

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, MAY 20, 2013, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, MAY 14, 2013, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Lainie Johnson, with the Pregnancy Resource Center.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Keith Ellis, with the Military Officers of America.

Those in attendance may stand if they wish.

1. VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the city secretary. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. AWARDS AND PRESENTATIONS:

2A. Proclamation proclaiming the month of May 2013 as National Preservation Month.

2B. Proclamation proclaiming May 13-19, 2013, as National Salvation Army Week.

3. CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a city councilmember asks for separate consideration of an item. It is recommended that City Council approve the following items which will grant the mayor or city manager the authority to take all actions necessary for each approval:

3A. Minutes of the regular Kerrville City Council meeting held April 9, and April 23, 2013. (staff)

3B. First Amendment to the Agreement between the City of Kerrville, Texas, and Kerr Capital Partners, LLC Authorizing the Installation and maintenance of Landscaping, Lighting, and Other Improvements within City Right-of-Way. (staff)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, May 10, 2013 at 12:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

3C. A Resolution approving the execution of an agreement between the State of Texas and the City of Kerrville for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Kerrville. (staff)

END OF CONSENT AGENDA

4. PUBLIC HEARING, ORDINANCE FIRST READING:

4A. AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT OF AN APPROXIMATE 31.40 ACRE TRACT OF LAND GENERALLY LOCATED ALONG THE NORTH OF THE 2100 BLOCK OF E. MAIN STREET FROM THE "RC" RESIDENTIAL CLUSTER DISTRICT TO THE "PI" PUBLIC AND INSTITUTIONAL DISTRICT; CONTAINING A CUMULATIVE CLAUSE, CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION, AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

5. ORDINANCES, FIRST READING:

5A. AN ORDINANCE AMENDING CHAPTER 6 "ADVERTISING", ARTICLE II "SIGNS" OF THE CITY'S CODE OF ORDINANCES TO REVISE VARIOUS DEFINITIONS AND REVISE THE REGULATIONS FOR SEVERAL TYPES OF SIGNS; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT. (staff)

5B. An ordinance approving and adopting rate schedule "RRM – Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Pending legislation from the 83rd Texas Legislature, regular session. (staff)

7. INFORMATION AND DISCUSSION

7A. Request from Kerr County Commissioner's Court for Fire Services/EMS from the City of Kerrville. (MacDonald)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, May 10, 2013 at 12:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

7B. Water resources report. (staff)

7C. Economic update. (staff)

8. ITEMS FOR FUTURE AGENDAS

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the City or other entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of the City. No action will be taken.

10. EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

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 public works projects:

- Jefferson lift station
- G Street sewer project
- River Trail.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

12. ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, May 10, 2013 at 12:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Proclamation proclaiming the month of May 2013 as National Preservation Month. (Mayor Pratt)



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

PROCLAMATION

- WHEREAS,** Historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
- WHEREAS,** Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
- WHEREAS,** It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
- WHEREAS,** "See! Save! Celebrate!" is the theme for National Preservation Month 2013, cosponsored by Kerrville Main Street and the National Trust for Historic Preservation,

NOW, THEREFORE, I, Jack Pratt, Mayor of the City of Kerrville, Texas, do proclaim
May 2013 as

"NATIONAL PRESERVATION MONTH"

and call upon the citizens of Kerrville to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF,
I have hereunto set my hand
and caused the Seal of the City
of Kerrville to be affixed hereto,
the ____ day of _____,
2013.

Jack Pratt, Jr., Mayor



Agenda Item:

2B. Proclamation proclaiming May 13-19, 2013, as National Salvation Army Week. (Mayor Pratt)



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

PROCLAMATION

WHEREAS, Since its founding Great Britain in 1865, the Salvation Army has provided humanitarian relief and spiritual guidance to people throughout the world. Its members continue its compassionate tradition of helping wherever there is hunger, disease, destitution, natural disaster, and spiritual need; and

WHEREAS, Through countless acts of service, members of the Salvation Army actively assist those who suffer in body and spirit. Their victories result in shelter for the homeless, food for the hungry, and self-sufficiency for the disabled. In more than 100 countries, speaking more than 140 languages, the Salvation Army follow Christ's call to "love your neighbor as yourself"; and

WHEREAS, Members of the Salvation Army of Kerrville demonstrate this love to Hill Country residents in various ways. Perhaps the best-known services they provide involve mentoring our children, feeding our hungry, sheltering our homeless, educating the disadvantaged, and comforting our lonely. However, they also offer assistance to countless other individuals seeking help. Those addicted to drugs or alcohol discover a vast network of rehabilitation programs; children born into poverty discover camps and educational opportunities; and those who are ill receive care; and

WHEREAS, The collective result of the work done by the Salvation Army and its members is a more connected and supportive community for those in need of a hand up. Salvation Army officers, soldiers and volunteers can be seen in hospital corridors, in schools, on playing fields, and in the most devastated neighborhoods, for good reasons and for common purposes; and

NOW, THEREFORE, I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim May 13-19, 2013; as

"NATIONAL SALVATION ARMY WEEK"

I commend the Salvation Army officers, soldiers, and those who support its missions for their continued dedication to helping meet the physical and spiritual needs of people throughout the Hill Country. During this week, I call upon the citizens of Kerrville to join me in honoring the Salvation Army for its faithful ministry in the Hill Country for the past 46 years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the _____ day of _____, 2013

Jack Pratt, Jr., Mayor



Agenda Item:

3A. Minutes of the regular Kerrville City Council meeting held April 9, and April 23, 2013. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
APRIL 9, 2013

On April 9, 2013, 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 Stockton Williams, Rector for St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Bill Nolan of the Military Officers Association of America.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem (left the meeting at 7:50 p.m.)
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None.

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Robert Ojeda	Fire Chief
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works
Ashlea Boyle	Special Projects Coordinator
Misty Kothe	Main Street Manager

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

1. VISITORS/CITIZENS FORUM None.

2. CONSENT AGENDA:

Mr. Allen moved for approval of items 2A; Mr. Conklin seconded the motion and it passed 5-0:

2A. Agreement between City of Kerrville, Texas, and Kerr Capital Partners, LLC authorizing the installation and maintenance of landscaping and lighting within the city right of way.

END OF CONSENT AGENDA

3. ORDINANCES, FIRST READING:

3A. An ordinance amending Chapter 30 "Businesses" of the city's code of ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities"; establishing the registration of group homes and the permitting and

inspection of boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title.

Mr. Hayes stated the purpose of the ordinance was to document the location of group homes licensed by the state, and to establish regulations for boarding home facilities. The city was not trying to prohibit boarding home facilities; however, boarding homes were accepting money and operating as a business in residential areas, and the city was attempting to balance the livability of residential areas by regulating traffic, density, and parking. He reviewed highlights of the ordinance and changes made since the February 26 meeting.

- Division 2; group homes was defined as multiple living arrangements licensed and inspected by the state, i.e. nursing homes, etc.; such homes would be required to register in order that the city would know the location of such facilities and the residents that may require emergency services.
- Exemptions for state licensed facilities, hotels, retirement communities, dormitories on campus, etc.; however group homes will be required to have a permit in order to determine 1/2 mile spacing within another boarding home facility; the 1/2 mile spacing requirement mirrored state law.
- Add section 30-11 boarding home facilities will require a permit; however, while they are going through the permit process, they will not be cited.
- He proposed to add a reference to persons under separate rental agreements, such as foster child relationships.
- Notification of any changes in owner's address or contact information.
- Permit fees will be established by resolution at the next council meeting.
- Suspension/revocation section and appeal process provided; appeals would be made directly to the city council.
- Expiration of renewal permit set at one year.
- Permit was not transferable to another location.
- Section 30-22 stated posting requirements.
- Section 30-24 reasonable accommodations provision. City cannot prohibit boarding homes, and the city was not trying to put operations out of business. Federal law allows the city to adopt reasonable zoning regulations and to ensure compliance with the fire code. Section 30-24 provided a process for submitting a request for reasonable accommodations.
- Section 30-25 required three types of inspections: permitting, annual permitting, and annual inspection for compliance with the fire code.
- Section 30-26 established special guidelines for maximum level of occupancy based on square footage of bathrooms and the number of sleeping rooms. Different formulas were used to determine occupancy level based on the zoning district, e.g. single family residential district was more restrictive and occupancy level increased in higher density zoning districts such as residential transitional, multi-family, or residential/commercial.
- Section 30-27 required that off-street improved parking spaces be provided based on the number of residents times 75%.

- Section 30-28 established operational standards: 1) Sleeping rooms contain at least 150 sq. ft. floor space per occupant, a built in closet, and access must not be solely through another sleeping room; 2) Kitchen be accessible to each resident without the need to travel through a sleeping room or another resident; 3) Smoke alarms must be installed in compliance with the fire code; 4) Maintain residence and premises in a clean and sanitary condition; and 5) Pathways and stairways remain unobstructed.
- Section 30-29 required that all fire escapes and exits be kept in good repair and accessible at all times.
- Section 30-30 violations and penalties established.

Council also discussed the following:

- In the requirement to provide off-street parking, did motor vehicles include motorcycles and trailers; the consensus was that the requirement applied to all vehicles licensed by the Texas Department of Motor Vehicles. Residential streets were not designed to be parking lots for trailers or business vehicles.
- The amounts in Sections 30-26 and 30-28 should be consistent; consensus was to set it at be 150 sq. ft.

Mr. Hayes noted that the city council was not required to hold a public hearing.

The following persons spoke:

1. Carolyn Lipscomb asked if the on-site parking spaces were required to be a paved surface or if people could just park in the front yard? Could parking spaces in alleyways be considered in order to meet the off-street requirements? What was the percentage of people who were in recovery situations who worked and had cars? Ms. Lipscomb stated she was opposed to the ordinance because it allowed residents and their guests to park on the street.

Council responded that when the owner applied for a permit to operate, they would have to show off street parking spaces sufficient to the maximum number of occupants times 75%. The ordinance did not state that people could not park on the street, just that the owner had to provide adequate number of off-street spaces; on-street parking was allowed throughout the city. The percentage of persons who were in recovery situations was unknown and ever changing. Mr. Hayes noted that alleyways were considered right of ways and could not be blocked.

2. Nikki Saurage stated that the language in the ordinance was confusing to her. She asked if the city knew that recovery from addiction was considered a disability under the Fair Housing Act, and if so, what type of documentation the city required to determine disability?

Mr. Hayes stated that the ordinance recognized addiction as a disability, and if persons were availing themselves of the special protected class provision, the city required evidence to prove they were part of a protected class. The ordinance stated types of documentation, such as, evidence of determination by the Social Security Administration or the Department of Veteran Affairs.

Ms. Saurage noted there were other types of disability than just addiction. She was fully disabled, so, would she be covered under the exemptions, and did that mean her house would be viewed or licensed differently? Can owners apply for a variance for the number of people?

Mr. Hayes stated these were addressed in the reasonable accommodations section 30-24. If the ordinance is adopted, enforcement would take effect ten days after publication in newspaper, or the council may set a specific date. The city would not begin enforcement on the owner until completion of the variance process, and occupants would not have to leave during the variance process.

3. Bobby Templeton stated it was a good ordinance and balanced competing issues.

4. Joe Heffington questioned where the requirement for an installed closet in each bedroom came from? Did the fire code require that people cannot sleep in a bedroom unless there was an installed closet? Does the requirement for vehicles to be parked on the property apply to other residents of the city based on the number of people who live in the home? He asked if the city was prohibiting people from accessing their property through alleyways?

Mr. Parton noted the requirement was not in the fire code; rather, it paralleled the definition of sleeping quarters for bedrooms pursuant to the building code. Mr. Hayes noted the ordinance did not require parking off street, it only required that parking spaces be set aside and constructed. Council noted this requirement was consistent with multi-family land uses. Mr. Hayes stated he did not say that people could not continue to use alleyways to access their property; however, alleys were narrow and parking should not block or impede access by others.

The consensus of the council was to set a specific date of June 3; staff should have forms available June 1. Mr. Hayes noted that if the owner did not make application within 15 days, it would not be a defense to continue to operate.

Mr. Allen moved to pass the ordinance, as amended and presented by the city attorney, on first reading; Mr. Conklin seconded the motion and it passed 5-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Resolution No. 12-2013 granting a petition requesting the annexation of an approximate 0.91 acre tract out of the John A. Southmayde Survey No. 148, Abstract No. 288, within Kerr County, Texas, and consisting of the property addressed as 2262 Highway 173 (Bandera Highway); and ordering the preparation of an annexation ordinance.

Mr. Lutz noted the owner, Louis Howard, petitioned the city for annexation of a 0.91 acre tract in vicinity of Loop 534 and Bandera Highway adjacent to Kerrville Schreiner Park in order to access city utilities. The property was currently under construction for commercial business spaces.

Council questioned why the property owner had begun his construction project prior to requesting city utilities and annexation.

Ms. Ondrias noted Mr. Howard had been working with city staff on platting details, engineering issues, and inspections. The request for annexation was a timing issue of getting a survey and information needed to complete the annexation application.

Mr. Conklin moved to approve Resolution No. 12-2013; Mr. Allen seconded the motion and it passed 5-0.

4B. Request to allow a property to connect to city water and sanitary sewer services prior to the completion of the annexation process at 2262 Highway 173 (Bandera Highway).

Mr. Lutz noted this was the same property and owner as in item 4A; Mr. Howard requested permission to tie on to city utilities prior to annexation. Construction was nearing completion and Mr. Howard anticipated a business tenant occupying the building by mid-May; however, the annexation process would not be complete until the end of July. The commercial project did not anticipate extending any utilities or public infrastructure. Staff recommended allowing utility connections prior to completion of the annexation process.

