

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
APRIL 12, 2016

On April 12, 2016, the Kerrville City Council meeting was called to order at 6:30 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Stockton Williams, Rector at St. Peter's Episcopal Church, 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

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

**1. VISITORS/CITIZENS FORUM:**

1A. Mr. Fine noted that Mayor Pratt was interviewed by *Town and City* magazine published by Texas Municipal League for his service to the community.

**2. PRESENTATIONS:**

2A. Proclamation declaring April 19 as Congenital Diaphragmatic Hernia Awareness Day in honor of Baby Elija James Lerma.

**3. CONSENT AGENDA:**

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

3A. Minutes of the regular city council meetings held February 9, 2016, and the budget workshop held February 11, 2016.

3B. Reject construction bid for renovations of the Kerr Regional History Center.

**END OF CONSENT AGENDA**

#### **4. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

4A. Ordinance No.2016-06, annexing an approximate 194.79 acre tract of land into the City of Kerrville, Texas, and extending the boundary limits of the city to include the property within the city limits; said property generally located south of and adjacent to State Highway 27 and between Oak Way Street and Split Rock Road; said tract out of the William Watt Survey No. 69, Abstract No. 367 and the W.T. Crook Survey No. 70, Abstract No. 113, Kerr County, Texas; said tract located adjacent to the corporate limits of the City of Kerrville, Texas, and more commonly known as 337 Split Rock Road; further describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed as "R-1" Single Family Residential in accordance with the City's Comprehensive Plan. Mayor Pratt read the ordinance by title only. Mr. Robertson noted 37 notices for zoning and annexation were mailed to owners within 200 ft.; no response was received. Martin Marietta (MM), property owner, was developing the property as a sand and gravel pit. Any pre-existing operation that is verified at the time of annexation would be considered legal non-conforming use and subject to Art 11-1-16 of the zoning ordinance. The city's comprehensive plan and land use designation was R-1 low density residential; therefore, staff recommended R-1 zoning. He noted that the planning and zoning commission (PZC) recommended denial and asked that another zoning district be classified by city council.

Mr. Parton reported on the two meetings held with Martin Marietta on March 29 and April 26, 2016. A non-annexation development agreement had been discussed with MM whereby the property would not be annexed as long as certain commitments were met, and MM had restated the commitments previously made at public meetings. Another meeting was scheduled for April 14.

Mayor Pratt declared the public hearing open at 6:18 and the following persons spoke:

1. Mitchell Hogg, neighbor on Hwy. 27, noted that the comp plan stated that rural undeveloped land for which current and future use was undefined, when annexed, is zoned at the most restrictive zoning, or zoning applicable to the immediate planned use. He did not understand how residential zoning conformed to the immediate planned use.

Mr. Hayes noted the land use plan showed the subject property to be residential. State law required that if the land use plan has the property as residential, zoning must follow that; after the property is annexed it can be changed by the city or the property owner can request a zone change. In general, when city's annex they generally apply the most restrictive zoning, which is single family residential.

2. Bruce Stracke asked if MM had asked for a particular zoning designation. Staff noted they had not.

3. Judy Lackey, neighboring property owner, asked what the city could do; they had dirt in their homes from the MM operation now and MM was operating during

the night. She was concerned about decrease in home values and it would probably be in operation for 25 years.

Mayor Pratt noted there was no way the city could prohibit MM from operating.

No one else spoke and Mayor Pratt closed the public hearing at 6:24 p.m.

**EXECUTIVE SESSION:**

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

4A. Section 551.071:

Ordinance No. 2016-06, annexing an approximate 194.79 acre tract of land into the City of Kerrville, Texas, and extending the boundary limits of the city to include the property within the city limits; said property generally located south of and adjacent to State Highway 27 and between Oak Way Street and Split Rock Road, and more commonly known as 337 Split Rock Road.

At 6:28 p.m. the regular meeting recessed. Council went into executive closed session at 6:30 p.m. At 7:02 p.m. the executive closed session recessed and council returned to open session at 7:05 p.m. Mayor Pratt announced no action was taken in executive session.

Mr. Pratt moved to approve Ordinance No. 2016-06 on first reading and to direct staff to prepare to consider an application from property owner Martin Marietta; Mr. Stork seconded the motion and it passed 4 to 1 with Councilmembers Pratt, Stork, Allen, and White voting in favor of the motion, and Councilmember Fine voting against the motion.

4B. 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; said property to return to the "RT" Residential Transition Zoning District. Mayor Pratt read the ordinance by title only.

Mr. Robertson noted 26 notices mailed out to owners within 200 ft.; one responded in favor and many phone calls were received in favor; zero opposed. The proposed zoning was consistent with the future land use plan. Staff saw no adverse impact on neighboring properties, which had similar zoning and land uses. PZC recommended approval 5-0.

Mayor Pratt declared the public hearing open at 7:08; the following person spoke:

1. Rob Irvin, broker representing buyer and seller; noted the buyer planned to renovate the property back to its historic elegance as a single family residence. The PDD zoning would allow high density development, single-family would be less disruptive to neighborhood.

Council noted the property had a state historical marker.

No one else spoke and Mayor Pratt closed the public hearing at 7:10 p.m.

Mr. Stork moved to approve Ordinance No. 2016-03 on first reading; Mr. Allen seconded the motion and it passed 5-0.

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

5A. Ordinance No. 2016-05 amending Ordinance 2001-23 which annexed property into the city and adopted zoning for the same property pursuant to a "Planned Development District" (PDD); said property consisting of an approximate 75.73 acre tract of land located adjacent to State Highway 27 and between Colvin Ranch Road East and Sutherland Lane East with an address of 155 Colvin Ranch Road East; said amendments consisting of various changes to the authorized uses for the property. Mayor Pratt read the ordinance by title only. Mr. Robertson noted that amending the ordinance would amend the PDD to make regulations less restrictive and the property would be easier to develop.

Mr. Fine moved to approve Ordinance No. 2016-05 on second and final reading; Ms. White seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Second Amendment to Airport Commerce Park Development Agreement for the property generally located southeast of Airport Commerce Parkway East, between Highway 27 and Colvin Ranch Road East, with an address of 155 Colvin Ranch Road East.

Mr. Robertson noted that with the passage of Ordinance 2016-05 (Item 5A), the development agreement could be amended.

Mr. Stork moved to approve the second amendment as presented; Mr. Fine seconded the motion and it passed 5-0.

6B. Execute construction contracts with: J3 Company, LLC for "Bid Package A – Civil" in the amount of \$2,994,430.00; Mid-America Sports Construction for "Bid Package B – Fields" in the amount of \$3,923,870.00; JK Bernhard Construction Company, LLC for "Bid Package C -- Buildings" in the amount of \$1,567,469.00; and DW Electric Company for "Bid Package D – Electrical" in the amount of \$1,322,216.00 for the Kerrville Sports Complex Project on Holdsworth Drive and authorize the City Manager to execute separate change orders, each of which may exceed \$50,000, but total combined amount for this project will not exceed \$10,500,000.00.

Mr. Parton noted that representatives for each bidder were present to answer questions, as well as Steve Huser who had been the project manager since inception. The concept had been discussed by city council and the economic improvement corporation since June 2012, and funding for the project would be provided by EIC (sales tax) and the Cailloux Foundation (CF); no ad valorem tax

funds would be used to fund the project. The project consisted of a total of 105 acres on both sides of Holdsworth Drive, with 70 improved acres with tournament quality playing surfaces and fields, 11 baseball and softball fields built to Little League and industry standards, 20 acres of irrigated turf area for soccer, and 791 paved parking stalls and restroom/meeting/storage/concession areas.

He reviewed the bid process and noted bids were distributed to 11 potential contractors nationwide and 4 contractors submitted statement of qualifications. He reviewed contractor evaluation criteria. Two bids were received as one large complete package (A-D) including project management services: Journeyman Construction for \$11,700,871; and D. Wilson Construction for \$11,638,000. The project was also divided into four packages, and bids were received and evaluated by staff and the design team and it was recommended that the following contracts be awarded:

Package A-Civil	J3 Company	\$2,994,430
Package B-Sports Field Const.	Mid America Sports Construction	\$3,923,870
Package C-Buildings	J. K. Bernhard	\$1,567,469
Package D-Electrical	D.W. Electric	\$1,322,216
Total		\$9,807,985
Contingency		\$ 692,015

Mr. Parton noted the bids came in within the \$10.5 million allocated for the project.

Council also discussed the following:

- Staff saved \$1.8 million by breaking down the project into packages.
- \$9 million would come from the bond issuance; where would the remaining funds come from? Mr. Parton noted the remainder would be funded by the Cailloux Foundation in addition to what they had already provided: the 105 acres, design services and specifications, land grading, and infrastructure. A big thank you to the Cailloux Foundation.
- Wanted to make sure the top soil provided met specifications. Mr. Parton advised that staff went through an exhaustive review of the bids and confirmed with each bidder that they understood the bid specifications and all contractors said they would commit to the specifications and to completion of the project.

Mayor Pratt moved to authorize the city manager to execute construction contracts for Packages A, B, C and D as stated above, for the Kerrville Sports complex project and to authorize the city manager to execute additional change orders which may exceed \$50,000 but not to exceed the total amount of \$10,500,000. Mr. Stork seconded the motion and it passed 5-0.

#### 6C. Initiate request for qualifications (RFQ) 2016

Mr. Parton noted the city had previously initiated an engineering analysis of the water and wastewater improvements necessary to serve the property owned by the EIC on Peterson Farm Road for development and public safety purposes; those reports had been presented to city council and EIC. Mr. Parton suggested initiating a RFQ to development groups that might be interested in a

public/private partnership to establish workforce housing on the EIC property. The RFQ would only ask for their qualifications, type of work done and financial stability; however, there would be nothing binding or obligating the city. Council could then review the RFQs and determine whether to proceed.

Council also discussed the following:

- Concern about issuing more debt when expenditures the city was already obligated to were high. Mr. Parton noted that most of the utility infrastructure that would serve this area of Peterson Farm Road was already in the capital plan. He did not anticipate selling any debt or raising utility rates to fund this project.
- Concern that the deadline was too short. Mr. Parton noted that most companies already have their qualification packets readily available.

Mayor Pratt moved to authorize staff to issue an RFQ to see if council would desire to enter into a public/private partnership for the development of workforce housing on the Peterson Farm Road property.

**7. ITEMS FOR FUTURE AGENDAS:** None.

**8. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Semiannual bulk waste collection was scheduled the next two weeks.
- The spray fountain at Louise Hays Park was closed this week for maintenance. The spray ground at Carver Park was open 10 a.m. to 7 p.m.
- Violation of state law to tamper or remove election campaign signs; the public should report offenders to the police department.
- Kerrville Police Department was accepting applications through April 29 for the Junior Citizen Police Academy for ages 11-14; classes would run June 6-16.
- Kerrville Police Department "Got Drugs" event would be held April 30, 10 a.m. to 2 p.m. collecting unwanted drugs for destruction.
- Congratulated the Christian Men's Job Corp for coordinating Community Service Infusion (CSI) event last Saturday.
- Recognized Todd Parton for serving as city manager for seven years.
- April 15, Playhouse 2000 featuring Larry Gatlin and the Blackwood Quartet.
- Playhouse 2000, VK Garage now playing a Mark Twain event, Is He Dead.

**9. EXECUTIVE SESSION:**

Held earlier in the meeting after Item 4A.

**ADJOURNMENT.** The meeting adjourned at 7:47 p.m.

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

ATTEST:

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Jack Pratt, Jr., Mayor

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Brenda G. Craig, City Secretary