

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MAY 25, 2010

On May 25, 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 Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Keith Ellis 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 Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Mike Erwin	Director of Finance
Tara LaMontia	Assistant to the City Manager
Kim Meismer	Director of General Operations
Mike Wellborn	City Engineer
Antonio Martinez	Library Director
Jeff Finley	City Building Official
John Young	Police Chief
Robert Ojeda	Fire Chief

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

1. **VISITORS/CITIZENS FORUM:** The following person spoke:
 - 1A. George Kiefer, a volunteer with the San Antonio Police Department deputized to issue tickets for handicap parking violators, noted SAPD received \$800,000 in fines in 2009; however, the object was to ensure compliance with handicap parking regulations. He requested enforcement compliance in Kerrville and noted that part of the problem was proper maintenance of handicap parking areas on private property.

2. **RECOGNITION AND COMMENDATIONS:**
 - 2A. Recognition of the CRUSH U11 Girls at the 2010 State Championship.
Recognition of team members by Mayor Wampler.

3. CONSENT AGENDA:

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

3A. Approval of minutes of the regular city council meeting of May 11, 2010.

3B. Approval of revision to city's office lease with the Mary Elizabeth Holdsworth Library Foundation for the property located at 433 Water Street, Suite D by removing the requirement for workers compensation coverage.

3C. Approval of amendment to increase the cost of the construction contract with C & C Groundwater Services from \$357,225.60 to \$377,430.00 due to the installation of a liner in the ASR Well #3 and authorize the city manager to execute additional change orders in the total amount not to exceed \$24,000.00 to cover potential contingencies.

3D. Approval for the purchase of six (6) Panasonic laptop computers for police and fire departments in the amount of \$27,498.47.

3E. Approval of the submission of grant applications to the Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program (AFG) for fire and emergency medical services equipment.

3F. Approval of a contract with Vulcan Materials for the purchase of asphalt and base materials.

3G. Approval of a contract with Wheatcraft Materials for the purchase of crushed limestone base.

3H. Approval of the purchase of (1) arbitrator digital audio-video in-car camera systems including support and maintenance services for a police department vehicle.

END OF CONSENT AGENDA.

4. ORDINANCE , SECOND AND FINAL READING:

4A. Ordinance No. 2010-08 amending Chapter 110, Article III "water management plan" of the code of ordinances of the city of Kerrville, Texas, by amending the water conservation stages resulting from drought conditions, amending the water conservation measures, adding a new Stage 5, and adding a permit requirement for athletic fields and golf courses; containing a cumulative clause; containing a savings and severability clause; providing a penalty for violation of any provision hereof; ordering publication; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Mr. Hastings reviewed the landscape irrigation schedule and recommended the ordinance be adopted as presented.

The following person spoke:

- Ruth Spradling questioned the operation of car washes. Mr. Hastings noted the commercial car wash facilities were prohibited in Stage 5; restrictions for personal washing of vehicles were addressed in other stages of the ordinance.

Mr. Hayes noted the ordinance would become effective ten days after publication.

Mr. Motheral moved for approval of Ordinance No. 2010-08 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Approval of a contract for the purchase of the Integrated Library System, a library management system, from Innovative Interfaces, Inc. in the amount of \$101,500.00.

Mr. Martinez noted the proposed ILS system would replace the current system that was installed in the early 1990s for which parts and service were no longer available. The consultant who prepared the request for proposals and evaluated the proposals was funded by the Friends of the Library, and funding for the project was made possible through private donations. He reviewed the timeline and noted loading of all modules, transfer of information from the old system to the new system, and staff training would require the library to be closed for three days; anticipated project completion was November 2010. He recommended approval of the contract.

Steve Strohl, Innovative Interfaces, Inc., cited the benefits and capabilities of the system.

Council also discussed the following:

- Could a book be downloaded from the system? Mr. Martinez noted it would be possible with the purchase of an enhancement module, but not with the system proposed.

Mr. Gross moved to authorize the city manager to sign the contract to purchase the Integrated Library System from Innovative Interfaces, Inc. in the amount of \$101,500; Ms. Keeble seconded the motion and it passed 5-0.

5B. Petition for pavement rehabilitation of Arcadia Loop.

