

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
March 8, 2016

On March 8, 2016, 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 Sharon Taylor, White Dove Ranch Ministry, 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 Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
David Knight	Police Chief
Dannie Smith	Fire Chief
Trent Robertson	City Planner
David Barrera	Assistant Director of Public Works

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

1. VISITORS/CITIZENS FORUM:

1A. Mr. Fine congratulated Jordan Sirianni on achieving his Eagle Scout rank.

2. CONSENT AGENDA:

Ms. White requested Items 2B and 2C be removed from the consent agenda.

Mr. Allen moved to approve consent agenda items 2A; Mr. Fine seconded the motion, and the motion passed 5-0:

2A Second extension of temporary lease agreement requested by tenant for property located at 529 Water Street.

END OF CONSENT AGENDA

2B. Adoption of pavement management plan conducted by Fugro.

Ms. Day noted the current street maintenance program budget was \$1 million. The Fugro plan called for \$1.12 in FY2016, \$1.5 in FY2017, and anticipated a 3%

escalator each year thereafter for ten years for the street maintenance program. She noted the Fugro plan placed a rating on the condition on all 170 miles of city streets; the previous plan was done in-house and did not take all factors into consideration. The Fugro plan would achieve the council's goal of 70 PCI by five years and 75% by ten years. She recommended council adopt the Fugro report and staff use it to maintain streets for each year's program.

Ms. White hoped the city could put more money into the street program budget and suggested setting the street program budget in place first and then planning the rest of the budget around that program.

Mr. Parton noted staff did not center budgets around any one line item, rather, prepared a program based budget to achieve the needs of all departments in the organization. Council could cut items in other line items or raise additional revenue to add to streets as the budget had not been finalized.

Mr. Allen moved to adopt the pavement condition data collection and evaluation report and the appendices of the pavement management plan conducted by Fugro; Mr. Fine seconded the motion and it passed 5-0.

2C. Professional services agreement with Peter Lewis Architect + Associates, PLLC for design and construction administration of the utility construction/purchasing building in an amount not to exceed a total contract amount of \$99,650.00.

Ms. Day noted this project would replace the existing building built in the early 1900s and which currently housed utility construction and purchasing departments, water meter workshop, offices, and stored equipment, vehicles and supplies. The 2008 facilities master plan stated that the current building had no value; the building was not ADA compliant and staff recommended it be demolished upon completion of the new building. After completion of the design, staff would bring a cost estimate and finance plan to council for consideration.

Mr. Stork moved to authorize the city manager to enter into a professional services agreement with Peter Lewis Architect + Associates, PLLC for design and construction administration of the UTC/purchasing building in an amount not to exceed a total contract value of \$99,650.00. Ms. White seconded the motion and it passed 5-0.

3. PUBLIC HEARING:

3A. Proposed annexation of approximately 194.79 acre tract of land generally located on the south side of State Highway 27 and between Oak Way Street and Split Rock Road; described as 8,485,189 square feet more or less out of William Watt Survey No. 69, Abstract No. 367 and the W.T. Crook Survey No. 70, Abstract No. 113, Kerr County, Texas, and more particularly described as 337 Split Rock Road.

Mr. Robertson noted on January 12 council directed staff to immediately initiate the annexation process and begin discussions with various parties. Notice was

sent to Martin Marietta, owner of the property. He noted the surrounding land use was single family residential, the airport, and Our Lady of the Hills School (OLH). The annexation process was on schedule in accordance with state law.

Mayor Pratt declared the public hearing open at 6:24 p.m. and the following person spoke:

1. Chance Allen, representing MM, stated MM did not wish to have their property annexed. MM purchased the land more than a year ago and was operating as Kerrville Sand and Gravel. MM followed all rules and regulations and had done nothing wrong that would require annexation and removal of their property rights. MM met with Kerr County Commissioner Tom Moser in February 2015 about opening this operation. They had been transparent and would work with the city, county and community. MM met with neighbors, Comanche Trace homeowners, the chamber, and OLH; MM listened to their concerns and worked together; they wanted to support the community. MM had addressed their concerns, i.e. parking, reclamation, dust, and other concerns.

