewater treatment plant in an amount not to exceed \$117,000.00.

2F. Professional services agreement with Freese and Nichols, Inc. to provide preliminary engineering survey and design of the Jefferson lift station force and gravity mains in an amount not to exceed \$71,000.00.

**END OF CONSENT AGENDA**

**3. ORDINANCE, SECOND AND FINAL READING:**

3A. Ordinance 2011-20 abandoning, vacating, and closing two public right-of-ways consisting of Rodriguez Street as it extends between Water Street and Main Street (State Highway 27) and the alley which intersects with Rodriguez Street and extends between Francisco Lemos Street and Hays Street; said right-of-ways comprise 0.719 acre, more or less, and are out of Blocks 46 and 47 Schreiner's Addition, within the City of Kerrville, Kerr County, Texas; making a finding that neither the street nor the alley is required for present or future public use; providing for the terms and conditions of abandonment, vacation, and closure; and authorizing the city manager to take all necessary actions to effectuate the abandonment, vacation, and closure. Mayor Wampler read the ordinance by title. Mr. Parton noted staff reviewed and evaluated the abandonment and recommended approval of the ordinance; no changes were made since first reading.

Ms. Keeble moved for approval of Ordinance No. 2011-20 on first reading; Mr. Gross seconded the motion and it passed 4-0.

**4. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

4A. An ordinance to continue the taxation of tangible personal property, goods-in-transit, which would otherwise be exempt pursuant to Texas Tax Code Section 11.253. Mayor Wampler read the ordinance by title.

Mr. Hayes noted recent legislative changes required cities to take action to provide for the taxation of goods in transit. Previous city councils enacted an ordinance that did not approve the exemption. He noted that staff had verified with KCAD that currently no property in Kerr County would be affected. If council passed the ordinance, goods that qualified would be taxed; however, the council had the opportunity to waive the tax as economic incentive for businesses.

Mayor Wampler declared the public hearing open at 6:07 p.m.; no one spoke; Mayor Wampler closed the public hearing at 6:07 p.m.

Mr. Gross moved for approval of the ordinance on first reading; Mr. Conklin seconded the motion and it passed 4-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Cast the City of Kerrville's ballot for Kerr Central Appraisal District Board of Directors 2012 to 2013 term of office.

Mr. Parton noted in October the city council nominated William H. Moody. The KCAD ballot contained five nominees for the five positions; the city had 724 votes. He recommended casting 720 votes for Mr. Moody and one vote for each of the other candidates in order to have standing in the unlikely event of a recall of any of the board members in the future.

Ms. Keeble moved to cast the city's 724 votes as follows: William H. Moody, 720; Mark Bigott, 1; Kirk Griffin, 1; Charles Lewis, 1; and Ray Orr, 1. Mr. Conklin seconded the motion and it passed 4-0.

5B. Renaming of the City of Kerrville's lake on Guadalupe Street north of the water treatment plant dam. Mr. Hastings noted the dam was originally constructed by the Upper Guadalupe River Authority and the ownership was transferred to the city in the 1990s. On October 11 the city council presented an application to name the lake Sunset Lake. A public hearing was held on November 2; four persons spoke with the following results: Lake of the Hills, 1; City Lake, 1; and Sunset Lake, 2. He noted that 34% of the responders in a newspaper poll supported the name Sunset Lake and many suggested a name that would honor Marine Corporal Jacob Leicht. Mr. Hastings recommended the lake be named Sunset Lake.

The following person spoke:

- Joe Luther suggested the lake be named after the Commander of the US Naval Fleet during World War II, Fleet Admiral Nimitz. Admiral Nimitz was a graduate of Tivy High School and Kerrville's most distinguished military officer. Mr. Luther stated he was a member of the local American Veterans (47 members) and the board voted unanimously to name the lake for Admiral Nimitz. Mr. Luther noted he had not attended the public hearing, nor had any other members of the AMVETS. He recommended a historic marker be placed at the lake to recognize Admiral Nimitz's contributions to the community; he further suggested the adjacent city park and playground be named Nimitz Park.

The following points were also discussed by council:

- Council was following the process established for naming/renaming city property.
- The other two area lakes had official names.
- Historic identity would be more significant and last for generations; need signage to have more impact in the name.

Mr. Gross moved to name the lake "Sunset Lake"; Ms. Keeble seconded the motion. The motion failed 2-2 with Mr. Gross and Ms. Keeble voting in favor of the motion, and Mr. Conklin and Mr. Wampler voting against the motion.

Mayor Wampler noted the city could receive additional input and the matter could be placed on a future agenda for further consideration.

Ms. Keeble moved to name the lake "Nimitz Lake"; Mr. Conklin seconded the motion and it passed 4-0.

5C. Landscape watering times under Ch. 110, Article III “Water Management Plan” of the City of Kerrville’s Code of Ordinances.

Mr. Hastings noted the city was currently in Stage 4 with landscape watering permitted from 6-9 a.m. and 7-11 p.m. by hand, drip irrigation, or buckets. The fee for violating the ordinance was \$350. With the change in season, the council had requested an item be placed on the agenda to discuss changing the watering schedule to accommodate watering during daylight hours in the winter months.

