

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
OCTOBER 22, 2013

On October 22, 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 Bob Allen, of the First United Methodist Church, followed by the Pledge of Allegiance led by Wilie Askey, Army World War II Veteran, and member of the Association of the American Veterans.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Ashlea Boyle	Special Projects Coordinator
Laura Bechtel	Library Director

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

**1. VISITORS/CITIZENS FORUM:**

Bill Cantrell, 428 Saddle Club Drive, Kerrville, TX reported on the upcoming Veterans' Day March, which was formerly called the Veterans' Day Parade. He stated several bands and color guards would participate. He invited all of the veterans, and their families to attend the march on November 11, 2013 at 5:00 p.m.

**2. RECOGNITIONS:**

2A. Proclamation designating Friends of the Library Week October 20-26, 2013.

2B. Resolution of Commendation to Glenn Clark Andrew for serving on the zoning board of adjustment.

2C. Proclamation recognizing Clarabelle Snodgrass on the occasion of her 100<sup>th</sup> birthday.

**3. CONSENT AGENDA:**

Mr. Conklin moved to approve Consent Agenda items number 3A through 3D. Ms. Keeble seconded, and the motion passed 5-0.

3A. Minutes of the city Council special meetings held October 3, 2013 at 8:00 a.m. and 10:00 a.m.; special meetings held October 8, 2013, at 2:00 p.m. and 5:30 p.m.; and the regular meeting held October 8, 2013 at 6:00 p.m.

3B. Authorization to submit grant application to the Hal & Charlie Peterson Foundation in the amount of \$400,000 for Phase III of the Butt-Holdsworth Memorial Library Campus renovation project.

3C. Authorization to submit funding application in the amount of \$400,000 to the City of Kerrville, Texas Economic Improvement Corporation for Phase III of the Butt-Holdsworth Memorial Library Campus renovation project.

3D. Resolution No. 39-2013 cancelling the regular meeting of the city Council scheduled for November 26, 2013.

**END OF CONSENT AGENDA**

**4. ORDINANCE, SECOND AND FINAL READING:**

5A. Ordinance No. 2013-20, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2013 annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; 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; providing a most favored nations clause; and requiring deliver of this ordinance to the company and the steering committee's legal counsel. Mayor Pratt read the ordinance by title only.

Mr. Hayes noted that this was the second and final reading of the ordinance. He reported that after ACSC's legal counsel reviewed the filing, they recommended a \$16.6 million rate increase; the average residential customer's bill would increase \$0.74 per month. Mr. Hayes recommended approval.

Ms. Keeble moved for approval of Ordinance No. 2013-20, as presented, on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

**5. ORDINANCE, FIRST AND ONLY READING:**

5A. Ordinance No. 2013-21 by the City Council of the City of Kerrville, Texas authorizing the issuance of "City of Kerrville, Texas Utility System Revenue Bonds, Series 2013"; providing for the payment of the principal of and interest on the bonds by a first and prior lien on and pledge of the pledged revenues of the city's utility system; providing the terms and conditions of such bonds; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing for an effective date. Mayor Pratt read the ordinance by title only.

Mr. Parton noted that the ordinance provided for a \$6,300,000.00 bond issuance on behalf of Kerrville Public Utility Board (KPUB). The pledge to repay the bond would be from KPUB's revenue. The debt issuance would fund KPUB's capital plan. The debt issuance was discussed by the City Council in March, 2013, when the City Council approved a reimbursement resolution that allowed KPUB to expend some of the funds for the contemplated projects, and would allow them to use part of the bond proceeds to reimburse the eligible expenditures that were passed and approved. KPUB is an entity of the City of Kerrville, and the issuance of any debt must be approved by the City Council.

Mr. McCuan, General Manager of KPUB, stated that the bond issuance was for four sub-station projects. The bonds were to be issued by Broadway Bank.

Mr. MacDonald moved for approval of Ordinance 2013-21 as presented. Mr. Allen seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Request by the Military Order of the Purple Heart to waive all fees for the Veterans Day Parade.

Byron Warren, reviewed plans for the parade, and asked that the Council approve the waiver of the \$50.00 fee for the parade.

Ms. Keeble moved to approve the waiver of the fee for the parade. Mr. Allen seconded the motion, and it passed 5-0.

6B. Charter of the City of Kerrville, Texas and proposed amendments, if any.

Mr. Hayes noted that, on September 24, 2013, the Charter Review Commission (CRC) presented a report to the Council.

Council discussed the changes recommended by the CRC, in particular, sections pertaining to the fee for a candidate to be placed on the ballot, and the petition requirements for recall and referendum.

John Mosty, Chairman of the CRC, responded to some questions from the Council. Citizens were encouraged to contact the Council members.

The consensus of the Council was to garner more input from the public and discuss the charter amendments at the next meeting.

**7. INFORMATION AND DISCUSSION:**

**7A. Kerrville Economic Development Corporation work program update.**

Jonas Titas presented an update of the work program with KEDC; he reviewed the projects that were currently being considered, projects that were completed during the past year, and for the next year, which included craft agriculture, and the implementation of a wine tour.

**7B. Kerrville Triathlon post event report.**

Ms. Boyle reported on the event, that there were 1,254 participants, which included 150 children in the "Fun Run", and 300 volunteers helped with the event. According to the CVB, there was an economic impact of approximately \$600,000.00 to the Kerrville area.

**7C. Budget and economic update.**

Ms. Yarbrough reported the 2013 budget: 1) general fund revenue was at 103% of projection, and expenditures at 96% of budget; and 2) utility fund was at 103% of projected revenue and expenditures at 93%. This was the last pay period for both funds for fiscal year 2013.

**8. BOARD APPOINTMENTS:**

**8A. Appointments to the zoning board of adjustment:**

Matter was deferred to executive session.

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

**10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Police department would be conducting a prescription drug collection on Saturday, October 26, 2103.

**11. EXECUTIVE SESSION:**

Mr. MacDonald 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; the motion was seconded by Mr. Conklin 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 projects:

- Jefferson lift station
- River Trail.

Section 551.074:

- Appointment to the zoning board of adjustment.

At 7:05 p.m. the regular meeting recessed and Council went into executive closed session at 7:05 p.m. At 7:30 p.m. the executive closed session recessed and Council returned to open session at 7:32 p.m. The mayor announced that no action had been taken in executive session.

**11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:**

8A. Appointments to the Zoning Board of Adjustment. Ms. Keeble moved to appoint Sam Ligon as a regular board member with term to expire September 30, 2015; Mr. Allen seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 7:34 p.m.

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

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Jack Pratt, Jr., Mayor

ATTEST:

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Cheryl L. Brown, Deputy City Secretary