Mr. Hastings noted the residents along Arcadia Loop had submitted a petition for pavement rehabilitation of Arcadia Loop and a right turn bay at the intersection to SH27. He reviewed the pavement management system and noted streets were evaluated for maintenance based on certain criteria and numerous city streets were in failed condition, including Arcadia Loop. Arcadia Loop was proposed for rehabilitation in FY10 through a bond issue; however, the bond issue had been postponed due to bad economy. He proposed in-house reconstruction of the failed sections only and then overlaying the entire road at a cost of approximately \$100,000. There was insufficient room for striping of a right turn lane at SH27, and right turn lane would have to be constructed. He felt the right turn bay could be completed for approximately \$10,000. He proposed to start design in January 2011 followed by utility coordination and construction in the summer. He noted an additional petition had been received requesting a second connection to SH27; such a connection was in the city's future capital improvement plan. He noted a property owner in the area had previously offered to allow the connection to go through his property. Mr. Hastings suggested a project scope of work be initiated to evaluate the entire Arcadia Loop corridor.

The following persons spoke:

- Jim LoSasso requested staff also evaluate the bridge structure near the intersection of SH27. Mr. Hastings noted the bridge had been assessed by TxDOT and the city performed routine maintenance, but he would evaluate it again. Mr.

LoSasso noted Arcadia was well travelled and it had deteriorated and was dangerous; he expressed concern for public safety. The asphalt was broken and the city had taken a Band-aid approach.

Council also discussed the following points:

- City needed to stay within the budget, but Arcadia should be a priority in FY11.
- Streets were patched throughout town; the city had an established prioritized plan in process for addressing streets based on condition, and Arcadia was already on the list as a priority.
- FY11 budget should focus on streets and drainage.
- Hill Country Drive was in a commercial area and also should be focused on for reconstruction in FY11.

5C. Resolution No. 014-2010 opposing plans by the Lower Colorado River Authority (LCRA) to place electrical transmission lines relating to the Competitive Renewable Energy Zones (CREZ) project along the Interstate 10 corridor within or adjacent to the city's limits. Mayor Wampler read the resolution by title only.

Mr. Hastings noted the CREZ line project was proposed to deliver electricity from the wind farms in West Texas to major population centers in Texas. The Public Utility Commission (PUC) had contracted with LCRA to construct the new CREZ transmission lines. LCRA submitted an application to PUC last year and the I-10 corridor was not part of that application; PUC directed LCRA to study the I-10 corridor, resulting in segments Y16-Y20. He noted these CREZ segments had a direct impact of \$4 million, and an indirect impact of \$10.8 million on the city's infrastructure investment to open the I-10 corridor for commercial development. Further, an overall economic impact analysis of \$550 million in proposed taxable value on residential and commercial developments; this equated to a 32% increase over the city's existing taxable value. LCRA's deadline to submit all study areas and route segments to PUC was July 6; PUC would make a decision in January 2011. At council's previous instruction, staff prepared a resolution opposing routes Y16-Y20 including supporting documents and economic analysis. Mr. Hastings encouraged community support in writing letters opposing the CREZ line in Kerrville.

Council also discussed the following issues:

- City should use whatever means possible to fight placing the CREZ line in the I-10 corridor in Kerrville.
- Use of the I-10 corridor would have a devastating blow to the future of Kerrville, particularly commercial development necessary to shift diversification of the tax base from residential to commercial.
- The economic future of Kerrville and the entire community would be irrevocably threatened by the power line; council should use whatever means available to prevent the destruction of the I-10 corridor.
- City would be willing to be part of a regional approach to solving the route issue.
- Council should strive to protect the aesthetics of the I-10 corridor as well as protect the economic development.

- The I-10 route would be much more expensive than LCRA's alternative routes as it added 28 miles of lines.
- The northern route followed existing power lines and utility easements except for a short segment.
- Council urged citizens to write letters to PUC and LCRA opposing a CREZ line segment along I-10 in Kerrville.

Lance Wenmohs, LCRA representative, responded to questions from the council:

- Earlier in the process was the I-10 corridor route and Kerr County part of the study area?

There was not a specific route segment along I-10 through Kerrville; but Kerr County was part of the overall study area. In September PUC expanded the study area to the north and southwest and the I-10 corridor from Sonora to the Kendall Station near Comfort. Because of public input in May 2009, it was suggested that the study area be expanded as well as consideration be given to a route following existing highway transportation system corridors and existing lines through Menard, Mason and Gillespie counties. LCRA then requested additional time to study the expanded area; PUC granted time, and the filing was due in July.

