

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, MARCH 28, 2017, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, MARCH 28, 2017, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION OFFERED BY COUNCILMEMBER PLACE THREE MARY ELLEN SUMMERLIN

PLEDGE OF ALLEGIANCE TO THE FLAG

1. RECOGNITIONS:

1A. Resolution of Commendation presented to Stephen King for serving on the Kerrville-Kerr County Joint Airport Board from 2005 to 2017. (Mayor White)

1B. Resolutions of Commendation to Brandon Douglass, James Williamson, John Risher, David Tritenbach, and Sherry Egloff for serving on the Beautification Advisory Committee. (Mayor White)

1C. Resolutions of Commendation to Mickey Bailey, Marion Giesecke, Matthew Hayes, Helen Herd, Eddie Pinson, and Nicholas Villanueva for serving on the Golf Course (Maintenance) Advisory Board. (Mayor White)

1D. Recognition of Kerrville Fire Department Driver/Paramedic David Hernandez. (staff)

2. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: March 24, 2017 at 11:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

3. CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

3A. Accept minutes of regular council meetings held February 14 and February 28, 2017, and special council meetings held February 21, February 28, and March 1, and council work session held February 21, 2017. (staff)

3B. Resolution No. 09-2017, approving an amendment to the Kerr Emergency 9-1-1 Network budget for the 2017 fiscal year. (staff)

3C. Amendments to the Procedural Rules for Meetings of the Kerrville City Council. (staff)

END OF CONSENT AGENDA

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2017-07, amending Chapter 86 "Solid Waste" of the Code of Ordinances of the City of Kerrville, Texas, concerning the provision of solid waste services, including recycling; regulations applicable to collection and disposal of solid waste; the licensing of solid waste haulers; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to this subject. (staff)

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Presentation by Anne Culver regarding the Scenic Cities Certification Program. (staff)

5B. Employment agreement with Mark McDaniel to be City Manager of Kerrville. (staff)

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update. (staff)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: March 24, 2017 at 11:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

7. APPOINTMENTS TO BOARDS AND COMMISSIONS:

7A. Appointments to the Food Service Advisory Board. (staff)

8. VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

9. ITEMS FOR FUTURE AGENDAS

10. EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION, IF ANY

12. ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: March 24, 2017 at 11:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

1A. Resolution of Commendation presented to Stephen King for serving on the Kerrville-Kerr County Joint Airport Board from 2005 to 2017. (Mayor White)



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, STEPHEN KING has served as a member of the Kerrville-Kerr County Joint Airport Board from 2005 to 2017; and

WHEREAS, STEPHEN KING served as president of the Airport Board from 2009 to January 2017; and

WHEREAS, During STEPHEN KING's time as President of the Airport Board, the Airport was named General Aviation Airport of the Year in 2011, and the Airport Manager was named General Aviation Airport Manager of the Year for the State of Texas in 2016; and

WHEREAS, STEPHEN KING has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **STEPHEN KING** be recognized for outstanding service as a member of the Kerrville-Kerr County Joint Airport Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city, the airport, and the community.

PASSED AND APPROVED, this the 28th day of March, 2017.

ATTEST:

Brenda G. Craig
Brenda G. Craig
City Secretary

Bonnie White
Bonnie White, Mayor

Stephen Fine
Stephen Fine, Mayor Pro Tem

Glenn Andrew
Glenn Andrew, Councilmember

C. Warren Ferguson
C. Warren Ferguson, Councilmember

Mary Ellen Summerlin
Mary Ellen Summerlin, Councilmember



Agenda Item:

- 1B. Resolutions of Commendation to Brandon Douglass, James Williamson, John Risher, and David Tritenbach for serving on the Beautification Advisory Committee.
(Mayor White)



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, BRANDON DOUGLASS has served as a member of the Beautification Advisory Committee with the date of service beginning December 11, 2012; and

WHEREAS, BRANDON DOUGLASS has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **BRANDON DOUGLASS** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary

Bonnie White
Bonnie White, Mayor

Stephen P. Fine
Stephen P. Fine, Mayor Pro Tem

Glenn Andrew
Glenn Andrew, Councilmember

Mary Ellen Summerlin
Mary Ellen Summerlin, Councilmember

C. Warren Ferguson
C. Warren Ferguson, Councilmember





City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, SHERRY EGLOFF has served as a member of the Beautification Advisory Committee with the date of service beginning July 12, 2016; and

WHEREAS, SHERRY EGLOFF has served faithfully and dutifully on said board;

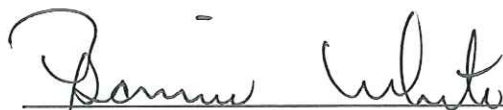
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **SHERRY EGLOFF** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

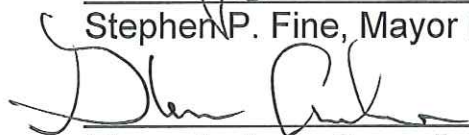
PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:


Brenda G. Craig, City Secretary


Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember





City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, **JOHN RISHER** has served as a member of the Beautification Advisory Committee with the date of service beginning May 28, 2013; and

WHEREAS, **JOHN RISHER** has served faithfully and dutifully on said board;


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:


That **JOHN RISHER** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:

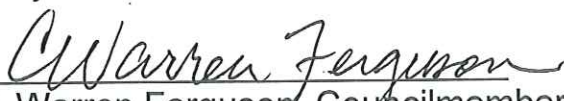

Brenda G. Craig, City Secretary


Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember





City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, DAVID TRITENBACH has served as a member of the Beautification Advisory Committee with the date of service beginning December 11, 2012; and


WHEREAS, DAVID TRITENBACH has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:


That **DAVID TRITENBACH** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.


ATTEST:


Brenda G. Craig, City Secretary





Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, JAMES WILLIAMSON has served as a member of the Beautification Advisory Committee with the date of service beginning August 13, 2013; and

WHEREAS, JAMES WILLIAMSON has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

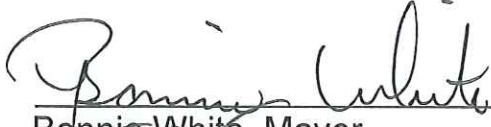
That **JAMES WILLIAMSON** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.


ATTEST:


Brenda G. Craig, City Secretary





Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember

Agenda Item:

- 1C. Resolutions of Commendation to Mickey Bailey, Marion Giesecke, Matthew Hayes, Helen Herd, Eddie Pinson, and Nicholas Villanueva for serving on the Golf Course (Maintenance) Advisory Board. (Mayor White)



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, MICKEY BAILEY has served as a member of the Golf Course Advisory Board with the date of service beginning October 27, 2015; and


WHEREAS, MICKEY BAILEY has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

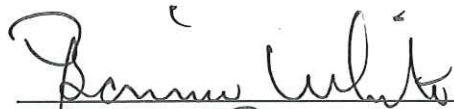
That **MICKEY BAILEY** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

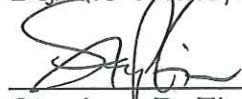
PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:


Brenda G. Craig, City Secretary





Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, MARION C. GIESECKE has served as a member of the Golf Course Advisory Board with the date of service beginning September 23, 2014; and

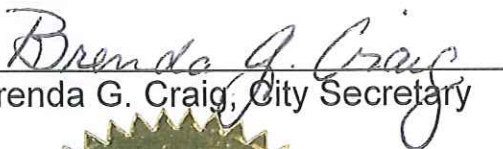
WHEREAS, MARION C. GIESECKE has served faithfully and dutifully on said board;

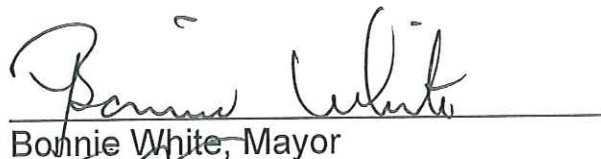
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

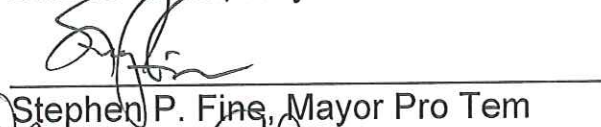
That **MARION C. GIESECKE** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

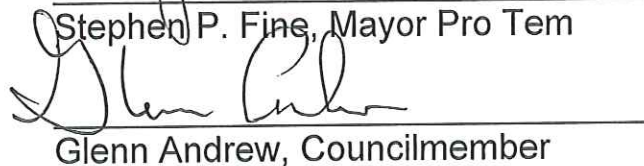
PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:



Brenda G. Craig, City Secretary


Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember





City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, MATTHEW HAYES has served as a member of the Golf Course Advisory Board with the date of service beginning July 26, 2016; and

WHEREAS, MATTHEW HAYES has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

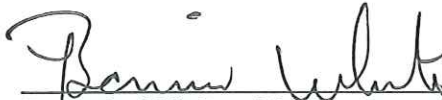
That **MATTHEW HAYES** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.


ATTEST:


Brenda G. Craig, City Secretary




Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, HELEN HERD has served as a member of the Golf Course Advisory Board with the date of service beginning September 8, 2015; and

WHEREAS, HELEN HERD has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **HELEN HERD** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:


Brenda G. Craig, City Secretary





Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, EDDIE PINSON has served as a member of the Golf Course Advisory Board with the date of service beginning September 8, 2015; and

WHEREAS, EDDIE PINSON has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **EDDIE PINSON** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.


PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:



Brenda G. Craig, City Secretary





Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, NICHOLAS VILLANUEVA has served as a member of the Golf Course Advisory Board with the date of service beginning July 26, 2016; and


WHEREAS, NICHOLAS VILLANUEVA has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **NICHOLAS VILLANUEVA** be recognized for outstanding service as a member of the Golf Course Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

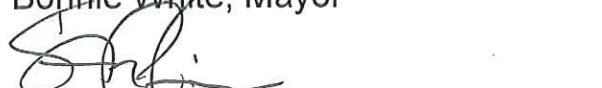
PASSED AND APPROVED, this the ____ day of _____, 2017.

ATTEST:


Brenda G. Craig, City Secretary




Bonnie White, Mayor


Stephen P. Fine, Mayor Pro Tem


Glenn Andrew, Councilmember


Mary Ellen Summerlin, Councilmember


C. Warren Ferguson, Councilmember

Agenda Item:

- 1D. Recognition of Kerrville Fire Department Driver/Paramedic David Hernandez. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Recognition of Driver / Paramedic David Hernandez

FOR AGENDA OF: March 28, 2017

DATE SUBMITTED: March 17, 2017

SUBMITTED BY: Dannie Smith, Fire Chief

CLEARANCES: Don Davis
Interim City Manager

EXHIBITS: Recognition Certificate

AGENDA MAILED TO:



APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ 0	\$ 0	\$ 0	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Prior to 1994, emergency medical services (EMS) in the City of Kerrville were provided by a private ambulance service. On December 16, 1993, after receiving numerous complaints, City of Kerrville Ordinance No.93-24 established a City owned and operated ambulance service. The new service provided the City with emergency medical and medical transfer capabilities. To successfully accomplish this it required the City hiring 11 firefighter paramedics. One of the eleven was an Odessa, TX firefighter with nine years of service. He went on to serve an additional 23 years with the Kerrville Fire & EMS Department. This firefighter responded to the first 911 call for service with the City as an EMS provider. The call was at 3:17 am, on January 1st, 1994 to Hilltop Nursing Home for a fall. On March 30, 2017, David Hernandez will retire from the Kerrville Fire Department with a total of 32 years of service. He is the last member of the original eleven firefighter paramedics to retire from the department. Therefore, the KFD would like to recognize David Hernandez not only as one of the first firefighter paramedics hired and the last of the group to retire, but also for his contributions to the City of Kerrville Fire Department in establishing one of the premier EMS services in the State of Texas.

RECOMMENDED ACTION

Recognition by special presentation.

Agenda Item:

3A. Accept minutes of regular council meetings held February 14 and February 28, 2017, and special council meetings held February 21, February 28, and March 1, and council work session held February 21, 2017. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 14, 2017

On February 14, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Mayor White, followed by the Pledge of Allegiance led by Police Officer Jason Beard.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT:

Vacant	Councilmember
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CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager
Jason Beard	Police Officer
Cheryl Brown	Deputy City Secretary

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. PRESENTATIONS AND COMMENDATIONS:

2A. Resolutions of Commendation presented to: Dwayne Downey, John Hewitt, Calvin Luck, John Priour, Charles Tremper, and Lee Underwood for serving on the Building Board of Adjustment and Appeals, by Mayor White.

