

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MAY 14, 2013

On May 14, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Lainie Johnson, with the Pregnancy Resource Center, followed by the Pledge of Allegiance led by Police Chief John Young.

COUNCILMEMBERS PRESENT:

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| Jack Pratt | Mayor |
| Stacie Keeble | Mayor Pro Tem |
| Gene Allen | Councilmember |
| Carson Conklin | Councilmember |
| Justin MacDonald | Councilmember |

COUNCILMEMBER ABSENT: None.

CITY EXECUTIVE STAFF PRESENT:

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| Todd Parton | City Manager |
| Mike Hayes | City Attorney |
| Brenda G. Craig | City Secretary |
| Charvy Tork | Director of Information Technology Systems |
| Mike Erwin | Director of Finance |
| Robert Ojeda | Fire Chief |
| Jason Lutz | City Planner |
| Charlie Hastings | Director of Public Works |
| Kim Meisner | Director of General Operations |
| John Young | Police Chief |
| Ashlea Boyle | Special Projects Coordinator |

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

1. VISITORS/CITIZENS FORUM None.

2. AWARDS AND PRESENTATIONS:

2A. Proclamation proclaiming the month of May 2013 as National Preservation Month. Presented to Scott Rain, chairman of the Kerrville Main Street Advisory Board, and Bill Rector, with the Kerr County Historical Commission.

2B. Proclamation proclaiming May 13-19, 2013, as National Salvation Army Week. Presented to Bobby Jackson of the Kerrville Salvation Army.

3. CONSENT AGENDA:

Mr. Conklin moved for approval of items 3A through 3C; Mr. MacDonald seconded the motion and it passed 5-0:

3A. Minutes of the regular Kerrville City Council meeting held April 9, and April 23, 2013.

3B. First Amendment to the Agreement between the City of Kerrville, Texas, and Kerr Capital Partners, LLC Authorizing the Installation and maintenance of Landscaping, Lighting, and Other Improvements within City Right-of-Way.
3C. Resolution No. 16-2013 approving the execution of an agreement between the State of Texas and the City of Kerrville for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Kerrville.

END OF CONSENT AGENDA

4. PUBLIC HEARING, ORDINANCE FIRST READING:

4A. An ordinance amending the city's "Zoning Code" by changing the zoning district of an approximate 31.40 acre tract of land generally located along the north of the 2100 block of E. Main Street from the "RC" residential cluster district to the "PI" Public and institutional district; containing a cumulative clause, containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering publication, and providing other matters relating to the subject. Mayor Pratt read the ordinance by title. Mr. Lutz noted the property owner, Schreiner University, proposed to build a new facility for biology classrooms and an observatory. The development site plan was in the review process now. He reviewed adjacent property uses and noted Type B screening (six foot wood or masonry fence) would be required along the western and eastern property lines; the applicant could request alternative screening such as natural vegetation. Proposed setbacks would be 30 feet front and rear, and 10 feet side setbacks, and an additional 50 foot buffer would be required and no parking structure would be allowed within the buffer area.

Mayor Pratt opened the public hearing at 6:15 p.m.; no one spoke; Mayor Pratt closed the public hearing at 6:15 p.m.

Mr. MacDonald moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

5. ORDINANCES, FIRST READING:

5A. An ordinance amending Chapter 6 "Advertising", Article II "Signs" of the city's Code of Ordinances to revise various definitions and revise the regulations for several types of signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title.

Mr. Parton noted the ordinance would address the issue brought up several months ago by the owner of an auto sales lot in the downtown business district (DBD) by eliminating the requirement to include both sides of the street in the DBD. Staff also proposed several clean up changes and recommended approval.

Mr. Conklin moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

5B. An ordinance approving and adopting rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel. Mayor Pratt read the ordinance by title.

Mr. Hayes noted Kerrville was one of 154 cities served by Atmos, and was a member of the Atmos Cities Steering Committee (ACSC). In 2007 ACSC and Atmos agreed to implement an annual Rate Review Mechanism (RRM) in place of the Gas Reliability Infrastructure Program (GRIP) to review rate increases. The RRM process expired in 2011, and attempts to establish a new agreement had failed; however, a process and tariff was established that would go into effect for the period 2013–2017, and the ACSC and he recommended approval of the ordinance which would establish a new RRM process. He opined that the RRM process had resulted in a more efficient rate review process and lower rate increases for customers. He anticipated that Atmos would be submitting another rate increase in July.

Mr. Allen moved for approval of the ordinance on first reading; Mr. Conklin seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Pending legislation from the 83rd Texas Legislature, regular session.

Mr. Parton updated the council on the progress of several bills and proposed council direction on four additional bills regarding a municipality’s authority to: 1) adopt specific types of ordinances (recommend oppose); 2) regulate a business or occupational license holder (oppose); 3) further restrict or prohibit city’s ability to issue licenses, particularly as they pertain to contractors’ licenses (oppose); and 4) application of foreign laws and foreign forum selection in certain family law proceedings (no staff recommendation). The consensus of the council was to oppose these four bills.

Council also discussed SB1612 which would give municipalities the authority to place their own infrastructure and provide water service to areas within their city limits but served by investor-owned utility companies. The consensus of the council was to support SB1612.

7. INFORMATION AND DISCUSSION

7A. Request from Kerr County Commissioner’s Court for Fire Services/EMS from the City of Kerrville.

Mr. Parton noted the city received a letter from the county Judge dated February 19 requesting the city extend the current interlocal agreement for fire and EMS into the county for an additional 10 year period. On February 26 the city council considered the county’s letter and appointed Jack Pratt and Stacie Keeble to communicate with the county for the purpose of discussing the extension of the

interlocal agreement. The city presented a draft agreement and spreadsheet of the city's projected costs over the 10 year period to county representatives, and no response had been received. He advised that on May 6 the county sent a letter requesting that the city council vote on their February 19 offer.

The consensus of the council was to reaffirm its position by stating that the city council had not deviated from its previous decision to appoint Jack Pratt and Stacie Keeble, who were ready to continue working with the county when any proposal is received in the future.

7B. Water resources report.

Mr. Hastings reported that even though 3.83 inches of rainfall was received in the past three months, Kerrville continued to be in extreme drought. The river had spiked to 68-70, but then dropped to 25 cfs. The city was in Stage 1 water restrictions, but he anticipated going to Stage 2 in June. He estimated 770 MG stored in the ASR.

7C. Economic update.

Mr. Erwin reported the state sales tax was up an average of 3.9% and the city of Kerrville's was up 12%, and local HOT was up 3.4% over the same period in 2012. Revenues continued to exceed expenditures in the general fund and in the water and sewer fund.

Council requested a comparison of the jobs that come into Texas from other states as compared to in state jobs.

8. ITEMS FOR FUTURE AGENDAS: None.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- May 15, 9:00 a.m. ceremony at the police station to honor fallen law enforcement officers.
- May 17-19 Kerrfest.
- May 21, 10 a.m., ceremony to canvass city election.
- May 24 Trades Day at the courthouse.
- May 25-26 Kerrville Folk Festival and Texas Arts and Crafts Festival; shuttle service to these events will run from the city's parking garage.
- Council congratulated Carson Conklin and Stacie Keeble on being re-elected.

10. EXECUTIVE SESSION:

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

- 715 Water Street, former city business programs office.
- River Trail.

At 6:40 p.m. the regular meeting recessed and council went into executive closed session at 6:41p.m. At 7:02 p.m. the executive closed session recessed and council returned to open session at 7:03 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

River trail.

Mr. Conklin moved to authorize staff to enter into a contract for the sale of property with James McElvain; Mr. MacDonald seconded the motion and it passed 4-0-1 with Members Conklin, MacDonald, Allen, and Pratt voting in favor of the motion; no one voted against the motion; and Ms. Keeble abstained.

715 Water Street, former city business programs office.

Mr. Allen moved to authorize staff to initiate the process for the sale of city property at 715 Water Street; Mr. Conklin seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:05 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary