

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
OCTOBER 11, 2011

On October 11, 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 Tom Murray, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Dick Weaver of the Military Officers Association of America.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

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

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

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

1A. William Spencer Hart noted that on October 5, 2011, the city published notice of intention to issue \$3.5 million certificate of obligation (CO) as part of a \$7 million river trail improvement project; he estimated the annual debt service at \$600,000. Under Local Government Code Section 271.049, 5% of qualified voters of the city could protest the issuance of CO debt. He prepared a petition and would assist citizens in circulating the petition; the deadline for filing the petition with the city is December 13. Upon receipt of the petition, the city would be prohibited from issuing CO debt until the issuance was approved at an election. He stated he was not opposed to a river trail, but the city's funds could be spent wiser and get better rewards sooner; debt selling should not be considered.

2. RECOGNITIONS AND COMMENDATIONS:

2A. Award from the Texas Department of Transportation for "Click it or Ticket" program. Samuel Aguirre, TxDOT, presented the police department with a \$4,000 grant to be used for traffic related training or equipment.

3. CONSENT AGENDA:

Mr. Allen moved for approval of items 3A – 3D; Mr. Conklin seconded the motion and it passed 5-0:

3A. Minutes of the regular city council meeting held September 27, 2011, and the special meeting held September 29, 2011.

3B. Non-exclusive license agreement between the City of Kerrville and Schreiner University for use of city owned soccer fields.

3C. Agreement for assessment and collection services between Kerrville Independent School District and the City of Kerrville.

3D. Purchase of a new replacement ambulance from Dallas Dodge Chrysler Jeep through the local government-purchasing cooperative, Buyboard, at a price not to exceed \$156,350.00.

END OF CONSENT AGENDA

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Resolution No. 040-2011 nominating candidates to Kerr Central Appraisal District Board of Directors.

Mr. Parton noted the city's current representative, William H. "Hank" Moody, was currently serving as KCAD board secretary. The city may nominate up to five persons, and upon completion of the nomination process, KCAD will provide a ballot to all taxing entities. The city has 724 votes out of 5,000 and may cast all votes toward one candidate or divide the votes between candidates.

Ms. Keeble moved for approval of Resolution No. 040-2011 nominating William H. "Hank" Moody to the KCAD Board of Directors; Mr. Gross seconded the motion and it passed 5-0.

4B. Resolution No. 041-2011 providing for the city's approval or disapproval of an amendment to the Kerr Central Appraisal District's 2010 fiscal year budget. KCAD Chief Appraiser P.H. "Fourth" Coates noted KCAD's audit of the FY10 budget determined a surplus of \$32,790.99, of which the City of Kerrville's prorated tax levy was \$4,768.10. KCAD requested that the taxing entities allow KCAD to retain the surplus for future renovations to the KCAD property and/or vehicle replacement (to be determined by the board at a later time); however, if a majority of the taxing entities vetoed the request by resolution, the budget amendment would fail and KCAD board must then return the surplus to the taxing entities based on their prorated share of the surplus; thus far only Ingram ISD had voted to veto the request. He noted KCAD had cut their FY11 budget 15-16%, and their FY12 budget an additional \$5,000, and no raises were proposed in the FY12 budget.

Mr. Gross moved for approval of Resolution No. 041-2011 approving the requested amendment to the KCAD FY10 budget as presented; Mr. Allen seconded the motion and it passed 5-0.

4C. Request to remove a street sign in front of 1223 Jack Drive. The matter was removed at the request of the applicant, Mr. Fred Parkhurst.

4D. Appointments to the airport planning committee created by the Interlocal Agreement For The Continued Existence Of a Joint Airport Board To Provide Management Of The Kerrville/Kerr County Airport.

Mr. Parton noted the interlocal agreement approved by the council September 27, provided for the creation of an airport planning committee with two representatives from the airport board, and three representatives each from the city and county (no more than two elected officials each). The purpose of the committee will be to: 1) Review and discuss airport operations and finances; 2) Discuss planning for the operation, management, and economic development of the airport; and 3) Formulate recommendations regarding goals for the airport. The commissioners' court voted to appoint Commissioners Letz and Overby, and Auditor Jennie Hargis.