2B. Proclamation proclaiming March as American Red Cross Month, by Mayor White.

2C. Police Commendation Award to Jason Beard for Police Officer of the Year Award, by Chief Knight.

2D. Recognition of Deputy City Secretary Cheryl Brown for receiving Certificate of Graduation from the University of North Texas, Texas Municipal Clerks Certification Program, by Interim City Manager Don Davis.

3. CONSENT AGENDA:

Mayor White requested Item 3E be removed from the consent agenda.

Mr. Fine moved to approve consent agenda items 3A through 3D, 3F, and 3G ;
Mr. Andrew seconded the motion, and the motion passed 4-0:

3A. Acceptance of minutes for regular meeting on January 10, 2017; joint meeting with EIC on January 23, 2017; and special meetings on January 24 and January 30, 2017.

3B. Renewal of non-exclusive license agreement with the Texas Hill Country Senior Softball League.

3C. Receive recommendation by the Main Street Advisory Board to request a probationary period with the Texas Main Street Program, and authorize staff to initiate this action.

3D. Construction contract with Corrosion Eliminators, Inc. for the Kerrville North Tank improvements project in the amount of \$247,919.00 and authorize the city manager to execute additional change orders which will not exceed a total contract value of \$300,000.00.

3F. Automatic Mutual Aid Fire Protection Agreement between the City of Kerrville, Texas, and Tierra Linda Volunteer Fire Department for services within Northwest Hills residential subdivision.

3G. Agreement between the City of Kerrville and Texas First Group for interim city planner services.

END OF CONSENT AGENDA

3E. Conveyance of a 0.44 acre tract, more or less, via general warranty deed to 521 Guadalupe Street, a series of SMRJ, LLC, a Texas series limited liability company, for land behind Palacios Del Guadalupe, 521 Guadalupe Street.

Mr. Andrew moved to defer this item to a future meeting; Mr. Fine seconded the motion and it passed 4-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Appointment to fill a vacancy, Kerrville City Councilmember Place Four.

Ms. Summerlin moved to move Items 4B and 4C before 4A. Mr. Andrew seconded the motion and it passed 4-0.

4B. Resolution No. 04-2017, providing for the city's approval or disapproval of the Kerr Central Appraisal District's (KCAD) construction of a new office located at 212 Oak Hollow Drive and the sale of its current appraisal office located at 1836 Junction Highway.

Charles Lewis, KCAD Board Chairman, noted that the law required that three-fourth of the eleven voting taxing entities must approve any real estate sale or purchase, or construction. KCAD requested city approval, via resolution, to sell the existing KCAD property at 1836 Junction Highway, and to build the new KCAD building at Hwy. 173 and Oak Hollow Drive. The total project cost was estimated at \$1,499,488; KCAD had paid \$226,980 to date, and an additional \$72,508 would be paid prior to closing. If approved by a majority of the taxing

entities, the current property would be placed on the market and all proceeds from its sale would be applied toward the project. The 2015 appraisal by an independent appraiser placed the market value of the current office at \$350,000. Two taxing entities had already approved the request: Kerr County and Comfort ISD. The remaining project loan was estimated at \$850,000. He proposed a 20 year financing plan that included a two year construction loan at 3.25%; thereafter the rate would be adjusted every three years with a 2% adjustment cap and a 6% adjustment lifetime cap. At the city's 13.53% tax levy, he estimated the city's monthly payment would be \$654.80 for the length of the loan.

Mr. Andrew moved to approve Resolution 04-2017 approving KCAD's proposed construction of a new appraisal office to be located at 212 Oak Hollow; and the sale of KCAD's existing office located at 1836 Junction Highway as presented. Ms. Summerlin seconded the motion and it passed 4-0.

4C. Request by Kerrville-Kerr County Joint Airport Board to amend the Interlocal Agreement for the continued existence of a Joint Airport Board to provide management of Kerrville/Kerr County Airport with regard to staggering term limits for board members.

Kirk Griffin, airport board member, noted that under the interlocal agreement all current board members would rotate off the board in the next 15 months. The airport board proposed a plan for staggered terms in order that no more than one board member would leave the board in any one year. If the city and county approved this philosophy, the board would work out an appointment schedule.

Mayor White moved to amend the interlocal agreement and to authorize staff to work with the airport board to effect the change. Mr. Andrew seconded the motion and it passed 4-0.

4A. Appointment to fill a vacancy, Kerrville City Councilmember Place Four.
Mayor White requested to change the order to move 4A to after 5A.

5. INFORMATION AND DISCUSSION:

5A. Update on activities of the Mayor's Youth Advisory Council (MYAC).

MYAC members Ramon Garcia and Lydia Prislovsky reported on activities:

- Members were learning about city government, they toured several facilities and had guest speakers at several meetings.
- Members participated in several community service projects.

6. ITEMS FOR FUTURE AGENDAS

-Mayor White noted it was too late to place an item on the ballot to change the City Charter to require councilmembers be elected by majority not plurality vote; she would like to consider this item on a future agenda.

7. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Appointment to fill a vacancy, Kerrville City Councilmember Place Four.

8. EXECUTIVE SESSION:

Mr. Andrew moved for the city council to go into executive closed session under Section 551.074 of the Texas Government Code; motion was seconded by Mr. Fine and passed 4-0 to discuss the following:

8A. Section 551.074:

- Appointment to fill a vacancy, Kerrville City Councilmember Place Four.

The following persons spoke:

1. George Baroody applicant, stated he was the best qualified applicant based on depth of knowledge of the issues, and he had the support of the people. He understood how municipal budgets work and had presented cost effective solutions in the past. He had a different viewpoint on the issues than the city council but not different from the community. He disagreed that the Code being cited for executive session was being applied correctly, and appointments should be discussed in open session.

2. Walker Croft, applicant, said he wanted to give back to the city and he had the time and energy to prepare Kerrville for the future. His interests were science and technology. He was married four years and had two grown children.

At 6:44 p.m. the regular meeting recessed. Council went into executive closed session at 6:46 p.m. At 7:20 p.m. the executive closed session recessed and council returned to open session at 7:24 p.m. No action was taken in executive session.

9. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

Appointment to fill a vacancy, Kerrville City Councilmember Place Four

Mr. Fine moved to appoint Warren Ferguson to fill the vacancy of Councilmember Place Four on the Kerrville City Council; Ms. Summerlin seconded the motion and it passed 3 to 1 with Councilmembers Fine, Summerlin, and Andrew voting in favor of the motion and Mayor White voting against the motion.

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

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda Craig City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 28, 2017

On February 28, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Reverend Bill Blackburn, followed by the Pledge of Allegiance led by Roman Garcia.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT:

Mary Ellen Summerlin	Councilmember
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CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Kyle Burow	City Engineer
Kaitlin Berry	Special Projects Manager
Stuart Barron	Public Works Director
David Barrera	Assistant Public Works Director

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

Mr. Andrew motioned to move Item 1 to after Item 8, and to move Item 9 to the first of the meeting. Mr. Fine seconded the motion and the motion passed 3 to 1 with Councilmembers Andrew, Fine, and Ferguson voting in favor of the motion and Mayor White voting against the motion.

1. VISITORS/CITIZENS FORUM: Item was moved to after Item 8.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

2. PRESENTATIONS AND COMMENDATIONS:

2A. Resolutions of Commendation presented to Kenneth Bledsoe for serving on the Building Board of Adjustment and Appeals.

3. CONSENT AGENDA:

Mr. Fine moved to approve consent agenda items 3A, 3B, and 3C; Mr. Ferguson seconded the motion, and the motion passed 4-0:

3A. Resolution No. 05-2017 authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the Kerrville Police Department, for a 3D laser scanner with associated hardware, software, and training for traffic accident mapping/reconstruction and crime scene investigations.

3B. Update of the City of Kerrville's Purchasing Policy and Procedures.

3C. Update of the City of Kerrville's Investment Policy and Strategy.

END OF CONSENT AGENDA

Mayor White requested Item 6A be moved forward on the agenda.

6. INFORMATION AND DISCUSSION:

6A. Quarterly Report by Playhouse 2000 (P2K).

Jeffrey Brown, Executive Director of P2K, gave highlights of 2016 and noted: 90 separate events; 187 lit nights; total attendance of 52,900, which was 28% above 2015; and total ticket value of \$510,900, which was 10% above 2015.

Net operating income for 2016 was \$17,540; available operating cash as of December 31, 2016, was \$94,131. He reviewed upcoming events.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Acceptance of the Fiscal Year 2016 City of Kerrville Comprehensive Annual Financial Report (CAFR).

Ms. Karen Kurtin, Senior Manager with BKD, LLP, the city's auditing firm, noted the City of Kerrville's net position for FY2016 increased \$5.06 million over FY2015. BKD would issue two reports by the end of the week: 1) An independent auditor's report on the financial statements, and 2) An independent auditor's report on internal control and financial reporting and compliance and other matters based on the audit of the financial statements performed in accordance with government accounting standards. Each report contained a clean report and internal control identified no material weaknesses or significant deficiencies in financial reporting. In 2016 the city received the Certificate of Achievement in Excellence in Financial Reporting for the 2015 CAFR. The city has received this award for the past 32 consecutive years, and she expected the city would receive the award this year for the 2016 CAFR.

Mayor Whited noted Ms. Kurtin presented the audit at the 5:00 special meeting, at which time the council discussed the audit in detail.

Mr. Fine moved to accept the FY2016 City of Kerrville Comprehensive Annual Financial Report; Mr. Ferguson seconded the motion and it passed 4-0.

4B. Abandonment of Texas Commission on Environmental Quality Water Use Permit No. 3635 and termination of Upstream Diversion Contract with the Guadalupe-Blanco River Authority.

Mr. Barron noted the city inherited Water Right 3635 with the golf course. It was used for irrigation until 2002 when a flood washed out the dam, and the city extended a reuse water line to the golf course. The city's source of irrigation for the golf course is the reuse water line. Under the contract with Guadalupe Blanco River Authority (GBRA), the city pays GBRA \$3,380 annually, for a total of \$13,520 to the end of the contract period, December 2020. Staff investigated moving the water right to the water treatment plant, but that process would: 1) Cost the city about \$55,000 and the city would lose a quantity of that water as well as seniority to all other water rights along the way; and 2) The city would have to update the upstream diversion contract with GBRA. He noted in 2016 the city only used about 48% of its total water rights. Water Right 3635 also granted the city the right to construct the small dam at the golf course; if the water right is terminated, the city would have to breach the dams and allow the water to flow.

Mayor White stated the motion to abandon the permit and terminate the contract with GBRA and authorize staff to take all necessary actions related thereto. Mr. Fine moved to make that motion; Mr. Ferguson seconded the motion and it passed 4-0.

Mayor White noted staff requested Item 4C be considered after Item 4D; there was no objection from council.

4D. Rearrange the order of the city council meeting agenda.

Mr. Davis noted council previously discussed rearranging the order of the agenda, specifically: 1) Move "Announcements of Community Interest" before the "Consent Agenda"; and 2) Move the "Visitors/Citizens Forum" to the end of the agenda.

Council noted that the public had the opportunity to discuss any matter not on the agenda.

The following persons spoke:

1. Peggy McKay requested the visitors' forum not be moved to the end of the agenda. Of the 25 cities she researched only two put visitors at the end.
2. Jerry Wolff stated 180 men died at the Alamo in a fight for democracy. People come to a government body to express opinions, and putting visitors at the end of the meeting diminished people coming to speak.
3. George Baroody stated it was irrelevant what other towns did. If it was an attempt to minimize or reduce the amount of rantings at meetings, council already had that in the rules. He opined that the change was to discourage input and involvement from citizens. He supported leaving visitors at the front.
4. Carolyn Lipscomb supported moving visitors' forum to the end. People come in and gripe and leave and they do not learn any more, and if they stayed through the meeting they would know what was going on. She opined that moving visitors' comment to the end would encourage people to come and sit through meetings.

Mayor White stated that people have other obligations and cannot stay through a meeting, and that the publisher of the Kerrville Daily Times said that for 40 years she had never seen visitors at the end of a meeting.

Mayor White stated the motion: to rearrange the order of the meeting to put the visitors at the end. Mr. Andrew moved to accept the motion; Mr. Fine seconded the motion and it passed 3 to 1 with Councilmembers Andrew, Fine, and Ferguson voting in favor of the motion and Mayor White voting against the motion.

4C. Landfill expansion project – Phase III.

Mr. Barrera reviewed current collection and transfer procedures and noted the city currently had a contract with Republic Waste to transfer Kerrville's solid waste to a San Antonio landfill; however, there was no guarantee that the SA landfill would accept the waste in the future. Staff began evaluating long term options, specifically, a permit to expand the life of the existing landfill to 100-110 years based on current volume. Staff proposed securing the expansion permit now to avoid any future changes in regulations. Under the current permit and without transferring to San Antonio, the life span of the city's landfill would be 7-10 years. Phase I was completed in November 2014; this was a preliminary assessment to include geotechnical evaluation, subsurface monitoring of groundwater, and ultimately to determine if an expansion was feasible. Phase II was completed July 2016: continue subsurface monitoring, perform surveys as requested by agencies, obtain additional information, and review reports and findings from agencies. Staff recommended proceeding to Phase III, design and permitting, to include:

- Conduct further studies, surveys, and investigations.
- Prepare amendment application including: 1) General information; 2) Existing conditions; 3) Site development plan, including design of cells; and 4) Site operating plan.
- Submit application to TCEQ and respond to any notice of deficiencies.

Mr. Barrera reviewed project funding: \$1,275,000 landfill closure fund; \$500,000 transfer to Project Fund; \$775,000 landfill closure fund; \$242,403.52 balance in project fund; and \$257,597 to be transferred via budget amendment (Item 5A). If the budget amendment in 5A is approved, staff anticipated placing the professional services agreement with LNV Engineering on the March 14 agenda for council consideration.

Mayor White noted the proposal was to permit both the Western and the "Big Hill" south expansions. She stated that in the past Ms. Hesseltine of LNV recommended the "Big Hill" expansion because it was not in a floodplain. The Western site was in the floodplain and there was a CLOMR denied because of the tributary in that area; a state antiquities landmark site had to be determined; and there were soil issues.

Ms. Haseltine, LNV Engineering, stated that regarding the Western expansion:

1. Regarding the antiquities issue, LNV received clearance from the Texas Historical Commission.
2. The CLOMR was not denied, FEMA requested a different form of the CLOMR than what had been submitted, so LNV can submit the CLOMR on the appropriate form.

Ms. Haseltine stated the Western expansion was a very feasible option and was a good location because of the soils on that site. The combined area would give the city's landfill a life span of 100 years.

Mayor White noted that the cost of Phase 3 of the permitting process was \$500,000; staff was requesting \$750,000. Also, Freese and Nichols and LNV were to combine studies to save cost; she asked if any analysis had been prepared showing how much was saved. Mayor White asked if another CLOMR would be done.

Mr. Barrera noted the number provided several years ago was only an estimate; the current project also included the Western expansion. Freese and Nichols and LNV did coordinate to combine some assessments during Phases 1 and 2.

Mr. Barron noted a CLOMR was filed previously, and LNV would just have to refile it with FEMA without the "additional fill" comment on it and verify that the FN and LNV submissions do not conflict with each other. He noted if the city can get the permit from TCEQ for both sites, the landfill would be grandfathered and this would give the city negotiating position in the future.

Council also discussed the following:

- The contract with Republic Waste would expire in 2030; currently, Republic transferred about 40 tons per year to San Antonio.

- Council identified the entire footprint of the landfill for expansion over a decade ago.

- How long would it be before the city could reuse the old closed landfill site, and could the city get a vertical permit on the closed landfill? Ms. Hesseltine noted it would be a very long time, more than 100 years; and no the city could not go vertical at this site.

5. ORDINANCES, FIRST READING:

5A. Ordinance No. 2017-08, amending the budget for Fiscal Year 2017 to account for various changes to the City's operational budget to account for the transfer of funds for the landfill expansion project and to accept and allocate revenue from a grant awarded to the city relating to the EMS Trauma Care System. Mayor White read the ordinance by title.

Ms. Yarbrough noted the ordinance: 1) would transfer \$257,597 from the landfill closure fund into the project fund; and 2) record revenue received from an EMS Trauma Care System grant and to allocate those funds to be expended according to the grant.

Mayor White noted the council would have a chance to approve the LNV contract at a future meeting.

Mr. Fine moved for approval of Ordinance No. 2017-08 on first reading; Mr. Andrew seconded the motion and it passed 4-0.

6. INFORMATION AND DISCUSSION:

6A. Quarterly Report by Playhouse 2000 (P2K). Item moved to after Item 3C.

6B. Presentation of community survey.

Ms. Berry noted the survey was sent to 1,800 randomly selected households and 513 responses were included in the survey, and an additional 33 on-line surveys were received for informational purposes. The survey provided benchmark ratings with cities of similar characteristics. She presented the results of the 2016 Citizen Survey conducted by the National Research Center. The survey asked citizens to evaluate the overall quality of life and quality of city governance. The "Governance" category overall was rated excellent/good: fire rated 95%, EMS 91%, parks 86%, power utility 85%, police 84%. The lowest ratings in "Governance" category were: bus or transit 20%, street repair 26%, code enforcement 36%, economic development 39%, and land use/planning/zoning 39%. Areas noted for improvement were: 1) Economy: downtown, commercial areas, and shopping and employment opportunities; 2) Mobility: street repair and cleaning, bicycle, and public transportation; 3) Built Environment: affordable quality housing, housing options, land use/planning/zoning, new development, code enforcement, and storm drainage.

Council also discussed the following:

- The city should wait until the new city manager and city planner were hired before starting the comprehensive plan process.
- The city needed to address new and expanded business to create jobs.
- The FY2017 budget added another code enforcement officer and increased the street maintenance budget significantly.

6C. The Scenic Cities Certification Program.

Councilmember Fine suggested council have a presentation on the Scenic Cities Certification Program at a future meeting. The consensus of council was to instruct staff to arrange a presentation.

6D. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending February 28, 2017: general fund revenues totaled \$12,344,089 and expenditures \$8,028,708; water and sewer fund revenues totaled \$3,806,721 and expenditures \$3,780,017; hotel/motel fund revenues totaled \$364,785 and expenditures \$268,950; 18 permits for new residential construction and commercial new/remodel construction totaled \$7,023,000.

7. APPOINTMENTS TO BOARDS AND COMMISSIONS:

7A. Appointment to the Kerrville-Kerr County Joint Airport Board.

Mayor White moved to appoint Mark Mosier with term to expire June 1, 2017. Mr. Andrew seconded the motion and it passed 4-0.

7B. Appointment to the Kerrville Public Utility Board.

Mayor White moved to reappoint Phillip Stacy with term to expire April 21, 2022. Mr. Fine seconded the motion and it passed 4-0.

8. ITEMS FOR FUTURE AGENDAS

- Driving while texting use of hand held devices.
- Add vaping to smoking ordinance.
- Scenic Cities presentation.

1. VISITORS/CITIZENS FORUM:

1. Katherine Palmer said she supported keeping the visitors' forum at the beginning of the agenda. She noted that two of the 11 persons who applied for the vacant seat on city council, had previously been voted on by the public and the council did not select one of these two—why?

Council noted this could not be discussed at this time as the item was not posted on this agenda. Councilmembers may contact her individually; however, the discussions were in executive session and council was prohibited by law from discussing matters presented in executive session.

2. Jerry Wolff noted five months ago he brought up the issue of irrigation water rates. He updated his spreadsheet to include the \$1.5 million increase in pipeline and other costs, and requested this item be placed on a future agenda. He stated that city water customers would bear the burden of the cost of the irrigation water and pond. He also noted that the 17 year contract with Comanche Trace (CT) terminated last August. By contract CT would deed over to the city their two water wells and half of CT's senior water rights; he asked if this had been done.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given at the start of the meeting.

10. EXECUTIVE SESSION:

Mr. Andrew 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 4-0 to discuss the following:

10B. 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:

- Real Property Acquisition.
- Water Rights.

At 7:45 p.m. the regular meeting recessed. Council went into executive closed session at 7:48 p.m. At 8:49 p.m. the executive closed session recessed and council returned to open session at 8:50 p.m. No action was taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

ADJOURNMENT. The meeting adjourned at 8:51 p.m.

APPROVED: _____
ATTEST:

Bonnie White, Mayor

Brenda Craig City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
FEBRUARY 21, 2017

On February 21, 2017, the Kerrville City Council special meeting was called to order at 8:00 a.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Rob Lohmeyer, Senior Pastor at First Presbyterian Church, followed by the Pledge of Allegiance led by Robert Naman.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem (arrived at 8:04 a.m.)
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT:

Vacant	Councilmember
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CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Police Chief
Kaitlin Berry	Special Projects Manager

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

**OATH OF OFFICE GIVEN BY KERRVILLE MUNICIPAL COURT JUDGE
M. PATRICK MAGUIRE TO CHARLES WARREN FERGUSON,
COUNCILMEMBER PLACE FOUR**

ADJOURNMENT. The meeting adjourned at 8:05 a.m., followed by a council workshop at 8:15 a.m.

APPROVED: _____
ATTEST: _____

Bonnie White, Mayor

Brenda Craig City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
FEBRUARY 28, 2017

On February 28, 2017, the Kerrville City Council special meeting was called to order at 5:00 p.m. by Mayor Bonnie White in the city hall upstairs conference room at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT:

Mary Ellen Summerlin	Councilmember
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CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Amy Dozier	Assistant Director of Finance
Kaitlin Berry	Special Projects Manager
Dannie Smith	Fire Chief
Kim Meismer	Director of General Services
David Knight	Police Chief

VISITORS PRESENT: No visitors signed in.

1. PRESENTATION AND DISCUSSION:

1A. Fiscal Year 2016 City of Kerrville Comprehensive Annual Financial Report (CAFR)

Karen Kurtin, Senior Manager with BKD, LLP, the city's auditing firm, presented the CAFR for fiscal year ending September 30, 2016, noting the following:

- The city's audit was performed in accordance with Government Auditing Standards for internal control over financial reporting and compliance.
- The Kerrville-Kerr County Joint Airport Board (AB), City of Kerrville Economic Improvement Corporation (EIC), and the Kerrville Public Utility Board (KPUB) were component parts of the City of Kerrville's audit; however, the AB's and KPUB 's financial statements were audited by other auditors.
- At FY end the city's combined fund balances totaled \$26.565 million, an increase of \$649,905 over FY2015. The unassigned fund balance in the general fund totaled 34%; the city's target is 25%. This was the first time in many years that all operating departments were positive.

- The city's pension liability through Texas Municipal Retirement System was at \$6.9 million at year end overall. TMRS was reporting a loss in deferred investment due to estimated long term rate of return on 7% was reduced in 2016 to 6.75%.

Mr. Davis noted this loss was pool-wide, but did not affect the city of Kerrville; the pool-wide benchmark was 80%; the city of Kerrville was funded at 90-91%. The City of Kerrville's contribution went into the City's account with TMRS, not the TMRS pool account. Ms. Kurtin noted that 86% of the cities in Texas were in the TMRS plan, and the City of Kerrville met 100% of the required contributions.

- The city's net position for 2016 increased \$5.06 million over FY2015.

ADJOURNMENT. The meeting adjourned at 5:41 a.m.

APPROVED: _____
ATTEST: _____

Bonnie White, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
MARCH 1, 2017

On March 1, 2017, the Kerrville City Council special meeting was called to order at 9:00 a.m. by Mayor White in the city hall upstairs conference room at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Warren Ferguson	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
Brenda Craig	City Secretary
Kim Meisner	Director of General Operations

VISITORS PRESENT: None.

SELECT FINALISTS FOR THE CITY MANAGER POSITION.

EXECUTIVE SESSION:

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

Section 551.074 (personnel officers):

- Select finalists for the city manager position.

At 9:00 a.m. the regular meeting recessed. Council went into executive closed session at 9:01 a.m. At 9:02 a.m. the executive closed session recessed and council returned to open session at 9:02 a.m. No action was taken in executive session.

ACTION, IF ANY, ON ITEM DISCUSSED IN EXECUTIVE SESSION:

Ms. Summerlin moved to interview Daniel Biles and Mark McDaniel in person on March 22 and on March 23, if needed. Mr. Andrew seconded the motion and it passed 5-0.

Council discussed the schedule and interview process for March 22 and 23.

ADJOURNMENT. The meeting adjourned at 9:40 a.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda Craig City Secretary

CITY COUNCIL MINUTES
WORKSHOP

KERRVILLE, TEXAS
FEBRUARY 21, 2017

On February 21, 2017, the Kerrville City Council workshop was called to order at 8:15 a.m. by Mayor Bonnie White in the city hall upstairs conference room at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Warren Ferguson	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT: None.

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Kaitlin Berry	Special Projects Manager
Dannie Smith	Fire Chief
Kim Meisner	Director of General Services

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

3. REVIEW OF COUNCIL PROCEDURAL RULES FOR MEETINGS

Council and staff discussed changes to the procedural rules document. Council also requested the following items be included: "Points of order" and "Councilmember requests for information" sections. Council directed staff to make changes and place the document on a future agenda for formal adoption.

Miscellaneous items were also discussed:

-If a councilmember quotes a document or receives information, they should provide a copy of it to all councilmembers prior to the meeting.

-When staff provides information, conversations, emails, etc. to council, such should be considered privileged information until city council takes action on the subject. It is inappropriate to provide such information to citizens or the media.

-Visitors may discuss any topic not listed on the agenda under visitors' forum; visitors' forum should be at the end of the meeting.

-When visitors speak they should address their comments to the presiding officer and council, not to staff.

-Announcements of community interest should be at the beginning of the agenda before the consent agenda.

-Council should agree to submit questions to staff prior to meetings to allow time to research; this would make meetings more efficient.

2. REVIEW OF CITY BOARDS AND COMMISSIONS AND DIRECTION TO STAFF:

Council directed staff to:

- Repeal ordinances and resolutions that established the following boards: beautification advisory board, golf course advisory board, municipal court review.
- Eliminate the audit committee.
- Reduce meetings for the following boards: food service advisory board (as needed), library advisory board (quarterly), and parks and recreation advisory board (quarterly).
- Eliminate term limits for the board of adjustments and appeals.
- Eliminate council liaisons/ex-officio positions on the following boards: food service advisory board, library advisory board, main street advisory board, parks and recreation advisory board, and planning and zoning commission.
- Alternate members not required to attend meetings unless called upon: planning and zoning commission, and zoning board of adjustment.

Council also discussed the following:

- Establishing a sunset review process for all non-mandatory boards.
- Review attendance requirements in the board rules and procedures.
- Council attendance at board meetings should be avoided.
- Regarding interview process, the interview committee consisted of the liaison member and one councilmember assigned on rotation; however, other councilmembers should also be allowed to interview applicants.

1. REVIEW COMMUNITY SURVEY AND UPDATE OF NOVEMBER 15, 2016 WORK SESSION

Ms. Berry noted the survey was sent to 1,800 randomly selected households and 513 responses were included in the survey, and an additional 33 on-line surveys were received for informational purposes. The survey provided benchmark ratings with cities of similar characteristics. Ms. Berry presented the results of the 2016 Citizen Survey conducted by the National Research Center. The survey asked citizens to evaluate the overall quality of life and quality of city governance. The "Governance" category overall was rated excellent/good: fire rated 95%, EMS 91%, parks 86%, power utility 85%, police 84%. The lowest ratings in "Governance" category were: bus or transit 20%, street repair 26%, code enforcement 36%, economic development 39%, and land use/planning/zoning 39%. Areas noted for improvement were: 1) Economy: downtown, commercial areas, and shopping and employment opportunities; 2)

Mobility: street repair and cleaning, bicycle, and public transportation; 3) Built Environment: affordable quality housing, housing options, land use/planning/zoning, new development, code enforcement, and storm drainage. One area noted for improvement was communication and a city newsletter was suggested because of Kerrville's diverse demographics.

Mr. Davis reviewed the priorities established by council at the November 15, 2016 work session. The comprehensive plan was council's first priority; however, Mr. Davis noted the community survey was a good start for Phase 1 of the comprehensive plan planning process. He suggested that Phase 2, creating the actual comprehensive plan be delayed until the new city manager and city planner were hired. In the interim the city could gather information and meet with stakeholders and focus groups to develop a tentative plan.

ADJOURNMENT. The meeting adjourned at 11:47 a.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda G. Craig, City Secretary

Agenda Item:

3B. Resolution No. 09-2017, approving an amendment to the Kerr Emergency 9-1-1 Network budget for the 2017 fiscal year. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Amendment to the Kerr Emergency 9-1-1 Network Capital Budget for Fiscal 2017

FOR AGENDA OF: March 28, 2017

DATE SUBMITTED: March 16, 2017

SUBMITTED BY: Chief David J. Knight

CLEARANCES: Mike Hayes, City Attorney

EXHIBITS: Resolution, Approved Budget Fiscal 2017, Proposed amended Capital Budget

AGENDA MAILED TO: Mark Del Toro, Kerr Emergency 9-1-1 Network, 819 Water Street, Suite 270, Kerrville, Texas 78028

APPROVED FOR SUBMITTAL BY CITY MANAGER:



**Expenditure
Required:**

**Current Balance
in Account:**

**Amount
Budgeted:**

**Account
Number:**

\$

\$

\$

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The city received the proposed FY2017 budget for the Kerr Emergency 9-1-1 Network on August 9, 2016 which was approved by council on September 13, 2016 in accordance with the Texas Health and Safety Code, Subchapter D and the Emergency Telephone Number Act.

The Kerr 9-1-1 Board had begun discussions late last year on moving forward with the eventual purchase and construction of an administrative office and communications training facility but had not planned to implement the project in FY2017. The recent fire at the Kerr County Sherriff's Office highlighted the beneficial aspects of moving forward with the acquisition and construction of a dedicated administrative office as well as a backup dispatch center and alternate EOC capability for city and county use in the event of a failure at the primary communications centers.

The Kerr 9-1-1 Board of Managers approved an amendment of the budget in a regular board meeting on March 9, 2017 adding a \$200,000.00 line item to the FY2017 Capital Budget to fund a potential real estate purchase. The funding source for this line item is from the Kerr Emergency 911 Network cash reserve for real estate and PSAP updates and does not require a tax increase.

RECOMMENDED ACTION

Recommend approval of the proposed amended budget for the Kerr Emergency 9-1-1 District for FY 2017.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 09-2017**

**A RESOLUTION APPROVING AN AMENDMENT TO THE KERR
EMERGENCY 9-1-1 NETWORK BUDGET FOR THE 2017 FISCAL YEAR**

WHEREAS, in accordance with Section 772.309 of the Texas Health and Safety Code, the Executive Director of the Kerr Emergency 9-1-1 Network prepared and presented to the City Council a budget for the Network's fiscal year commencing January 1, 2017 ("9-1-1 Budget"); and

WHEREAS, the City Council, pursuant to Resolution No. 21-2016, approved the 9-1-1 Budget; and

WHEREAS, the Board of Managers for the Kerr Emergency 9-1-1 Network recently approved an amendment to the 9-1-1 Budget to account for the possible purchase of real estate; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve the amendment as presented;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:


The City Council approves an amendment to the 2017 Fiscal Year Budget for the Kerr Emergency 9-1-1 Network as presented and set forth in **Exhibit A**, said amendment to account for the possible purchase of real estate.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2017.

Bonnie White, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

**Kerr Emergency 911 Network
2017 Opr. Budget - Approved**

		2016	2017 Approved	Delta	% Change
100 - Revenue					
	101 - Local 911 Service	130,000.00	126,000.00	-4,000.00	-3.08%
	105 - Wireless Emergency Income	258,000.00	262,000.00	4,000.00	1.55%
	110 - VoIP Service Fees	19,000.00	25,000.00	6,000.00	31.58%
	120 - Interest Income	1,500.00	3,000.00	1,500.00	100.00%
Total 100 - Revenue		408,500.00	416,000.00	7,500.00	1.84%
200 - Payroll Expense					
	210 - Salary	108,000.00	112,000.00	4,000.00	3.70%
	212 - Payroll Taxes	8,640.00	8,960.00	320.00	3.70%
	213 - Medical Insurance Expense	35,500.00	38,000.00	2,500.00	7.04%
	214 - TCDRS Expense Company	4,300.00	4,424.00	124.00	2.88%
	215 - TCDRS OTLI	450.00	450.00	0.00	0.00%
	225 - Texas Workforce Commission	100.00	100.00	0.00	0.00%
Total 200 - Payroll Expense		156,990.00	163,934.00	6,944.00	4.42%
300 - Operations (PSAP)					
	310 - PSAP Floor Space Lease	6,000.00	6,000.00	0.00	0.00%
	315 - 911 Call Taker Training	10,000.00	10,000.00	0.00	0.00%
	320 - Wireless Phase I Contracts	16,500.00	16,000.00	-500.00	-3.03%
	321 - AT&T Wireless Tariff	1,910.00	1,910.00	0.00	0.00%
	332 - ALI Service Charge	18,000.00	18,000.00	0.00	0.00%
	331 - Text to 9-1-1 Charges	8,000.00	6,500.00	-1,500.00	-18.75%
	335 - ALI MPLS	5,000.00	8,500.00	3,500.00	70.00%
	336 - ALI AT&T DATA COMM	500.00	0.00	-500.00	-100.00%
	337 - AT&T SR Fees	4,500.00	4,500.00	0.00	0.00%
	350 - PSAP Trunk Charges	20,000.00	20,000.00	0.00	0.00%
	355 - Language Translation Services	500.00	500.00	0.00	0.00%
	357 - PSAP Fiber KPD/KCSO	2,000.00	2,000.00	0.00	0.00%
	366 - Wireless Redundancy MRC	750.00	750.00	0.00	0.00%
	370 - PSAP Repairs & Maintenance	9,000.00	9,000.00	0.00	0.00%
Total 300 - Operations (PSAP)		102,660.00	103,660.00	1,000.00	0.97%
400 - Direct Services					
	410 - Office Supplies	3,000.00	3,000.00	0.00	0.00%
	412 - Office Equipment & Repairs	4,000.00	4,000.00	0.00	0.00%
	420 - Liability Insurance	2,750.00	2,825.00	75.00	2.73%
	430 - Professional Development	6,000.00	5,000.00	-1,000.00	-16.67%
	440 - Rent	26,500.00	27,581.00	1,081.00	4.08%
	450 - Professional Fees	15,000.00	16,000.00	1,000.00	6.67%
	460 - Postage & Delivery	400.00	400.00	0.00	0.00%
	490 - Bank Service Charges	100.00	100.00	0.00	0.00%
Total 400 - Direct Services		57,750.00	58,906.00	1,156.00	2.00%
500 - Miscellaneous					
	502 - Pictometry Annual Payment	8,000.00	8,000.00	0.00	0.00%
	510 - Awards & Honorariums	500.00	500.00	0.00	0.00%
	520 - Dues & Subscriptions	1,000.00	1,000.00	0.00	0.00%
	530 - Public Education & Advertising	6,600.00	5,000.00	-1,600.00	-24.24%
	550 - Telecommunications	9,000.00	9,000.00	0.00	0.00%
	560 - Sundry	2,000.00	2,000.00	0.00	0.00%
	570 - Texas 911 Alliance Meetings	7,000.00	7,000.00	0.00	0.00%
	575 - Nena/APCO Conferences	7,000.00	7,000.00	0.00	0.00%
Total 500 - Miscellaneous		41,100.00	39,500.00	-1,600.00	-3.89%
700 - PSAP Equipment Replacement Account					
	710 - Operating to Capital Fund Transfer	50,000.00	50,000.00	0.00	0.00%

Kerr Emergency 911 Network
2017 Opr. Budget - Approved

Total 700 - PSAP Equipment Repacement Account	50,000.00	50,000.00	0.00	0.00%
Annual Budget Totals	408,500.00	416,000.00	7,500.00	1.84%
Net Income	408,500.00	416,000.00	7,500.00	1.84%
Projected Budget Surplus/Deficit	0.00	0.00	0.00	#DIV/0!

