

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
MAY 26, 2015

On May 26, 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 City Secretary Brenda Craig, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Mayor Pro Tem
Stephen P. Fine	Councilmember
Bonnie White	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	Police Chief
Trent Robertson	City Planner
Dannie Smith	Fire Chief
Malcolm Matthews	Director of Parks and Recreation

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

1. **VISITORS/CITIZENS FORUM:** No one spoke.
2. **PRESENTATIONS:**
  - 2A. Resolution of Commendation to Nancy Alford for serving on the Parks and Recreation Advisory Board.
  - 2B. Resolution of Commendation to David Lipscomb for serving on the Parks and Recreation Advisory Board.
  - 2C. Resolution of Commendation to William Rector for serving on the Main Street Advisory Board.
3. **CONSENT AGENDA:**

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

  - 3A. Minutes of the regular city council meetings held April 28 and May 12, and the special city council meeting held May 19, 2015.

3B. Resolution No. 15-2015 amending the City of Kerrville fee schedule by revising fees pursuant to the city's contracts for the collection of residential solid waste and recyclable materials, operation of the landfill, and other fees for services and uses offered by the city.

**END OF CONSENT AGENDA**

**4. ORDINANCE, FIRST READING:**

4A. Ordinance No. 2015-10, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; 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 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 Pratt read the ordinance by title only.

Mr. Hayes noted that Atmos, the city's gas utility supplier, had the right to seek annual rate increases. The Rate Review Mechanism process was adopted several years ago to review rate increase requests. The city of Kerrville was one of 150 cities that comprised ACSC; ACSC hired legal counsel each year to review any rate increase. In February 2014 Atmos filed a \$45.7 million revenue increase; the city, along with other ACSC cities, adopted a resolution denying the rate increase; Atmos appealed the denial, and the request was sent to the Texas Railroad Commission (TRC). In October 2014, TRC recommended a reduction of \$860,000. In the interim, Atmos filed another rate increase for \$24 million in 2015. ACSC analyzed the 2014 and the 2015 rate increases and negotiated a rate increase of \$65.7 million as stated in the proposed ordinance, resulting in monthly increases to Kerrville residential ratepayers of 1.59%, (\$1.14 average); and commercial customers .96% (\$2.69 average). Atmos is the only gas supplier in our area.

The mayor noted that customers had to pay to extend gas lines to their property in order to connect and questioned whether Atmos would commit to providing extensions that would increase their residential customer base.

Mark McEwin, Atmos representative, noted the franchise agreement established footage and extension requirements; Atmos would like to increase its customer base, but Atmos was limited financially; each situation was different and would have to be looked at individually. Mr. Hayes noted the city was in the process of negotiating a new franchise agreement and extension could be discussed during that process.

Mr. Stork moved for approval of Ordinance No. 2015-10 on first reading; Mr. Fine seconded the motion and it passed 5-0.

4B. Ordinance No. 2015-11 authorizing the closure of a portion of Legion Crossing Street which intersects and is located between Veterans Highway (State Highway Loop 534) and Riverside Drive; making a finding that this portion of street is not required for public vehicular access or use; providing for the terms and conditions of closure; authorizing the city manager to take all necessary actions to effectuate the closure; providing an effective date; and providing other matters related thereto. Mayor Pratt read the ordinance by title only.

Mr. Matthews noted the 2009 Master Plan recommended closing a portion of Legion Crossing, which includes the trail crossing and a 12 ft. wide at-grade bridge directly below the Loop 534 bridge, to vehicular traffic, for pedestrian safety along the river trail, park and bridge. The bridge had been closed to vehicular traffic for several months without issue and it would remain accessible to pedestrians, bicyclists and fishermen. The remainder of the roadway would be paved and remain open to vehicular traffic. Properties on the north bank would continue to have full access to their property via Riverside Drive, and access to Kerrville Schreiner Park and Flat Rock Park would not be affected by the closure. Parking was available on both sides of the river.

Council questioned the load limit of the river trail. Mr. Matthews noted the concrete trail could handle regular vehicles and maintenance equipment.

Mr. Fine moved for approval of Ordinance No. 2015-11 on first reading; Ms. White seconded the motion and it passed 5-0.

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

5A. Ordinance No. 2015-09 amending the city's "Zoning Code" by changing the zoning district for certain properties located on Clay Street between its intersections with Jefferson Street and Schreiner Street, said properties addressed as 414, 416, and 418 Clay Street; such change will result in the removal of the properties from the central city 19-C zoning district to placement within the central business district (CBD); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor Pratt read the ordinance by title only.

Mr. Fine filed a conflict of interest affidavit and left the dais at 6:25 p.m.

Mr. Robertson noted proposed zoning was consistent with surrounding properties; there had not been any change since first reading; he recommended approval.

Ms. White moved for approval of Ordinance No. 2015-09 on second and final reading; Mr. Allen seconded the motion and it passed 4-0-1 with Councilmembers White, Allen, Stork, and Pratt voting in favor of the motion, no one voted against the motion, and Mr. Fine abstained.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Establish a date, time, location and subjects for a city council special workshop

Council requested staff contact councilmembers and coordinate a date and any topics for discussion.

**7. INFORMATION AND DISCUSSION:**

7A. Budget update.

Ms. Yarbrough gave the financial report to date for the period October 1, 2014, to May 26, 2015: general fund revenues totaled \$17,069,792 and expenditures \$12,667,110; water and sewer fund revenues totaled \$5,001,276 and expenditures \$7,006,548; hotel/motel fund revenues totaled \$528,337 and expenditures \$454,474; 36 permits for new residential construction and 9 for new commercial construction. She reported the number of water customers: 8,029 residential, 1,211 commercial, and 536 irrigation; sewer customers 7,865 residential and 1,108 commercial.

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

8A. Appointments to the Kerrville-Kerr County Joint Airport Board.

Mr. Pratt moved to reappoint Steve King and Ed Livermore with term to expire June 1, 2017. Mr. Allen seconded the motion and it passed 5-0.

8B. Appointments to the Economic Improvement Corporation.

Item was deferred to executive session.

8C. Appointment of councilmembers to city boards and commissions.

Item was deferred to executive session.

8D. Appointment of mayor pro tem.

Item was deferred to executive session.

**9. ITEMS FOR FUTURE AGENDAS:**

- Consider requesting the Texas Parks and Wildlife host a wildlife interaction workshop in Kerrville.

**10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- May 28, 11:00 a.m., groundbreaking and ribbon cutting for James Avery Craftsman on Hwy. 27 East.
- About 100 artists participated in the Kerrville Festival of the Arts over the Memorial Day weekend.
- June 6 and 7, Kerrville Chalk Festival, an event to display sidewalk art, would be held in Peterson Plaza and on Water Street.
- June 13, 8:00 a.m. grand re-opening and ribbon cutting for river trail and Louise Hays Park.

- June 9, approximately 6:00 p.m., Wounded Warrior Parade, about eight families were scheduled to participate; citizens should line up in the downtown area along Sidney Baker, Main Street, Earl Garrett and west on Water Street.

#### **11. EXECUTIVE SESSION:**

Mr. Allen 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. Stork and passed 5-0 to discuss the following:

##### Section 551.074:

- Appointments to the Economic Improvement Corporation.
- Appointment of councilmembers to city boards and commissions.
- Appointment of mayor pro tem.

At 6:42 p.m. the regular meeting recessed and council went into executive closed session at 6:46 p.m. At 7:12 p.m. the executive closed session recessed and council returned to open session at 7:13 p.m. The mayor announced that no action had been taken in executive session.

#### **12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

##### 8B. Appointments to the Economic Improvement Corporation.

Mr. Allen moved to reappoint Gary Cochrane and to appoint Paul Stafford and Delayne Sigerman all with terms to expire June 1, 2017; Mr. Fine seconded the motion and it passed 5-0.

##### 8D. Appointment of mayor pro tem.

Mr. Allen moved to appoint Gary Stork as mayor pro tem; Mr. Fine seconded the motion and it passed 5-0.

##### 8C. Appointment of councilmembers to city boards and commissions.

Mr. Allen moved to appoint councilmembers to the following boards and commissions; the motion was seconded by Ms. White and passed 5-0:

<b>CITY BOARD</b>	<b>EXISTING COUNCIL REPRESENTATIVE</b>	<b>PROPOSED COUNCIL REPRESENTATIVE</b>
Airport Planning Committee	Jack Pratt Carson Conklin	Jack Pratt
Audit Committee	Gene Allen Carson Conklin	Bonnie White Gene Allen
Beautification Advisory Committee	Jack Pratt	Jack Pratt
Economic Improvement Corporation	Stacie Keeble	Gary Stork
Food Service Advisory Board	Stacie Keeble	Stephen Fine
Golf Course Advisory Board	Carson Conklin	Stephen Fine
Kerrville Economic Development Corporation	Carson Conklin	Jack Pratt
Kerrville Public Utility Board	Jack Pratt	Jack Pratt
Library Advisory Board	Gary Stork	Gary Stork
Main Street Advisory Board	Gene Allen	Gary Stork
Municipal Court Review Committee	Jack Pratt Stacie Keeble	Jack Pratt Bonnie White
Parks and Recreation Advisory Board	Gene Allen	Gene Allen
Planning and Zoning Commission	Gary Stork	Bonnie White
Playhouse 2000	Stacie Keeble	Stephen Fine
Zoning Ordinance Input Committee (ZOIC)	Carson Conklin Gary Stork	N/A

**ADJOURNMENT.** The meeting adjourned at 7:16 p.m.

APPROVED: 06/09/2015

ATTEST:

/s/

Jack Pratt, Jr., Mayor

/s/

Brenda G. Craig, City Secretary