The city's ill-willed attempt to annex MM's property in order to take away their property rights was wrong. MM already had onerous regulations set by TCEQ to protect health and safety and they had operated in the area for about 12 years and had always protected the river. He stated that MM would not mine in the river, and MM left a buffer so people enjoying the river would not see the operation from river. MM had been mining the property and separating material on site for several months under a permit regulated by TCEQ and operated in a manner that prevented any contaminants from entering the river. They were fully committed to not ever discharge any processed water into the river. He said that MM was committed to a win/win solution for the community; however, MM would take all necessary steps to preserve their constitutional rights and protect existing property rights and activities that had been on the property since ownership. MM had already willingly agreed to operate in a way that allows them to co-exist in the community. Mr. Allen stated that for the city to fight MM would be a waste of city tax dollars.

Council noted that cities annex land all the time and it was not a punishment to be in the city. The city was not fighting MM or their business operations; the city was not being ill willed toward MM or punishing them. Chance Allen said that the letter received from the city contained information about MM zoning that could affect their business.

No one else spoke and Mayor Pratt closed the public hearing at 6:31 p.m.

4. ORDINANCES, FIRST READING:

4A. Ordinance No. 2016-03, repealing Ordinance No. 2010-22, which created a "Planned Development District" for the approximate 1.2 acre tract of land, being Lots 3 through 8, inclusive, Block 27 of the J.A. Tivy Addition, a subdivision within the City of Kerrville, Texas, and otherwise known as 1001 Jefferson Street.

Mayor Pratt announced that this item had been removed from the agenda and would be considered at a later date.

4B. Ordinance No. 2016-04, amending the Code of Ordinances of the City of Kerrville, Texas, concerning regulations for city park and recreation areas, to include Chapter 58 "Health and Sanitation", Article III "Smoking in Enclosed Public Places and Places of Employment; Use of Electronic Vaping Devices"; and Chapter 74 "Parks and Recreation", Article I "Rules and Regulations for City Park and Recreation Areas"; by amending sections with respect to smoking, operating a vehicle, possessing illegal firearms and other weapons, the possession of animals, and adding regulations regarding the use of drones; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject.

Mayor Pratt read the ordinance by title only.

Ms. Boyle noted the proposed parks regulations were approved by the parks and recreation advisory board on September 17, 2015; she reviewed changes to the ordinance:

- Current: Smoking is prohibited in city parks. Proposed: Prohibit the use of electronic vaping devices in city parks.
- Current: Police cannot issue citations because park roads were not considered public roads. Proposed: Make it unlawful for failing to adhere to traffic devices, warning signs, barricades, and gates in city parks.
- Current: Prohibits firearms in parks. Proposed: Match allowances under state law regarding permitted handguns; however, prohibit discharge of firearm in city parks. State law allowed open carry and cancelled carry with permit in parks.
- Current: Prohibits animals in swimming areas. Proposed: Allow in swimming areas by permit.
- Current: There are no restrictions on the use of drones in city parks. Proposed: Allow drones and remote controlled devices in city parks by city permit only; would require a license from the FAA.

Ms. Boyle noted FAA had regulations but did not cover municipal property; she recommended drones be allowed with city permit for activities i.e. surveying, construction projects, aerial photography, community marketing, etc. There would be no cost for the permit.

The following was also discussed:

- Drones under a half pound were not required to have a license from the FAA.
- Remote controlled aircraft were already required to have a permit to operate in city parks.
- Should be regulated for public safety; drones under a half pound were not regulated by the FAA. Concern that people flying drones in city parks would not be aware of the restriction.

Ms. Boyle noted that upon passage, signs would be posted in all city parks and a press release would be issued.

The following persons spoke:

1. Bill Morgan stated the use of vaping devices and electronic cigarettes was more dangerous than cigarettes and in the past he had requested the smoking ordinance be amended to prohibit vaping devices throughout the city, not just in parks, otherwise, it could be considered selective enforcement.

Mayor Pratt noted the ordinance being considered was for city parks only.