Ms. Keeble moved to nominate Mayor David Wampler, Councilmember Carson Conklin, and Finance Director Mike Erwin to the airport planning committee. Mr. Gross seconded the motion and it passed 5-0.

4E. Direction to staff concerning notice of application for a Certificate of Convenience and Necessity (CCN) to provide water utility service in Kerr County, Texas; specifically, Village West Water System: The proposed utility service area is located approximately three miles west of downtown Kerrville, Texas, and is generally bounded on the north by Goat Creek Parkway; on the east by Oak; on the south by Junction Highway (State Highway 27); and on the west by Cedar Mill. The total area being requested includes approximately 65 acres and 35 customers.

Mr. Hastings noted the city received notice that the Mary Meade Water Company (MMWC) applied for a CCN in an area where Aqua Texas (AT) had the CCN. MMWC, also known as Vlasek Pump Co., owned and operated the system serving half of the Village West Industrial Park (VWIP) for many years even though AT had the CCN. Staff understood this was an attempt to decertify the area from AT and certify MMWC; however, the application was unclear whether MMWC's proposed CCN overlapped into the city's CCN. He noted that half of the VWIP was located in the city limits but was served by a private water provider. He understood from property owners that water pressure was insufficient and although fire hydrants existed, fire flow was inadequate. Property owners had approached the city several times in the past to fix water deficiencies, but the city does not have the CCN for that area, and this was an issue between the property owners and their water provider. Mr. Hastings noted that even if the city intervened in the subject application, the city could not cause TCEQ to make MMWC fix the water deficiencies. He requested council's support to intervene with intent to get additional information to determine if an overlap existed, and authorization to intervene if necessary to protect the city's interests.

Mr. Conklin moved to authorize staff to intervene in the application; Ms. Keeble seconded the motion and it passed 5-0.

4F. Request from Lower Colorado River Authority Transmission Services Corporation to send a representative from the City of Kerrville to landowner meeting regarding the McCamey D to Kendall to Gillespie CREZ project.

Mr. Parton noted as the next step in the process, LCRA had scheduled a meeting with affected landowners on October 27 to discuss the type of material, spacing, placement, and height of structures. LCRA invited the city to attend the meeting and state its preference. He noted on August 11, 2011, the city submitted a letter requesting TxDOT grant LCRA authority to use right of way at the intersection of I-10 at SH16 and I-10 at Harper Highway in order to lessen the impact to land owners and lessen the visual obstruction at the city's gateways. He suggested that council reaffirm the routes stated in the August letter and provide additional clarification on the height, material, and location of the poles. Due to topography, he suggested the poles be located as high as possible.

The following persons also spoke:

- Barbara Hofmann, representing LCRA, responded to questions from the council. She noted the meeting would allow affected landowners the opportunity to state their preference for pole material; the height of the poles would mainly be dictated by the terrain. The city could hear what individual landowners preferred and submit its preference for pole material at the meeting or by letter. She stated that LCRA had heard from TxDOT, but she could not speak about the TxDOT issue or the exact route of the line through Kerrville; LCRA engineers would be at the meeting to talk about where the line would go generally through Kerrville, but the center of the line had not been completely determined.
- Jimmie Spradling noted if property owners could state their preference of pole material, that could result in every other pole being a different color along I-10. Ms. Hofmann stated LCRA would try to get consensus in an area; she noted that Junction preferred rustic poles.

A councilmember noted that construction of the line in another county left the condition of that property in sad shape; it was a tragedy and he hoped that LCRA would at least do a better job of landscaping in Kerrville.

The consensus of the council was to reaffirm the August 11 letter and attempt to save the sight line by keeping the poles as high as possible.

Mr. Allen moved to recommend galvanized monopoles, and to appoint Councilmember Conklin to represent the city at the October 27 meeting. Mr. Gross seconded the motion and it passed 5-0.

4G. Initiation of a process to name the City of Kerrville's lake on Guadalupe Street north of the water treatment plant dam.

Councilmember Gross requested the city initiate the process to name the city's lake "Sunset Lake"; Councilmember Keeble submitted the form to start the naming process.

