

CITY COUNCIL MINUTES
OF A SPECIAL MEETING

KERRVILLE, TEXAS
MARCH 2, 2011

March 2, 2011, a special joint meeting of the Kerrville City Council and Kerr County Commissioners' Court was called to order by Mayor David Wampler and Judge Pat Tinley at 9:00 a.m. at Kerrville City Hall, 800 Junction Highway, Kerrville, Texas.

CITY COUNCIL MEMBERS PRESENT:

David Wampler	Mayor
Bruce Motheral	Mayor Pro Tem
Gene Allen	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

KERR COUNTY COMMISSIONERS PRESENT:

Pat Tinley	County Judge
H.A. Baldwin	Commissioner
Jonathan Letz	Commissioner
Bruce Oehler	Commissioner

KERR COUNTY COMMISSIONER ABSENT:

Guy Overby	Commissioner
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CITY STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Mindy Wendele	Director of Business Programs
Kim Meismer	Director of General Services
Robert Ojeda	Fire Chief
Mark Beavers	Assistant Fire Chief
Eric Maloney	EMS Coordinator
Tara LaMontia	Assistant to the City Manager
Daniel Schwartz	Library Director
John Young	Police Chief

Consider, discuss and take appropriate action to establish Kerr County's contribution(s) or method(s) of determining such contribution(s) to City/County jointly provided services or operations, including by not limited to, EMS, Fire Department, Library, Recycling Center, Animal Control and Airport and composition or structure of inter-local agreements in connection therewith.

General Statements:

Mayor Wampler noted at the last joint meeting the city and county discussed programs, and the city had set a deadline of March 31 for completion of the negotiations as the city had to begin preparing the draft budget. He noted the city received a list of random

comments from the county with a note that it was not an official document and it did not represent the court.

Mayor Wampler noted that county residents who resided within the corporate city limits contributed about \$7 million to the county's general fund and over \$1 million to the road and bridge fund.

Fire/EMS:

Chief Ojeda reviewed the fire and EMS service levels in the city, extra territorial jurisdiction (ETJ), and the county. The fire service supported the EMS system with three engine companies, one ladder truck, two 911 EMS units, one command unit, and 70 highly trained emergency medical personnel at four fire stations strategically located for rapid mobilization. The fire-based EMS system was a comprehensive approach to EMS and provided efficient continuity of patient care following fire, rescue, or other hazard. He described the service levels in the ETJ and county and noted a higher service level in the ETJ because of proximity. The city basically responded in the ETJ the same as in the city; however, the city responded to EMS calls in the county with only one ambulance as specified in the contract.

Chief Ojeda noted that more emergency calls were illness, e.g. heart attacks and strokes, which required additional personnel for patient care. Accidents and runs on I-10 typically required fire support for rescue and extrication. On some occasions fire engines also responded to EMS calls depending on the emergency situation and to rendezvous with ambulances to support patient care. Personnel were empowered to call for additional resources as they thought necessary to mitigate the situation, protect the public, and provide personnel safety.

Chief Ojeda noted in 2010 the city responded to 156 calls for incidents in the first response area (Kerrville South and north of I-10) and 23 calls into the county, for a total of 179 runs into the county. He noted one fire in Kerrville South where the city responded with two engine companies, one ladder truck, one command vehicle, and 22 firefighters, and had to call in off duty personnel.

Chief Ojeda noted the county had a contract with Kendall County to provide EMS and fire services for 200 people in far eastern Kerr County in the amount of \$3,000; that equated to about \$15 per capita; the county was paying \$7-8 per capita for fire and EMS services for persons in the remainder of the county.

Chief Ojeda noted the Kerr County First Responder program was managed by the KFD through Eric Maloney, who was awarded EMS Coordinator of the Year in the State of Texas for 2010. The first responder program consisted of dedicated volunteers, but was not in conjunction with the volunteer fire departments; very few VFD personnel were certified emergency medical technicians or paramedics.

The following comments were discussed:

- Mr. Baldwin described city EMS as Triple A, 5-Star, top-notch, none better; however, the city fire department responded to only one structure fire in the county last year and the cost of the contract was \$190,000. He felt that was too much for one run and proposed the county pay on a per run basis instead of a flat fee, thereby paying only for

the service provided and not for the availability of equipment or personnel as the county had no ownership interest in any portion of the assets, or control over the personnel. The county should not have to absorb a portion of the cost of the operation, only supplement the city's operation, because it would be there anyway. The city's decision a few years ago to expand the system maybe was not necessary, but the county had no control over the size of the system and related costs of personnel and equipment, but was being asked to pay pro rata portion for something they had no control over.

- Mr. Oehler noted that people who lived away from the city had made certain choices, and knew they were not going to receive medical care quickly enough in life and death situations, and they accepted certain responsibility. He did not know of any houses that had been saved by the city in the county.
- Mr. Oehler noted the ISO (insurance) rating did not extend into the rest of the county, but county residents had low insurance ratings now and would continue to have low ratings, just like the volunteer fire departments were rated because fire service was provided by VFD. It was not correct that residents outside the city received a direct benefit on their insurance premiums because the county contracted with the city; he and Mr. Letz had confirmed this with several local insurance agents. Chief Ojeda noted that county residents in the first response fire service areas, that is, Kerrville South and north of I-10 received the advantage of the city's ISO rating of 2. Should the city not provide fire service in those areas, those residents would no longer receive that benefit. The ISO rating would be based on the VFD serving that area, and insurance could increase anywhere from 35-85% depending on multiple factors.
- Mr. Gross noted the county was being asked to pay for the availability of the fire/EMS system to be there if needed. The system still had to be equipped and staffed by trained personnel and there was a cost associated with the availability of the system. Mayor Wampler noted the service had to be available all the time, irrespective to the number of incidents responded to.
- Mr. Motheral stated the city would likely close one fire station and reduce staff if the city did not need to serve the area outside the city; so to say the city's operation would be there anyway was not true. The city did not want to shortchange county constituents who depended on the city's services; however the county needed to determine the level of service they desired in order for the city to determine the price for that service. The economic fact was that the city would not need the current staffing and equipment level to serve half the area.
- Judge Tinley noted the county was happy with the service when it had three fire stations; adding the fourth station was a luxury for the city, and beyond what most cities of comparable size and population had. The addition of the fourth station had created an economic burden for city. Mr. Letz noted it was not the county's fault that the city had to close one station. Mr. Oehler said the city was overspending and asking the county to pay a bigger share of something they did not ask for.
- Mr. Letz stated the county's agreement with the city provided that only one fire truck would go into the county, including the ETJ. The city was providing a greater level of service in the ETJ above what the contract called for and should go back to what the contract stated.
- Mr. Letz stated the county was not contemplating the alternative EMS service being volunteer; the county would have a professional service.
- Mr. Oehler wanted the revenue generated by EMS runs to be included in the budget. Mayor Wampler noted that the EMS revenues were netted into the budget.

- Mr. Letz noted the city had an ordinance stating only the city could operate an ambulance in the city limits. Mr. Oehler noted this prohibited more than one service and if the county contracted with an outside EMS service, would they be allowed to bring patients to Peterson Hospital? Mayor Wampler responded yes. Mr. Letz asked if a private service would be allowed to do transfers from Peterson Hospital to an area outside of the city. Mr. Parton noted the city had a contract with Peterson Regional Medical Center whereby the city had the right of first refusal to provide transport service for the hospital.
- Judge Tinley noted it was in the city's and county's best interest to create a county-wide emergency services district and remove it from both budgets.

Mayor Wampler noted the bottom line was that the current funding arrangement for the services being delivered by the city to the county was not sustainable. He asked what level of service the county wanted. Mr. Oehler stated he wanted lesser service; the city combined fire and EMS and would not split it. The county's decision on the level of service would be based on what the city's cost would be to provide service; the price proposed was not acceptable. Judge Tinley stated when the city sends an ambulance to a county residence do not send a fire truck. If the county contracts with an outside EMS provider, they would have professionally trained people and appropriate equipment to do their job, but they would not have any fire trucks, and that was the bottom line. A private EMS provider would provide an adequate level of service to county citizens.

Library:

Judge Tinley reviewed the city's proposal to split the cost of the library operation. He noted the past three years the county's contribution declined from \$400,000 to \$200,000 based on the county's assumption of greater financial responsibility for animal control and airport. He noted the library assets were owned by the city and the operation was controlled by the city; the county was being asked to pay half the cost for an operation over which it had no control. He noted that during the past three years, with the county's decrease in contribution, the city was able to reduce the overall cost and questioned why the city proposed to increase the cost.

Mayor Wampler noted that the library may not be something that the commissioners felt was important to fund, but 44% of the users of the library were county residents, 5% were other, and 51% were city residents. There were costs to maintain the facility and all enjoyed the services and amenities offered by the library. Mr. Gross noted that the 51% were also county citizens who lived in the city.

Mr. Letz, county liaison on the library board, noted in the past the county offered ideas for cutbacks but were ignored. He would not support paying half the budget unless the county had half the say in the operation; he offered to discuss the county becoming a partner in the library. He proposed asking voters to decide whether to establish a library district with taxing authority to levy funds to support the level of service desired.

Judge Tinley assured that if a library district was adopted, the amount spent on that function would be removed from, and stay off, the regular county tax, so there would not be double taxation. A district would be the best way to provide library services to citizens county-wide, would transfer the function to a specialized board, and keep the library out of the political arena.

Mr. Motheral noted that creating a new taxing district and removing that amount from the existing tax, would not solve the problem of funding because it did not increase any funding for the service.

Animal Control:

Mr. Letz proposed the following: the level of service be the same in the city as in the county, all related revenues would go to the county, and all cases would be filed in county courts. Animal control would be a county function and would be run uniformly across the county. Judge Tinley noted that under state law, the county had to have an animal control function for large animals, and this would result in the same level of service for all county residents.

Airport:

Judge Tinley reviewed the proposal whereby the city and county would split capital expenditures and the maintenance and operation budget equally.

Mayor Wampler noted the airport was owned equally and should be funded equally. He proposed the city and county, as co-owners of the airport, adopt a capital improvements plan and the airport board follow that adopted plan. He noted that city staff had been contacted regarding potential construction of a parking lot.

Steve King, airport board president, stated that at a recent meeting he proposed the idea of constructing a parking lot behind the terminal building as a way to increase revenue, but first it would have to pass the return on investment test and be part of the airport master plan. He contacted the city to get a rough estimate and see if there was any level of interest; a proposal was never made. The airport board had to submit its budget to the city and county annually for approval. He noted the airport board saved \$80,000 by having the operating agreement with the county.

Fred Vogt, vice president of the airport board, noted Mr. King was trying to get a cost estimate for a parking lot that could be included in the master plan, which was nearing completion by the consultant and would be submitted to the city and county.

The consensus was that the city and county attorneys should prepare a new interlocal agreement for the airport based on the parameters stated.

Environmental Health:

Mr. Letz noted that the county had some authority levels that the city did not have; he requested that once an environmental health issue came before the county, that it stay with the county and not go back to the city.

Adjournment: The meeting adjourned at 10:56 a.m.

APPROVED: _____
David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary