

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
August 11, 2015

On August 11, 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 Ann Buck, Director of Christian Women's Job Corp, followed by the Pledge of Allegiance led by Police Chief David Knight.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gary F. Stork	Mayor Pro Tem
Stephen P. Fine	Councilmember
Bonnie White	Councilmember
Gene Allen	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
Kim Meismer	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Trent Robertson	City Planner

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. Upper Guadalupe River Authority's acknowledgement of the city's contribution to the 12th Annual River Clean Up.

Tara Bushnoe, UGRA Natural Resources Coordinator, reported the July 25 clean up was sponsored by 22 businesses and organizations and had 403 volunteers throughout Kerr County; 6,315 pounds of trash were collected of which 900 pounds were recyclable materials, and 16 tires. UGRA appreciated the city's participation and paying the tipping fee at the landfill.

3. **CONSENT AGENDA:**

Mr. Allen moved for approval of consent agenda Items 3A, 3B and 3C; motion was seconded by Mr. Fine and passed 5-0:

3A. Minutes of the city council regular meetings held June 9, June 23, July 7,

and July 21, 2015; city council special meeting held July 16, 2015; city council/economic improvement corporation meeting held June 22, 2015; and employee benefits trust meeting held July 21, 2015.

3B. Resolution No. 21-2015 authorizing the use of internal combustion engines on Nimitz Lake upstream of the city's impoundment dam for the Kerrville Triathlon and the safety of competitors.

3C. License agreement with Revolution Broadcasting, LLC for the Rev Fest music event in Louise Hays Park on October 17, 2015.

END OF CONSENT AGENDA

4. PUBLIC HEARINGS AND ORDINANCES, FIRST READING:

4A. Ordinance No. 2015-16, amending the city's "Zoning Code" by amending Article 11-I-10 "Residential Zoning Districts", Subsection (F) "RT" – residential transition district with respect to the uses of "Schools" and "Churches", as those terms are defined, within this 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); and ordering publication. (staff) Mayor Pratt read the ordinance by title only. Mayor Pratt read the ordinance by title only.

Mr. Robertson noted the ordinance would amend development and building regulations for churches and schools in the RT district as previously discussed by the planning and zoning commission (PZC) and city council. PZC and city staff recommended approval of the ordinance.

Mayor Pratt opened the public hearing at 6:08 p.m.; no one spoke; the public hearing was closed at 6:09 p.m.

Ms. White moved for approval of Ordinance No. 2015-16 on first reading; Mr. Fine seconded the motion and it passed 5-0.

4B. Ordinance No. 2015-17, amending the city's "Zoning Code" by amending Article 11-I-6 "Zoning Districts-Central City" to amend the land use table for the central business district (CBD) to change the uses of "Death Care Services" and "Printing" from requiring conditional use permits to uses permitted by right within this district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00) and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Robertson noted the CBD land use table adopted in May 2011 caused various properties to become non-conforming uses. The current property owners requested amending the CBD land use table to change death care services and printing from "C" conditional use permit to "P" permitted use by right. Council previously directed staff to take the request to PZC; PZC voted to leave death care services as conditional and printing be limited to a maximum 12,000 sq. ft. building. City staff recommended that death care services and printing both be allowed by right without a square footage requirement. Mr. Robertson noted no other uses in the CBD had square footage requirements.

Johnnie Grimes, representing Grimes Funeral Home, stated he had requested an extension of 30 foot on the existing building to allow for expansion of the crematory area for refrigeration purposes; this use would not require additional parking.

Mayor Pratt opened the public hearing at 6:14 p.m.; no one spoke; the public hearing was closed at 6:14 p.m.

It was noted that PZC was concerned that if these services were allowed by right, another death care business could open in the CBD without any requirement to provide off street parking.

Mr. Stork moved for approval of Ordinance No. 2015-17 on first reading as recommended by staff; Ms. White seconded the motion and it passed 5-0.

5. PUBLIC HEARING AND RESOLUTION:

5A. Resolution No. 22-2015, granting a conditional use permit for an approximate 0.495 acre tract of land consisting of Lots 598-599, Block 9 of the Schreiner's Second Addition, a subdivision of the City of Kerrville, Kerr County, Texas, otherwise known as 528 Main Street (State Highway 27) and located within the city's central business zoning district (CBD); by permitting said property to be used for a gasoline station (sales) with convenience store; and making said permit subject to certain conditions and restrictions. Mr. Robertson noted the owner requested a CUP in order to expand the car wash approximately three feet toward the store and to place a canopy outside the carwash. 13 notices were mailed to property owners, and no response had been received.

Mayor Pratt opened the public hearing at 6:20 p.m.; no one spoke; the public hearing was closed at 6:20 p.m.

Mr. Fine moved for approval of Resolution No. 22-2015; Mr. Allen seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Request from the Kerrville Cancer Center to extend their lease at 218 Sidney Baker Street.

Ms. Day noted in 2011 the city signed an agreement with the Cailloux Foundation that included the city hall, parking garage, and other buildings. The agreement also stated that when the existing cancer center became available that building would also come to the city. The cancer center's lease was scheduled to terminate in February 2018, and the owners requested five, one year lease extensions in order to give them time to relocate in the future; however, the Cailloux Foundation would not extend any lease without the city's consent. Staff recommended amending the 2011 agreement to allow the Cailloux Foundation to extend the lease with the cancer center for five, one year lease extensions.

Mr. Stork moved to approve the request to extend the lease; Mr. Fine seconded the motion and it passed 5-0.

6B. Establish a policy to take audio recordings of all executive sessions.

Councilmember White noted the open meetings act allowed governing bodies to deliberate in closed session provided a certified agenda or recording was kept; however, such are confidential and may not be released without a court order. The city's unwritten policy was to keep a certified agenda; however, a recording would provide a complete record of discussion, protect city council, prove council acted in accordance to law, and provide transparency.

Council noted that executive sessions were to receive information related to legal issues, contracts, personnel matters, etc., and preserved attorney client privilege. Executive sessions were not available to attorneys, newspapers, or the public.

Ms. White moved to amend the city's current unwritten policy of using certified agendas to that of making recordings of executive sessions; no second was received and the motion died.

6C. Republic Services automated solid waste and recycling collection services.

Tom Armstrong, municipal sales manager for Republic Services (RS), noted RS began converting to auto service collection in June in Kerrville; however, the transition did not go well and he discussed problems encountered with their vendor. To date, all city residents had received carts and some were exchanging carts for another size. The transition could have been handled better, and he apologized and committed to provide better service. He addressed customers' concerns about having to cross the scales at the landfill and noted it was necessary so employees could inspect for hazardous material, radiation, etc. in order to remain compliant with state regulations. Mr. Armstrong noted he only visited Kerrville once since he began his position with RS about one month ago.

Council noted that the local RS staff had worked well with the city and tried to meet the city's needs; however, the local RS office had not received support from the corporate office to make a successful transition. For this reason, it was recommended that the rate increase not be put into effect until solutions had been implemented by RS to bring automated recycling and collection services up to satisfactory level, and until someone from the RS office was available to give a report to council on a plan for improved customer service.

6D. Resolution No. 19-2015, setting forth the ad valorem (property) tax rate to be considered for adoption for the 2015 tax year; calling two public hearings prior to the adoption of said rate; and calling a public hearing prior to the adoption of the fiscal year 2016 budget as required by both the city's charter and state law.

Mr. Parton noted the resolution would establish the maximum tax rate at \$.5625, the same rate as the past six years. Council may adopt a tax rate below the set rate, but cannot go above that rate. The FY2016 budget was prepared based on \$.5625 tax rate. The current tax rate would increase revenue by \$317,917 in FY2016 due to properties added to the tax roll and increases in valuation.

Council noted the \$.5625 tax rate was consistent with the past, but as property values increased so did the revenue; therefore, keeping the same tax rate would result in a tax increase of 2.2%.

Mr. Fine moved for approval of Resolution No. 19-2015 setting the effective tax rate at \$.5625; Mr. Allen seconded the motion and it passed 5-0 upon roll call vote as follows:

Jack Pratt, Mayor	Yes
Gary Stork, Mayor Pro Tem	Yes
Stephen Fine, Councilmember Place One	Yes
Bonnie White, Councilmember Place Two	Yes
Gene Allen, Councilmember Place Four	Yes.

6E. Resolution No. 20-2015 providing for the city's approval or disapproval of the Kerr Central Appraisal District's (KCAD) fiscal year 2016 budget.

Mr. PH Coates, IV, KCAD Chief Appraiser, presented the FY2016 budget and noted a 5% overall increase. KCAD planned to establish a new taxpayer assistance and education program. He noted that KCAD would continue using outside consultants to appraise industrial and commercial properties due to the expertise necessary. He noted that despite the increase in industrial and commercial properties last year, all issues brought to KCAD were resolved and no lawsuits had been filed. KCAD held public hearings and workshops on the proposed budget. KCAD was in the process of establishing a plan for future building improvements; however, there was no funding for building improvements in the FY16 budget. He noted that 9 of 11 employees were registered by the State Property Tax Board of Licensing.