Mr. Gross moved to initiate the process; Ms. Keeble seconded the motion and it passed 4-1 with Councilmembers Gross, Keeble, Allen, and Conklin voting in favor of the motion, and Mayor Wampler voting against the motion.

Council discussed following the adopted process and allow the public the opportunity to propose other names also.

The following person spoke:

- Ruth Spradling questioned why the council was proposing to name the city lake. Mayor Wampler noted the lake did not have an official name.

4H. Set a time, date and place for a town hall meeting to be conducted by the Kerrville City Council.

Mr. Parton noted a date had been set: Tuesday, November 15, 5:30-7:00 p.m. at the Inn of the Hills Conference Center. He proposed three components of the event: 1) State of the city; 2) Address good and bad things to make the community “happen” and what the city was doing about it; and 3) Have a formal question and answer process. Questions and answers would be compiled and put on the city’s webpage. Jeff Talarico volunteered to be the event moderator.

The following person spoke:

- Tracy Carlson, Kerrville Area Chamber of Commerce, expressed willingness to help advertise town hall meetings with their membership and the community. This was a good way for the city to provide information to citizens and business owners, and a good way for the public to get their questions answered.

4I. Set a time, date, place and discussion topics for a joint meeting with the Kerrville City Council and the Kerrville Convention and Visitors Bureau (CVB) Board of Directors to discuss implementation of a proposed special events plan to be managed as a department of the CVB.

Councilmember Gross proposed a meeting with representatives of the CVB and Council. He proposed that one topic of discussion be the general direction of the branding effort, and discussed a tag line and consistent theme for Kerrville, for example “on the river”.

Mr. Parton noted CVB proposed dates: November 17, 3:30 p.m. or November 18, 10:00 a.m.

Council preference was November 17, and the consensus was that Mr. Gross and Ms. Keeble represent the city; however, if CVB preferred a meeting with the full council, council would accommodate their request. Staff will contact CVB to determine their preference and finalize plans for the meeting.

5. INFORMATION AND DISCUSSION:

5A. Water resources report. Mr. Hastings reported the recent small rains

brought the river flow up to 25% of normal flow and the lake level had risen to one foot below normal, up from four feet below in September. Groundwater production was at 50%; ASR level was at 621 mg, down from 800 mg in January. The allotment from the state water master remained at 5% (0.25 mgd) of the normal allotment (6 mgd).

5B. Budget and economic update. Mr. Erwin reported city sales tax for September dropped 3.9%. Financial institutions nationwide were predicting slow recession recovery and that the recession would continue in 2012. As of September 30, 2011, general fund revenue was at \$20.2 million and expenditures at \$19.5 million; water/sewer fund revenue at \$9.8 million, and expenditures at \$8.5 million.

6. BOARD APPOINTMENTS:

6A. Zoning board of adjustment. Ms. Keeble moved to reappoint Glenn Andrew and Parker Harrison (currently serving as alternate member) to the regular board with terms to expire September 30, 2013; to appoint Joe Rogers as a regular board member (currently serving as alternate); and to appoint Linda Stilwell as alternate member with term to expire September 30, 2013. Mr. Allen seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDA

- Consider ways the city could promote an aggressive educational program to encourage water conservation by landscaping with drought tolerant, deer resistant native plants.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Kerrville Triathlon: positive feedback received overall; a few traffic problems were noted; 822 participants and many volunteers attended; event coordinators were planning the 2012 event in Kerrville; by comparison, the first year the Triathlon was held in Austin there were 750 participants.
- River Trail/Economic Development: the biggest economic driver for Kerrville is tourism; the promotion of the river and a river trail would enhance tourism and be a tremendous economic benefit to the community.

9. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.074 (personnel matters), and 551.087 (deliberation regarding economic development negotiations) of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 5-0 to discuss the following items:

Section 551.071:

- Claim against C&C Groundwater Services, Inc. regarding aquifer storage recovery well 3 (ASR3).

Section 551.074:

- Nomination of candidates to the Kerr Central Appraisal District Board of

Directors.

Section 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 7:46 p.m. the regular meeting recessed and council went into executive closed session at 7:53 p.m. At 8:48 p.m. the executive closed session recessed and council returned to open session at 8:49 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 8:49 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary