

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 28, 2017

On March 28, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Councilmember Place Three Mary Ellen Summerlin, followed by the Pledge of Allegiance led by Ruth Spradling

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None.

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager
Stuart Barron	Public Works Director
David Barrera	Assistant Public Works Director

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

1. RECOGNITIONS:

1A. Resolution of Commendation presented to Stephen King for serving on the Kerrville-Kerr County Joint Airport Board from 2005 to 2017.

1B. Resolutions of Commendation to Brandon Douglass, James Williamson, John Risher, David Tritenbach, and Sherry Egloff for serving on the Beautification Advisory Committee.

1C. Resolutions of Commendation to Mickey Bailey, Marion Giesecke, Matthew Hayes, Helen Herd, Eddie Pinson, and Nicholas Villanueva for serving on the Golf Course (Maintenance) Advisory Board.

1D. Recognition of Kerrville Fire Department Driver/Paramedic David Hernandez.

Chief Smith noted on December 16, 1993, the city established a city-owned ambulance service, and on January 1, 1994, the city began operating a

countywide EMS service. Mr. Hernandez was one of the first 11 hired and he was on the crew that responded to the first EMS call. After 23 years of service, Mr. Hernandez was the last of the original 11 to retire.

2. **ANNOUNCEMENTS OF COMMUNITY INTEREST**: were given.

3. **CONSENT AGENDA**:

Mayor White removed Item 3B from the consent agenda.

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

3A. Accept minutes of regular council meetings held February 14 and February 28, 2017, and special council meetings held February 21, February 28, and March 1, and council work session held February 21, 2017.

3C. Amendments to the Procedural Rules for Meetings of the Kerrville City Council.

END OF CONSENT AGENDA

3B. Resolution No. 09-2017, approving an amendment to the Kerr Emergency 9-1-1 Network budget for the 2017 fiscal year.

Mayor White filed a conflict of interest affidavit and recused herself and left the meeting at 6:13 p.m. Mayor Pro Tem Fine took over the meeting at 6:13 p.m.

Mark Del Toro, Executive Director for Kerr 9-1-1, requested council approve an amendment to the Kerr 9-1-1 FY2017 budget to increase the capital budget by \$200,000 from \$27,000 to \$227,000 to allow the purchase of land for a new 9-1-1 office. He noted the proposed land was currently under contract.

The following person spoke:

1. George Baroody said he was not clear on the relationship between 9-1-1 and the city and questioned why the city approved 9-1-1's budget. The same request was presented to Kerr County and they deferred action. He asked why this land was special, and how much and where funding would come from for the building. He recommended: 1) Coordinate this with the future police department planning; and 2) Wait until funding was in place for the whole project before purchasing the land; if funding for the building fell through, 9-1-1 would be stuck with the land.

Mr. Del Toro reviewed how the 9-1-1 board was selected under state law, and noted that state law required that 9-1-1 budgets and budget amendments be presented to the governing jurisdictions. The county was waiting for an opinion from the county attorney as to whether or not the county needed to give their approval. The land met 9-1-1's requirements, and 9-1-1 would look for grants for the construction of the building after the land was secured.

Council also discussed the following:

- The council appointed one member to the 9-1-1 board, and the city approved 9-1-1's budget.

- The city was not being asked to approve the purchase of the land.
- Funding for the 9-1-1 system was on everyone's phone bill, currently at 50¢/month; funding was not coming from the city.

Mr. Andrew moved to approve Resolution 09-2017; Mr. Ferguson seconded the motion and it passed 4-0.

Mayor White returned to council chambers and assumed the meeting at 6:21 p.m.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Presentation by Anne Culver regarding the Scenic Cities Certification Program.

Ms. Culver, Executive Vice President of Scenic Cities Texas, reported the SCCP provided an objective review of city ordinances and infrastructure standards and compared it to SCCP standards and model. Every city that applies receives an assessment of existing ordinances and development code language as pertains to public roadways and public spaces. Official certification is earned by cities that score high and have strong landscaping and signage regulations. The one-time certification application fee is \$749 and certification is for five years. She estimated the application process would take about 60 hours of staff time and they would accept applications through May.