Council also discussed the following:

- Most vegetation was going dormant and did not need as much water in winter.
- Changing the times would be confusing for the public and make enforcement more difficult; keep it simple.

No action was taken by the city council on this matter.

5D. Settlement agreement regarding complaint of Cecil R. Atkission and City of Kerrville against Lower Colorado River Authority Transmission Services Corporation, Public Utility Commission of Texas (PUC), Docket No. 39516.

Mr. Hayes reported when PUC issued the order to LCRA regarding the route of the CREZ line, LCRA did not understand that USDA would not allow the line on their property. So when the route was moved to I-10, the city and Cecil Atkission filed a complaint with PUC concerning the impact to the Hwy. 16 and I-10 intersection, and eventually the county joined in that complaint. The attorneys worked with LCRA regarding their agreement with TxDOT to allow the bulk of the line between Hwy. 16 and Harper Road along I-10 to go into state right of way to lessen the impact to private property owners. Mr. Hayes recommended the city enter into the settlement agreement with LCRA which would have the impact of dismissing the complaint before PUC. He expressed disappointment in that the city had requested LCRA keep the city involved in the discussions regarding the final agreement with TxDOT, and they would not agree to do so. Mr. Atkission was ready to settle, and let LCRA reach an agreement with TxDOT. Mr. Hayes noted LCRA would still have to go through the permitting process with TxDOT, and the city had done its best to protect private property along the I-10 corridor.

Mr. Conklin moved to approve the settlement agreement; Ms. Keeble seconded the motion and it passed 4-0.

**6. INFORMATION AND DISCUSSION:**

6A. Allied Waste’s notice of solid waste curbside garbage and recycling collection day changes, including removal of Saturday collection.

Mr. Hastings noted the August 2006 collection agreement with Allied Waste allowed for changes in the collection routes or days subject to city approval. AW proposed to change from a six-day to a five-day collection schedule, which would affect 50-75% of the households city wide. He reviewed advantages of the proposed route change e.g. public safety and less disturbance in neighborhoods

on Saturdays. Waste collection for commercial customers would not be affected by the change as businesses contracted with AW directly and the city was not involved. The city would advertise the new route schedule on the city website and the calendar to be mailed in December. Allied would provide a one month grace period in January 2012 to allow citizens to adjust to the new schedule.

Rudy Rodriguez, representing Allied Waste, discussed AW's desire to average out their workload by condensing the same workload into five days. He proposed the scheduling change become effective January 1, 2012; AW would be responsible for advertising the change.

6B. Update on the city hall construction project.

Ms. Ondrias noted on March 8 the city council authorized the mayor to sign an agreement with the Cailloux Foundation that would allow the city to move through the design process with Peter Lewis Architect Associates. On November 8, eight bids were opened, and the low bidder was Huser Construction at \$2,409,000. Staff would move forward in negotiations with the Cailloux Foundation to prepare documents for council's consideration to accept the deed; he anticipated construction to begin January with completion in October/November 2012.

6C. Water resources report.

Mr. Hastings presented graphs depicting the amount of rainfall from 2007-2011 and aquifer storage recovery storage from 1998-2011. The long range forecast predicted continued drought through 2012. Currently the city was not injecting water into the ASR and probably would not until significant rainfall was received. The city was currently in Stage 4 and likely would remain in Stage 4 for a while. The city's current demand was 500 mgd.

6D. Budget and economic update.

Mr. Erwin noted the sales tax increase of 19% in October was an anomaly caused by several factors. He reviewed general fund and water/sewer fund revenue and expenditures. The national job report indicated unemployment remained over 9%, and he noted that historically job recovery had improved at a faster rate following recessions than it was currently.

7. ITEMS FOR FUTURE AGENDAS None.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

8A. Tuesday, November 15, 5:30 – 7:00 p.m., Inn of the Hills, the city council will be hosting a town hall meeting; the public was encouraged to attend.

8B. November 19, 6:00 p.m., downtown Kerrville, holiday lighted parade.

8C. December 10, 5-7 p.m. at Schreiner Park Recreation Hall, Supper with Santa.

8D. November 9, 1 p.m., first test of the nationwide emergency system.

8E. November 20, 7 p.m., at the Kroc Center, a community Thanksgiving worship service.

**9. EXECUTIVE SESSION:**

Ms. Keeble moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), and 551.087 (deliberation regarding economic development negotiations) of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 4-0 to discuss the following items:

- Section 551.071 and 551.087:

Discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the Council seeks to have locate, stay, or expand in the City and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to such business prospect.

At 7:12 p.m. the regular meeting recessed and council went into executive closed session at 7:12 p.m. At 7:27 p.m. the executive closed session recessed and council returned to open session at 7:28 p.m. Mayor Wampler announced that no action had been taken in executive session.

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

**11. ADJOURNMENT. The meeting adjourned at 7:28 p.m.**

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

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David Wampler, Mayor

ATTEST:

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Brenda G. Craig, City Secretary