- What extent did State Representative Harvey Hilderbran's intervention into the process and recommendation of the I-10 corridor play in LCRA's decision to expand the study area and their request for delay?

It played a large role as well as other public comments received. Senator Fraser also thought the route should be explored further. He noted that Mr. Hilderbran's letter suggesting the I-10 route was posted on LCRA's and PUC's website.

- If Representative Hilderbran had not intervened would LCRA have asked for the delay and considered the I-10 route?

LCRA had received comments from others to look at major transportation corridors.

- What was the average cost per mile to run the line?

Approximately \$1.8-2.5 million per mile for above ground construction.

- If the I-10 route was used, would the structures be located in the median of I-10, or inside the ROW?

The proposal would be to place new infrastructure outside of the existing ROW and on private property on the north side and parallel to I-10. Council noted that would not be "in the existing ROW."

- Why had LCRA ignored placing the line within the existing I-10 ROW?

TxDOT utilities accommodation rules specifically restrict infrastructure of this size; they cannot exceed 36" diameter. TxDOT rules would not allow structures to be located within the ROW of a controlled access highway like I-10; LCRA's plan was to locate the structures on private property outside of the existing I-10 ROW.

- Why not place the lines underground along I-10 in Kerrville area?

That would be a PUC decision, but the cost to go underground would be \$30-40 million per mile; it would be difficult to go underground in this area due to topography and rock. Council noted that was a good reason to stay within the existing ROW.

- What was LCRA's stated policy with regard to alignments?

LCRA tried to reduce the number of habitable structures within close proximity of lines and not route through existing low density populated areas. He noted that I-10 was an existing transportation corridor and comments they had received urged the use of existing transmission and transportation corridors.

- Were other transportation corridors available and identified?

Yes; they were looking at existing utility corridors, and transmission and underground pipe lines where easements already existed, as well as other larger roadways.

- What would be the additional number of miles needed to run the line parallel to I-10 instead of the Mason/Menard line?

He did not know at this time; this would be determined as part of the study.

- Why was the Mason/Menard line not the preferred route since it was an existing transmission line, ROW, and easement?

LCRA had not yet selected a preferred route; LCRA would select a preferred route just before submission of the application to PUC; however, he cautioned that 40-50% of the time PUC selected a different route than the preferred route proposed by LCRA. Therefore, he encouraged persons to be vigilant in defending their interest and become an intervener in the process regardless of LCRA's selection.

- Did other routes in the study area impact a town as heavily as was being proposed in Kerrville?

Of the other towns affected, those line segments were proposed to traverse around the municipal city limits; for example, all line segments go around the city limits of Mason, El Dorado, Junction, and Fredericksburg.

- Considerations were made to go around El Dorado, Mason, and Menard but a line segment was proposed to go directly through Kerrville.

Correct, but LCRA also had line segments that were proposed to go around Kerrville.

The following person spoke:

1. Charles Gentry, Tierra Linda Ranch (TLR) homeowners association, noted TLR was 8 miles north of Kerrville. He expressed concern about the line coming through Kerrville along I-10, but also noted one line segment would parallel an existing gas pipe line ROW that ran the entire width of TLR. He suggested modifications to the resolution that would benefit TLR and other subdivisions around the city without being a detriment to Kerrville: 1) Add statement at the end of Section 1: "within the city of Kerrville or within Kerr County." 2) Add statement in Section 3: "and focus on potential routes that avoided cities, populated areas, topographical and existing ROW

constraints.” He noted that TLR was a vastly populated area, and gas pipelines were not compatible with electric lines of the proposed size.

Mayor Wampler made the following public statement:

The CREZ line segment proposed along the I-10 corridor was extremely dangerous and detrimental to the community. While Kerr County might have been in the study area previously, it had not been considered to come to the community to the extent that was now being proposed. Correspondence from Representative Hilderbran and his urging to LCRA and PUC had a large part in their consideration to put the line through the middle of Kerrville; why Representative Hilderbran chose to do that was unknown. Mayor Wampler felt it was important for the citizens of Kerrville to know that the city council would do its best to work with PUC and LCRA to get through the process and come to a conclusion that would be to the best benefit of the citizens of Kerrville and the community.

Mr. Hayes noted that adding Mr. Gentry’s suggested language to the resolution would not adversely affect the city’s position.

Mr. Parton suggested additional points be included in the resolution: 1) request that the city limits and extraterritorial jurisdiction be avoided; 2) residential areas be avoided; and 3) that existing electric utility ROW and infrastructure be utilized where possible.

Mr. Gross moved for approval of Resolution No. 014-2010 as amended to include the language proposed by Mr. Gentry and Mr. Parton. Mr. Motheral seconded the motion and it passed 5-0.

Mr. Hayes noted that at some point the council may choose to be an intervener before the PUC and become a party; this had to be done within 30 days of filing.

Mr. Motheral moved to provide all documentation necessary and become an intervener; Mr. Allen seconded the motion and it passed 5-0.

5D. Direction to staff on the adoption and amendment of various city codes as follows: Mr. Coleman presented an overview of proposed ordinance changes that would be presented to council for adoption at the June 8 and 22 council meetings.

1. Creation of multi-trade building board to replace existing building board of adjustment, electrical board, plumbing board, and mechanical board.

Currently four building trade boards existed with a total of 28 members serving on: building board of adjustment and appeals, plumbing board of appeals, mechanical board of appeals, and electrical board of appeals. Currently 17 positions were vacant or had expired terms. Staff had been unsuccessful in recruiting sufficient number of applicants to fill these boards. At the April 13 meeting council recommended abolishing the existing boards and establishing one multi-code building board; Mr.

Coleman reviewed how such a board would function, the duties and power of the board, the proposed membership, and the process for implementation.

Mr. Allen moved to direct staff to prepare an ordinance to abolish the existing board structure and create a multi-trade building board. The motion was seconded by Mr. Motheral and passed 5-0.

2. Adoption of 2006 International Existing Building Code (IEBC), and repealing Chapter 34 of 2006 International Building Code (IBC) regulating existing structures.

This ordinance would affect code requirements for existing buildings under repair, alteration, addition or change in occupancy. The IEBC encouraged the use of existing building stock by balancing the public protection and safety and the burden of code compliance by allowing flexibility in the methods used to achieve code compliance. The 2006 IEBC was presented to the home builders' association, the city's building board of appeals, and the development services community action team (DSCAT) with a recommendation for approval. Upon adoption of the IEBC, Chapter 34 IBC should be deleted to eliminate any conflicting code requirements between the IBC and IEBC.

Mr. Motheral moved to direct staff to prepare an ordinance adopting the 2006 IEBC and repealing Chapter 34 of the 2006 IBC. Mr. Gross seconded the motion and it passed 5-0.

3. Repeal of city fire district regulations and related amendments to zoning ordinance regarding setbacks within the existing central business district.

Fire District: Section 50-1 established unique construction standards for the specific area in and around downtown called the city fire district. Adoption of the IEBC allowed opportunity to repeal the fire district regulations and allow the IBC, the IFC, and IEBC to govern code requirements, as recommended by the building official and the fire marshal.

Mr. Gross moved to direct staff to prepare an ordinance repealing the city fire district regulations; Ms. Keeble seconded the motion and it passed 5-0.

Zoning Ordinance Amendments: Repeal of the fire district would result in an amendment to the zoning code as the zoning code used fire district boundaries to define an exception from setback requirements. Under the proposed amendment, that exception would be applied to the area defined as the central business district, the same area that was exempted from parking requirements under the zoning code. This change was recommended by ZOIC, and PZC will hold a public hearing and provide a recommendation to council prior to ordinance adoption.

Mr. Motheral moved to direct staff to bring back ordinances for the amendments as presented; Mr. Gross seconded the motion and it passed 5-0.

4. Amendments to zoning ordinance as recommended by the Zoning Ordinance Input Committee (ZOIC).

Mr. Coleman presented proposed amendments to the zoning ordinance as recommended by ZOIC:

- Article 11-I-3, added new definitions.
- Article 11-I-4(b), added language to address vested rights and continuance of development activity in newly annexed areas.
- Article 11-I-15, revised planned development district standards and approval process, and codified the development site plan requirements and approval process into the zoning ordinance. The amendment would establish a minimum size of not less than two acres for commercial and mixed use developments and not less than five acres for residential development, and establish an approval process and timeline (required 15 day public notice period, and required public hearings be held before PZC within 45 days and before city council within 30 days of PZC action). Development site plans would be required prior to site development or building permit for non-residential developments of ½ acre(s) or larger; this would ensure site conformance and identify major expenses early in the development process.
- Article 11-I-17(b)(c)(d), would delete maximum height of buildings for non-residential uses.
- Article 11-I-17(b)(c)(d), defined accessory buildings, building heights, lot width, area, and required setbacks of accessory buildings.
- Article 11-I-22, required the PZC and the zoning board of adjustment to follow the Texas Open Meetings Act, and prohibited ex-parte communications (discussions with applicants or representatives) outside of formal meetings.
- Article 11-I-24, clarified the role of the planning division in issuing building permits and certificates of occupancy; and insured building conformance with the zoning code.

Mr. Coleman noted public hearings and ordinance first readings would be scheduled for each of the zoning ordinance amendments for the June 8 city council meeting.

The following persons spoke:

1. Jimmie Spradling questioned if a building permit was required for storage buildings. Mr. Coleman noted a building permit was required for anything over 120 sq. ft.

2. Ruth Spradling questioned if anything was being done to prevent the removal of trees and dirt excavation prior to approval of a development site plan. Mr. Coleman noted the amendment to Article 11-I-3 would define development activity to include major ground clearing, thus requiring approval of a development site plan before work could begin. If ground work began before a development site plan was approved, the project would be in violation of city ordinances and a stop work order would be issued.

Mr. Gross moved to direct staff to bring back ordinances for amendments to the zoning ordinance as proposed by ZOIC and presented by Mr. Coleman. Mr. Motheral seconded the motion and it passed 5-0.

5E. Interlocal agreement with Kerr County regarding subdivision regulations and plat approval authority within the city's extraterritorial jurisdiction (ETJ).

Mr. Hayes noted he had contacted the county attorney to clarify their position, and the county attorney noted an exception in state law that allowed counties that were eligible to receive grant funds for economically distressed areas to be exempt from the requirement; therefore, such interlocal agreement was not required. Mr. Hayes noted that in order to file a plat, a development had to have the approval of both the city and county, and where there was a conflict, the more stringent standard would apply. He proposed that the city continue to invite the county to biweekly staff meetings so they would be informed of plats being submitted in the ETJ area.

5F. Proposed FY 2011 budget calendar.

Mr. Erwin presented the FY11 budget calendar and noted hotel occupancy tax applications were due June 25 and would be presented to council on July 13. The city manager would present the FY11 budget to council on July 27 and public hearings and ordinances adopting the tax rate and budget would be in August and September. The consensus of the council was to hold the first budget worksession on June 21.

5G. Appointment of mayor pro tem.

Mr. Gross moved to appoint Mr. Motheral as mayor pro tem; Mr. Allen seconded the motion. It was suggested that council consider rotating the position among councilmembers. Mr. Gross withdrew his motion, and Mr. Allen withdrew his second.

The matter was deferred to executive session before the vote was taken.

6. INFORMATION AND DISCUSSION:

6A. Presentation regarding airport board to act as airport zoning board.

Fred Vogt, vice president of the Kerrville-Kerr County Joint Airport Board, noted on July 16, 1992, the then Joint Airport Board adopted the airport hazard zoning ordinance. Mr. Vogt noted that Mr. Hayes confirmed that the existing airport board could act as the joint airport zoning board. The impetus for such authority would be:

- Have authority to prevent establishment of obstructions that had potential to be a nuisance and affect air space or airport operations.
- Mitigate existing or proposed structures, developments, or trees which could obstruct airspace or obstruct or interfere with the safe control or tracking for data acquisition of aircraft.
- Establish whether a structure had a substantial adverse effect on safe utilization of navigable airspace.

Mr. Vogt stated the AZB would be an advisory board to the city and county as the airport owners; the AZB would alert the city and county of any potential construction issues that could affect the airport operations and airspace; it would then be the city and county's responsibility to address any issues. He also noted that federal law restricted construction that could potentially interfere with airspace or affect any airport, and this was monitored through the FAA. The airport board was in the

process, with TxDOT, of developing a master plan, and part of the consultant's charge was to suggest changes to protect the airport.

Mr. Hayes recommended as part of the process of reconstituting the JAZB, the city should review and update the 1992 ordinance. The city had zoning authority within the city limits, and there was specific state law that would allow the county to have zoning authority for the airport, or the county could assign zoning authority to the JAZB.