Mr. Fine moved for approval of Ordinance No. 2016-04 on first reading; Mr. Allen seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Presentation of the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR).

Karen Kurtin, senior manager at BKD, LLC (auditing firm) presented the audit for the year ending September 30, 2015. BKD issued independent auditor's reports on basic financial statement, on internal controls over financial reporting, and on compliance and other matters based on an audit of the city's financial statements as performed in accordance with governmental auditing standards. The reports were issued modified clean opinions, there were no material weaknesses or significant deficiencies, and internal controls were identified as part of the audit. In 2015 the city implemented GASB Statement No. 68, a nationwide standard. The city has a net pension liability of approximately \$436,000 and the pension was 99.3% funded. The unassigned fund balance at FY end was \$6.78 million, of which, 28% was general fund expenditures; this exceeded the 25% threshold established by city financial policies. In 2015 the city received the Certificate of Achievement for Excellence in Financial Reporting for the 2014 CAFR for the 31st year, and she expected the city would receive the award for the 2015 CAFR.

Ms. White moved to accept the FY2015 CAFR; Mr. Stork seconded the motion and it passed 5-0.

5B. Agreement between the City of Kerrville and Newport Television, LLC doing business as WOAI-TV for the placement and operation of a weather vision camera, weather vision data pod, and related equipment on the roof of the Butt-Holdsworth Memorial Library.

Mayor Pratt noted WOAI-TV requested permission to place a pod on top of a city building for their weather reporting segment; he suggested Butt-Holdsworth Library and noted it would give a view of downtown Kerrville and Louise Hays Park. There would be some minor installation cost, but advertising would be free for Kerrville.

Council noted the installation of WOAI-TV's equipment would not penetrate the roof of the library building.

Mr. Allen moved to authorize staff to negotiate and execute an agreement with

WOAI-TV as presented; Mr. Fine seconded the motion and it passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Report from the Beautification Advisory Committee (BAC).

Brandon Douglas, BAC Chairman, report on BAC activities, and made the following suggestions:

- City should discuss with TxDOT the replacement of dead trees at I-10 and Hwy. 16, and add native wildflowers.
- Keep discussions open about a Welcome to Kerrville sign at I-10 and Harper Road, possibly as a part of the I-10 renovation project.
- Review and consider ordinances that prohibit old cars, furniture, campers, recreational vehicles, and debris from being left in view of streets. The city should enforce existing ordinance(s) or consider adopting such an ordinance.

Abandoned cars in yards is an enforcement issue; staff respond to complaints.

7. BOARD APPOINTMENT:

7A. Appointment to Kerrville Public Utility Board. It was noted that KPUB submitted three nominees for consideration of appointment.

Ms. White moved to appoint John Sheehan. Motion died for lack of a second.

Mr. Fine moved to appoint Bill Thomas with term to expire April 21, 2021; Mr. Allen seconded the motion and it passed 5-0.

8. ITEMS FOR FUTURE AGENDAS

- Amendment to ordinance prohibiting smoking in public places to include vaping devices and electronic cigarettes.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Library holding several events during spring break: March 15, 2 p.m. family friendly movie; March 16, 10 am story time for preschoolers; March 16, 2 pm story time for children; March 17, 2 pm children's crafts cardboard robot construction.

10. EXECUTIVE SESSION:

Mr. Fine moved for the city council to go into executive closed session under 551.071 and 551.072 of Chapter 551 of the Texas Government Code; motion was seconded by Mr. Allen and passed 5-0 to discuss the following:

10B. 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:

- River trail.

At 7:00 p.m. the regular meeting recessed. Council went into executive closed session at 7:05 p.m. At 7:12 p.m. the executive closed session recessed and

council returned to open session at 7:13 p.m. Mayor Pratt announced no action was taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

Mr. Fine moved to direct staff to enter into an agreement with the Spaulding Family for the purchase of six acres for \$115,000 for the river trail. Mr. Allen seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:15 p.m.

APPROVED: _____

ATTEST:

Jack Pratt, Jr., Mayor

Brenda G. Craig, City Secretary