Kerr Emergency 911 Network
2017 Cap. Budget Approved

2017 Budget Capital Cash		Approved	Comments
Capital Expenses - 800			
	804 - Sign Materials	\$2,000.00	Sign Blanks and Vinyl
	888 - Misc PSAP Upgrades	\$25,000.00	
Total - 800		<u>\$27,000.00</u>	
Capital Income - 900			
	901 - Sign Sales (Recovery)	\$1,800.00	90% Recovery
			It is likely we'll transfer additional surplus operating funds before EOY.
	902 - Equipment Replacement Fund Transfers	\$50,000.00	
Total - 900		<u>\$51,800.00</u>	
2017 Starting Capital Balance (Est.)		\$226,977.95	
2017 Net Capital Expenses		\$27,000.00	
2017 Net Capital Income		<u>\$51,800.00</u>	
Projected End-of-2017 Capital Balance		\$251,777.95	

Kerr Emergency 911 Network
2017 Cap. Budget Proposed

2017 Budget Capital Cash		Approved	Comments
Capital Expenses - 800			
	804 - Sign Materials	\$2,000.00	Sign Blanks and Vinyl
	888 - Misc PSAP Upgrades	\$25,000.00	
	812 - Real Estate	\$200,000.00	
Total - 800		\$227,000.00	
Capital Income - 900			
	901 - Sign Sales (Recovery)	\$1,800.00	90% Recovery
			It is likely we'll transfer additional surplus operating funds before EOY.
	902 - Equipment Replacement Fund Transfers	\$50,000.00	
Total - 900		\$51,800.00	
2017 Starting Capital Balance (Est.)		\$226,977.95	
2017 Net Capital Expenses		\$227,000.00	
2017 Net Capital Income		\$51,800.00	
Projected End-of-2017 Capital Balance		\$51,777.95	

Agenda Item:

3C. Amendments to the Procedural Rules for Meetings of the Kerrville City Council. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Adopt Changes to the Council Procedural Rules for Meetings document
as discussed at the March 14 council meeting

FOR AGENDA OF: March 28, 2017

DATE SUBMITTED: March 20, 2017

SUBMITTED BY: Brenda Craig
City Secretary

CLEARANCES: Don Davis, Interim
City Manager
Mike Hayes, City Attorney

EXHIBITS: Council Procedural Rules for Meetings

AGENDA MAILED TO:



APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

At the meeting on March 14 City Council instructed staff to make changes to the Council Procedural Rules for Meetings, Rules 4.5 and 6.2. Staff is also proposing changes to Rule 3.3 for clarity, as previously discussed by council. The changes are redlined on the attached document.

RECOMMENDED ACTION

Adopt changes as presented.

PROCEDURAL RULES FOR MEETINGS KERRVILLE CITY COUNCIL

SECTION ONE. GENERAL PROVISIONS

Rule 1.1 Scope of Rules; Intent. These rules govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision-making. The rules are intended to promote and maintain courtesy, civility, and collegiality during meetings.

Rule 1.2 Technical Parliamentary Forms Abolished. Except as specifically required by these rules, Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.

Rule 1.3. Rulings; Matters Not Covered. Rulings on procedure are governed by the presiding officer or by a majority of Council, which would prevail. Section 3.02 of the City Charter provides the following basis for this:

The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by this Charter and the ordinances of the City.

Any matter or order or procedure not covered by these rules may be deferred to the presiding officer or legal counsel, as appropriate.

Rule 1.4 Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Texas and the Charter and ordinances of the City of Kerrville. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Rule 1.5. Authority to Change and Adopt Rules of Procedure. Adoption and/or modification of rules governing City Council meetings is addressed in Section 3.04 of the Charter, which provides the following with respect to rules of procedure:

...The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than a majority of all its members, expel from a meeting a member for disorderly conduct for the violation of its rules; but no member shall be expelled from a meeting unless notified of the charge against him and given an opportunity to be heard in his own defense.

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SECTION TWO. TIME AND PLACE OF MEETING

Rule 2.1. Regular Meetings. Scheduling regular meetings is governed by Section 3/01 of the Charter and Section 2-31 of Article II of the Code of Ordinances. Section 2-31 of Article II of the Code of Ordinances provides:

City Council will hold its regular meetings on the second and fourth Tuesdays of each month, beginning at 6:00 p.m. The council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

Rule 2.2. Special Meetings. Calling special meetings is governed by Section 3.01 of the Charter, which provides:

Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council.

A request for special meeting shall be filed with the City Secretary or City Manager in written/electronic format unless made at a regular meeting at which a quorum of Councilmembers are present. The City Manager and all Councilmembers shall be notified of all special meetings.

Rule 2.3. Quorum, Majority Voting. Quorum and majority voting are governed by Section 3.05 of the Charter, which provides:

A majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

SECTION THREE. AGENDA

Rule 3.1. Agenda Preparation; Councilmember Agenda Requests. The City Secretary shall prepare, post, and distribute notices of meetings and the assembled agenda packages. The City Manager is responsible for assembling the agenda package for each meeting. The City Manager must place a subject on the agenda if the subject is requested by the Mayor or a Councilmember. Other persons may request that the City Manager place an item on the agenda pursuant to Rule 3.3.

Rule 3.2. Consent Agenda. In preparing an agenda, the City Secretary may separately designate items as “Consent Agenda” which may be acted upon by the Council under Rule ~~6-66.5~~ 6.66.5. The “Consent Agenda” shall consist of routine items, which in the City Secretary’s determination,

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may be appropriately considered as a group, without separate discussion, at the Council meeting. Any item listed on the consent agenda may be removed by a member of Council or upon a request by staff or a member of the public.

Rule 3.3. Agenda ~~Deadline~~Requests from Public. Any person wishing to have a matter heard at a City Council meeting shall make a written request, including via email, to the City Manager or City Secretary. The request shall contain a short summary statement of the proposed presentation and be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. ~~As long as Council meetings continue to be on Tuesday, then such request should be made before 5:00 p.m. on Monday of the prior week.~~ Once the person's a request has been placed on an agenda, ~~neither that person nor anyone else may not submit~~ the item, or an item concerning a similar subject matter, ~~may not for placement be placed~~ on an agenda for a period of 1 year unless the item was postponed to a future meeting or a Councilmember makes a written request for placement. This rule does not apply to the right to appeal or petition Council pursuant to City ordinance or other law.

Rule 3.4. Requests to Include or Exclude Items. Each request to include or exclude an agenda item shall be forwarded to all members of the Council at the time the request is submitted to the City Manager or City Secretary. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included and such request shall not be unreasonably denied.

Rule 3.5. Council Action to Defer, Continue, or Not Act. A Councilmember wishing to withdraw, defer, or continue an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

Rule 4. Conduct of Meetings

Rule 4.1. Roll Call. Before proceeding with the business of the Council, the City Secretary shall make note of Members present, and enter those names in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

Rule 4.2. Call to Order. The presiding officer shall call the meeting to order.

Rule 4.3. Presiding Officer. The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. The presiding officer retains all rights and privileges of a Member of Council. If both the Mayor and Mayor Pro Tem are absent or unable to perform, the most senior Councilmember present shall preside. In the event two or more Members equally possess the greatest seniority then the eldest person among them shall preside.

Rule 4.4. Control of Discussion. The presiding officer shall control discussion of the Council on each agenda item to assure full participation in accordance with these rules, the City Charter and the Code of Ordinances. The presiding officer will preserve order and decorum, preventing the

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impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. The presiding officer shall request that all speakers keep comments brief and relevant to the question before the Council. All persons present in the meeting room should eschew abusive, rude or inappropriate conduct. See Chapter 38 and Section 42.05 of the Texas Penal Code regarding the "hindering" or "disrupting" of official proceedings.

Rule 4.5. Order of Consideration of Agenda. Except as otherwise provided in these rules, each agenda item shall be considered in the numerical order as presented in the meeting agenda. Each agenda item shall be introduced by the presiding officer. To introduce an item, it shall be sufficient to identify the item by the number assigned to it on the agenda. However, as provided in Section 3.06(a) of the City Charter:

Ordinances and resolutions shall be introduced only in written form.

After a measure is introduced, the standard procedure for consideration will be as follows:

- (1) Reading of the measure by the presiding officer (or other person designated by the presiding officer). Reading ordinances or resolutions by caption or summary is allowed if the full text is available as prescribed by the Charter. (Note: Section 3.06(a) of the Charter requires additional steps for ordinances: "No ordinance shall be passed until it has been read and voted upon in at least two regular meetings, except an emergency measure. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading.")
- (2) The City Manager or other person may present a staff statement or presentation with questions and discussion from City Council.
- (3) Public Comments.
- (4) Discussion.
- (5) Motion and second.
- (6) Vote.
- (7) If a majority of Council votes against a motion, the Council Member making the original motion may amend that motion for reconsideration. In addition, any Councilmember may make an alternate motion for consideration related to that agenda item.

In the absence of the objections of the presiding officer or a majority of Council, by consensus or vote, which would prevail, the Council may vary the standard procedure. Informal voting by voice or a show of hands shall be used at the discretion of the presiding officer, unless a Councilmember requests a roll call vote or a roll call vote is otherwise required by state law. In case of a tie, the motion fails.

Rule 4.6. Discussion; referenced document. A Councilmember shall speak only after being recognized by the presiding officer. A Councilmember recognized for a specific purpose shall limit remarks to that purpose. A Councilmember, after being recognized shall not be interrupted

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except by the presiding officer to enforce these rules. Anyone speaking shall be recognized by the presiding officer. Where a Councilmember plans to reference or cite a document that was not included as part of the agenda packet, the Councilmember should make copies for each Councilmember and provide the document to the entire Council as soon as possible and prior to the meeting. The Councilmember may seek the aid of the City Manager in complying with this provision.

Rule 4.7. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) as a Member of the Council May enter into any discussion.

Rule 4.8. Limit on Remarks. Each Councilmember shall limit his or her remarks to a reasonable length.

Rule 4.9. Call for Vote. At the conclusion (or closure) of debate or discussion, the presiding officer shall call for a vote, provided however, a majority of the Council present may require a vote at any time.

SECTION FIVE. CITIZEN PARTICIPATION

Rule 5.1. Public Participation. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers should register in advance and should limit their presentations to four minutes each. Speakers should direct all remarks and questions to the Council, who may refer them for investigation, response or other action. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public. In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

Rule 5.2. Manner of Addressing Council. A person desiring to address the Council shall step to the lectern or other alternate arrangement and state his or her name and address for the record before proceeding with comments. All comments from the public should be directed to the Council.

Rule 5.3. Total Time Limits. Those members of the public speaking on items both on the agenda and not on the agenda are limited to four minutes of speaking time. A person may speak only once on any agenda item. However, Applicants, or those persons having placed an item on the agenda seeking a specific answer from the Council, will be allowed ten minutes of total speaking time. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.

Rule 5.4. Remarks to be Germane/Non-redundant. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments.

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Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

Rule 5.5. Matters not on the Agenda. Under the Visitor/Citizens Forum item on the agenda, the first ten completed requests to speak under this item will be the maximum number of people that will be allowed to speak on items not specifically mentioned on the agenda. The maximum number of people allowed to speak may be increased by consensus of Council or pursuant to majority vote. Discussion of matters not on the agenda is prohibited by the Texas Open Meetings Act. Council may provide specific factual information in response to the inquiry, recite existing policy, or propose the placement of the issue on an upcoming meeting agenda.

SECTION SIX. COUNCIL ACTION

Rule 6.1. Motion Required. All action requiring a vote shall be moved by a Member of the Council. Each motion will require a second by another Member of the Council to be considered. A motion must be voted on or withdrawn before another motion for that same agenda item can be considered. Any Member of the Council can make an amendment to a motion. With a second, the amended motion is then voted on.

Rule 6.2. Motion to Reconsider. Except in case of a tie vote, a motion to reconsider ~~must~~may be made but only by a Councilmember who was on the prevailing side in the original action ~~or by a Councilmember absent at the time of the original action.~~ —This type of motion must may only be made at the same meeting when the subject is on the agenda considered. See Rule 3.1 Rule 4.5 does not apply to this process.

Rule 6.3. Recording names of Moving Members. The City Secretary shall record the name of the Councilmember making each motion and corresponding second to the motion.

Rule 6.4. Separate Consideration. Except as otherwise required by these rules, each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.

Rule 6.5. Action or Consent Agenda. Except as herein provided, the “Consent Agenda” shall be considered as a group without separate discussion on each item. When the Consent Agenda is introduced, each Councilmember has the right to remove any item, in which case the item is handled under Rule 4.5. After items are removed, the presiding officer shall ask the Members to indicate their votes on the remaining Consent Agenda items. The City Secretary shall record the votes on each item separately.

Rule 6.6. Consideration Out of Order. With the consensus of Council or pursuant to majority vote, any agenda item may be considered out of order, at the request of any Councilmember.

Rule 6.7. Council Appointments. The Council may consider and make appointments to City boards and commissions by either of the following procedures:

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- By direct motion. The Councilmember shall state the name of the person and the board to which they are being appointed. The motion will require a second, and a majority vote of the Council shall be required for appointment.
- By nomination process. The mayor shall open the floor for nominations, whereupon Councilmembers may put the names of appointees forward. The names submitted shall be debated. When the debate ends, the City Secretary shall call the roll of the Councilmembers, and each member shall cast their vote from those persons nominated. The nominee receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled; however, a member shall not cast more than one vote for a single candidate. A majority of the members voting shall be required for appointment.

In accordance with Section 3.01 of the City Charter, all meetings of all boards, commissions and committees of the Council shall be open to the public and as provided by state law. The requirements of the Texas Open Meetings Act shall apply to all elected or appointed authorities, boards, commissions, Council, or other bodies of the City that are composed of a quorum of members of a particular body. However, the law's requirements shall not apply to a meeting solely among the City's professional staff.

SECTION SEVEN. MISCELLANEOUS

Rule 7.1. Voting Required. Section 3.05 of the Charter requires Councilmembers to vote, as follows:

No member may be excused from voting except when such member has a conflict of interest as defined by law.

Any Council Member prohibited from voting by personal interest shall announce at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter. In that case, the member shall file with the City Secretary a written statement (electronic communications are considered acceptable) of the reason for abstaining. Any Councilmember refusing to vote – and not excused from voting – shall be considered in violation of the City Charter and will be recorded in the minutes as voting in the affirmative and may be held to further repercussions as deemed appropriate by the City Council.

Rule 7.2. Point of Order. A Councilmember may make a point of order to draw attention to a violation of these rules, such as the irrelevance or continued repetition of a speaker. Such action is not to be made because of disagreement over the subject matter of the discussion or an opinion. A point of order may be made at any point during a meeting and it may interrupt the pending discussion, takes precedence over that discussion or any other motion, and must be decided before any other discussion or action occurs. Following a point of order, the presiding officer shall immediately stop the discussion, acknowledge the point of order, and allow the Councilmember who raised it the opportunity to state the basis thereof. No debate concerning

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the point of order is permitted beyond a fair, reasonable clarification of the applicable rule. After hearing the basis upon which the point of order is made, the presiding officer must rule immediately subject to conferring with relevant authorities about the validity of the raised issue. The presiding officer may dispute the point of order, accept it and apply or comply with the applicable rule, or not accept the order. If a Councilmember believes that the ruling given by the presiding officer is incorrect, then a Councilmember may make the procedural motion “dissenting from the chair’s ruling.” This motion must then be seconded and put to the vote without debate. The result of the vote will determine whether the ruling is upheld or reversed.

Rule 7.3. Suspension of Rules. These rules or any part hereof may be suspended for a specific purpose or any single meeting by consensus of Council or pursuant to majority vote . This does not apply to those rules directly mentioned in the City Charter or other sections of the Code of Ordinances.

Rule 7.4. Informal Requests. A Member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Manager or City Attorney.

Rule 7.5. Council Liaisons. A Councilmember serving as an ex-officio member of a City board and/or commission will act to relay Council actions concerning board and/or commission items and to report back to Council. Council Liaisons should also abide by the rules and procedures for meetings of the board and/or commission meeting they are attending. Ex-officio members will be appointed by Council with consideration given to applicable expertise.

Rule 7.6. Councilmember Requests of Staff. Pursuant to Section 6.05 of the City Charter, Council is generally limited to going through the City Manager with respect to a request to staff. The policy basis for this procedure includes helping to ensure the City Manager is aware of any issue raised by a Councilmember, promoting the “chain of command” management, and efficiency. Where such a request or inquiry is made to the City Manager, the City Manager will address the request or inquiry as efficiently as possible, based in part on the nature of the request and existing workload, and will communicate with the Councilmember as to the timing of a response. The Councilmember should provide as much information as possible to help ensure that the response adequately addresses the question. In most cases, the City Manager will provide the response to the entire Council. Where a request will, in the City Manager’s opinion, utilize a significant amount of staff time or other resources or divert from City policy, the City Manager may ask the Councilmember to place the issue on an agenda for Council direction.

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Agenda Item:

4A. Ordinance No. 2017-07, amending Chapter 86 "Solid Waste" of the Code of Ordinances of the City of Kerrville, Texas, concerning the provision of solid waste services, including recycling; regulations applicable to collection and disposal of solid waste; the licensing of solid waste haulers; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to this subject. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 2nd Reading - Chapter 86 Solid Waste Ordinance Revisions

FOR AGENDA OF: March 28, 2017

DATE SUBMITTED: March 21, 2017

SUBMITTED BY: Stuart Barron,
Director of Public Works

CLEARANCES: E.A. Hoppe,
Deputy City Manager



EXHIBITS: N/A

AGENDA MAILED TO: N/A



APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ 0	\$ 0	\$ 0	

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

As mentioned during the presentation of the 1st Reading, the proposed revisions to Chapter 86 are to simply ensure that the language is consistent with current operations. Furthermore, this will allow Code Enforcement personnel to better enforce potential violations related to Solid Waste regulations.

Since the 1st Reading on March 14, 2017, there have not been any changes to these proposed Solid Waste Ordinance revisions.

RECOMMENDED ACTION

Approve and adopt revisions to Chapter 86- Solid Waste Ordinance.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2017-07**

AN ORDINANCE AMENDING CHAPTER 86 "SOLID WASTE" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, CONCERNING THE PROVISION OF SOLID WASTE SERVICES, INCLUDING RECYCLING; REGULATIONS APPLICABLE TO COLLECTION AND DISPOSAL OF SOLID WASTE; THE LICENSING OF SOLID WASTE HAULERS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT

WHEREAS, the City of Kerrville, Texas ("City"), has the authority to safeguard the health, general welfare, and physical property of its residents and others; and

WHEREAS, City Council previously adopted rules and regulations concerning the disposal and collection of solid waste and the regulation of solid waste haulers within the City, as found within Chapter 86 of the City's Code of Ordinances ("Chapter 86"); and

WHEREAS, during the summer of 2015, the City began collecting household waste through the use of carts issued by the City's solid waste provider, which allowed the provider to implement an automated curbside collection system; and

WHEREAS, based upon this change and other changes related to how the City collects and disposes of solid waste and conducts recycling, along with similar activities, City staff reviewed Chapter 86 in an effort to update and clarify its provisions and to remove language that is no longer necessary with respect to the City's curbside collection services; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 86 of the Code of Ordinances of the City of Kerrville, Texas, to revise sections regarding the provision and regulation of solid waste services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 86 "Solid Waste", of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 86-1 in its entirety and replacing it with a new Section 86-2 as follows and indicated by the underlined language (new):

"Sec. 86-1. - Definitions.

Special definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bags means plastic sacks designed to temporarily store solid waste with sufficient wall strength to maintain physical integrity when lifted by the top.

Bulky waste means large items with weights and/or dimensions and proportions greater than those allowed for standard collection with a cart, to include furniture, mattresses, white goods, barbecue grills, and carpet. Bulky waste does not include household waste, construction debris, dead animals, yard waste, stable matter, or hazardous waste.

Cart means a collection receptacle issued by the City or its provider to collect and contain household waste and recyclables.

City means the corporate limits of the City of Kerrville, Texas.

City Manager means the City Manager or his/her designee.

Commercial and industrial units means all premises, locations, or entities, public or private, requiring refuse collection within the City which are not a residential unit and for which the City does not provide solid waste services.

Construction debris means waste resulting from construction, demolition, or remodeling work including fencing, flooring, sheetrock, paneling, cement, bricks, lumber, and shingles.

Container means a receptacle that is less than 45 gallons constructed of plastic, metal, or fiberglass; having handles of adequate strength for lifting; having a tightfitting lid capable of preventing spillage; and a mouth with a diameter greater than or equal to that of the base.

Dumpster means a metal container designed to be lifted and emptied mechanically.

Garbage means solid waste from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Glass means empty clear or colored glass bottles or jars and does not include light bulbs, mirrors, drinking glasses, or other glassware.

Household hazardous waste means any hazardous waste generated from a residential unit that contains chemicals, to include bleaches, herbicides, pesticides, drain cleaners, paint thinners and solvents, oil based paints, and medical waste.

Household waste means any solid waste, including garbage, derived from a residential unit, and not including yard waste.

Landfill means the type I municipal solid waste facility owned by the City and located within the City and operated pursuant to TCEQ M.S.W. Permit No. 1506A, as issued and amended by TCEQ. The landfill includes the operations of separately registered sites such as the transfer station (No. 40240) and composting facility (No. 42028).

Manufactured home and mobile home mean a “HUD-Code manufactured home” and a “mobile home,” respectively, as defined in the Texas Manufactured Housing Standards Act, as amended (Ch. 1201, Tx. Occupations Code).

Manufactured home rental community means a development located within the City consisting primarily of one or more lots which are leased by individuals for the purpose of locating a manufactured home or mobile home on the lot and which may have some space for the temporary location of recreational vehicles.

Medical waste means medical and infectious waste generated from a residential unit, including needles, lancets, or syringes.

Multifamily complex means a collection of more than four total residential units in one or more structures having some common element of name, association, ownership, or control and having a single master water meter for purposes of obtaining water service from the City but not including a manufactured home rental community.

Municipal solid waste means solid waste resulting from or incidental to municipal community, commercial, institutional, and recreational activities, and all other solid waste other than industrial solid waste.

Plastic means a synthetic material and labeled within a triangle with a number 1, 2, or 5.

Putrescible waste means organic wastes, such as garbage, waste water treatment plant sludge, and grease trap waste that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

Residential unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as a single-family living quarters and includes facilities for food preparation and sleeping. Unless otherwise stated, manufactured homes, mobile homes, and recreational vehicles occupied and located substantially at a single location for more than 30 consecutive days are also defined as residential units.

Special waste means any solid waste that because of its quantity, concentration, physical, chemical characteristics, or biological properties require special handling and disposal to protect human health or environment.

Stable matter means all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry, or livestock.

White goods means stoves, refrigerators, dishwashers, freezers, washing machines, dryers, water heaters, air conditioners, and other household appliances which are primarily constructed of metals such as steel and aluminum and can be substantially recycled.

Yard waste means leaves, grass clippings, yard and garden debris, branches, and brush including clean woody vegetative materials not greater than six inches in diameter and six feet in length that results from landscaping maintenance and land clearing operations. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.

SECTION TWO. Chapter 86 "Solid Waste", of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 86-2 in its entirety and replacing it with a new Section 86-2 as follows and indicated by the underlined language (new):

"Sec. 86-2. – City to provide solid waste services; collection rates.

(a) Provision of services. The City shall provide or have provided solid waste services to each residential unit within the City which is not part of a multifamily complex, a manufactured home rental community, and/or a commercial or industrial unit, all of which must receive separate solid waste collection services. Solid waste services provided by the City will consist of the curbside collection of household waste, recyclable materials, yard waste, and bulky waste.

(b) Use of service. Each residential unit within the City shall utilize the solid waste services provided by the City.

(c) Residential collection rates. The City shall impose fair and reasonable charges for its provision of solid waste services, such charges as determined from time to time by City Council and established within the City's fee schedule. The fee schedule is maintained by the office of the City Secretary and on the City's website.

(d) Collection and payment of collection charges. The City shall assess charges for services specified within subsection (a) and such charges are due and payable when specified on the invoice. Failure to pay the bill when due shall result in the imposition of penalty fees as specified within the City's fee schedule. In addition to the assessed fees, the City may suspend the collection of solid waste services and/or seek civil and/or criminal remedies as appropriate."

SECTION THREE. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 86-3 in its entirety and replacing it with a new Section 86-3 as follows and indicated by the underlined language (new):

“Sec. 86-3. - Solid waste collection.

(a) Generally. No person shall place, caused to be placed, collect, or allow to be collected any solid waste on the exterior of any building, structure, or fence except in a bag, container, cart, or dumpster.

(b) Household waste curbside collection. Household waste placed for curbside collection shall be placed in accordance with the following regulations:

(1) All household waste must be placed in a cart(s);

(2) The contents of any single cart of household waste, combined with the weight of the cart, must not exceed 100 pounds;

(3) All household waste shall be placed inside the cart(s) and the lid must be able to close completely;

(4) Household waste placed for collection shall not be mixed with or contain:

a. Hazardous waste, except household hazardous waste;

b. Special waste, except:

1. One or more dead animals with a combined weight of less than ten pounds; or

2. Special waste generated from a residential unit;

c. Medical waste; however, such waste must be properly contained before disposing of in the cart. Lancets, syringes, and hypodermic needles shall be placed in a rigid, leak-proof, and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the cart. Depositing or disposing of improperly contained medical waste in any cart is prohibited;

d. Yard waste; or

e. Construction debris, which causes the weight of the cart to exceed 100 pounds or prevents the lid from completely closing.

(c) *Recyclable materials collection.* Residential units receiving solid waste services pursuant to section 86-2 shall participate in the City's residential recyclables collection program subject to the following:

(1) The recyclable materials to be collected at curbside shall be limited and subject to the following:

a. Newspaper, which is not soiled or contaminated, tied or strapped together, or placed in a bag of any type;

b. Steel, bimetal, and aluminum but must safely fit inside the recycling cart, allow its lid to completely close, not cause recyclables to become stuck in the cart, or cause the cart to exceed 100 pounds;

c. Glass which is rinsed and made reasonably clean. Glass must not be broken or contain any material substance;

d. Plastic which is rinsed, reasonably clean, and has caps removed;

e. Paper goods including advertisements, brochures, magazines, and catalogues; and

f. Cardboard boxes that are flattened and cut but which must fit safely inside the recycling cart, allow its lid to completely close, not cause recyclables to become stuck in the cart, or cause the cart to exceed 100 pounds.

(2) All recyclable materials shall be placed in a recycling cart that allows its lid to completely close.

(3) A recycling cart shall not contain any nonrecyclable solid waste or yard waste.

(d) *Yard waste collection.* Residential units receiving solid waste collection services pursuant to section 86-2 may participate in the City's yard waste collection program subject to the following:

(1) Brush placed for collection must be neatly stacked perpendicular to the adjacent roadway with the large end of the branches facing the curb;

(2) Limbs, branches, or trees must not exceed six feet in length and/or six inches in diameter;

(3) The amount of brush may not exceed 2 cubic yards in volume;

(4) Grass clippings or leaves must be placed in bags or containers;

(5) Yard waste may not contain any other type of solid waste, including construction debris;

(6) Brush piles shall not be placed within three feet of carts, mailboxes, or any other structure, and not within five feet of any vehicle, and must have at least sixteen feet of overhead clearance, including from structures, utility lines, and trees;

(7) Yard waste shall be placed no later than 7:30 a.m. of the day of scheduled collection and shall be placed not earlier than ten days prior to the scheduled collection.

(e) *Bulky waste collection.* Residential units receiving household waste collection services pursuant to section 86-2 may participate in the City's bulky waste collection program subject to the following:

(1) Items to be collected shall be placed adjacent to the paved portion of the roadway;

(2) Items shall not be placed on top of water meters or within three feet of carts, mailboxes, or any other structure, and not within five feet of any vehicle, and must have at least sixteen feet of overhead clearance, including from structures, utility lines, and trees;

(3) Carpet shall be in sections not larger than six feet by six feet and must be rolled and tied;

(4) White goods shall not contain chlorofluorocarbons (CFC's), as found in air conditioners, freezers, and refrigerators; propellants (in aerosol applications); or solvents; some of which are commonly known by the trade name Freon, and must be tagged by a licensed technician if Freon has been reclaimed;

(5) Bulky waste shall not contain putrescible waste, tires, hazardous waste, chemicals, ammunition, yard waste, sinks, vanities, tubs, toilets, glass, or construction debris;

(6) Bulky waste shall be placed no later than 7:30 a.m. of the day of scheduled collection and shall be placed not earlier than ten days prior to the scheduled collection.

(f) Placement for collection. Carts containing household waste or recyclable materials to be collected by the City or its contractor shall be placed not earlier than 8:00 p.m. on the day prior to the scheduled day of collection nor later than 7:30 a.m. on the scheduled date of collection and shall comply with the following:

(1) Placed as close as practical to the paved portion of the roadway adjacent to the residence without interfering with or endangering the movement of vehicles or pedestrians;

(2) If construction work is being performed in the public right-of-way adjacent to the residence, as close as practical to an access point for contractor's collection vehicle; and

(3) Carts shall not be placed within three feet of any other cart, mailboxes, or other structures, and not within five feet of any vehicle, and must have at least sixteen feet of overhead clearance, including from structures, utility lines, and trees.

(g) Storage and removal of carts. Carts shall not be stored at or near the curb of a residential unit any day when collection is not scheduled. Emptied carts shall be removed from the public right-of-way not later than 10:00 p.m. on the day of collection.

(h) Collection days. The City Manager shall designate the schedule for collection of household wastes, recyclable materials, yard wastes, and bulky wastes pursuant to this Chapter.

(i) Prohibited obstructions. It shall be unlawful to park, place, or allow or cause to be parked or placed any motor vehicle, trailer, boat, or similar obstruction within five feet of, or obstruct in any manner the collection of solid waste scheduled for collection."

SECTION FOUR. Chapter 86 "Solid Waste", of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 86-4 to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

"Sec. 86-4. - Disposal of solid waste at city landfill.

(a) *Solid waste acceptable for disposal; prohibited wastes.* Except as otherwise authorized ~~[by resolution or ordinance adopted]~~ by the City Council, no person shall dispose of any solid waste at the landfill except municipal solid waste generated ~~[in the county]~~ within Kerr County, and which is permitted to be disposed of at the landfill under

the permits, laws, and regulations governing operation of the landfill. Furthermore, no person shall dispose of, or attempt to dispose of, the following at the landfill:

(1) Hazardous waste, except household hazardous waste commingled with other compacted household waste;

(2) Solid waste generated outside the county, unless acceptance of such solid waste is specifically approved ~~[by resolution]~~ of the City Council;

(3) Special waste, except as follows:

a. Sludge from municipal wastewater treatment plant, other types of domestic sewage treatment plants, and water-supply treatment plants which is directed for disposal in the city's composting facility as allowed by the ~~[TNRCC]~~ TCEQ;

b. Grease and grit trap waste;

c. Dead animals; and

d. Such other special waste as may be approved by the ~~[director]~~ City Manager and approved by the ~~[TNRCC]~~ TCEQ;

(4) White goods; and/or

(5) Tires~~[;]~~

~~[(6) Yard waste except yard waste which:-~~

~~a. Exceeds amounts which can be reasonably composted at the city's composting facility; and-~~

~~b. Is received at the landfill following a clean-up of yard waste generated by a natural disaster.]~~

(b) *Payment of landfill charges.* Any person disposing of waste at the landfill shall pay the charges therefor as may be:

(1) Promulgated by the City; or

(2) Authorized by the City by contract to be charged by the City's contractor.”

SECTION FIVE. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 86-6 in its entirety and replacing it with a new Section 86-6 as follows and indicated by the underlined language (new):

“Sec. 86-6. - Unlawful dumping or littering.

(a) It shall be unlawful and is hereby declared a public nuisance for any person to throw, dump, deposit, or place any litter, trash, or waste material of any kind on public or private property within the City limits or its extraterritorial jurisdiction. It shall be an affirmative defense to prosecution that the litter, trash, or waste material was thrown, dumped, deposited, or placed at the landfill or another properly licensed disposal area.

(b) Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a class ‘C’ misdemeanor and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00 and be liable for cleanup costs associated with removal. This offense is hereby declared to be a strict liability offense and the culpable mental state required by section 6.02 of the Texas Penal Code, is hereby specifically negated and clearly dispensed with.”

SECTION SIX. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 86-7 to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

“Sec. 86-7. - Using containers without consent.

No person shall disturb, tamper with, or place any solid waste in a container, cart, or dumpster located on property owned by another without the consent of the owner or the person in effective control of the property or the container, cart, or dumpster.”

SECTION SEVEN. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 86-8 as follows to add the language that is indicated by the underlined language (new):

“Sec. 86-8. - Food service establishments.

Solid waste generated by a food service establishment and stored on the exterior of a building for collection shall not be stored:

(1) In bags, unless the bag is placed in a container or dumpster;

(2) In wet-strength paper bags;

- (3) In baled units containing garbage or rubbish;
- (4) In dumpsters which are not equipped with tightfitting lids, doors, or covers which makes the solid waste stored therein reasonably inaccessible to insects and rodents;
- (5) In dumpsters equipped with drains that do not have a drain plug in place; or
- (6) In any other manner which may allow rodents, vermin, or animals to access the solid waste.”

SECTION EIGHT. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 86-9 in its entirety and replacing it with a new Section 86-10 as follows and indicated by the underlined language (new):

“Sec. 86-~~[9]~~10. – Scavenging.

The meddling with or theft from any bag, container, cart, or dumpster or in any way pilfering, scavenging, or scattering contents from any such container is prohibited. It is further prohibited for any person to place or remove anything in any bag, container, cart, or dumpster unless placed or removed by the person or entity owning or exercising control over the container or paying for its use.”

SECTION NINE. Chapter 86 “Solid Waste”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 86-10 to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

“Sec. 86-~~[10]~~11. – ~~[Regulation]~~ Licensing of solid waste ~~[collectors]~~ haulers; prohibited conduct.

- (a) *License required.* ~~[Except as permitted by this section, no person or entity may collect solid waste for a fee from any location within the city limits without first obtaining from the city:~~

~~(1) A small waste collector's license, if the person or entity will be using no more than two vehicles, in the operation of its business, of which no more than one vehicle is a compactor vehicle; or~~

~~(2) A waste collector's license, if the person or entity desires authority to use more than two vehicles, in the operation of its business.]~~

(1) No person shall engage in the business or occupation of hauling solid waste or recyclable materials within the City without first obtaining a license to do so from the

City and comply with all the requirements for the conduct of such business as hereinafter provided.

(2) A licensed hauler shall not provide solid waste services to residential units currently being provided by or for the City.

(b) *Exemptions from licensing.* No license shall be required pursuant to this section if:

- (1) The person or entity is collecting solid waste pursuant to a contract with the City;
- (2) The person or entity is collecting yard waste in association with the operation of a mowing, landscaping, or tree and shrub pruning and removal business;
- (3) The person or entity is collecting secondhand goods on behalf of a nonprofit organization; ~~or~~
- (4) The person or entity is collecting hazardous waste pursuant to a license or permit issued by the ~~TNRCC~~ TCEQ; or

(5) The person or entity is collecting bulky waste, such service is incidental to their main business, and they are not operating as a solid waste provider.

(c) *Application.* A person or entity desiring a license pursuant to this section shall submit an application on forms approved by the ~~director of public works~~ City Manager which shall contain or be accompanied by the following:

- (1) The name and address of the person or entity seeking the license;
- (2) The name and address of the registered agent for service of process for the applicant;
- (3) The name and address of each person and entity, including stockholders, which owns more than a five percent interest in the business seeking the application;
- (4) The names and addresses of all officers, general partners, and/or directors of the applicant;
- (5) The description, vehicle registration number, vehicle identification number, and owner of each vehicle the applicant will use to collect solid waste pursuant to the license;

- (6) A detailed description of the solid waste collection services to be provided;
- (7) The application fee required by subsection (d) of this section;
- (8) A certificate of insurance evidencing the insurance required by subsection (e) of this section;
- (9) Such other information as may be required by the City Council~~[;]~~ or City Manager ~~[; or director of public works]~~.

(d) *Application fee; renewal application fee.* A non-refundable application fee shall be paid by an applicant for a license pursuant to this section and in an amount as may be established from time to time by City Council and as specified in the City's fee schedule.

(e) *Insurance.* A person or entity holding a license issued pursuant to this section shall at all times during the term of said license, including any renewal periods, maintain in full force and effect workers compensation, automobile liability, general liability and property damage insurance in amounts established from time to time by City Council and as specified in the City's fee schedule.

(f) *Indemnification for injuries to person or property.* Prior to issuance of a license pursuant to this section, the applicant must agree in writing to indemnify, defend and hold harmless the city, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, (including but not limited to attorneys' fees) or other liability for personal injury, death or damage to any person or property which arises from or is in any manner caused or alleged by any claimant to be caused by the intentional or negligent act or omission of the licensee, its officers, employees, agents, servants, contractors, subcontractors, invitees, or licensees which are related to the collection, transportation, and/or storage of solid waste prior to disposal.

(g) *Licenses and taxes.* All holders of licenses pursuant to this section shall obtain all licenses and permits required by state or federal law which the licensee must obtain in order to perform the services described in this section and promptly pay when due all taxes required by any governmental entity with taxing authority.

(h) *Term of license.* A license issued pursuant to this section and any renewal and extension of such license shall each have a term of one year from the date of issuance.

(i) *Renewal of license.* A licensee that is in good standing may request renewal and extension of the license by filing not later than 30 days prior to the expiration of the current

license an application for renewal in the same manner as an original license and the payment of the renewal application fee required by subsection (j) of this section.

(j) *Renewal application fee.* A non-refundable application fee shall be paid by an applicant for the renewal and extension of a license pursuant to this section in amounts established from time to time by City Council and as specified in the City's fee schedule.

(k) *Revocation of license.* A license issued pursuant to this section may be revoked by the City Manager on a finding that:

- (1) The licensee is in violation of this chapter, or any other federal, state, or local law or regulation; or
- (2) The licensee has failed to provide safe, responsible, neat, and diligent service to customers.

(l) *Nontransferable license.* A license issued pursuant to this section may not be assigned or transferred in any manner.

(m) *Vehicle markings.* Each vehicle operated under a license issued pursuant to this section shall display on the right front bumper the sticker issued by the city indicating the vehicle has been permitted pursuant to this section."

SECTION TEN. Chapter 86 "Solid Waste", of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 86-11 to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

"Sec. 86-~~[11]~~12. - Litter.

(a) *Handbills.* It shall be unlawful for any person to place, scatter, or throw upon the public thoroughfares any handbills, posters, advertisements, flyers, or papers. Nothing in this section shall be construed to authorize any person to obstruct the public thoroughfares or create any nuisance therein. This section shall not interfere with, ~~[or]~~ prevent, or prohibit the posting of notices required by law to be posted.

(b) *Littering public places.*

- (1) It shall be unlawful for any person to sweep or deposit dirt, trash, yard waste, or other litter into any street or onto any sidewalk within the City. It shall be unlawful for any person to scatter papers or other material detrimental to the order of the City in the public parks or streets, or on any sidewalk.

- (2) Any vehicle trailer, or container utilized by a person or firm, whether owned or hired, to transport garbage, trash, rubbish, or debris along or across any public street or alley within the City limits shall have sideboards and a tailgate equal to or greater than the height of the load being transported and adequate to contain the materials being hauled, and the tailgate shall be closed and securely fastened. The vehicle shall also be equipped with a cover designed to prevent the accidental loss of materials being hauled, to include a tarp, netting, device, or other material intended to prevent littering.

(c) *Littering private places.* It shall be unlawful for any person to deposit any litter on any private lot or premises, whether such lot is owned by such person or another. All trash or litter shall be placed in approved containers.

(d) *Penalty for violation.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section ~~1-8~~ 1-7.

SECTION ELEVEN. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION TWELVE. The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION THIRTEEN. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FOURTEEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION FIFTEEN. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is authorized and directed to publish the

descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the 14th day of March, A.D., 2017.


PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2017.

ATTEST:

Bonnie White, Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5A. Presentation by Anne Culver regarding the Scenic Cities Certification Program. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Scenic Cities Certification Program Presentation

FOR AGENDA OF: 03/28/17

DATE SUBMITTED: 03/20/17

SUBMITTED BY: Don Davis
Interim City Manager

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:



APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Councilmember Stephen Fine introduced this item at the council meeting of February 28, 2017. At that meeting, council asked me to follow up with someone with that agency and arrange for them to make a presentation to the full council. I have done that. Anne Culver will be at the meeting to make a presentation and answer questions about the *Scenic Cities Certification Program*.

RECOMMENDED ACTION

I would recommend that council instruct staff to pursue looking into this program and come back with a recommendation at a later council meeting.

Agenda Item:

5B. Employment agreement with Mark McDaniel to be City Manager of Kerrville.
(staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approve Employment Agreement with Mark McDaniel to be the City Manager of Kerrville

FOR AGENDA OF: March 28, 2017 **DATE SUBMITTED:** March 22, 2017

SUBMITTED BY: Don Davis, Interim City Manager **CLEARANCES:**

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Following council's interview with Mark McDaniel on Wednesday, March 22, 2017, the Council moved to extend an offer of employment to Mark McDaniel pursuant to approval of the employment agreement by City Council on March 28. The effective date of Mr. McDaniel's employment as City Manager will be May 1, 2017. The employment agreement will be forwarded to City Council under separate cover.

RECOMMENDED ACTION

Staff recommends the employment agreement be approved.

Agenda Item:

6A. Budget and economic update. (staff)

Community Investment Plan most active projects are shown with some nearing completion. Shown is the project budgeted amount, invoices paid during current month, project to date expense, and remaining funds available for project. This report reflects financial activity only and does not reflect percentage or status of project completion.

Permits issued for new residential locations since October 2016 were 21.

Value of commercial permits issued in February was \$254,000. Commercial permits issued for new locations and major improvements are an estimated value of \$7,277,000 for fiscal year-to-date.

Property values or increase in property value for new construction and major improvements for residential and commercial sites will be reflected on the property tax roll in the tax year following completion of construction or improvement.

Real estate transactions remain steady with a moderate inventory available.

Unemployment at national, state, and local levels has remained at a relatively low percentage for several months.

Active water accounts: 10,832 residential units, 1,659 commercial units, 514 irrigation meters; an increase of 77 accounts over same period in prior year. Active sewer accounts: 10,635 residential units, 1,338 commercial units; an increase of 67 accounts over same period in prior year. Active garbage accounts: 8,014 residential only; an increase of 87 totes over same period in prior year.

RECOMMENDED ACTION

Report is for information purposes only, no action required.

Budget and Economic Update

Month ending February 28, 2017

	Current Month	Y-T-D Total	Budget @ 41.67%	Prior Year To-Date	% change vs prior year
General Fund					
Total Revenues	\$ 5,264,716	\$ 17,970,106	64.88%	\$ 14,645,262	22.70%
Property tax	\$ 1,576,354	\$ 8,579,465	95.39%	\$ 8,277,104	3.65%
Sales tax	\$ 714,254	\$ 2,870,506	44.56%	\$ 2,728,735	5.20%
Total Expenditures	\$ 3,899,322	\$ 12,044,172	43.49%	\$ 9,591,467	25.57%
Water and Sewer Fund					
Total Revenues	\$ 902,805	\$ 4,709,303	38.94%	\$ 4,657,610	1.11%
Water Sales	\$ 366,464	\$ 2,156,882	37.50%	\$ 2,147,948	0.42%
Sewer Service	\$ 434,784	\$ 2,223,311	40.04%	\$ 2,156,391	3.10%
Total Expenditures	\$ 945,309	\$ 4,733,979	39.15%	\$ 4,017,523	17.83%
Hotel/Motel Fund					
Total Revenues	\$ 63,321	\$ 428,106	38.96%	\$ 388,583	10.17%
Total Expenditures	\$ 231,250	\$ 500,200	46.75%	\$ 453,100	10.40%

Community Investment Plan	Project Budget	Current Month	P-T-D Expense	Project Budget Balance
Landfill Permitting	\$ 757,895	\$ -	\$ 257,895	\$ 500,000
Library Campus - History Center	\$ 693,206	\$ 493	\$ 587,212	\$ 105,994
Reuse System	\$ 21,800,000	\$ 329,669	\$ 2,484,851	\$ 19,315,149
River Trail	\$ 6,000,000	\$ -	\$ 5,023,832	\$ 976,168
Sports Complex	\$ 10,500,000	\$ 807,654	\$ 5,521,349	\$ 4,978,651
Sports Complex Field House	\$ 2,196,000	\$ -	\$ 125,284	\$ 2,070,716
Tennis Center	\$ 1,500,000	\$ -	\$ -	\$ 1,500,000
THM/Tank Repaint	\$ 1,764,100	\$ -	\$ 769,495	\$ 994,605
Utility Construction Building	\$ 1,450,000	\$ 146,174	\$ 929,820	\$ 520,180

Development Activities:			Housing - February (Source: Kerrville Board of Realtors)	
<u>Residential</u>	<u>Commercial</u>		484 active residential listings; 52 residential sales February 2017	
Oct 6	\$1,523,000		\$13,829,425 total residential sales dollars February 2017	
Nov 4	\$1,500,000		\$21,098,975 total residential sales dollars Y-T-D 2017	
Dec 4	\$500,000			
Jan 4	3,500,000			
Feb 3	254,000			
			Unemployment - January (Source: Texas Workforce Commission)	
			National	4.8%
			Texas	4.8%
			Local	3.4%
			Utility Accounts:	
			Water - Residential units - 10,832; Commercial units - 1,659; Irrigation - 514	
			Sewer- Residential units - 10,635; Commercial units - 1,338	
			Garbage - Curbside - residential only - 8,014	
YTD	21	\$7,277,000		

Agenda Item:

7A. Appointments to the Food Service Advisory Board. (staff)

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Appointments to the Food Service Advisory Board

FOR AGENDA OF: March 28, 2017 **DATE SUBMITTED:** March 17, 2017

SUBMITTED BY: Brenda Craig  **CLEARANCES:** Don Davis
City Secretary Interim City Manager

EXHIBITS: Board List

APPROVED FOR SUBMITTAL BY CITY MANAGER:



SUMMARY STATEMENT

Consider appointments to the following board:

Food Service Advisory Board: Four terms that expired on December 1, 2016.

RECOMMENDED ACTION

Consider appointments.

FOOD SERVICE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
YOUNG, DARRELL Chairperson 1326 Ranchero Rd.	257-0800 (O) 896-1852 (H)	12-11-12	12-09-14	12-01-16
DITTMAR, REBECCA Vice-Chairperson 155 Aqua Vista	353-1305 (O) 896-9037 (H)	12-11-12	12-09-14	12-01-16
AAMODT, "GARY", JR. 160 Kerrville South Dr.	257-3533 (O) 896-7979 (H) 370-4416 (C)	08-11-15		12-01-17
GONZALES, DAVID C. 704 Englemann Oak Dr. Fredericksburg, TX 78624	830-315-2750 (O) 940-452-5486 (H)	08-27-13	12-09-14	12-01-16
MOLINA, RUBEN 325 George Ct.	896-3313 (O) 377-2768 (H)	01-12-16		12-01-17
TOLLE, BECKY 540 Fairway Dr.	377-4255 (O) 837-0076 (H)	01-12-16		12-01-17
VAZQUEZ, ABEL 158 Valley View	257-0606 (O) 896-9899 (H)	01-11-11	12-09-14	12-01-16
COUNCIL LIAISON: STEPHEN FINE 1210 Virginia Dr.	285-4234 (C) 896-2934 (H)			
CITY STAFF: Daryle Poe Health Specialist	258-1173			
Danny Batts Director of Bldg. Services	258-1178 (O) 896-0517 (F)			

Qualifications: Shall be composed of local certified food managers from the food service or food processing industry, any member of the local restaurant association who owns or conducts business in the city of Kerrville or any citizen of Kerr County qualified by training and/or experience to advise on the application of the food code.

Powers and Duties: To hear appeals and make recommendations to the health official for variances from provisions of the code; to provide assistance to the health official concerning interpretations of the code; to advise the city manager, at his request, regarding the suspension or revocation of food permits; and to consider and make recommendations to city council regarding any matters relating to the food service program.

Term of Office: Two Years; no member shall serve more than two consecutive terms.

Quorum: Four

Number of Members: Seven

Meeting Time & Place: Tri-annually (April, August & Dec), Third Tuesday, 3:00 p.m., Development Services

Absences: Any member who misses three consecutive regular meetings shall thus cause his/her seat on the board to become vacant. The council shall then appoint a new member to fill the vacancy.

Established by: Ordinance 1989-30; amended by Ordinance 1994-11
Code of Ordinances: Chapter 58 - Article II - Section 58-34

Revised: April 15, 2016