Mr. Vogt noted the airport was currently compliant with all FAA regulations and there were no existing or pending issues; the proposal was simply to protect the future of the airport operations and growth.

The council also discussed the following points:

- There was not an established building permit process in the county to monitor possible development that could impact airspace.
- The airport was a chief economic driver for the community; need to protect the airspace so the airport can grow and develop.
- The CREZ line could have a potential affect on the airport, and the 120 foot towers could become a safety issue.

6B. Kerrville budget/economic update.

Mr. Erwin noted unemployment was at 6.1%; sales tax decreased 11%, HOT tax increased 8%. The preliminary property tax report from the appraisal district indicated a 1.1% increase in market value; however, the over 65 property tax freeze amount increased 2.78% from FY10; he predicted the property tax market value would be flat. He also reported receipt of \$10,000 in seizure funds from the 198th district court.

Mr. Erwin noted \$150,000 was unallocated in the airport capital project fund and requested direction from council whether to request funding be returned or allocated for airport future projects. Bruce McKenzie, airport manager, noted the FY10 projects were completed. Fred Vogt, airport board vice president, cautioned against returning all of the funds as the FAA may not have closed out the taxiway project, and the cost of the airport master plan had not been finalized. He also noted the airport board was anticipating a major water main project for FY11.

The consensus of the council was to defer a decision to the budget workshop in June.

7. BOARD APPOINTMENTS

7A. Appointments to the economic improvement corporation.

Matter was deferred to executive session.

7B. Appointment of councilmembers to various boards and commissions. Matter was deferred to executive session.

8. ITEMS FOR FUTURE AGENDAS: None.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST: None.

10. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code of the State of Texas; the motion was seconded by Mr. Allen and passed 5-0 to discuss the following matters:

Section 551.071:

- Settlement agreement with the Equal Employment Opportunity Commission regarding claim from Janet Holmes.
- Interlocal agreement with Kerr County regarding subdivision regulations and plat approval authority within the city's extraterritorial jurisdiction (ETJ).

Section 551.074:

- Appointment of mayor pro tem.
- Appointments to the economic improvement corporation.
- Appointment of councilmembers to various boards and commissions.

Section 551.071, 551.072, and 551.087:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a city facility, the public discussion of which would not be in the best interests of the city's bargaining position with third parties.

At 8:58 p.m., the regular meeting recessed and council went into executive closed session at 8:59 p.m. At 10:05 p.m., the executive closed session recessed and council returned to open session at 10:05 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

5G. Appointment of mayor pro tem.

Mr. Gross moved to appoint R. Bruce Motheral as mayor pro tem; the motion was seconded by Gene Allen and passed 5-0.

7A. Appointments to the economic improvement corporation. Mr. Motheral moved to appoint Rex Boyland and Robert Miller with terms to expire June 1, 2012; Mr. Gross seconded the motion and it passed 5-0.

7B. Appointment of councilmembers to various boards and commissions.

Mr. Allen moved to accept the following appointments; Ms. Keeble seconded the motion and it passed 5-0:

CITY BOARD	EXISTING COUNCIL REPRESENTATIVE	PROPOSED COUNCIL REPRESENTATIVE
Audit Committee	Chuck Coleman Stacie Keeble	Gene Allen Stacie Keeble
Economic Improvement Corporation	* Currently, no City Council Representative to this Board	None
Food Service Advisory Board	Scott Gross	Scott Gross
Golf Course Advisory Board	Bruce Motheral	Bruce Motheral
Kerr Economic Development Foundation	Todd Bock	David Wampler
Kerrville Public Utility Board	Todd Bock	David Wampler
Library Advisory Board	Scott Gross	Scott Gross
Main Street Advisory Board	Scott Gross	Scott Gross
Municipal Court Review Committee	Todd Bock Stacie Keeble	David Wampler Stacie Keeble
Parks and Recreation Advisory Board	Stacie Keeble	Stacie Keeble
Planning and Zoning Commission	Bruce Motheral	Bruce Motheral
Playhouse 2000	Chuck Coleman	Gene Allen

10. EXECUTIVE SESSION:

Settlement agreement with the Equal Employment Opportunity Commission regarding claim from Janet Holmes.

Ms. Keeble moved to decline the settlement agreement; Mr. Motheral seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 10:07 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary