

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
MAY 23, 2017

On May 23, 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 Councilmember Place Two, George Baroody, followed by the Pledge of Allegiance led by David Knight.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Baroody	Mayor Pro Tem
Vincent C. Voelkel	Councilmember
Mary Ellen Summerlin	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None.

CITY CORE STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismar	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager
Stuart Barron	Director of Public Works
Ashlea Boyle	Director of Parks and Recreation

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

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:** were given.

**2. RECOGNITIONS:**

- 2A. Resolutions of Commendation to Rebecca Dittmar, Abel Vasquez, and Darrell Young for serving on the Food Service Advisory Board.
- 2B. Resolutions of Commendation to Ed Wallace and Bill Muse for serving on the Parks and Recreation Advisory Board.
- 2C. Resolutions of Commendation to Mary Margaret Burniston, Christian Cook, Lexi Cooper, Kianna Dao, Bailey Dulas, Naomi Exum, Shelby Freeman, Roman Garcia, Sydney Garcia, William Guerrero, Nicole Lorange, Mason Olmsted, Lydia Prislovsky, Ileana Scoccia, Emma Soth, and Ryan Stanton for serving on the Mayor's Youth Advisory Council.
- 2D. Recognition of City Employee Joe Alvarez on his retirement after 42 years of service to the City of Kerrville.

**3. CONSENT AGENDA:**

Ms. Summerlin moved to approve consent agenda items 3A, 3B, and 3C; Mr. Ferguson seconded the motion, and the motion passed 5-0:

3A. Interlocal Agreement between the City of Kerrville, Texas, and Kerr Emergency 9-1-1 Network regarding emergency communication system.

3B. Resolution No. 17-2017 authorizing the waiver of fees regarding public safety staffing for the Kerrville Festival of the Arts scheduled to be held on May 27-28, 2017, in downtown Kerrville.

3C. Resolution No. 18-2017 authorizing the waiver of fees regarding public safety staffing for the Kerrville Chalk Festival scheduled to be held on October 14-15, 2017, in Peterson Plaza.

**END OF CONSENT AGENDA**

**4. ORDINANCE, FIRST READING:**

4A. Ordinance No. 2017-13, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC’s legal counsel. Mayor White read the ordinance by title.

Mr. Hayes noted that in March Atmos filed an application for a rate increase of \$46.4 million additional revenue for the cities covered by the ACSC group. ACSC and Atmos reached an agreement for \$38.8 million. The proposed ordinance would approve rates as recommended by ACSC resulting in monthly rate increases of 3.87% in residential rates (average \$2.04); and a 2.37% in commercial rates (average \$6.27) to become effective June 1, 2017. He noted that Atmos was reimbursing cities for costs associated with the RRM filings, as required in the ordinance. Second reading of the ordinance was scheduled for June 13. Mr. Hayes recommended approval.

Ms. Summerlin moved for approval of Ordinance No. 2017-13 on first reading; Mr. Ferguson seconded the motion and it passed 5-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Kerrville-Kerr County Joint Airport Board’s fiscal year 2017-2018 budget. Corey Walters, Chairman of the Airport Board, presented the FY2018 budget and noted a revenue positive balance in the operating budget.

Bruce McKenzie, Airport Manager, noted the terminal leases were down from 2016 because some leases were paid in advance and the amount fluctuates from year to year.

Ms. Summerlin moved to approve the budget; Mr. Ferguson seconded the motion and it passed 5-0.

5B. Resolution No. 16-2017 nominating a candidate to Kerr Central Appraisal District Board of Directors in accordance with Section 6.03 of the Texas Tax Code.

Ms. Summerlin moved to defer this matter to executive session; Mr. Ferguson seconded the motion and it failed 2-3 with Councilmembers Summerlin and Ferguson voting in favor of the motion and Councilmembers Baroody, Voelkel, and White voting against the motion.

Ms. Summerlin moved to nominate Judy Eychner to the KCAD Board of Directors; Mr. Ferguson seconded the motion and it failed 2-3 with Councilmembers Summerlin and Ferguson voting in favor of the motion; and Councilmembers Baroody, Voelkel, and White voting against the motion.

Mr. Voelkel moved to approve Resolution No. 16-2017 nominating William Morgan to fill the current vacancy on the Kerr Central Appraisal District Board of Directors; Mr. Baroody seconded the motion and it passed 3-2 with Councilmembers Voelkel, Baroody, and White voting in favor of the motion and Councilmembers Summerlin and Ferguson voting against the motion.

5C. Resolution No. 19-2017 amending the City of Kerrville fee schedule by waiving the daily entrance fee for qualified disabled veterans at the City's Kerrville-Schreiner Park (KSP):

Ms. Boyle proposed to waive daily fees for qualified disabled veterans at KSP to be consistent with state parks policy.

Ms. Summerlin moved to adopt Resolution No. 19-2017; Mr. Voelkel seconded the motion and it passed 5-0.

**6. INFORMATION AND DISCUSSION:**

6A. Budget/Economic Update for period ending April 30, 2017.