Mr. Allen moved for approval of Resolution No. 20-2015 approving KCAD's FY2016 budget; Mr. Fine seconded the motion and it passed 5-0.

6F. Request to terminate the Airport Commerce Park (ACP) development agreement and allow property owner to rezone the property.

Bruce John Stracke, broker with Brinkman Commercial Properties, noted the ACP was developed by Mr. Colvin in early 2000 and under that agreement when either of the remaining two lots was sold or under lease, the owner had to develop the additional 15 acres. This requirement impeded the owner's ability to market the remaining 63 acres in smaller increments, thus the property had been vacant for 14 years. He requested the city council remove this requirement from the development agreement and the requirement for repayment to the Economic Improvement Corporation (EIC). Further, he requested the City and Kerrville Public Utility Board (KPUB) work with Bandera Electric Coop (BEC) to allow KPUB to provide electric service to the property. Mr. Stracke noted he was making the same request to KPUB and EIC.

Tracy McCuan, general manager of KPUB, noted that only the southeastern corner, about one-half acre, of the 63 acre tract was in KPUB's service territory; therefore, KPUB could serve the entire 63 acre tract if the property is not

subdivided. If the property is subdivided, KPUB cannot serve the area that is outside of its service territory unless an arrangement could be made with BEC, for example, swap service territory. It was not likely that BEC would swap commercial property; however, commercial development may require dual feed for redundancy, which could be very expensive for a coop to provide. He noted that BEC was currently providing power to both sides of the river in this area.

Mr. Parton noted multiple issues would have to be considered: deed restrictions, zoning, multiple electric providers, and the development agreement with EIC.

The consensus of the council was that staff should work with Mr. Stracke to review the development agreement and bring back recommendations for amendments and continue to preserve the economic development purpose.

6G. Creation of a recognition program for outstanding citizens.

Mayor Pratt discussed establishing a recognition program to acknowledge citizens for their outstanding contributions. Persons would submit applications to nominate citizens based on their impact to the community. The committee would establish criteria and evaluate nominations; awards would be presented monthly, and perhaps a citizen of the year award would be presented. Council noted that several community organizations had similar programs.

Mayor Pratt moved to proceed and bring back criteria; Mr. Allen seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION:

7A. City of Kerrville fiscal year 2016 budget.

Mr. Parton noted the budget had been updated as a result of the August 4 workshop and comments made by city council. The first public hearing was scheduled for August 25.

8. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:

8A. Food service advisory board. Mr. Fine moved to appoint Garroll Leroy Aamodt, Jr. with term to expire December 1, 2017; Ms. White seconded the motion and it passed 5-0.

9. ITEMS FOR FUTURE AGENDAS:

- Clarify Rule 7.4, council liaisons, Kerrville City Council Procedural Rules for Meetings.
- Posting public notices in both newspapers and establishing a newspaper of record each year.
- Amendments to the solid waste ordinance to reflect recent changes.

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Several events were scheduled for Dr. Who Week at the library.
- August 14 movies in the park at Kerrville Schreiner Park amphitheater.
- August 15 Kids Triathlon at Singing Wind Park.

- August 15 wet and wag (dog swim) at Olympic Pool; last day the pool is open to the public.
- August 22 NFL punt pass and kick competition at Antler Stadium for ages 6-15.
- Back to school, caution when driving in school zones.
- December 6, Christmas with Mickey Gilley at the Cailloux Theater.

11. EXECUTIVE SESSION:

Mr. Stork moved for the city council to go into executive closed session under Sections 551.073 of the Texas Government Code; motion was seconded by Mr. Fine and passed 5-0 to discuss the following:

11A. Section 551.073 (deliberation regarding gifts):

Deliberation of a negotiated contract for a prospective gift or donation to the city as deliberation in an open meeting would have a detrimental effect on the City's position with a third person.

At 7:24 p.m. the regular meeting recessed and council went into executive closed session at 7:27 p.m. At 7:51 p.m. the executive closed session recessed and council returned to open session at 7:52 p.m. The mayor announced that no action had been taken in executive session.

12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

Mr. Pratt moved to authorize the city manager to execute assignment of 1 to 4 family unit residential contract for property located at 529 Water Street. Mr. Stork seconded the motion and passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:53 p.m.

APPROVED: 10/13/2015

/s/

ATTEST:

Jack Pratt, Jr., Mayor

/s/

Brenda G. Craig, City Secretary