

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
February 2, 2016

On February 2, 2016, the Kerrville City Council meeting was called to order at 10:00 a.m. by Mayor Pratt in the city hall council chambers.

**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 Craig	City Secretary
Sandra Yarbrough	Director of Finance
Dannie Smith	Fire Chief
Trent Robertson	City Planner

**DISCUSSION AND POSSIBLE ACTION:**

Authorize the Mayor to execute and submit, on behalf of the City of Kerrville, a Motion to Overturn (MTO) to the Texas Commission on Environmental Quality (TCEQ) pertaining to permits filed by Martin Marietta (MM) for the excavation and mining of sand and gravel at 337 Splitrock Road, Kerrville, TX 78028; and take any and all other action pursuant to this item.

Mayor Pratt noted MM had three permits in progress or completed: 1) Stormwater (SWP3), 2) Air, and 3) Aggregate Production Operation (APO). Permits 2 and 3 could not be contested or challenged by the city. The SWP3 was the only permit for which the city could file a MTO. One requirement of the Stormwater Prevention Plan was to have a permit from Headwaters; city staff was in the process of trying to confirm whether MM met that requirement.

Mayor Pratt noted the area along Hwy. 27 East was prime for economic development; also, property values were of concern as property values around quarries typically decreased. Residents in that area also questioned public health, noting that radon and carcinogens were created in quarries and similar operations. Mayor Pratt noted that none of these issues entered into the permit that can be contested by the city, and he encouraged the public to contact Congressman Smith's office with regard to EPA regulations. Following annexation, the city can apply reasonable zoning and land use regulations to lessen nuisance conditions; however, the city cannot "zone out" MM and the city had very little authority over the proposed operations.

The following persons spoke:

1. Trevor Hyde, CEO of Comanche Trace subdivision, urged city council to continue moving forward with annexation of the MM property. He stated that the Chamber had already moved against the site selection, and no one spoke in favor of it at the town hall meeting on January 27. He filed a MTO letter to TCEQ. He stated that MM was not being transparent, they did not say how deep they were going to dig or where the materiel would be going, they were not serving the community, their employees did not live here, would create traffic of about 700,000 dump trucks annually on Highway 27, and would affect the health of neighbors and citizens who used the highway; overall, MM was not good for the community and was not part of the community. The new Avery facility next to the MM site had 500 employees and they were looking at building another plant with up to 500 more new jobs.

Council asked if he could provide his MTO letter as an example and questioned what requirements he used; TCEQ did not provide a sample MTO and were not clear and specific as to the reasons for objections.

2. Donna Jones, resident of Guadalupe Heights, noted a petition objecting to the quarry had been circulated and only 3 out of 100 people did not sign the petition. She opined that residents of the Guadalupe Heights subdivision would be opposed to annexation.

**EXECUTIVE SESSION:**

Mr. Fine moved for the city council to go into executive closed session under 551.071 of Chapter 551 of the Texas Government Code; motion was seconded by Ms. White and passed 5-0 to discuss the following:

**Section 551.071:**

Authorize the Mayor to execute and submit, on behalf of the City of Kerrville, a Motion to Overturn (MTO) to the Texas Commission on Environmental Quality (TCEQ) pertaining to permits filed by Martin Marietta for the excavation and mining of sand and gravel at 337 Splitrock Road, Kerrville, TX 78028.

At 10:16 a.m. the special meeting recessed. Council went into executive closed session at 10:18 a.m. At 10:49 a.m. the executive closed session recessed and council returned to open session at 10:50 a.m. Mayor Pratt announced no action was taken in executive session.

**ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:** None.

**ADJOURNMENT.** The meeting adjourned at 10:50 a.m.

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

ATTEST:

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

\_\_\_\_\_  
Brenda G. Craig, City Secretary