Council discussed setting a precedence of allowing properties to connect to city utilities prior to completion of annexation; further, the city's process was public information, and the owner should not have moved ahead without annexation.

Mr. Hayes stated that the city had a policy in place, and if the council's motion was to deny the request, he recommended the motion state "in compliance with city policy."

Mr. MacDonald moved to deny the request to connect to city water and sanitary sewer services prior to completion of the annexation process. Mr. Conklin seconded the motion and it passed 4-1 with Councilmembers MacDonald, Conklin, Keeble, and Pratt voting in favor of the motion; and Councilmember Allen voting against the motion.

4C. Request by Walter Investments, L.P. for an abatement of property taxes for the property located at 741 Water Street (former Bank of America building).
This matter was withdrawn.

4D. Pending legislation from the 83rd Texas Legislature, regular session.

Mr. Parton reported that April 10 was Kerr Community Day in Austin to meet with State Representative Harvey Hilderbran and State Senator Troy Fraser. He drafted a letter stating the city's position on pending legislation and proposed to present that letter to Mr. Hilderbran and Mr. Fraser. He reviewed the letter and the city's stance on specific bills:

- Do not generally support legislation that would further restrict a city's ability to set taxes; opposed legislation that would further cap property taxes or lower rollback thresholds.
- Supported legislation to streamline advertising and public hearing procedures for adopting budgets and setting tax rates provided they would not undermine transparency and notification processes in place.
- Supported legislation that would allow elected officials to utilize technology to participate in duly posted public meetings and communicate with each other on issues of public interest, provided there was clear transparency.
- Generally opposed legislation that further restricted the city's ability to issue debt; opposed to legislation that modifies the existing notification, referendum, and review processes required to sell debt.
- Supported legislation to ensure the integrity of regional water planning, protect existing water supplies of communities, protect ratepayers from severe rate changes, and ensure fire flow and protection standards are maintained by investor owned utilities. The city and county can establish standards for firefighting and public safety, but that utility is not required to continue to maintain the established standards and keep their system available for firefighting.
- Supported legislation that maximizes a community's options for use of 4B sales tax revenues; allows cities and counties to regulate halfway houses and group homes; provides greater flexibility to cities and counties that need to sell land, such as allowing more traditional type of land sell; and provides greater incentives for enhancement for rural economic development.
- Opposed legislation that restricts the use of eminent domain authority for parks and recreation uses.

The following person spoke:

- Ruth Spradling requested the bill number for 4B sales tax issues. Mr. Parton said there were several bills and he would provide that information.

Ms. Keeble moved to authorize the mayor to sign the letter as presented; Mr. MacDonald seconded the motion and it passed 5-0.

5. INFORMATION AND DISCUSSION

5A. Quarterly report of the main street advisory board.

Ms. Kothe reported that on February 21 the MSAB voted to establish this year's work plan to be submitted to the Texas Main Street program. The main points of the plan were: create a new updated website; bring the Mardi Gras on Main event back downtown; reassign funds received from fund raising events back into MSAB projects, i.e. public art; look at grants, programs and incentives; create a data base of downtown buildings and businesses to help in recruiting businesses and owners, and maintain current information on building owners.

Scott Rain, chairman of MSAB, reported on the following:

- About 350 people attended the Mardi Gras event in February, and it raised over \$18,000; goal was to get this event back downtown; this year the funds

were committed to the public art project; next year's goal was to broaden the use of those funds.

- Issued call to artists to place sculpture in and around seven locations in downtown; the art would be on loan from the artists.
- Moon light drive golf tournament event would be cancelled, and MSAB was looking at other event opportunities; net proceeds from last year were \$8,000.
- Purchase new data base to track local businesses, property inventory, and contact information for business and property owners.
- Ms. Kothe would attend national main street training.
- Purchase more banners for light poles in downtown; established local photographers for light poles.
- Work on website and data base.

Mr. Rain noted that May was national preservation month.

5B. Economic update.

Mr. Erwin reported that February's national employment was at 7.7%; however, he noted 2.8-3 million fewer people were in the labor force now than in 2008. March 2013 sales tax was 10% higher than March 2012; February 2013 HOT tax was 8.6% higher than February 2012. Property tax revenue was coming in higher month-to-month than last year. Revenue exceeded expenditures in the general fund and the water and sewer fund.

5C. Water resources.

Mr. Hastings reported that Kerr County was still considered to be in extreme drought condition. The city received a total of 2.5 inches of rain February-April. The river flow averaged in April averaged 70-72 but would continue falling as trees take on more water. The ASR wells were at 767-770 million gallons. The city was still in stage 1 but may voluntarily go into stage 2 in May.

6. BOARD APPOINTMENTS

6A. Parks and recreation advisory board.

Ms. Keeble moved to reappoint Nancy Alford, David Lipscomb, and Ed Wallace; and to appoint Carol Lenard and Bill Muse; all with terms to expire March 31, 2015. Mr. Allen seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDAS

- Requested item 4C be rescheduled.
- Ethics policy for city council.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Meetings continued with city and county representatives regarding the library.
- LCRA should honor its commitment with regard to the CREZ line and the type of poles used in the right of way.
- Eight of the light posts on Peterson Plaza were removed by the owner and will be given to the city for placement into the street scape plan.

9. EXECUTIVE SESSION:

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

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.

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 public works projects:

- Jefferson Street lift station
- G Street sewer project
- River Trail.

At 7:36 p.m. the regular meeting recessed and council went into executive closed session at 7:41 p.m. At 8:00 p.m. the executive closed session recessed and council returned to open session at 8:02 p.m. The mayor announced that no action had been taken in executive session.

10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

No action was taken.

ADJOURNMENT. The meeting adjourned at 8:03 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
APRIL 23, 2013

On April 23, 2013, 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 Pastor James Wilson of the Kerrville Christian Center Church, followed by the Pledge of Allegiance led by Cadet Second Lieutenant Brianna Jones, of the Tivy High School Air Force Junior Reserve Officer Training Corp.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None.

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Robert Ojeda	Fire Chief
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works
Ashlea Boyle	Special Projects Coordinator

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

1. VISITORS/CITIZENS FORUM None.

2. AWARDS AND PRESENTATIONS:

2A. Proclamation proclaiming the month of May as Williams Syndrome Awareness Month was accepted by Laura Wolters.

2B. Resolution of Commendation to Jim Gardner and Diane McMahon for serving on the parks and recreation advisory board.

3. CONSENT AGENDA:

Mr. Conklin moved for approval of items 3A through 3E; Mr. Allen seconded the motion and it passed 5-0:

3A. Minutes of the regular city council meetings held February 26, March 12, and March 26, 2013.

3B. Professional services agreement with Public Sector Personnel Consultants to conduct a formal classification and compensation study, to include health and fringe benefits, in an amount not to exceed \$33,000.

3C. Contract between the City of Kerrville, Texas and Kerrville Convention & Visitors Bureau, Inc. for convention and tourism promotion services.

3D. Request from Kerrville Area Chamber of Commerce for additional in-kind police and fire/EMS from the City for the 3rd Annual Kerrfest event in the additional amount of \$890.00.

3E. Resolution No. 15-2013 adopting a road naming and addressing policy and procedures.

END OF CONSENT AGENDA

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street, former Bank of America building.

Corey Walters, representing, C & W Manhattan, stated that he had done no lobbying of councilmembers or staff regarding this subject prior to the meeting. He proposed to lease to the city 92 primary, convenient parking spaces at Water and Earl Garret. He stated that the parking lot contained 47% of the total convenient downtown off-street parking. Since the Bank of America had moved, activity in the parking lot had increased, and C & W had expenses related to the parking lot, e.g. taxes, insurance, and maintenance. In a visual study, he observed that the current occupancy rate was 52-66% business patrons, merchants, and visitors, not including the existing tenants. He opined that the city's parking garage maintained an occupancy rate of less than 4% on an average day, not including city vehicles and employees.

No action was taken by the council.

4. PUBLIC HEARING AND RESOLUTION:

4A. Resolution No. 14-2013 granting a Conditional Use Permit (CUP) for an approximate .25 acre tract of land located on the southern 105 feet of lot 1, block 1 of the Vetterville Subdivision, within the City of Kerrville, Texas, and otherwise known as 1912-A Junction Highway; said tract is located within the W-3 zoning district; by permitting said property to be used for "vehicle sales/service-used"; making said permit subject to certain conditions and restrictions contained herein.

Mr. Lutz noted the proposed use was not permitted by right in this district, but was allowed by CUP. Parking spaces meet the requirements; a 20 ft. wide dedicated fire lane is required to access the structure at the rear of the property; and no screening is required as adjacent land uses are similar.

Mayor Pratt opened the public hearing at 6:24 p.m.; no one spoke; Mayor Pratt closed the public hearing at 6:24 p.m.

Mr. MacDonald moved for approval of Resolution No. 14-2013; Mr. Allen seconded the motion and it passed 5-0.

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2013-06 amending Chapter 30 "Businesses" of the city's code of ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities"; establishing registration, permitting, and inspection of group homes and boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title.

Mr. Hayes noted the ordinance was passed on first reading on April 9 with the following changes:

- Revised definition of boarding home facility to exclude foster arrangements
- Added concerns about vehicle requirements.

Council also discussed the following:

- Section 30-28C required 150 sq. ft. floor space per occupant, the International Property Maintenance Code only required 70 sq. ft. per occupant and at least one wall of not less than 10 ft. in length per bedroom. Mr. Parton noted this requirement would be consistent with current building code requirements.

Mr. MacDonald moved for passage of Ordinance No. 2013-06 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 13-2013 amending the City of Kerrville fee schedule by adding fees for the permitting of boarding home facilities.

Mr. Erwin noted the resolution would amend the fee schedule to establish fees:

- Group homes and boarding home facilities annual permit - \$1,000
- Re-inspection fee for group homes and boarding home facilities - \$75
- Variance from distance requirement for a boarding home facility - \$150.

Council noted the proposed fees were in-line with other fees and would fund the necessary services without having to hire additional staff.

Mr. Conklin moved for approval of Resolution No. 13-2013; Mr. MacDonald seconded the motion and it passed 5-0.

6B. Request to allow a property at 2262 Bandera Highway (State Highway 173) to connect to city water and sanitary sewer services prior to the completion of the annexation process.

Mr. Conklin noted at the April 9 meeting council had voted to deny Mr. Howard the opportunity to connect to city utilities prior to completion of the annexation in late July. He noted that Mr. Howard already had a business opening scheduled in May, and he suggested council reconsider this request.

Council noted that Mr. Howard was not trying to skirt the rules, and he had voluntarily cooperated with staff to meet city inspections and permitting processes.

Mr. MacDonald moved to approve the request to allow connection to city water and sewer services at 2262 Bandera Highway prior to completion of the annexation process; Mr. Conklin seconded the motion and it passed 5-0.

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street, former Bank of America building.

This matter was also considered earlier in the meeting after item 3E.

Council acknowledged the value of the parking spaces being offered for lease; however, a lot of property owners have parking spaces downtown, many of whom allow public parking, and they have the same expenses and liability issues. The concern was in setting precedence for other property owners to request the city lease their parking spaces as well. Mr. Walters had been generous to allow free public parking in the past, and if he continued to do so that would be appreciated; however, no councilmember expressed interest in renting parking spaces.

Mr. Walters stated he had expenses and liability and he would be forced to make it private and by permit only. He felt that his parking lot was unique in that it was the most accessible, convenient, and widely used by the public.

6D. Purchase of new aerial platform fire truck to replace the city's 23-year old unit in FY2014.

Staff noted the aerial platform truck was put in service in 1989 and was now 23 years old. It was an established priority in past budgets to replace the ladder truck and remodel central fire station. As authorized by council earlier in the year, staff was preparing specifications on renovation of central fire station and construction would soon be underway. Chief Ojeda noted it would take 3-4 months to create specifications for a fire apparatus, and 9-12 months before delivery. National Fire Protection Association (NFPA) standards recommended not having any vehicle over 15 old as front line equipment, after 15 years, a vehicle could be used as a reserve unit, and it should be removed from inventory entirely after 25 years. Chief Ojeda noted there had been four revisions to NFPA standards since the 1989 truck was built. Because of its length, the new aerial platform would be housed at central fire station.

Mr. Parton discussed short term 5-7 year bank financing for \$1.3 million. He stated that debt for major capital purchases went against the city's debt cap, which was \$10 million, and he noted the council recently approved the notice of intent for KPUB to issue \$6 million against the city's debt cap.

Council also discussed the following:

- Purchase of used ladder truck from another department.
- Refurbish existing ladder truck. Chief Ojeda noted the existing truck could be

refurbished again, but in the end, it would still be a 23 year old fire apparatus and reliability and safety were key issues.

- Options for the existing truck, e.g. sell or keep as a reserve vehicle. Chief Ojeda discussed times in the past when the ladder truck was requested for assistance in other towns, and when the city responded, it left the city without a ladder truck. The city could keep the ladder truck in reserve for such occasions.
- Questioned how this might affect the city's favorable ISO rating of 2. Chief Ojeda noted that ISO ratings, 1 (best) – 10 (worst), were based on several factors, i.e. fire prevention efforts, building codes and fire codes, equipment, fire stations, etc. The ISO board was concerned about the favorable ratings in Texas, due in part to the Texas Addendum, and were lobbying to eliminate the Texas Addendum, which could move the city back to a 3 rating. The city could receive additional points by ISO for having an aerial ladder truck in reserve, and perhaps keep the city at a 2 even if the Texas Addendum is eliminated. ISO re-graded once every ten years, and the city was scheduled for another evaluation in six years.

Mr. Allen moved to approve authorize staff to evaluate as presented purchase and finance; Mr. Conklin seconded the motion and it passed 5-0.

6E. Pending legislation from the 83rd Texas Legislature, regular session.

Mr. Parton reported that the letter stating the city's position on legislative issues was presented to Senator Fraser and Representative Hilderbran on April 10 during Kerrville Community Day in Austin. He updated the council on several bills and recommended the city support a new bill, HB 56, regarding hotel occupancy tax exemptions.

Mr. MacDonald moved to approve the recommendations as presented by staff, including support of HB56; Mr. Conklin seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION

7A. Report on Kerr Economic Development Corporation activities.

Mr. Conklin reported on the following:

- Fox Tank Company received the American Petroleum Institute audit conducted in March and recommended certification; it should take 45 days for completion; this certification will allow Fox Tank to sell to larger petroleum industry operators.
- West Texas manufacturer of specialized compressed pump systems was still looking at Kerrville; decision scheduled in June.
- A trucking transportation company.
- Continuing to work on incentive guidelines.
- Working on wine industry marketing plan; making real estate assessments.

7B. Economic update.

Mr. Erwin reported sales tax for April 2013 was up 16% over April 2012; however, he opined that was an anomaly with one large commercial business; overall, sales tax was 6.29% ahead of last year. HOT revenue was 8% above last year

for April. Revenue exceeded expenditures in the general fund and the water and sewer fund. There were two state-wide issues to watch: employment in Texas decreased this month, and sales tax statewide continued to increase but not as high as in the past.

8. ITEMS FOR FUTURE AGENDAS: None

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- An event honoring Heisman Trophy Winner Johnny Manziel was scheduled for April 20, 6 p.m. at the Tivy Antler Stadium.
- The Girl Scouts mobile leadership center will be in Kerrville on April 25, noon to 2:15 p.m. at Hastings.
- The police department and the KPAAA will hold a drop off collection on Saturday, April 27 to accept drugs to be disposed of properly.
- Several county commissioners would be touring the library on Monday, April 29 to take an in depth look at library operations.

10. EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 7:09 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. First Amendment to the Agreement between the City of Kerrville, Texas, and Kerr Capital Partners, LLC Authorizing the Installation and maintenance of Landscaping, Lighting, and Other Improvements within City Right-of-Way. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: The Ridge at Keystone Place right of way license agreement amendment

FOR AGENDA OF: 5/14/13

DATE SUBMITTED: 5/8/13

SUBMITTED BY: Charlie Hastings
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Amended Right of Way License Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

On April 9, 2013, Council authorized the City Manager to execute a right of way license agreement with Kerr Capital Partners, LLC, for the installation and maintenance of landscaping on Yorktown Boulevard for The Ridge at Keystone Place. The agreement is for landscaping and lighting only, however, there is an existing brick wall and residential development sign on site. The existing sign was allowed, at the time it was erected, as it was on property of the developer. Since that time the property has been conveyed to the City of Kerrville, which means that the sign would not be permitted based on the sign code, as it is not located on land owned by the developer or home owners association. Without an amendment to the agreement, maintenance of the brick wall and sign could revert to the City.

RECOMMENDED ACTION

The Director of Public Works recommends that Council authorize the City Manager to execute an amended right of way license agreement with Kerr Capital Partners, LLC, where the developer and/or his assigns (eventually the home owners association), will be required to pay for and maintain the brick wall and residential development sign on Yorktown Boulevard for The Ridge at Keystone Place subdivision.

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN CITY OF KERRVILLE,
TEXAS, AND KERR CAPITAL PARTNERS, LLC AUTHORIZING THE
INSTALLATION AND MAINTENANCE OF LANDSCAPING, LIGHTING, AND
OTHER IMPROVEMENTS WITHIN CITY RIGHT-OF-WAY**

This First Amendment to the *Agreement between the City of Kerrville, Texas ("City"), and Kerr Capital Partners, LLC, a Texas Limited Liability Company ("Developer")*, *Authorizing the Installation and Maintenance of Landscaping and Lighting within the City Right-of-Way* ("Amendment") is entered into the ____ day of _____, 2013. This First Amendment amends the agreement ("Agreement") previously entered into between the parties, and is made in accordance with Section 10 of the Agreement.

BACKGROUND

Developer requested and City previously agreed to allow Developer to install and maintain landscaping and lighting within City-owned right-of-way ("City Property") at the entrance to the Keystone Subdivision located along the west side of Yorktown Boulevard. Besides these improvements, Developer, or its predecessor, has installed a brick wall, which includes a residential development sign, within the City Property. The parties now wish to amend the Agreement to allow for the existence of the wall and sign within the City Property.

FIRST AMENDMENT TO THE AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby amend the Agreement as follows:

SECTION ONE. Section 3 of the Agreement is amended as follows:

3. *Installation and Maintenance.* Developer may install, maintain, and replace landscaping, ~~and~~ lighting, ~~and a wall, to include a residential development sign~~ ("Improvements") on City Property in compliance with this Agreement and City's ordinances, including the City's water management plan, the City's electrical codes, ~~the City's Sign Code,~~ and other applicable laws or regulations. Developer will maintain the ~~landscaping and lighting~~ Improvements in good condition and will replace any plants that are dead or dying. A depiction of the Improvements is attached as Exhibit B.

SECTION TWO. Section 4 of the Agreement is amended as follows:

4. *Removal or Alteration of Improvements.* Developer acknowledges and agrees that a) City may determine that the removal or alteration of the ~~landscaping and/or lighting~~ Improvements is necessary for the City to maintain, repair, replace, relocate, or alter the City Property, which includes Yorktown Boulevard; and b) City has no

obligation to repair or replace any ~~landscaping or lighting~~ Improvements after the City's alteration or removal.

SECTION THREE. Section 5 of the Agreement is amended as follows:

5. Indemnification. Developer shall indemnify and hold harmless City, its officers, agents, and employees, from and against all claims, losses, damages, suits, or liability, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with Developer's installation or maintenance of ~~landscaping or lighting~~ the Improvements within the City Property.

SECTION FOUR. Except as expressly amended herein, all other terms and conditions of the Agreement remain unchanged and the Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this Amendment effective the day and year written above.

CITY OF KERRVILLE, TEXAS

**KERR CAPITAL PARTNERS, LLC,
A TEXAS LIMITED LIABILITY
COMPANY**

Todd Parton, City Manager

By: _____
Name: _____
Title: _____

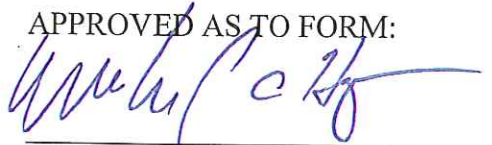
Date: _____

Date: _____

ATTEST:

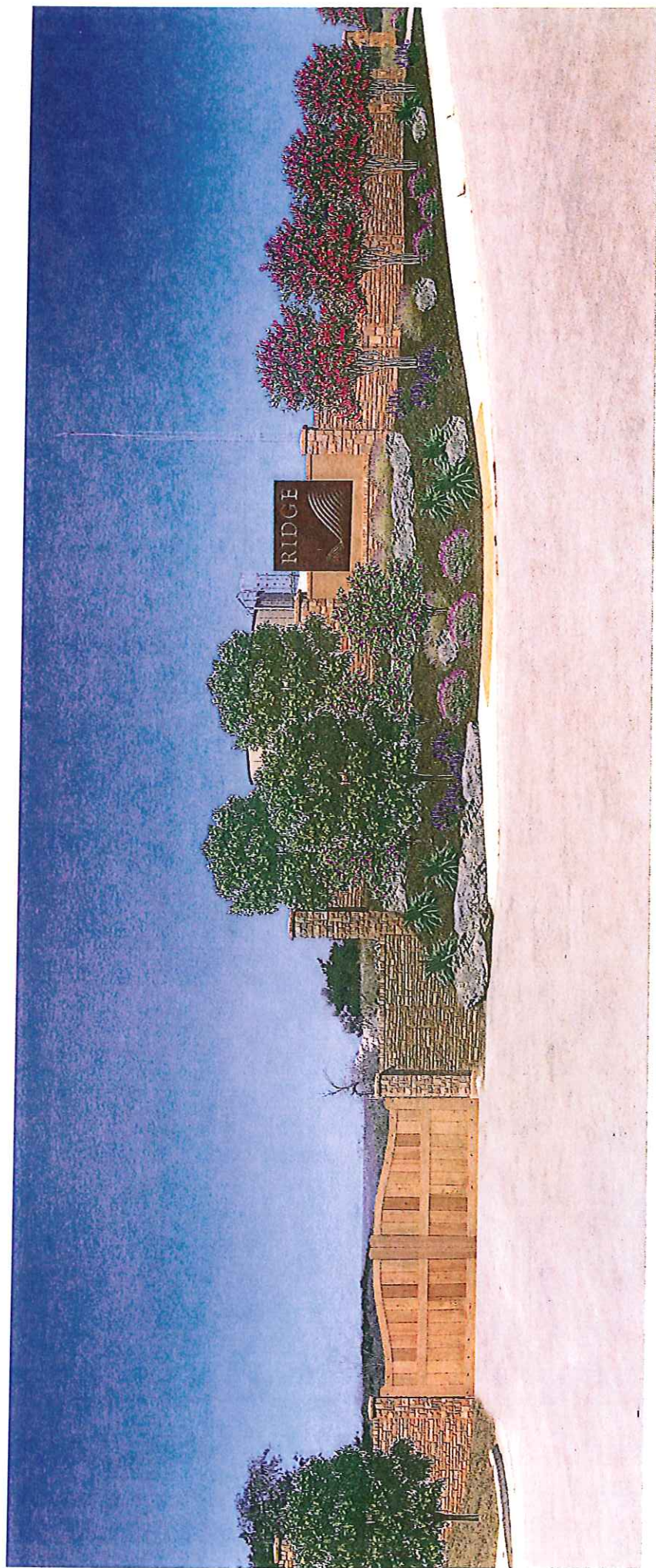
Brenda Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Exhibit "B"



Agenda Item:

3C. A Resolution approving the execution of an agreement between the State of Texas and the City of Kerrville for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Kerrville. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Adoption of an updated Municipal Maintenance Agreement with the Texas Department of Transportation.

FOR AGENDA OF: 5/14/13

DATE SUBMITTED: 4/25/13

SUBMITTED BY: Charlie Hastings 
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Updated Municipal Maintenance Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

In September 2012, Council authorized the City Manager to negotiate an updated Municipal Maintenance Agreement (the active agreement is dated 1969) with the Texas Department of Transportation (TxDOT) and to bring it back to Council for final consideration. The outstanding issues at the time were defining drainage easement maintenance responsibilities and legal language concerns. Exhibit A has been modified by TxDOT to address the previous drainage easement maintenance concerns to the satisfaction of the Public Works Department, and the legal language satisfies the City Attorney.

RECOMMENDED ACTION

The Director of Public Works recommends that Council adopt the attached updated Municipal Maintenance Agreement with the Texas Department of Transportation.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2013**

**A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT
BETWEEN THE STATE OF TEXAS AND THE CITY OF KERRVILLE
FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND
REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS
OF STATE HIGHWAYS IN THE CITY OF KERRVILLE**

WHEREAS, in September 2012, City Council authorized the City Manager to negotiate a new Municipal Maintenance Agreement (MMA) with the State of Texas (Texas Department of Transportation) (TxDOT); and

WHEREAS, the City's current MMA with TxDOT was entered into in 1969; and

WHEREAS, TxDOT has proposed a number of changes to the proposed MMA, specifically with respect to the responsibilities of TxDOT to maintain and operate state highways within the City; and

WHEREAS, City staff recommends that the City Council enter into the proposed MMA with TxDOT; and

WHEREAS, the City Council for the City of Kerrville, Texas, finds it to be in the public interest to enter into a Municipal Maintenance Agreement with the Texas Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The Mayor is authorized to execute the Mutual Maintenance Agreement with the State of Texas (TxDOT), attached as **Exhibit A**, regarding the maintenance, control, supervision, and regulation of certain state highways within the City.

SECTION TWO. The previous MMA between the State of Texas and the City is hereby terminated.

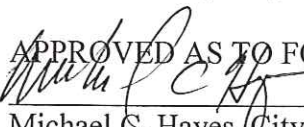
PASSED AND APPROVED ON this the ____ day of _____ A.D., 2013.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



MUNICIPAL MAINTENANCE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made this _____ day of _____, 20__,
by and between the State of Texas, hereinafter referred to as the "State," party of the first part, and the City of
Kerrville, Kerr County,
Texas (population 22,347, 2010, latest Federal Census) acting by and through its duly
authorized officers, hereinafter called the "City," party of the second part.

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

WHEREAS, the City has requested the State to assist in the maintenance and operation of State highways within such City;

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

For this agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

EXHIBIT A

COVERAGE

1. This agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described and/or graphically shown as "State Maintained and Operated" highways in Exhibit "A," which is attached hereto and made a part hereof.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission or maintained and operated as Controlled Access Highways and which are described and/or graphically shown in Exhibit "B," which is attached hereto and made a part hereof.
2. In the event that the present system of State highways within the City is changed by cancellation, modified routing, or new routes, the State will terminate maintenance and operation and this agreement will become null and void on those portions of the highways which are no longer on the State Highway System; and the full effect and all conditions of this agreement will apply to the changed highways or new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 1 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
3. Exhibits that are a part of this agreement may be exchanged with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence.

GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.
4. Traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State.

5. The State will erect and maintain all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way except as mentioned in this paragraph and elsewhere in this agreement. At the intersections of off-system approaches to State highways, the City shall install and maintain all stop signs, yield signs, and one-way signs and any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. The City shall install and maintain all street name signs except for those mounted on State maintained traffic signal poles or arms or special advance street name signs on State right-of-way. All new signs installed by the City on State right-of-way shall meet or exceed the latest State breakaway standards and be in accordance with the *Texas Manual on Uniform Traffic Control Devices*, latest edition and revision. All existing signs shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation except in those installations specifically covered by separate agreements between the City and State.
7. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
8. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State.
9. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation and necessity, will be determined by traffic and engineering studies. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, will be indicated by the proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement will be covered under a separate agreement.
10. New construction of sidewalks, ramps or other accessibility related items shall comply with current ADA standards. The city is responsible for the maintenance of these items.

11. If the City has a driveway permit process that has been submitted to and approved by the State, the City will issue permits for access driveways on State highway routes and will assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State will issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures will be determined by a separate agreement.

NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to non-controlled access State highways in addition to the "General Conditions" contained herein above. Non-controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "A."

State's Responsibilities (Non-Controlled Access)

1. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of same under vehicular loads encountered and maintain the shoulders.
2. Assist in mowing and litter pickup to supplement City resources when requested by the City and if State resources are available.
3. Assist in sweeping and otherwise cleaning the pavement to supplement City resources when requested by the City and if State resources are available.
4. Assist in snow and ice control to supplement City resources when requested by the City and if State resources are available.
5. Maintain drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits.
6. Install, maintain, and operate, when required, normal regulatory, warning and guide signs and normal markings (except as provided under "General Conditions" in paragraph 5). In cities with less than 50,000 population, this also includes school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks. Any other traffic striping desired by the City may be placed and maintained by the City subject to written State approval.

7. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
8. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds if the City agrees to enter into an agreement setting forth the responsibilities of each party.

City's Responsibilities (Non-Controlled Access)

1. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
2. Install and maintain all parking restriction signs, pedestrian crosswalks [except as provided in paragraph 6 under "State's Responsibilities (Non-Controlled Access)"], parking stripes, and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population will also install, operate, and maintain all school safety devices and school crosswalks.
3. Signing and marking of intersecting city streets with State highways will be the full responsibility of the City (except as provided under "General Conditions" in paragraph 5).
4. Require installations, repairs, removals, or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.
5. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. The assistance by the State in maintenance of drainage facilities does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.
6. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations will be handled by a separate agreement.
7. Perform mowing and litter pickup.
8. Sweep and otherwise clean the pavement.
9. Perform snow and ice control.

CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to controlled access highways in addition to the "General Conditions" contained herein above. Controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "B."

State's Responsibilities (Controlled Access)

1. Maintain the traveled surface of the through lanes, ramps, and frontage roads and foundations beneath such traveled surface necessary for the proper support of same under vehicular loads encountered.
2. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist, and assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweep and otherwise clean the through lanes, ramps, separation structures, or roadways and frontage roads.
4. Remove snow and control ice on the through lanes and ramps and assist in these operations as the availability of equipment and labor will allow on the frontage roads and grade separation structures or roadways.
5. Except as provided under "General Conditions" in paragraph 5, the State will install and maintain all normal markings and signs, including sign operation if applicable, on the main lanes and frontage roads. This includes school safety devices, school crosswalks, and crosswalks installed on frontage roads in conjunction with pedestrian signal heads. It does not include other pedestrian crosswalks.
6. Install, operate, and maintain traffic signals at ramps and frontage road intersections unless covered by a separate agreement.
7. Maintain all drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the highway facility within its corporate limits.

City's Responsibilities (Controlled Access)

1. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances/resolutions and taking other appropriate action in addition to full compliance with current laws on parking.
2. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance/resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.

3. Secure or cause to be secured the approval of the State before any utility installation, repair, removal, or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
4. Pass necessary ordinances/resolutions and retain its responsibility for enforcing the control of access to the expressway/freeway facility.
5. Install and maintain all parking restriction signs, pedestrian crosswalks (except as mentioned above in paragraph 5 under "State's Responsibilities"), and parking stripes when agreed to by the State in writing. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as discussed under "General Conditions" in paragraph 5).

TERMINATION

All obligations of the State created herein to maintain and operate the State highways covered by this agreement shall terminate if and when such highways cease to be officially on the State highway system; and further, should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon 30 days written notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, in accordance with Chapter 311 of the Texas Transportation Code. The State shall retain all maintenance responsibilities on controlled access State highways in accordance with the provisions of Chapter 203 of the Texas Transportation Code, 23 United States Code § 116 and the State's Interstate Maintenance Guidelines as approved by the Federal Highway Administration in accordance with 23 CFR § 635, Subpart E.

Said State assumption of maintenance and operations shall be effective the date of execution of this agreement by the Texas Department of Transportation.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Kerrville on the _____ day of _____, 20__, and the Texas Department of Transportation, on the _____ day of _____, 20__.

ATTEST:

THE STATE OF TEXAS

CITY OF _____

BY _____
(Title of Signing Official)

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission

BY _____
Mario G. Medina, P.E.
District Engineer

San Antonio District

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect. For inquiries call 512-416-3048.

NOTE: To be executed in duplicate and supported by Municipal Maintenance Ordinance/Resolution and City Secretary Certificate.

C:\MMAFormKerrville.doc

EXHIBIT "A"

NON-CONTROLLED ACCESS HIGHWAYS WITHIN THE CITY OF KERRVILLE

MMA- MAINTENANCE RESPONSIBILITIES WILL BE IN ACCORDANCE WITH THE MUNICIPAL MAINTENANCE AGREEMENT

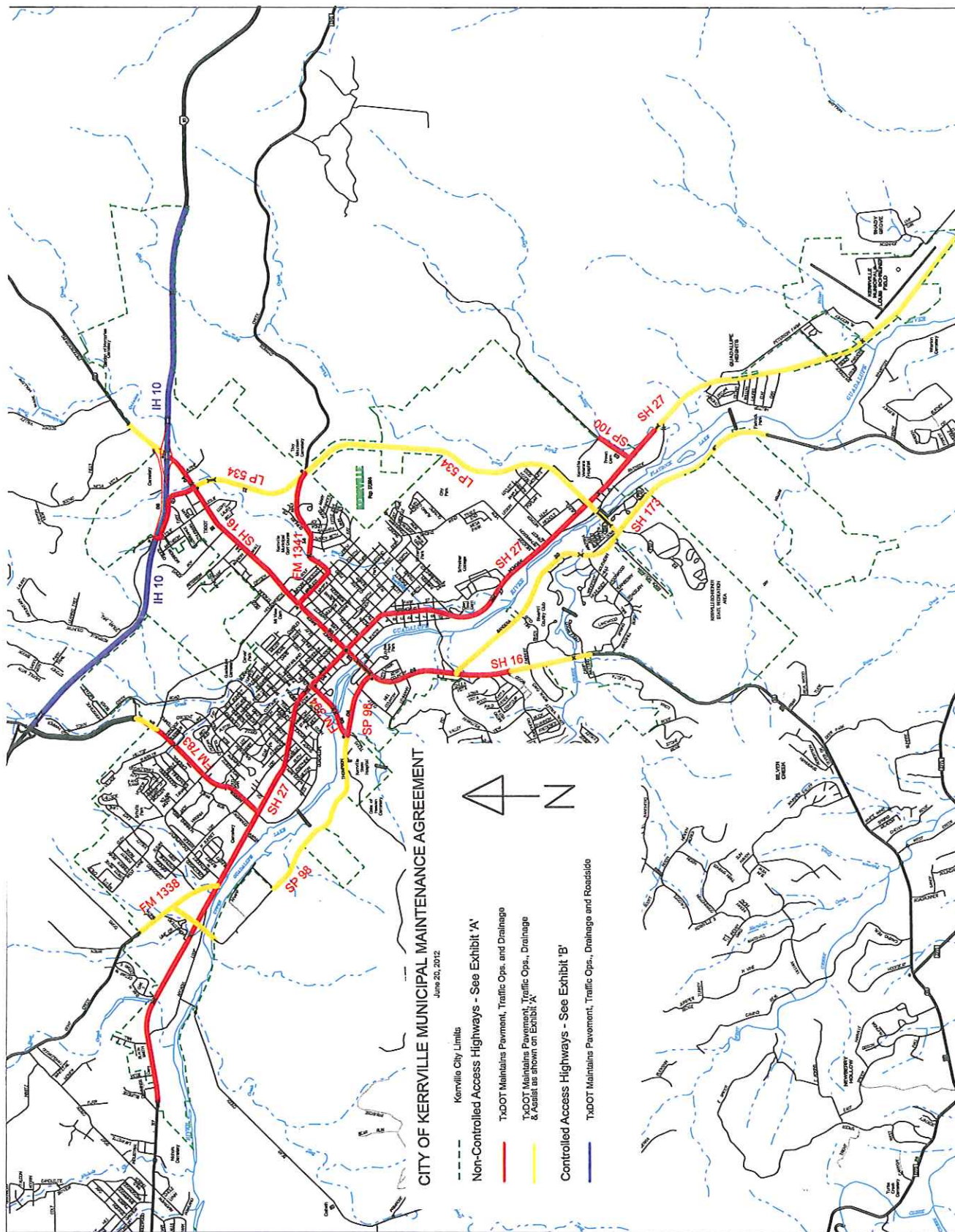
HIGHWAY	FROM:	TO:	STATE RESPONSIBILITIES	CITY RESPONSIBILITIES
1 FM 1338	NORTH CITY LIMITS OF KERRVILLE	SH 27	MMA & ASSIST IN MOWING	MMA
2 FM 1341	SH 16	LOOP 534	MMA	MMA
3 FM 1341	LOOP 534	EAST CITY LIMITS OF KERRVILLE	MMA & ASSIST IN MOWING	MMA
4 FM 394	SH 27	SPUR 98	MMA	MMA
5 FM 783	NORTH CITY LIMITS OF KERRVILLE	HOLDSWORTH DRIVE	MMA & ASSIST IN MOWING	MMA
6 FM 783	HOLDSWORTH DRIVE	SH 27	MMA	MMA
7 LOOP 534	LESLIE DRIVE	SH 16	MMA	MMA
8 LOOP 534	SH 16	SH 173	MMA & ASSIST IN MOWING	MMA
9 SH 16	SOUTH CITY LIMITS OF KERRVILLE	RANCHERO ROAD	MMA & ASSIST IN MOWING	MMA
10 SH 16	RANCHERO ROAD	IH 10	MMA & DRAINAGE EASEMENT LOCATED 0.67 MILE SOUTH OF IH 10 DRAINING FROM SH 16 TO APPROX. 300' EAST OF SH 16.	MMA
11 SH 16	IH 10	NORTH CITY LIMITS OF KERRVILLE	MMA & ASSIST IN MOWING	MMA
12 SH 173	SH 16	SOUTH CITY LIMITS OF KERRVILLE	MMA & ASSIST IN MOWING	MMA
13 SH 27	WEST CITY LIMITS OF KERRVILLE	THIRD CREEK (APPROX. 0.5 MILE EAST OF SPUR 100)	MMA	MMA
14 SH 27	THIRD CREEK (APPROX. 0.5 MILE EAST OF SPUR 100)	EAST CITY LIMITS OF KERRVILLE	MMA & ASSIST IN MOWING	MMA
15 SPUR 100	SH 27	NORTH CITY LIMITS OF KERRVILLE	MMA	MMA
16 SPUR 98	SH 16	FM 394	MMA	MMA
17 SPUR 98	FM 394	WEST CITY LIMITS OF KERRVILLE	MMA & ASSIST IN MOWING	MMA
18 SPUR 98	FM 1338	SOUTH END OF BRIDGE @ GUADALUPE RIVER	MMA & ASSIST IN MOWING	MMA

EXHIBIT "B"

CONTROLLED ACCESS HIGHWAYS WITHIN THE CITY OF KERRVILLE

MMA- MAINTENANCE RESPONSIBILITIES WILL BE IN ACCORDANCE WITH THE MUNICIPAL MAINTENANCE AGREEMENT

	HIGHWAY	FROM:	TO:	STATE RESPONSIBILITIES	CITY RESPONSIBILITIES
1	IH 10	WEST CITY LIMITS OF KERRVILLE	EAST CITY LIMITS OF KERRVILLE	MMA	MMA
2	IH 10 WB FR (BENSON DRIVE)	SH 16	940' WEST OF LESLIE DRIVE	MMA	MMA
3					
4					
5					
6					
7					
8					
9					
10					
11					



Agenda Item:

4A. An Ordinance amending the City's "Zoning Code" by changing the zoning district of an approximate 31/40 acre tract of land generally located along the north of the 2100 block of E. Main Street from the "RC" Residential Cluster District to the "PI" Public and Institutional District; containing a cumulative clause, containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering publication and providing other matters relating to the subject. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing & Action: Zoning Change Request and 1st Ordinance Reading – Consideration and action concerning a requested zoning change from (RC) Residential Cluster District to (PI) Public and Institutional District, for an approximate 31.40 acre tract of land, out of Samuel Wallace Survey No. 114, Abstract No. 348, located at 2100 East Main Street.

FOR AGENDA OF: May 16, 2013 **DATE SUBMITTED:** May 2, 2013

SUBMITTED BY: Jason Lutz **CLEARANCES:** Kristine Ondrias

EXHIBITS: Adjacent Land Use Map, Survey, Metes and Bounds Description, and Zoning Change Ordinance

AGENDA MAILED TO: Jeff Carroll, 601 NW Loop 410, Suite 350, San Antonio, Texas 78216

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The property is owned by Schreiner University and the applicant is seeking to rezone 31.40 acres, from the current zoning district of (RC) Residential Cluster, and is requesting the zoning district of (PI) Public and Institutional District. The goal of this zoning change is to allow the university to expand its campus onto this tract of land. The university is currently proposing to construct a building with a gross floor area of 3,000 square feet. The building will be utilized for additional classroom space and a proposed observatory. The existing residential structure will be converted to a facility to accommodate meeting and conference space.

