

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
APRIL 14, 2015

On April 14, 2015, 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 Tom Murray, Associate Pastor, St. Peter's Episcopal Church followed by the Pledge of Allegiance led by Fire Division Chief/Training and Emergency Management Coordinator Tony Lenard.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT: None.

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
David Knight	Interim Chief of Police
Trent Robertson	City Planner
Tony Lenard	Fire Division Chief/Training and Emergency Management Coordinator

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

1. **VISITORS/CITIZENS FORUM:** No one spoke.

2. **PRESENTATION:**

2A. Child Abuse Prevention Month.

3. **CONSENT AGENDA:**

Mr. Conklin moved to approve consent agenda items 3A and 3B; Ms. Keeble seconded the motion, and it passed 5-0:

3A. Request to waive fees for police security for the Kerrville Festival of the Arts event in the amount of \$3,120.00.

3B. Interlocal contract with Department of State Health Services and Kerrville State Hospital to provide psychological evaluations for new police hires.

END OF CONSENT AGENDA

4. PUBLIC HEARING AND ORDINANCE FIRST READING:

4A. Ordinance No. 2015-07, annexing an approximate 3.05 acre tract out of the W.H. Crawford Survey No. 653, Abstract No. 123, within Kerr County, Texas, said property being located adjacent to the corporate limits of the City of Kerrville, Texas, and consisting of the property addressed as 421 Roy Street; further describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. Mayor Pratt read the ordinance by title only.

Mr. Robertson noted this was the first reading of the ordinance that would complete the voluntary annexation of the subject property. The proposed zoning was consistent with neighboring properties.

Mayor Pratt declared the public hearing open at 6:07 p.m.; no one spoke; the public hearing was closed at 6:07 p.m.

Mr. Stork moved for approval of Ordinance No. 2015-07 on first reading; Mr. Allen seconded the motion and it passed 5-0.

5. ORDINANCE, FIRST READING:

5A. Ordinance No. 2015-08, amending the budget for fiscal year 2015 to account for various changes to the city's operational budget, including expenditures related to emergency repairs to the city's water treatment plant and expenditures necessary for police special programs. Mayor Pratt read the ordinance by title only.

Mr. Parton noted the amendment would provide funding for: 1) emergency repairs at the water treatment plant, and 2) purchase of a replacement vehicle for police special crimes using forfeiture and seizure funds that had been collected over several years. He recommended approval.

Mr. Allen moved for approval of Ordinance No. 2015-08 on first reading; Ms. Keeble seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Update on proposed waste collection changes and contract amendments with Republic Services. Ms. Day reported on the following:

- Reviewed current services at a cost of \$16.12: weekly garbage pick up in containers provide by residents, weekly recycling pick up in 18 gallon bin provided by the city, monthly yard waste pick up, and one annual bulk waste curbside pick up. Proposed service negotiated by staff at a cost of \$18.12: weekly automated garbage pick up and bi-weekly automated recycling pick up in 96 or 48 gallon carts provided by Republic, size to be determined by the resident; monthly yard waste pick up; two scheduled curbside bulky waste pick ups; and two bulky waste or yard waste, unlimited amount, drop off opportunities per year at the landfill. She provided a rate and service comparison chart and noted the majority of the rate increase was due to the additional bulky curbside and two free bulky drop offs; the

average drop off fee at the landfill for residential customers was currently over \$20.

- Described the automated collection process and benefits, i.e. cart lids will not open until the cart is inside the truck eliminating spillage and flying debris, carts will keep out animals, manual collection system is dangerous for workers having to dodge traffic, would eliminate citizen complaints about broken trash containers.
- The original proposal was for a 96 gallon cart only; after hearing concerns from the public and many requests for smaller carts, staff negotiated with Republic for customers to choose between 96 and 48 gallon carts.
- Republic would be responsible for significant capital investment to purchase automated side-load trucks and two carts for each residence; repairs and replacement would be Republic's responsibility.
- Republic agreed to hold the proposed rate for two years instead of requesting the annual consumer price index (CPI) increase as allowed for in the contract. The average CPI had been 2% annually, mostly based on the cost of fuel. Republic requested the new contract be amended to use the CPI based on the water/wastewater/garbage index, and allow an automatic pass through of fees, not to exceed the cap.
- Republic would provide assist services for persons who required assistance; a Republic worker would take the trash from the home to the street.
- Staff was still working with Republic to resolve issues, i.e. narrow streets, alleyways, and routes.
- If the city began disposing of waste in the city landfill today instead of transferring the garbage to another city, the life of the city's landfill would be only seven years. Recycling was a great benefit to preserve the landfill resource.
- Relocating recycling operations: Staff proposed closing the current recycling center, thus saving \$258,000 annually in the general fund, and relocating recycling to the landfill where it would be managed by Republic as a free service to customers. The operation would be single stream recycling, that is, all recycling would go into the same container with no need to separate items. Customers at the center were recently surveyed and 80% were county residents, 10% were commercial, and 10% were city residents who had access to curbside recycling.

Ms. Day noted that Republic also proposed changes at the transfer station:

- Hours of operation on Saturdays be changed from 7:30 a.m.-5:30 p.m. to 8 a.m.-1:00 p.m.; Republic would not close until all customers in line were served.
- Increase tipping fee from \$56.22 to \$66.26 per ton; proposed minimum fee for city residents, \$20.00.

Council also discussed the following:

- A large number of citizens were already using 96 gallon containers that they purchased themselves.
- The carts were easy to move and weather/animal proof.
- The whole country was going to automated collection.
- Many people were making several trips to the curb now with multiple bags; put all the bags in the container and make only one trip, on wheels, to the curb.
- Implement the program in stages and allow customers to adjust to what fits their needs. Could do automated trash collection and: 1) continue recycling using

existing bins, or 2) deliver a new recycling cart only to those who wanted to do recycling. Ms. Day noted: 1) the automated trucks could not pick up and empty the existing bins, and 2) would not divert much material from the landfill.

- The proposal was a whole system program using automated trucks.
- Republic would still be driving two routes in each neighborhood; there would not be any reduction in manpower, equipment or operation expenses, so there would not be a cost savings by limiting recycling to only those who wanted to participate.
- If the garbage industry lobbies for legislation that causes a mandate or raises a fee, that fee should not be passed on to city customers.
- Transfer station and recycling center would have the same hours of operation. The current recycling center was only open one Saturday per month; at the landfill, it would be open every Saturday.
- Staff should find additional options and negotiate better pricing with Republic.
- In order to preserve the landfill resource, the city should support and implement the program wholeheartedly.

Ms. Day outlined the steps for implementation of the proposed program:

- Council approve amendments to the existing contract.
- A form would be mailed to all residents to allow them to select the size of cart they would prefer for both garbage and recycling; if a citizen does not respond, 96 gallon carts will be delivered. There would be a six-month grace period during which time residents can request a different size cart without charge.
- Prepare site location for new drop off, single stream recycling operation at the landfill to be operated by Republic.
- City notify the county of its intention to vacate the existing property; however, the city would continue to operate the center through the time period given.
- Following these steps, the program could be implemented in mid-summer.

The following persons addressed the council:

1. Allen Leibee stated he was speaking on behalf of 210 homes in The Summit. The original proposal was 96 gallon carts; 96 would not fit in a garage and storing garbage in a container outside was not a good idea. Staff ignored the demographics of city residents; it was difficult for elderly to wheel garbage up and down significant slopes. Now, people use different cans and bags; under the proposal, all trash cans will look alike and this will not improve the city's appearance. People he spoke with who had lived in cities where this program was implemented were not in favor of the change. The newspaper did a survey and 70% were opposed to the change; he surveyed the Summit and 70% were opposed. Council asked how people in the Summit handled their trash now. Mr. Leibee said they take it to the curb in the manner they designed for themselves, generally in bags, and many went to the recycling center, only a few used curbside recycling. He asked how the city determined that 80% of the people who used the recycling center were from outside the city. Ms. Day stated that recycling center customers provided their addresses.