It was the consensus of council that Mr. Davis and staff review the program and make a recommendation at the next council meeting.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2017-07, amending Chapter 86 "Solid Waste" of the Code of Ordinances of the City of Kerrville, Texas, concerning the provision of solid waste services, including recycling; regulations applicable to collection and disposal of solid waste; the licensing of solid waste haulers; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to this subject. Mayor White read the ordinance by title.

Mr. Hoppe noted no changes since first reading.

The following person spoke:

1. George Barody stated council should provide ordinances that can be enforced. He opined that Sections 86.12 and 86.6 were redundant and should be condensed. He suggested Section 86.7 be eliminated and only the second sentence of 86.10 be used. He recommended putting the code back like it was regarding licensing. The previous ordinance licensed collectors; the proposed ordinance licensed haulers and put the city in the situation of regulating commerce outside the city. He opined there were problems with requiring an annual fee and enforcing workers compensation, auto liability, general liability, and property damage insurance. He opined the ordinance was an overreach for the city to regulate business transacted outside of the city, the city could not enforce the ordinance, and the city should only license collectors in the city.

Council also discussed the following:

- The ordinance required those persons engaged in the business or occupation of hauling solid waste through the city to obtain a license from the city.
- The ordinance did not pertain to people in the business of removing yard waste. The city does not require commercial enterprises to use the city's trash collection services; commercial enterprises can contract with other service providers.
- The ordinance held everyone to the same standard.

Mayor White noted there was no appeals process if a license was revoked for a violation; how would someone have their license reinstated after they came back into compliance?

Mr. Hayes stated there was no appeal process in the ordinance; as with any ordinance, the appeal was to city council. He noted that the code enforcement department reviewed and understood the ordinance, and as written it was clear and easy for the public to understand. Staff recommended approval.

Ms. Summerlin moved for approval of Ordinance No. 2017-07; Mr. Ferguson seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Presentation by Anne Culver regarding the Scenic Cities Certification Program. Item was moved to earlier in the meeting after 3B.

5B. Employment agreement with Mark McDaniel to be City Manager of Kerrville. Mayor White stated the motion to proceed with the employment agreement with Mark McDaniel to be the City Manager of Kerrville.

Mr. Fine made the motion. Mr. Andrew seconded the motion and it passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending March 28, 2017: general fund revenues totaled \$17,970,106 and expenditures \$12,044,172; water and sewer fund revenues totaled \$4,709,303 and expenditures \$4,733,979; hotel/motel fund revenues totaled \$428,106 and expenditures \$500,200; 21 permits for new residential construction and commercial new/remodel construction totaled \$7,277,000. She attributed the 22% increase in general fund revenue over the previous year to an increase in permits and fees in development services, parks and recreation, solid waste, EMS billing, municipal court fines, interest income, building leases, and bad debt recovery. Expenditures increased 17.83% in the water/sewer fund over the previous year due to the city not transferring sufficient funds to cover debt service because it had been over funded many years ago and the arbitrage group had advised staff to pull that budget down. Now the city was back on schedule transferring funds sufficient to cover debt service.

7. APPOINTMENTS TO BOARDS AND COMMISSIONS:

7A. Appointments to the Food Service Advisory Board.

Mr. Fine moved to defer appointments to the April meeting. Ms. Summerlin seconded the motion and it passed 5-0.

8. VISITORS/CITIZENS FORUM: No one spoke.

9. ITEMS FOR FUTURE AGENDAS: None were given

10. EXECUTIVE SESSION: No executive session was held.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION, IF ANY: None.

ADJOURNMENT. The meeting adjourned at 6:57 p.m.

APPROVED: 05-09-2017

ATTEST:

Bonnie White, Mayor

Brenda Craig City Secretary