The property is currently located on unplatted property and a development site plan has been submitted to the city for review. Extensions of sanitary sewer and water lines will be required in order to properly serve the facility. The extensions of these utility mains will trigger the platting process and the applicant has submitted a preliminary plat for this property.

The property is currently zoned RC and is bounded by the following zoning districts and land uses:

- RC to the West (Weston Homeplace Subdivision) – Single-Family Residential Land Use
- R1 to the North (Kerrville ISD) – Institutional Land Use
- RC & R3 to the East – Vacant & Multi-Family Land Uses
- PI to the South (Schreiner University) – Institutional Land Use

The current zoning of RC does not allow for an institutional use for a university, but it does allow for an institutional land use of primary schools, with an approval of a (CUP) conditional use permit.

Current setbacks for this property based on the RC zoning district are as follows:

- Front and rear setbacks of 15 feet
- Side setbacks of 5 feet

Proposed setbacks for this property based on the (PI) zoning district would be as follows:

- Front and rear setbacks of 30 feet
- Side setbacks of 10 feet

Based on the proposed use of the property and the adjacent land uses, Type "B" screening will be required along the northern, western, and eastern property lines. Type "B" Screening shall consist of a minimum 6' high fence constructed of weather resistant wood, masonry, or combination thereof and a 50' buffer area, which no buildings or parking may be constructed.

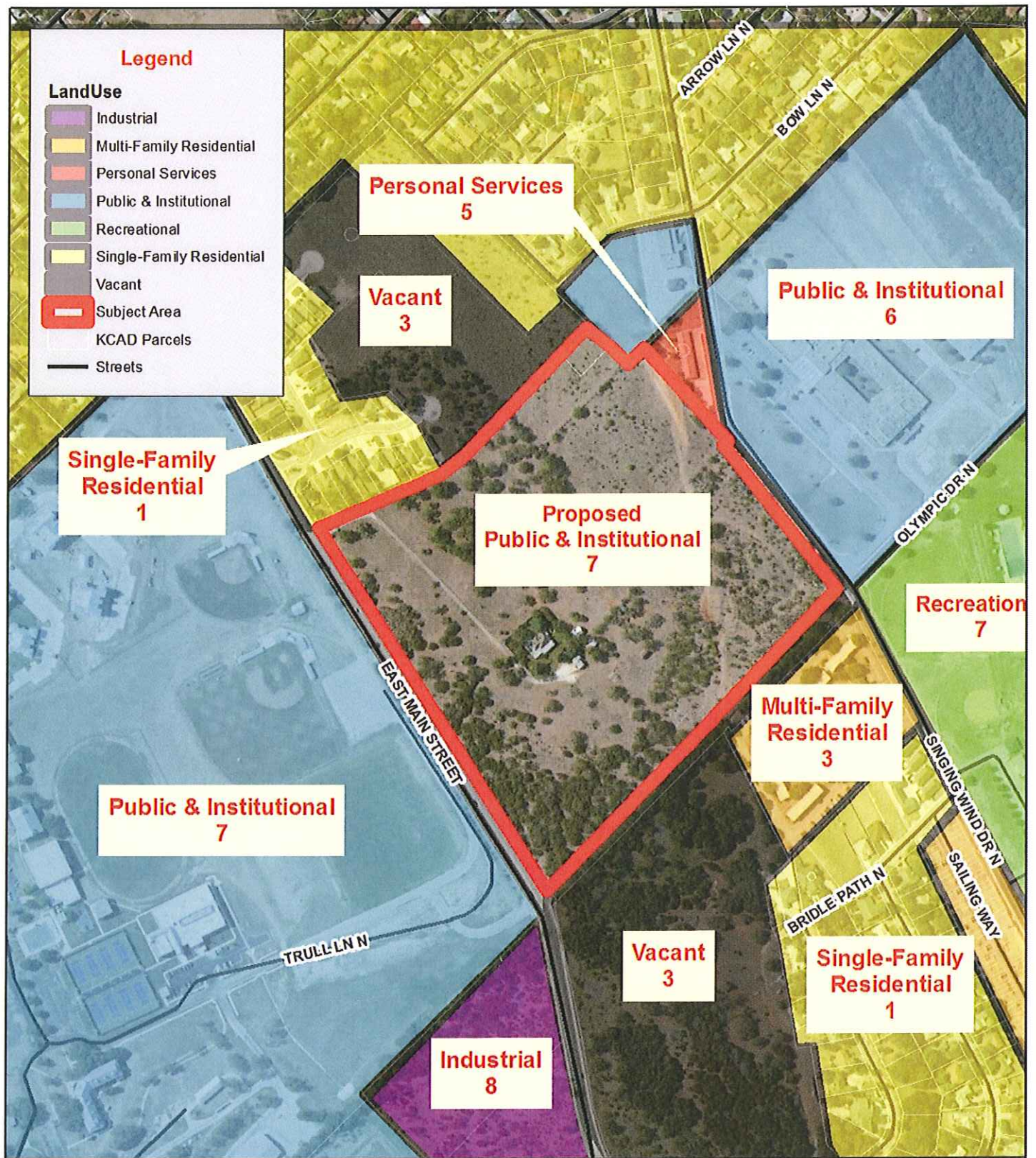
Based on the fact that the property is situated between two institutional land uses, to the north and south, and the property is adjacent to the same zoning district that is being requested (PI). Staff recommends approval of the requested zoning change of (PI) Public and Institutional.

The Planning and Zoning Commission approved the request, by a vote of 4-0, at their regularly scheduled meeting on April 18, 2013. One citizen spoke on behalf of concerned property owners from the Weston Homplace Subdivision, but no formal protests were received.

RECOMMENDED ACTION

1. Open the public hearing and receive comments.
2. Approve the zoning change request as outlined in the attached ordinance on the first reading.

P&Z Case #2013-013 Zoning Change Land Use Map



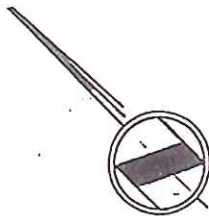
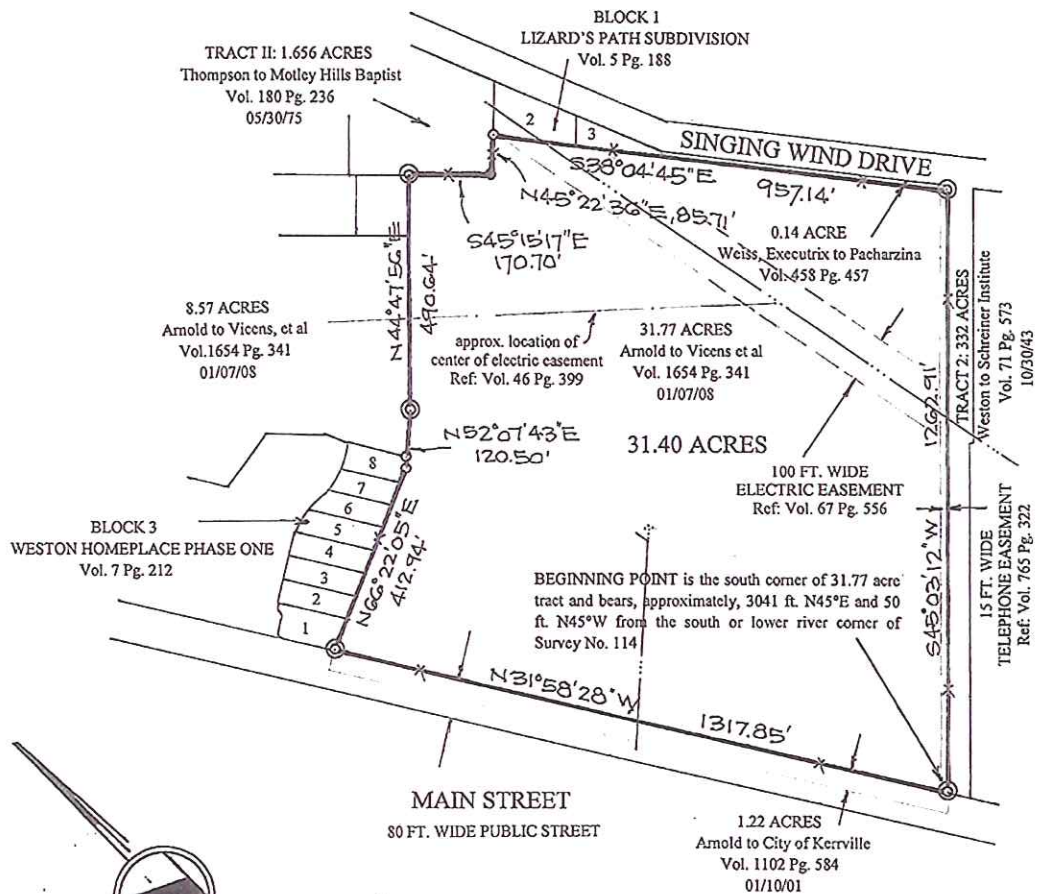
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

0 200 400 800 Feet

1 inch = 400 feet



SURVEY PLAT FOR 31.40 ACRES OF LAND, MORE OR LESS, OUT OF SAMUEL WALLACE SURVEY NO. 114, ABSTRACT NO. 348 IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; PART OF A CERTAIN 31.77 ACRE TRACT CONVEYED FROM LOU A. ARNOLD TO CHARLOTTE VICENS, ET AL BY A SPECIAL WARRANTY DEED EXECUTED THE 7TH DAY OF JANUARY, 2008 AND RECORDED IN VOLUME 1654 AT PAGE 341 OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS



SCALE: 1" = 300'

LEGEND

○ found 1/2" iron stake

⊙ set 1/2" iron stake

● fencepost

—X— fence

— · — · — overhead utility lines



I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown. (Bearing Basis = True north based on GPS observations)

Date Surveyed: January 13, 2011

Dated this 19th day of January, 2011

Lee C. Voelkel
Lee C. Voelkel
Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas

REVISED: 02/14/11 to show utility lines and easements

FIELD NOTES DESCRIPTION FOR 31.40 ACRES OF LAND OUT OF THE
FORMER LOU A. ARNOLD LAND ALONG MAIN STREET IN THE CITY OF
KERRVILLE, KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 31.40 acres, more or less, out of Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas; part of a certain 31.77 acre tract conveyed from Lou A. Arnold to Charlotte Vicens, et al by a Special Warranty Deed executed the 7th day of January, 2008 and recorded in Volume 1654 at Page 341 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake set in the northwest line of a certain 332 acre tract conveyed as Tract 2 from M.F. Weston, et ux to Schreiner Institute by a Warranty Deed with Vendor's Lien executed the 30th day of October, 1943 and recorded in Volume 71 at Page 573 of the Deed Records of Kerr County, Texas for the south corner of the herein described tract and said 31.77 acre tract, and east corner of a certain 1.22 acre tract heretofore conveyed out of 51.07 acre tract from Lou A. Arnold to the City of Kerrville by a Right-of-Way Dedication executed the 10th day of January, 2001 and recorded in Volume 1102 at Page 584 of the Real Property Records of Kerr County, Texas; which point bears approximately 3041 ft. N45°E and 50 ft. N45°W from the south or lower river corner of said Survey No. 114;

THENCE, along or near a fence with the common line between said 31.77 and 1.22 acre tracts, and along the northeast right-of-way line of Main Street, an eighty (80) ft. wide public street N31°58'28"W, 1317.85 ft. to a ½" iron stake set for the west corner of the herein described tract and 31.77 acre tract, the north corner of 1.22 acre tract, and the south corner of Block 3 of Weston Homeplace Phase One, a subdivision of Kerr County according to the plat of record in Volume 7 at Page 212 of the Plat Records of Kerr County, Texas;

THENCE, with the northwest line of said 31.77 acre tract: N66°22'05"E, with the southeast line of said Block 3, 412.94 ft. to a found ½" iron stake; N52°07'43"E, continuing with the southeast line Block 3, at 19.75 ft. passing a ½" iron stake found for the east corner of Block 3, then continuing for a total distance of 120.50 ft. to a set ½" iron stake; and N44°47'56"E, at 364.09 ft. passing a reentrant corner of 31.77 acre tract, then continuing upon, over, and across 31.77 acre tract for a total distance of 490.64 ft. to a ½" iron stake set in the northeast line of 31.77 acre tract and southwest line of a certain 1.656 acre tract conveyed as Tract II from Worth Thompson, et al to Motley Hills Baptist Church by a Warranty Deed executed the 30th day of May, 1975 and recorded in Volume 180 at Page 236 of the Deed Records of Kerr County, Texas for the northwest corner of the herein described tract;

THENCE, along or near a fence with the common line between said 31.77 and 1.656 acre tracts: S45°15'17"E, 170.70 ft. to a fence cornerpost for a reentrant corner of the herein described tract and 31.77 acre tract, and the south corner of 1.656 acre tract; and N45°22'36"E, 85.71 ft. to a ½" iron stake found near a fence cornerpost in the west line of Lot 2, Block 1 of Lizard's Path Subdivision, a subdivision of Kerr County according to the plat of record in Volume 5 at Page 188 of the Plat Records of Kerr County, Texas for the northeast corner of the herein described tract and a north corner of 31.77 acre tract;

THENCE, along or near a fence with the common line between said 31.77 acre tract and Lot 2, Block 1, S38°04'45"E, at 172.32 ft. passing the west common corner of Lots 2 and 3, Block 1, then continuing with the common line between 31.77 acre tract and Lot 3, Block 1 at 377.49 ft. passing the south corner of Lot 3, Block 1 and the west corner of a certain 0.14 acre tract conveyed from Florence Weiss, Independent Executrix to Robert Pacharzina, et al by a Special Warranty Deed executed the 1st day of November, 1987 and recorded in Volume 458 at page 457 of the Deed Records of Kerr County, Texas, then continuing with the common line between 31.77 and 0.14 acre tracts for a total distance of 957.14 ft. to a ½" iron stake set for the east corner of the herein described tract and 31.77 acre tract, and a reentrant corner of said 332 acre tract;

PAGE 2... 31.40 acres of land out of the former Lou A. Arnold land along Main Street in the City of Kerrville, Kerr County, Texas

THENCE, near a fence with the common line between said 31.77 and 332 acre tracts S45°03'12"W, 1262.91 ft. to the PLACE OF BEGINNING.

