

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
MAY 24, 2016

On May 24, 2016, the Kerrville City Council meeting was called to order at 6:30 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Ann Buck, Executive Director of The Christian Women's Job Corps, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Gary F. Stork	Mayor Pro Tem
Stephen P. Fine	Councilmember
Glenn Andrew	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
Curtis Thomason	Assistant Chief of Police
Dannie Smith	Fire Chief
Trent Robertson	City Planner
Kaitlin Berry	Special Projects Manager

VISITORS PRESENT: List on file in city secretary's office for the required retention period.

**1. OATH OF OFFICE FOR COUNCILMEMBER PLACE TWO GIVEN BY MARK PRISLOVSKY, PRESIDING JUDGE OF KERRVILLE MUNICIPAL COURT, ISSUED TO GLENN C. ANDREW.**

**2. VISITORS/CITIZENS FORUM:**

2A. Tony Farmer stated he represented Young People in Recovery and offered their services to council.

2B. Renee Brooks Lofaso Massey played a recording of a commentary by Mayor White.

2C. Brandon Rodriguez spoke about his accomplishments and noted that Ms. White seemed to be judgmental in the recording in Item 2B, and he opined that the commentary did not reflect reality. He questioned if Ms. White could separate church and state and be a voice for all.

2D. Garland Winningham expressed his concern that Kerrville's election process did not allow for runoff elections and requested the City Charter be changed to have runoff elections like the county.

2E. Peggy McKay questioned if the river trail being discussed in executive session was to purchase additional real property to expand the trail; she thought it was complete.

Mr. Parton noted the original scope was for the river trail to extend to Guadalupe Park. The scope had not expanded; the project was being constructed in phases.

### **3. CONSENT AGENDA:**

Mr. Fine moved to approve consent agenda items 3A and 3B; Mr. Stork seconded the motion, and the motion passed 5-0:

3A. Purchase of S650 T4 Bobcat Skid-Steer Loader for water reclamation from Ranchers ATV and Tractor in an amount not to exceed \$54,919.27 through BuyBoard Purchasing Cooperative.

3B. Authorization to submit Request for Proposals for professional services for the annual audit of the City's records and accounts and the preparation of a financial statement for a three-year period beginning with the city's 2015-16 Fiscal Year, with an option for two additional years.

### **END OF CONSENT AGENDA**

### **4. PUBLIC HEARING AND ORDINANCES FIRST READING:**

4A. Ordinance No. 2016-08 amending the comprehensive plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East; and changing the future land use of this area from low-density residential to mixed use. Mayor White read the ordinance by title only.

Mr. Robertson requested items 4A and 4B (Ordinance No. 2016-08 and Ordinance No. 2016-09) be considered together since both ordinances pertained to the same property.

Mr. Fine moved for approval of Ordinance No. 2016-08 on first reading. Mr. Allen seconded the motion and it passed 5-0.

4B. Ordinance No. 2016-09 amending the city's "Zoning Code" by changing the zoning district for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East, and otherwise known as 1335 State Highway 16 South; by removing the approximate 5.61 acre tract from the "R-3" multifamily residential zoning district and placing it within the 34-S zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor White read the ordinance by title only.

Mr. Robertson noted the owner requested to amend the comprehensive plan and change the zoning. The 34-S zone would allow more intense uses than the existing R-3 zone and could result in increased traffic. The surrounding property was commercial and the adjacent property was also zoned 34-S. The property across the highway was outside the city. Mr. Robertson noted that no concerns had been received in writing; however, staff received several questions which were directed to the applicant. The planning and zoning commission held a public hearing and voted 5-0 to approve both the comprehensive plan amendment and the zoning change. Staff recommended approval.

Mayor White declared the public hearing open at 6:26 p.m. and the following persons spoke:

1. Britt Benton, representing the developer, noted they planned to develop similar housing on the adjacent tract.
2. David Williams questioned if flooding potential had been reviewed as the property had flooded in the past.  
Mr. Parton noted staff would address drainage issues during the building permit process and would require any mitigation at that time.