Ms. Yarbrough gave the financial report year to date for the period ending April 30, 2017: general fund revenues totaled \$21,569,226 and expenditures \$16,435,873; water and sewer fund revenues totaled \$6,430,792 and expenditures \$6,486,388; hotel/motel fund revenues totaled \$636,836 and expenditures \$500,200. 27 permits for new residential construction and commercial new/remodel construction totaled \$13,985,838 year-to-date. She noted that the reuse system project included the cost of design and dirt.

**6B. Street maintenance update.**

Mr. Barron reviewed the 2016 Fugro report which used ground penetrating radar, gyroscope and video to document the condition of all 170 miles of city streets. The Fugro report documented streets from intersection to intersection and broke streets into block sections and assigned intersections to the more dominant street so the intersections would not be counted twice. The report provided a pavement condition index inventory, maintenance plan, and budget analysis. He discussed the type of materiel used, types of pavement treatment processes, and costs, and noted that paving was planned around infrastructure projects when possible. He noted the city had a milling machine and the street department did the mill and overlay work. Materiel from milling was put back into the same street or used in other streets. Staff was trying a new process combining crack seal with a slurry seal overlay that was not included in the Fugro report. He opined that it may be more cost effective to: 1) work in one general area at a time instead of jumping around; and 2) rotate maintenance processes, i.e. slurry seal one year and crack seal the next year, etc. instead of trying to do all four types of maintenance in the same year; this would create a larger project for a contractor, thereby getting better bids.

The following person spoke:

1. Ruth Spradling asked what process was used when the streets were good, but the intersection was bad?

Mr. Barron noted the city recently completed a concrete intersection, at a cost of \$30,000; this did not include any street repair but was for the intersection only. The Fugro plan did not address any concrete repairs.

Mr. Barron reviewed treatment methods and the 2016-17 repair schedule and suggested the Fugro maintenance plan be updated after the 2018 paving season to include: the cost effective measures discussed above, concrete processes where needed, updated street sections, and the rate of deterioration.

**7. APPOINTMENTS TO BOARDS AND COMMISSIONS:**

**7A. Appointments to the City of Kerrville, Texas Economic Improvement Corporation.**

Ms. Summerlin moved to defer this item to executive session. The motion failed for lack of a second. Ms. Summerlin noted it was customary to reappoint citizens who re-applied and were eligible to serve another term.

Ms. Summerlin moved to reappoint Delayne Sigerman and Paul Stafford, who were eligible to serve another term. Mr. Ferguson seconded the motion.

The following person spoke:

1. Delayne Sigerman noted that previously she was encouraged by Mayor White to apply to EIC, and after her appointment she had attended all meetings and grand openings. She asked to be reappointed to another term.

The motion failed 2 -3 with Councilmembers Summerlin and Ferguson voting in favor of the motion; and Councilmembers Baroody, Voelkel, and White voting against the motion.

Mr. Voelkel moved to appoint George Baroody, Gary Cooper, Robert Naman; and to reappoint Paul Stafford. Ms. White seconded the motion and it passed 5-0.

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

8A. Kerrville City Council appointments (2) to the Airport Planning Committee.  
Ms. White moved to appoint Warren Ferguson and Vincent Voelkel; the motion was seconded by Ms. Summerlin and passed 5-0.

8B. Kerrville City Council appointment (1) to the Kerrville Economic Development Corporation.

Mr. Voelkel moved to appoint Bonnie White; Mr. Baroody seconded the motion and it passed 5-0.

8C. Kerrville City Council appointment (1) to the Playhouse 2000 Board of Directors.

Mr. Baroody moved to appoint Vincent Voelkel; Ms. White seconded the motion and it passed 5-0.

8D. Kerrville City Council appointments (2) to the Recovery Community Coalition.

Ms. White moved to appoint Mary Ellen Summerlin and Vincent Voelkel. Mr. Ferguson seconded the motion and it passed 5-0.

**9. CITY MANAGER'S REPORT**

Mr. McDaniel reported on current projects and distributed the budget calendar.

**10. VISITORS/CITIZENS FORUM:**

1. Bruce Stracke stated he recently travelled overseas and he noticed that all cities had a river trail that tied into public spaces. He opined that Kerrville had the opportunity to do that here; he encouraged council to expand on the projects that the past council built, especially the river trail.

**11. ITEMS FOR FUTURE AGENDAS: None.**

**12. EXECUTIVE SESSION:**

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

Section 551.071:

12A. John Doe and Mary Doe, Parents and Guardians of Jane Doe, a minor, Plaintiffs V. Angela Michelle Stork, Ind. Executor of Estate of Gary Frank Stork, deceased, Defendant; Cause No. 1726A, 216<sup>th</sup> District Court, Kerr County, Texas.

At 7:31 p.m. the regular meeting recessed. Council went into executive closed session at 7:36 p.m. At 9:33 p.m. the executive closed session recessed and council returned to open session at 9:34 p.m. No action was taken in executive session.

**13. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION, IF ANY:** None.

**ADJOURNMENT.** The meeting adjourned at 9:34 p.m.

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

ATTEST: \_\_\_\_\_

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Bonnie White, Mayor

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Brenda Craig City Secretary