I hereby certify that this field notes description and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown (Bearing basis = True north based on GPS observations).

Date Surveyed: January 13, 2011

Dated this 19th day of January, 2011



Lee C. Voelkel

Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas



**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2013-_____**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT OF AN APPROXIMATE 31.40 ACRE TRACT OF LAND GENERALLY LOCATED ALONG AND NORTH OF THE 2100 BLOCK OF E. MAIN STREET FROM THE "RC" RESIDENTIAL CLUSTER DISTRICT TO THE "PI" PUBLIC AND INSTITUTIONAL DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas, and otherwise, of a hearing which was held before the City Council on May 14, 2013, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for the property located at 2100 E. Main Street from the "RC" Residential Cluster District to the "PI" Public and Institutional District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on May 14, 2013, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to change the zoning district for the property described below from the "RC" Residential Cluster District to the "PI" Public and Institutional District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The zoning district for the property located at 2100 E. Main Street and more specifically described as follows is changed from the "RC" Residential Cluster District to the "PI" Public and Institutional District:

Being all of a certain tract or parcel of land containing 31.40 acres, more or less, out of the Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas, part of a certain 31.77 acre tract conveyed from Lou A. Arnold to Charlotte Vincens, et al by a Special Warranty Deed executed the 7th day of January, 2008 and recorded in Volume 1654 at Page 341 of the Official Public Records of Kerr County, Texas, and being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION TWO. The zoning district change from a “RC” Residential Cluster District to a “PI” Public and Institutional District means that the newly created district will become connected to, merge with, and consist as a part of the existing “PI” Public and Institutional District located southwest and between E. Main Street and State Highway 27 (San Antonio Highway).

SECTION THREE. The Senior Planner is authorized and directed to amend the City’s official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with Section 11-I-4(c) of the City’s Zoning Code.

SECTION FOUR. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SEVEN. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION EIGHT. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the ___ day of _____, A.D., 2013.

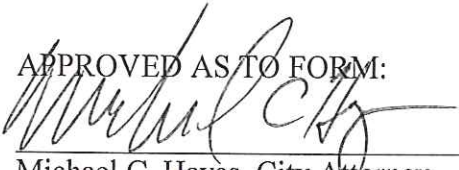
PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of _____, A.D., 2013.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5A. An Ordinance amending Chapter 6 "Advertising", Article II "Signs" of the City's Code of Ordinances to revise various definitions and revise the regulations for several types of signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: First Reading of an ordinance amending the Chapter 6 "Advertising", Article II "Signs" of the City's Code of Ordinances to revise various definitions and revise the regulations for several types of signs.

FOR AGENDA OF: May 14, 2013

DATE SUBMITTED: May 10, 2013

SUBMITTED BY: Kristine Ondrias

CLEARANCES: Todd Parton

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required: \$	Current Balance in Account: \$	Amount Budgeted: \$	Account Number:
--------------------------------	--------------------------------------	---------------------------	--------------------

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The following is a highlight or overview of the changes being proposed in the sign code amendment.

Section One - Definitions

Central Business District (CBD): Eliminate the wording in the definition which says the street borders include both sides of the street.

Downtown Core (DC): Eliminate the wording in the definition which says the street borders include both sides of the street.

Feather Signs: Eliminate the words "sale banner" from the definition. Feather signs require a permit and banner signs do not.

Section Two – Exempt Signs

Eliminate Directional Signs from this section. Directional signs require a permit and have guidelines under Section 6-39.

Section Five – Regulations of Certain Types of Signs

Monument signs –

Eliminates the requirement for masonry on all four sides of the sign. This

requirement is being eliminated because internal lit signs require access to the sign structure typically from the side. The requirement for a masonry base is still required.

Allows for monument signs to exceed the height of 8' in instances where the property is allowed to have a free standing sign. Sign may not exceed the allowable square footage of the monument sign.

Section Six – Regulations of Certain Types of Signs

Canopy Roof Signs – increases the height restriction from 18" to 5' in height. Staff has encountered instances where a canopy roof sign could be adjusted down 6" from the canopy and placed as an awning sign with no restriction. Staff believes this change would allow property owners more flexibility with sign placements.

Section Eight – Prohibited Sign Locations

Placement of signs near power lines – In working with KPUB, they have requested a change to the ordinance that increases the distance of a sign away from a power line from 8' to 12'.

RECOMMENDED ACTION

Discuss ordinance amendments and consider first reading of the ordinance.

D R A F T 05/09/13

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2013-__**

AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”, ARTICLE II “SIGNS” OF THE CITY’S CODE OF ORDINANCES TO REVISE VARIOUS DEFINITIONS AND REVISE THE REGULATIONS FOR SEVERAL TYPES OF SIGNS; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas (“City Council”) seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas (“City”) and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, City Council, pursuant to Ordinance No. 2012-05, adopted a comprehensive amendment to the City’s Sign Code; and

WHEREAS, Ordinance No. 2012-05 established regulations governing the location, size, design, installation, and maintenance of signs located within the City and its ETJ; and

WHEREAS, following the adoption and implementation of Ordinance No. 2012-05, City staff believes there are some sections within the Sign Code that should be amended; and

WHEREAS, City Council, after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of property, maintaining safety, and the public health, and encouraging the most appropriate use of land throughout the City, finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the Sign Code with respect to the installation, use, and maintenance of signs within the City and its ETJ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-35 by deleting the language that is bracketed and stricken ([deleted]) as follows:

“Sec. 6-35. Definitions.

:
:

Balloon: a nonporous, inflatable bag [~~or device~~] with or without letters, symbols, or numbers that is filled with either air or gas.

D R A F T 05/09/13

Central Business District (CBD): All of Blocks 1, 2, 6, 7, 8, 23, 24, 25, and the Kerr County Court House block, J.D. Brown's Addition, City of Kerrville, Kerr County, Texas, said property being generally bordered by Jefferson Street on the north, the Guadalupe River on the south, Clay Street on the west, and Washington Street on the east. ~~[The street borders include properties on both sides of the street.]~~

Downtown Core (DC): An area within the Central Business District generally bounded by the Guadalupe River on the south, extending north on Clay Street, east on Main Street, north on Earl Garrett Street, east on Jefferson Street, and south on Washington Street. ~~[The street borders include properties on both sides of the street.]~~

Feather Sign: any variety of fabric signs commonly called bow, feather flags, ~~[sale banners,]~~ tear drop, or ribbon signs that may or may not display a message and are supported by a horizontal or vertical pole.”

SECTION TWO. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-36 by deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

“Sec. 6-36. Exempt Signs.

⋮

~~[(18) Directional sign.]”~~

SECTION THREE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-37 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) to subsection (4) as follows:

“Sec. 6-37. Prohibited Signs.

⋮

(4) No internal or external lighting device used for the illumination of signs ~~[, buildings, or grounds]~~ may employ sources of light which are directed at streets or any adjacent residential properties. This subsection does not apply to street lights. Any internal or external lighting devices designed to light any sign must have the source of light shielded and not visible from the street or adjacent residential properties, except that light bulbs which do not exceed the lumen output of a 40-watt incandescent bulb may be visible from the street.”

D R A F T 05/09/13

SECTION FOUR. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[[deleted]]~~) to subsection (7)f.3. as follows:

“Sec. 6-39. Regulations for Certain Types of Signs.

⋮

3. may not be located within [~~60~~] 70 feet of any other freestanding sign.”

SECTION FIVE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[[deleted]]~~) to subsection (8) as follows:

“Sec. 6-39. Regulations for Certain Types of Signs.

⋮

(8) *Monument signs.*

- a. One monument sign is allowed for each establishment that does not have a freestanding sign~~[-For a monument sign that]~~ and is located on property that is 50 feet or less in width, such sign:
 1. May not exceed 32 square feet in area;
 2. May not exceed six feet in height, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. May not be located within 25 feet of another freestanding sign;
 4. May be lit; and
 5. Must be anchored in a native colored masonry or similar material to the building(s) constructed on the property ~~[and framed on all four sides by, at a minimum, six inches of native colored masonry, or material similar to the building(s) constructed on the property].~~

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- b. One monument sign is allowed for each establishment that does not have a freestanding sign~~[For a monument sign that]~~ and is located on property that exceeds 50 feet in width, such sign:
 1. May not exceed 64 square feet in area;
 2. May not exceed eight feet in height above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. May not be located within 50 feet of another freestanding sign;
 4. May be lit; and
 5. Must be anchored in a native colored masonry or similar material to the building(s) constructed on the property ~~[and framed on all four sides by, at a minimum, six inches of native colored masonry, or material similar to the building(s) constructed on the property]~~
- c. In the case of a commercial complex, one monument sign is allowed. Such a monument sign:
 1. May not exceed 100 square feet in area;
 2. May not exceed 15 feet above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. May not be located within 60 feet of another monument sign;
 4. May be lit; and
 5. Must be anchored in native colored masonry or similar material to the building(s) constructed on the property ~~[and framed on all four sides by, at a minimum, six inches of native colored masonry, or similar material to the building(s) constructed on the property.]”~~

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SECTION SIX. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~{deleted}~~) to subsection (4)(c) as follows:

“Sec. 6-39. Regulations for Certain Types of Signs.

:
:

c. May not exceed [~~18-inches~~] five feet in height with a maximum length of five feet or ten percent of the width of the canopy or wall to which the canopy is attached, whichever is greater; and”

SECTION SEVEN. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~{deleted}~~) to subsection (14)c. as follows:

“Sec. 6-39. Regulations for Certain Types of Signs.

:
:

c. may not exceed twelve percent (12%) of the square footage of the area of the front building façade, which is limited to the width of specific space for establishments located within a commercial complex.”

SECTION EIGHT. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-40 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~{deleted}~~) to subsection (6) as follows:

“Sec. 6-40. Prohibited Sign Locations.

:
:

(6) No sign may be located closer than [~~eight~~] twelve feet to a power line.”

SECTION NINE. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article II of Chapter 6 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

SECTION TEN. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered

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herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

SECTION ELEVEN. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION TWELVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION THIRTEEN. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

SECTION FOURTEEN. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the __ day of _____, A.D., 2012.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the __ day of _____, A.D., 2012.

ATTEST:

Jack Pratt, Jr., Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Agenda Item:

5B. An ordinance approving and adopting rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel.
(staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: An Ordinance approving and adopting rate schedule "RRM – Rate Review Mechanism" for Atmos Energy Corp., Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and ACSC legal counsel

FOR AGENDA OF: May 14, 2013

DATE SUBMITTED: May 7 2013

SUBMITTED BY: Mike Hayes
City Attorney

CLEARANCES:

EXHIBITS: *Ordinance; Fact Sheet*

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

The City of Kerrville, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism ("RRM"), as a temporary replacement for the statutory mechanism known as GRIP (the "Gas Reliability Infrastructure Program"). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. For the reasons outlined below, the ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC member cities.

RRM Background:

The RRM tariff was originally approved by ACSC member cities as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP rate adjustment process. GRIP, like the RRM, is a form of expedited rate relief for gas utilities that avoids the long and costly process of a full rate filing. However, ACSC strongly opposes the GRIP process because it constitutes piecemeal ratemaking, does not allow any review by cities of the reasonableness of capital expenditures, and does not allow participation by cities in the Railroad Commission's review of the annual GRIP filings, or recovery by cities of their rate case expenses. The Railroad Commission undertakes only an administrative review of GRIP filings (instead of a full hearing) and the rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any real regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve the RRM tariff ("**Attachment A**") that reflects the negotiated RRM process. For the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process.

Reasons Justifying Approval of the Negotiated RRM Tariff:

In the opinion of ACSC's Executive Committee, the RRM process is a better deal for customers than the GRIP process. Atmos Mid-Tex has stated if it were to file for a rate adjustment in 2013 under the GRIP provisions, it would request approximately \$5 million more in rate relief than it plans to request in a filing under this revised RRM tariff. ACSC assumes that is because the GRIP process only evaluates changes to capital investment. The RRM process looks at revenues (that may be increasing) and expenses (that may be declining), as well as capital investment.

Additionally, the statute authorizing the GRIP rate adjustment process allows the Company to place the entirety of any rate increase in the unavoidable monthly customer charge portion of its rates. If the Company were to file for an increase under the GRIP provisions, the entire amount of the increase would be collected through the fixed portion of the bill, rather than the volumetric charge that varies by a customer's usage. Between 2007 and 2012, ACSC was able to negotiate rate design results that constrained residential customer charges to the \$7.00 to \$7.50 range. However, the Railroad Commission has recently raised the residential customer charge to \$17.70.

The Company has agreed that for the first filing under the revised RRM tariff, there will be no increase to the residential customer charge. Thus, some of the primary benefits of the attached RRM tariff are that it moderates the impact of rate adjustments on residential customers by not

changing the residential customer charge for the first RRM period. In subsequent years only 40% of the proposed increase in revenues to the residential class will be recovered through the fixed customer charge, and in no event will the residential customer charge increase by more than \$.50 per month. No such constraints exist under the GRIP process.