2. Barbara Burton asked how many employees would be put out of work with the closing of the city's recycling center. Ms. Day noted that employees had already been transferred to other positions in the city and there was only one full time

employee at the center now and the city was holding a position for him. Ms. Burton asked why the change. Ms. Day noted that once the city begins accepting trash instead of transferring it to another landfill the life of the existing landfill would be 7 years; the biggest benefit to the landfill was increased recycling. Republic was providing an opportunity to do automated trash and recycling collection, which had proven to increase recycling in other cities. Other reasons for the change were employee safety and cleaner streets with less debris from weather and animals.

3. Idel Friedmann asked what the rate increase would be after two years. Ms. Day noted that increases were based on CPI and capped at 4% annually. The average CPI had been 2% annually, mostly based on the cost of fuel.

4. Leota Malone asked if plastic bags would be allowed. Ms. Day stated that plastic bags would not be an option because of automated collection; bags could be used, but the bags would have to be placed inside the containers. Nothing placed outside of the containers would be picked up; however, Republic committed to picking up additional materials outside of the containers for two weeks at Christmas time.

5. Linda Rigby, representing Highlander home owners, stated they were concerned about the large size of containers, but allowing the smaller containers would address that; also, having assistance available for those who needed it was good. She appreciated council and staff listening to the citizens.

6. Peggie Colvin asked how often trash would be picked up and if citizens would be required to have two carts. She was satisfied with how collection was handled and being able to use trash bags and not having to manage a trash container. She noted that the carts would be a burden to the elderly and that some of her neighbors would need assistance. She did not have a garage or room to store a cart; she opined that some people would just leave the cart on the curb. She wanted to continue to support recycling.

Ms. Day noted that garbage pick up would be every week and recycling every other week; yes, everyone would need two containers, one for garbage and one for recycling. People would not be required to store the carts in a garage; however, the cart cannot be stored in the right of way. Upon request, staff will visit with her neighbors.

7. Bonnie White noted this type of program had been implemented where her neighbor came from and the assisted list lasted only a while and stopped when people moved or passed away. The assistance could be misused and people's situations change. She asked how someone qualified to be on the assisted list.

Council noted that when utility service was disconnected and someone reconnected at a new location, the person may not have notified the utility company of the new address and the need for assisted service. Ms. Day stated that staff will meet with customers upon request to see if they qualify.

Ms. Keeble stated that she supported the proposal; however, overwhelmingly, the citizens who contacted her did not want the carts.

Mr. Conklin moved to direct staff to proceed with drafting contract amendments as presented to city council on February 3 and April 14; the motion was seconded by Mr. Stork and passed 4 to 1 with Councilmembers Conklin, Stork, Allen, and Pratt voting in favor of the motion and Councilmember Keeble voting against the motion.

6B. Resolution No. 14-2015 authorizing publication of notice of intention to issue certificates of obligation.

Mr. Parton noted a similar resolution was passed in February that authorized staff to proceed with the process; however, staff posted the incorrect notice document and the process had to start over. The proposed certificates of obligation would fund the city's portion of a project that would acquire, construct, and equip an athletic complex. The bond sale would be scheduled for June 9.

Council discussed information that had been provided by the Hill Country Youth Soccer Assn. stating that only eight soccer fields would be provided. Mr. Parton noted that the HCYSA website contained an outdated concept plan and the information was incorrect. The proposed soccer facility will have an additional 4.5-6 irrigated acres for playing fields than currently existed at HCYSA at the city landfill. Staff's presentation and information on the city's website was correct.

Mr. Allen moved for approval of Resolution No. 14-2015; Ms. Keeble seconded the motion and it passed 5-0.

6C. Update on river trail and Louise Hays Park (LHP)/Lehmann Monroe Park (LMP) projects.

Ms. Day reported the LHP, LMP and river trail from Tranquility Island to Kerrville Schreiner Park would open in June. She presented pictures of the facilities under construction and noted the new amenities included: interactive water play fountain, a pump house to treat and recirculate the water for the fountain, shade structures, air conditioned restrooms, picnic areas, open spaces, events plaza, pavilion, shaded playground areas, new roads, paved parking areas, covered Centennial stage, dance floor, and a dog park. Contractors should be finished in May and staff would go in and construct roads and parking areas, install playground equipment, install irrigation, plant trees, and do landscaping.

Ms. Day showed pictures of the trail and several pedestrian crossings and trailheads and noted the last segment of the river trail at KSP would be poured this week. Bid documents had been prepared for the crossing over Town Creek and the trail at Lowry Park on Guadalupe Street. She anticipated awarding that bid at the May 26 council meeting with construction to begin mid-June. The remainder of the trail going west was currently under acquisition.

7. INFORMATION AND DISCUSSION:

7A. Update regarding the Kerrville and Kerr County Emergency Management Plan. Tony Lenard, Fire Division Chief/Training and Emergency Management Coordinator, reported that the emergency management council, consisting of the county judge and the mayors of Kerrville and Ingram, completed the program assessment and established program objectives. He was working to ensure that the emergency management plan and annexes were current and that the city was National Incident Monitoring System (NIMS) compliant. He reviewed recent accomplishments, including updating parts of the emergency preparedness plan, attending disaster recovery workshops and training exercises, helping develop an EOC webpage for Kerr County, and preparing EOC county-wide training exercises. He continued to attend the Kerr Area Rural Fire Association volunteer fire chiefs' meetings to offer the city's support and was developing regional relationships. He noted that the sheriff had given the city the ability to log in to the county's Code Red system without having to go through the sheriff's office. The county was in the process of filling the assistant emergency management coordinator position which he felt would enhance the emergency management plan.

8. APPOINTMENTS TO BOARDS AND COMMISSIONS:

8A. Appointments to the Parks and Recreation Advisory Board. Item was tabled to the April 28 meeting.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Item for future agenda: feasibility, need, and cost of police body cameras.
- Council should schedule a workshop to familiarize themselves with the Charter and operating roles of councilmembers and interacting with city staff and emergency management.
- Kerrville Public Utility Board annual tree give away Saturday, April 25, 7:00 a.m.
- Library invited the public to attend the incredible edible book festival April 17-19.
- Parks department accepting registration for men's spring softball league through April 23.
- City accepting applications for lifeguards for the Olympic Pool.
- New business opening, Crumbs Restaurant at 225 Earl Garrett.
- Persons interested in participating in a Veterans Day parade should contact Mayor Pratt.
- Thank you to all who participated in the neighborhood community clean up on Saturday, April 11.

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; motion was seconded by Mr. Allen and passed 5-0 to discuss the following matters:

Section 551.071:

- Cause No. 14686A; Westar Construction, Inc. v. City of Kerrville; in the District Court, 216th Judicial District, Kerr County, Texas.

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:

- 800 Junction Highway, former City Hall property
- River trail

At 7:53 p.m. the regular meeting recessed and council went into executive closed session at 8:03 p.m. At 8:38 p.m. the executive closed session recessed and council returned to open session at 8:40 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

Cause No. 14686A; Westar Construction, Inc. v. City of Kerrville; in the District Court, 216th Judicial District, Kerr County, Texas.

Mr. Conklin moved to authorize the mayor to execute mediation settlement with Westar Construction, Inc. Mr. Allen seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 8:41 p.m.

APPROVED: April 28, 2015

ATTEST:

/s/

Jack Pratt, Jr., Mayor

/s/

Brenda G. Craig, City Secretary