No one else spoke and Mayor White closed the public hearing at 6:28 p.m.

Mr. Fine moved for approval of Ordinance No. 2016-09 on first reading. Mr. Allen seconded the motion and it passed 5-0.

##### **5. ORDINANCE FIRST READING:**

5A. Ordinance No. 2016-10, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. Mayor White read the ordinance by title only.

Mr. Hayes noted that in March Atmos filed an application for a rate increase of \$35.4 million system wide. ACSC reviewed the schedule and evidence submitted by Atmos and recommended approval of an increase of \$29.9 million system wide. The ordinance would approve rates as recommended by ACSC resulting in monthly rate increases of 2.43% in residential rates (average \$1.26 per household); and a 1.43% in commercial rates (about \$3.81 per customer) to become effective June 1. He recommended approval.

Mr. Allen moved for approval of Ordinance No. 2016-10 on first reading. Mr. Fine seconded the motion and it passed 5-0.

5B. Ordinance No. 2016-11 amending the budget for Fiscal Year 2016 to account for the completion of various capital improvement projects within the city's water and sewer fund and reallocating said project balances to other capital improvement projects within the same fund. Mayor White read the ordinance by title only.

Mr. Parton stated the ordinance would close out several capital projects and reallocate the unused balance (about \$2 million) to other on-going capital projects: \$1.3 to utility construction building; \$600,000 for ASR 3; and remaining balance toward the next phase of the direct potable reuse water project. Mr. Parton stated he had verified with the city's bond counsel that moving bond funds for a utility project to a general fund project (UTC building) was an appropriate use of bond funds.

Mr. Fine moved for approval of Ordinance No. 2016-11 on first reading. Mr. Allen seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Creation of and appointment to ad hoc committee regarding regulation of drones. Ms. Boyle noted that in March council instructed staff to place an item on the agenda to establish the committee; however, staff was monitoring developing federal regulations and recommended the matter be deferred. The consensus of council was to defer.

6B. Increase application request to the City of Kerrville, Texas Economic Improvement Corporation from \$250,000 to an amount not to exceed \$350,000 for lighting improvements to the Sidney Baker Bridge in Louise Hays Park. Staff requested authorization to make application to EIC to increase the lighting project funding from \$250,000 to \$350,000. Mr. Parton noted that EIC previously approved \$250,000 and it was in the EIC budget; however, the price quote (from the same company that constructed the spray fountain) came in higher than originally appropriated. The project could stay within budget by having fewer lighting fixtures but that would lessen the quality of the program. The project could also be done in phases.

Council discussed possible future damage and maintenance, increasing the scope to explore possible light show on the river itself and lighting on Tranquility Island. Council asked staff to look at lighting ideas, update the project with EIC, and investigate additional funding options and grants.

6C. Set a time, date and place for a fiscal year 2017 budget workshop with City Council. The consensus of council was to meet on Friday, June 17 at 2:00 p.m.

6D. Appointment of Mayor Pro Tem.

Mr. Stork moved to appoint Stephen Fine as Mayor Pro Tem; Mr. Allen seconded the motion and it passed 5-0.

## **7. INFORMATION AND DISCUSSION:**

### **7A. Budget and economic update.**

Ms. Yarbrough gave the financial report year to date for the period ending April 30, 2016: general fund revenues totaled \$17,533,797 and expenditures \$12,949,299; water and sewer fund revenues totaled \$6,397,249 and expenditures \$6,026,135; hotel/motel fund revenues totaled \$564,198 and expenditures \$457,600; 47 permits for new residential construction and commercial new/remodel construction totaled \$6,891,375. She provided budget information for seven major capital projects: Jefferson lift station, Broadway lift station, wastewater treatment plant clarifier/motor control center improvements, river trail, Louise Hays and Lehmann/Monroe Park, athletic complex, and reuse pond/distribution.

## **8. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:**

### **8A. Appointment of council liaisons to various city boards:**

Mr. Fine moved that Items 8A and 8B be in executive session. Mr. Andrew seconded the motion and it passed 5-0.

### **8B. Appointments to the City of Kerrville, Texas Economic Improvement Corporation.** Deferred to executive session.

### **8C. Appointments to the Kerrville-Kerr County Joint Airport Board.**

Ms. Craig noted the airport board recommended the reappointment of Corey Walters, Kirk Griffin, and Bill Wood; these appointments were approved by Kerr County Commissioners' Court on April 25, 2016.

Mr. Fine moved to reappoint Corey Walters, Kirk Griffin, and Bill Wood with terms to expire June 1, 2018; Mr. Allen seconded the motion and it passed 5-0.

## **9. ITEMS FOR FUTURE AGENDAS**

- Report from zoning ordinance input committee.
- Report and health notifications and alerts on mosquito and insect control.

## **10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- May 27, 10 a.m. Lowry Park segment of river trail opening May 27, 10 am
- May 27, 6 a.m. Festival of the Arts.
- Butt-Holdsworth Memorial Library had several summer activities scheduled.
- City offices will be closed Monday, May 30 in observance of Memorial Day.
- City is accepting applications for lifeguards.
- Kenneth Wilke was retiring from the police department Friday, May 27, after 26 years with the city.
- Randy Albrecht was recognized for 21 years of service with the city.
- Kristine Day's last day with the city after nine years of service will be June 10.

## **11. EXECUTIVE SESSION:**

Mr. Stork moved for the city council to go into executive closed session under Sections 551.071, 551.072, and 551.074 of the Texas Government Code; motion was seconded by Mr. Fine and passed 5-0 to discuss the following:

### Section 551.074:

8A. Appointment of council liaisons to various city boards.

8B. Appointment(s) to the City of Kerrville, Texas Economic Improvement Corporation.

### 11A. Sections 551.071 and 551.072:

- Discuss City of Kerrville, Texas vs. Stadter, 198<sup>th</sup> District Court of Kerr County, No. 13698B (condemnation).

### 11B. Sections 551.071 and 551.072:

Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the City's bargaining position with third parties, regarding property interests related to the following:

- River trail.

At 7:25 p.m. the regular meeting recessed. Council went into executive closed session at 7:31 p.m. At 8:10 p.m. the executive closed session recessed and council returned to open session at 8:10 p.m. Mayor White announced no action was taken in executive session.

## **12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:**

8B. Appointment(s) to the City of Kerrville, Texas Economic Improvement Corporation.

Mr. Stork moved to reappoint Sheri Pattillo and James Wilson and to appoint Kenneth Early, all with terms to expire June 1, 2018; Mr. Allen seconded the motion and it passed 5-0.

8A. Appointment of council liaisons to various city boards:

Ms. White moved for the following appointments; motion was seconded by Mr. Fine and passed 5-0:

<b>CITY BOARD</b>	<b>EXISTING COUNCIL REPRESENTATIVE</b>	<b>PROPOSED COUNCIL REPRESENTATIVE</b>
Airport Planning Committee	Jack Pratt	Bonnie White Glenn Andrew
Audit Committee	Gene Allen Bonnie White	Glenn Andrew Gene Allen
Beautification Advisory Committee	Jack Pratt	Bonnie White
Economic Improvement Corporation	Gary Stork	Gary Stork
Food Service Advisory Board	Stephen Fine	Stephen Fine
Golf Course Advisory Board	Stephen Fine	Glenn Andrew
Kerrville Economic Development Corporation	Jack Pratt	Stephen Fine
Kerrville Public Utility Board	Jack Pratt	Bonnie White
Library Advisory Board	Gary Stork	Gary Stork
Main Street Advisory Board	Gary Stork	Gary Stork
Municipal Court Review Committee	Jack Pratt Bonnie White	Gene Allen Bonnie White
Parks and Recreation Advisory Board	Gene Allen	Gene Allen
Planning and Zoning Commission	Bonnie White	Glenn Andrew
Playhouse 2000	Stephen Fine	Stephen Fine

**ADJOURNMENT.** The meeting adjourned at 8:13 p.m.

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

ATTEST:

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Bonnie White, Mayor

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Brenda G. Craig, City Secretary