Additionally, the attached RRM tariff provides a discount as an incentive for cities permitting the Company annual rate relief. The RRM tariff includes an adjustment amount that is a reduction to the Company's requested increase. The adjustment lowers the Company's rate request by at least \$3 million each year. Additional reductions will also be made each year depending on the size of the Company's requested increase. The attached RRM tariff also caps at 55% the percentage of equity that can be used to calculate the Company's capital structure. Railroad Commission policy allows rates to be based on a parent company's actual capital structure, which for Atmos could mean increases in equity above the most recent level of 52%.

Under the RRM tariff, cities are also able to review the Company's annual expenses and capital investments and make adjustments, or disallowances, for any such expenses or investments that are considered to be unreasonable or unnecessary. The cities' costs in reviewing the annual filings, such as fees associated with the hiring of expert consultants and legal counsel, will be reimbursed by the Company on a monthly basis.

If cities do not approve the RRM tariff, the Company has stated that it will reinstitute its annual filings under the GRIP provisions. The anticipated GRIP adjustment for 2013 would be approximately \$5 million higher than the Company anticipates requesting through an RRM filing. Additionally, GRIP rate adjustments would place the entire amount of the Company's requested increase into the customer charge. The ACSC Executive Committee recommends that ACSC city members take action to approve the Ordinance authorizing the RRM tariff.

Explanation of "Be It Ordained" Paragraphs:

1. This section approves all findings in the Ordinance.
2. This section adopts the attached RRM Tariff ("Attachment A") and finds the adoption of the tariff to be just, reasonable, and in the public interest. Note that only the new tariff being revised is attached to the Ordinance. The initial RRM Tariff has expired by its own terms, and other existing tariffs not being changed in any way are not attached to the Ordinance.
3. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
4. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
5. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the

Ordinance are to be interpreted as if the offending section or clause never existed.

6. This section provides for an effective date upon passage.

7. This section paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.”

RECOMMENDED ACTION

Consideration and action on the proposed Ordinance.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2013-__

AN ORDINANCE APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL

WHEREAS, the City of Kerrville, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC's Executive Committee and ACSC's legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule "RRM – Rate Review Mechanism" ("RRM Tariff") provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

SECTION ONE. The findings set forth in this Ordinance are hereby in all things approved.

SECTION TWO. The City Council finds that the RRM Tariff, which is attached hereto and incorporated herein as **Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.

SECTION THREE. To the extent any ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION FOUR. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION FIVE. If any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION SIX. This Ordinance shall become effective from and after its passage.

SECTION SEVEN. A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

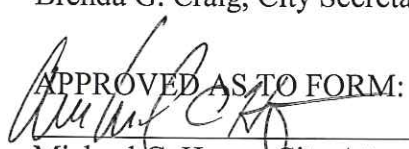
PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2013.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2013.

ATTEST:

Pratt, Jr., Mayor

Brenda G. Craig, City Secretary


APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 1 OF 6

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 2 OF 6

consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

IV. Annual Rate Adjustment

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 3 OF 6

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 4 OF 6

Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 5 OF 6

for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 6 OF 6

- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.

The New RRM: How Does It Stack Up?

RRM (2007-2011)

- Negotiated limits to the amount of increase included in customer charge.
- Less money requested from ratepayers, because it considers the Company's entire cost of providing service, including declining expenses.
- Cities can review reasonableness of expenses and negotiate disallowances.
- Reimbursement of Cities' rate case expenses.
- Cities can order reductions to requested increase.
- Better working relationship between Cities and Company.

GRIP

- All increase included in customer charge.
- More costly to ratepayers, because it does not consider the Company's entire cost of providing service, including declining expenses.
- Cities have no input as to reasonableness or recovery of expenses.
- No reimbursement of Cities' rate case expenses.
- No reduction in requested increase.
- Poorer working relationship between Cities and Company.

New RRM Tariff

- Includes limits on percentage of increase to be included in monthly customer charge.
- Shorter turn-around on discovery.
- Technical conference to expedite receipt of information from Company.
- No post-test year adjustments.
- Time limit for O&M known and measurable adjustments.
- Reduction in requested increase of at least \$3 million each year.
- Tracks the methodologies approved by the Railroad Commission in the most recent Mid-Tex rate case.

Agenda Item:

6A. Pending legislation from the 83rd Texas Legislature, regular session. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Discussion and direction to city staff regarding pending legislation under consideration by the State of Texas 83rd Legislative Session

FOR AGENDA OF: May 14, 2013 **DATE SUBMITTED:** May 2, 2013

SUBMITTED BY: Todd Parton,
City Manager **CLEARANCES:**

EXHIBITS: Texas Municipal League (TML) Legislative Updates may be viewed at the TML website at www.tml.org.

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The State of Texas has convened the 83rd Legislative Session. There are many bills that have been filed by members of the House of Representatives and the Senate. Many of these bills could impact the City of Kerrville. This item will be placed on each regular City Council meeting to provide an opportunity to discuss any pending bills, establish an official position on any pending bill, and officially authorize an individual to represent the City of Kerrville before an appropriate body.

Legislative Updates authored by the Texas Municipal League are available for viewing at www.tml.org. These updates provide a comprehensive list and brief synopsis of each bill filed on a weekly basis.

The TML Legislative Update Issues to be considered at this time are:

- April 19, 2013, Number 15
- April 26, 2013, Number 16

Dates of Interest:

- **January 8, 2013** – 83rd Legislature convened
- **March 8, 2013** – Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the governor.
- **May 27, 2013** – Last day of 83rd Regular Session
- **June 16, 2013** – Last day governor can sign or veto bills passed during the regular

legislative session

- **August 26, 2013** – Date that bills without specific effective dates (that could not be effective immediately) become law

RECOMMENDED ACTION

Staff requests that the City Council review the list of bills and provide direction regarding any bill that is deemed of interest to the City of Kerrville.

STAFF RECOMMENDATION	CITY COUNCIL POSITION	BILL NUMBER	STATUS*	SUMMARY	BILL TEXT
		SB 1639 - Carona	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Business & Commerce with vote of 5 Ayes, 4 Nays, 0 Present Not Voting, 0 Absent.	relating to the application of foreign laws and foreign forum selection in certain family law proceedings	http://legiscan.com/TX/text/581639/Id/820449/Texas-2013-SB1639-Comm_Sub.html
	Oppose	HB 20 - Kolkhorst	Stage 1 - Passed Stage 2 - in committee	relating to the repurchase of real property from an entity with eminent domain authority.	http://legiscan.com/TX/text/4820/Id/756773/Texas-2013-HB20-introduced.html
	Oppose	HB 1250 - Springer	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Land & Resource Management with vote of 9 Ayes, 0 Nays, 0 Present Not Voting, 0 Absent.	relating to the initial use of certain property acquired for a public use.	
	Oppose	SB 1894 - Fraser	Stage 1 - Passed Stage 2 - in committee	relating to the procedure for review by the Texas Commission on Environmental Quality and related entities of environmental flow standards and environmental flow set-asides for river basin and bay systems and related matters.	http://legiscan.com/TX/text/581894/Id/821830/Texas-2013-SB1894-Comm_Sub.html
	Support	HB 56 - Burnam	Stage 1 - Passed Stage 2 - in committee	relating to the tax exemption for permanent hotel residents.	http://legiscan.com/TX/text/581894/Id/821830/Texas-2013-SB1894-introduced.html
	Support	HB 2521 - Springer	Stage 1 - Passed Stage 2 - in committee	relating to a project authorized to be undertaken by a Type B economic development corporation in connection with housing.	http://legiscan.com/TX/text/482521/Id/773256/Texas-2013-HB2521-introduced.html
	Support	HB 2414 - Burton	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Government Efficiency & Reform with vote of 7 Ayes, 0 Nays, 0 Present Not Voting, 0 Absent.	relating to requirements for open meetings held by videoconference call.	
	Support	SB 1297 - Watson	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Open Government with vote of 4 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - in committee	relating to written electronic communications between members of a governmental body.	http://legiscan.com/TX/text/482414/Id/772695/Texas-2013-HB2414-introduced.html
	Support	HB 374 - Guillen	Stage 1 - Passed Stage 2 - in committee	relating to the authority of certain development corporations to undertake projects with respect to community libraries.	http://legiscan.com/TX/text/581297/Id/811586/Texas-2013-SB1297-Engrossed.html
	Support	HB 691 - Phillips	Stage 1 - Passed Stage 2 - in committee	relating to the authority of a county or municipality to regulate the location of halfway houses; providing a penalty.	http://legiscan.com/TX/text/48374/Id/678152/Texas-2013-HB374-introduced.html
	Support	HB 1795 - Isaac	Stage 1 - Passed Stage 2 - in committee	relating to authorizing broker agreements for the sale of real property by certain municipalities.	http://legiscan.com/TX/text/48691/Id/705459/Texas-2013-HB691-introduced.html
	Support				http://legiscan.com/TX/text/481795/Id/759659/Texas-2013-HB1795-introduced.html

	Support	SB 985 - Zaffirini (companion bill to HB 1795)	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Intergovernmental Relations with vote of 5 Ayes, 0 Nays, 0 Present Not Voting, 0 Absent. Stage 3 - Passed Stage 4 - Passed, bill reported out of House committee on Business & Industry with vote of 4 Ayes, 0 Nays, 2 Present Not Voting, 1 Absent.	relating to authorizing broker agreements for the sale of real property by certain municipalities.	http://legiscan.com/TX/text/58985/id/808811/Texas-2013-58985-Comm_Sub.html
	Support	HB 1935 - Schaefer	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Economic & Small Business Development with vote of 7 Ayes, 1 Nays, 0 Present Not Voting, 1 Absent.	relating to authorizing general infrastructure projects to be undertaken by economic development corporations.	http://legiscan.com/TX/text/HB1935/id/766259/Texas-2013-HB1935-Introduced.html
	Support	HB 2181 - Stephenson	Stage 1 - Passed Stage 2 - Passed Stage 3 - Passed, bill reported out of House committee on Economic & Small Business Development with vote of 6 Ayes, 3 Nays, 0 Present Not Voting, 0 Absent.	relating to authorizing development corporations to finance projects to support primary job training facilities and programs at certain educational institutions.	http://legiscan.com/TX/text/HB2181/id/770828/Texas-2013-HB2181-Introduced.html
	Support	HB 3360 - Dutton	Stage 1 - Passed Stage 2 - In committee	relating to periodic reauthorization of municipal building permit fees.	http://legiscan.com/TX/text/HB3360/id/779947/Texas-2013-HB3360-Introduced.html
	Oppose	HB 3513 - Guillen	Stage 1 - Passed Stage 2 - In committee	relating to a municipality's comprehensive development.	http://legiscan.com/TX/text/HB3513/id/780201/Texas-2013-HB3513-Introduced.html
	Neutral / Watch	HB 3087 - Workman	Stage 1 - Passed Stage 2 - In committee	relating to the condemnation of conservation easements.	http://legiscan.com/TX/text/HB3087/id/782337/Texas-2013-HB3087-Introduced.html
	Neutral / Watch	HB 3088 - Workman	Stage 1 - Passed Stage 2 - In committee	relating to liability of a political subdivision and potential penalties for a violation of certain laws relating to local permits.	http://legiscan.com/TX/text/HB3088/id/781167/Texas-2013-HB3088-Introduced.html
	Neutral / Watch	HB 3089 - Workman	Stage 1 - Passed Stage 2 - In committee	relating to limitations on the application of certain municipal regulations to local permits.	http://legiscan.com/TX/text/HB3089/id/781168/Texas-2013-HB3089-Introduced.html
	Neutral / Watch	HB 3090 - Workman	Stage 1 - Passed Stage 2 - In committee	relating to uniformity of requirements of certain municipal regulations to local permits.	http://legiscan.com/TX/text/HB3090/id/781173/Texas-2013-HB3090-Introduced.html
	Oppose	HB 14 - Pitts	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Appropriations with vote of 23 Ayes, 0 Nays, 0 Present Not Voting, 4 Absent.	relating to the fiscal transparency and accountability of certain entities responsible for public monies.	http://legiscan.com/TX/text/HB14/id/776612/Texas-2013-HB14-Introduced.html
	Oppose	SB 14 - Williams (companion bill to HB 14)	Stage 1 - Passed Stage 2 - In committee	relating to the fiscal transparency and accountability of certain entities responsible for public monies.	http://legiscan.com/TX/text/SB14/id/776778/Texas-2013-SB14-Introduced.html
	Oppose	HB 1724 - Bohac	Stage 1 - Passed Stage 2 - Passed Stage 3 - Passed, bill reported out of House committee on Ways & Means with vote of 5 Ayes, 0 Nays, 0 Present Not Voting, 4 Absent. Stage 4 - In committee	relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes.	http://legiscan.com/TX/text/HB1724/id/756947/Texas-2013-HB1724-Introduced.html

	Oppose		SB 657 - Paxton	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Finance with vote of 14 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - In committee	relating to procedural requirements for adopting and filing a school district budget and voting requirements for setting a property tax rate by the governing body of a taxing unit, including a school district.	http://legiscan.com/TX/text/SB657/id/749824/Texas-2013-SB657-introduced.html
	Oppose		SB 656 - Paxton	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Open Government with vote of 4 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - In committee	relating to providing transparency in the taxing and budgeting process of certain local governments.	http://legiscan.com/TX/text/SB656/id/749819/Texas-2013-SB656-introduced.html
	Oppose		HB 1173 - Anchia	Stage 1 - Passed Stage 2 - In committee	relating to a credit against the ad valorem taxes imposed on property on which certain water conservation systems have been installed.	http://legiscan.com/TX/text/HB1173/id/731823/Texas-2013-HB1173-introduced.html
	Neutral / Oppose		HB 3112 - Hilderbran	Stage 1 - Passed Stage 2 - In committee	relating to the public notice required to be provided by certain taxing units before adopting an ad valorem tax rate.	http://legiscan.com/TX/text/HB3112/id/777769/Texas-2013-HB3112-introduced.html
	Oppose		HIR 143 - Hilderbran	Stage 1 - Passed Stage 2 - In committee	Proposing a constitutional amendment abolishing ad valorem taxes and limiting the rate and applicability of state and local sales and use taxes	http://legiscan.com/TX/text/HIR143/id/783248/Texas-2013-HIR143-introduced.html
	Oppose		HIR 144 - Hilderbran	Stage 1 - Passed Stage 2 - In committee	Proposing a constitutional amendment authorizing the legislature to limit the frequency of reappraisal of real property for ad valorem tax purposes	http://legiscan.com/TX/text/HIR144/id/783247/Texas-2013-HIR144-introduced.html
	Oppose		HB 2176 - Kolhorst	Stage 1 - Passed Stage 2 - Passed Stage 3 - Passed, bill reported out of House committee on Urban Affairs with vote of 5 Ayes, 2 Nays, 0 Present Not Voting, 0 Absent. Stage 4 - In committee	relating to procedures and requirements for the issuance of certificates of obligation, would: (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance;	http://legiscan.com/TX/text/HB2176/id/769017/Texas-2013-HB2176-introduced.html
	Oppose		HB 3742 - Lavender	Stage 1 - Passed Stage 2 - In committee	to repeal certain state sales, use, excise, franchise, severance, production, occupations, gross receipts and inheritance taxes, to repeal or limit certain local sales, use, excise and ad valorem property taxes, to enact a statewide and local value added tax, and to reform school finance and administration; providing penalties.	http://legiscan.com/TX/text/HB3742/id/790246/Texas-2013-HB3742-introduced.html
	Watch		HB 1973 - Lucio	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Natural Resources with vote of 9 Ayes, 0 Nays, 0 Present Not Voting, 2 Absent. Stage 3 - Passed Stage 4 - In committee	relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.	http://legiscan.com/TX/text/HB1973/id/766865/Texas-2013-HB1973-introduced.html
	Watch		SB 1374 - Hinojosa (companion bill is HB 2768)	Stage 1 - Passed Stage 2 - In committee	relating to identification requirements for certain fire hydrants and flush valves.	http://legiscan.com/TX/text/SB1374/id/777950/Texas-2013-SB1374-introduced.html
	Oppose		SB 96 - Nichols	Stage 1 - Passed Stage 2 - In committee	relating to prohibiting the use of eminent domain to take private property for recreational purposes.	http://legiscan.com/TX/text/SB96/id/668137/Texas-2013-SB96-introduced.html
	Oppose		HB 754 - Ashby (companion bill is SB 96)	Stage 1 - Passed Stage 2 - In committee	relating to prohibiting the use of eminent domain to take private property for recreational purposes.	http://legiscan.com/TX/text/HB754/id/709939/Texas-2013-HB754-introduced.html

	Neutral / Watch	SB 1168 - Hegar	Stage 1 - Passed Stage 2 - in committee	relating to interstate cooperation to address regional water issues.	http://legiscan.com/TX/text/SB1168/id/775457/Texas-2013-SB1168-introduced.html
	Neutral / Watch	HB 1189 - Larson (companion bill to SB 1168)	Stage 1 - Passed Stage 2 - in committee	relating to interstate cooperation to address regional water issues.	http://legiscan.com/TX/text/HB1189/id/732753/Texas-2013-HB1189-introduced.html
	Neutral / Watch	SB 567 - Watson	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Open Government with vote of 4 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - Passed, bill reported out of House committee on Natural Resources with vote of 9 Ayes, 0 Nays, 0 Present Not Voting, 2 Absent.	relating to rates for water service, to the transfer of functions relating to the economic regulation of water and sewer service from the Texas Commission on Environmental Quality to the Office of Public Utility Counsel regarding the economic regulation of water and sewer service.	
	Neutral / Watch	HB 1307 - Geren (companion bill to SB 567)	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Natural Resources with vote of 9 Ayes, 0 Nays, 0 Present Not Voting, 2 Absent.	relating to rates for water service, to the transfer of functions relating to the economic regulation of water and sewer service from the Texas Commission on Environmental Quality to the Office of Public Utility Counsel regarding the economic regulation of water service.	http://legiscan.com/TX/text/SB567/id/810725/Texas-2013-SB567-Engrossed.html
	Oppose	HB 2577 - Larson	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Natural Resources with vote of 8 Ayes, 0 Nays, 0 Present Not Voting, 3 Absent.	relating to water well recordkeeping and reporting requirements, including the production, use, and withdrawal of groundwater.	http://legiscan.com/TX/text/HB1307/id/738668/Texas-2013-HB1307-introduced.html
	Support	HB 246 - Walke	Stage 1 - Passed, Stage 2 - in committee	relating to the rates charged by water and sewer utilities	http://legiscan.com/TX/text/HB2577/id/7717173/Texas-2013-HB2577-introduced.html
	Oppose	HB 1149 - Harless	Stage 1 - Passed, Stage 2 - in committee	relating to the establishment of integrated rate areas subject to the original jurisdiction of the Railroad Commission of Texas.	http://legiscan.com/TX/text/HB246/id/670655/Texas-2013-HB246-introduced.html
	Support	HB 1663 - Guillen	Stage 1 - Passed, Stage 2 - in committee	relating to timing and frequency with which a public utility may file for a rate change application.	http://legiscan.com/TX/text/HB1149/id/730859/Texas-2013-HB1149-introduced.html
	Support	HB 1456 - Gooden	Stage 1 - Passed, Stage 2 - Passed, bill reported out of House committee on County Affairs with vote of 5 Ayes, 0 Nays, 0 Present Not Voting, 4 Absent.	relating to the right of a county to intervene in an original rate proceeding.	http://legiscan.com/TX/text/HB1663/id/757243/Texas-2013-HB1663-introduced.html
	Oppose	SB 272 - Seliger (companion bill to HB 2577)	Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Natural Resources with vote of 10 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent Stage 3 - Passed Stage 4 - in committee	relating to water well recordkeeping and reporting requirements, including the production, use, and withdrawal of groundwater.	http://legiscan.com/TX/text/HB1456/id/749624/Texas-2013-HB1456-introduced.html
	Neutral / Watch	HB 693 - Phillips	Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Natural Resources with vote of 7 Ayes, 0 Nays, 0 Present Not Voting, 4 Absent.	relating to the authority of a water and sewer utility to collect voluntary contributions on behalf of a local library.	http://legiscan.com/TX/text/SB272/id/709634/Texas-2013-SB272-introduced.html
					http://legiscan.com/TX/text/HB693/id/705399/Texas-2013-HB693-introduced.html

5/5

Agenda Item:

7A. Request from Kerr County Commissioner's Court for Fire Services/EMS from the City of Kerrville. (MacDonald)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Request by Kerr County to extend the Interlocal Agreement for Firefighting and Emergency Medical Services with the City of Kerrville for ten years to expire September 30, 2024

FOR AGENDA OF: May 14, 2013 **DATE SUBMITTED:** May 9, 2013

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: Financial Projections

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

On February 19, 2013, Kerr County Judge Pat Tinley sent a letter requesting that the City of Kerrville extend the current Interlocal Agreement for Firefighting and Emergency Medical Services for ten more years. The agreement's initial term is set to expire on September 30, 2013.

On February 26, 2013, the City Council considered this request and appointed Mayor Jack Pratt, Mayor Pro Tem Stacie Keeble, and City Manager Todd Parton to meet with representatives of Kerr County to initiate discussions on the requested extension.

On March 6, 2013, the representatives from both entities met to discuss the interlocal agreement extension. Topics of conversation at this meeting included the purpose behind the county's request and key points of concern. The parties also established that the next steps would be to evaluate and modify the current agreement and request a specific date to meet again to discuss the terms to be incorporated into a draft agreement which would then be presented to the Commissioners Court and Council.

On April 18, 2013, a second meeting was held between representatives from both parties. In that meeting, the City presented a draft interlocal agreement in addition to a financial spreadsheet that plainly disclosed the city's projected costs over the ten-year time period requested by Kerr County. No responses to the draft agreement or the cost projections have been submitted by Kerr County representatives. A copy of the financial projections is attached to this report.

On May 6, 2013, Kerr County Judge Pat Tinley sent a letter to "...request that the Council take a vote on the County's February 19, 2013, offer. Absent this action, Kerr County will necessarily conclude that the City has rejected the County's offer, and Kerr County will proceed forward as necessary."

RECOMMENDED ACTION

The Kerrville City Council has already taken official action on Kerr County's request to extend firefighting and emergency medical services for 10 years through its appointment of city representatives to meet with Kerr County. Staff recommends that the City Council reaffirm this vote from its February 26, 2013, meeting should it desire to continue discussions for the extension of the interlocal agreement.

4/19/2013

Fire Department

	City Runs	County Runs	Total
FY12	397	78	475
Costs			
M&O	\$3,697,738.37	\$607,207.56	\$3,697,738.37
Depreciation	\$292,362.76	\$48,009.04	\$292,362.76
Workers Comp	\$17,377.77	\$2,853.61	\$17,377.77
Liability	\$19,738.83	\$3,241.32	\$19,738.83
Admin	\$364,321.77	\$59,825.47	\$364,321.77
Total	\$4,391,539.50	\$721,137.01	\$4,391,539.50

EMS

[illegible]

1st Responder Medical Runs

	City Runs	County Runs	Total	FY12 Actual		
FY12	1779	103	1882			
Costs		400				
M&O		\$41,200.00				
Depreciation	\$0.00	\$0.00	\$0.00		\$212.96	22,347
Workers Comp	\$0.00	\$0.00	\$0.00			45%
Liability	\$0.00	\$0.00	\$0.00		\$18.04	27,439
Admin	\$0.00	\$0.00	\$0.00		\$18.08	49,786
						100%

Total	\$0.00	\$0.00	\$41,200.00	\$41,200.00
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Revenue

	City Runs	County Runs	Total
FY12	3141	1487	4628
M&O	\$875,246.22	\$414,355.66	\$1,289,601.88

Dispatch

City Runs	County Runs	Total
5317	1668	32688

FY12		\$62,516.09	\$19,611.97	\$82,128.06
Costs				
M&O		\$384,338.16		

Fire EMS Interlocal - Full Costs Does Not Include Additional City Revenues

April 19, 2013

Revenues	FY2008 Actual	FY2009 Actual	FY2010 Actual	FY2011 Actual	FY2012 Actual	4 Year Average Growth	FY2013 Budget	FY2014 Projected	FY2015 Projected	FY2016 Projected	FY2017 Projected	FY2018 Projected	FY2019 Projected	FY2020 Projected	FY2021 Projected	FY2022 Projected	FY2023 Projected	FY2024 Projected	FY2025 Projected
01-6470 MEDICAL RECORDS	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	10.00%	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00	\$ 1,075.00
01-6471 EMS - BASE RATE	\$ 2,490,302.50	\$ 2,539,144.29	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	10.00%	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40	\$ 2,132,270.40
01-6472 EMS - MILLAGE	\$ 1,040,978.50	\$ 1,093,366.30	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	2.89%	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50	\$ 1,040,978.50
01-6473 EMS - SUPPLIES USED	\$ 4,709.65	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	15.25%	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15	\$ 5,221.15
01-6474 EMS - PATIENT TRANSFERS	\$ 10,700.00	\$ 512,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	-8.17%	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00
01-6475 EMS - ON-SITE STANDBY	\$ 8,700.00	\$ 54,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	1.35%	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00	\$ 56,750.00
01-6477 EMS - ADDITIONAL CRES	\$ 8,300.00	\$ 59,800.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	-0.57%	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00	\$ 514,030.00
01-6478 EMS - RESPONSE FEE	\$ 31,495.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	-7.99%	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00	\$ 526,480.00
01-6490 EMS - CHARGES UNALLOWED	\$ 1,158,188.64	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	3.77%	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50	\$ 1,266,560.50
01-6491 EMS - CHARGES UNALLOWED	\$ 1,531,403.33	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	1.49%	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50	\$ 562,020.50
01-6492 EMS - CHARGES UNALLOWED	\$ 20,504.78	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	-2.00%	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19	\$ 1,183,848.19
01-6501 EMS - HARD DIRT RECOVERED	\$ 1,688,505.36	\$ 1,813,073.13	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	4.44%	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51
Total Revenues	\$ 1,688,505.36	\$ 1,813,073.13	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	4.44%	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51	\$ 1,718,195.51
Expenditures																			
Fire																			
Salaries & Wages - 001	\$ 2,293,975.86	\$ 2,447,740.91	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	0.52%	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28	\$ 2,573,416.28
Overtime - 002	\$ 189,759.09	\$ 208,808.38	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	0.03%	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22	\$ 212,024.22
FLCA	\$ 448,288.86	\$ 477,807.08	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	-0.03%	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17	\$ 503,430.17
Insurance	\$ 155,003.89	\$ 161,963.03	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	-28.59%	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95	\$ 171,402.95
Certification Pay	\$ 562,036.35	\$ 653,038.42	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	-3.81%	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51	\$ 620,270.51
All Other Personnel - 00x	\$ 104,629.11	\$ 88,520.16	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	-4.34%	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76	\$ 74,844.76
Maintenance - 20x	\$ 114,205.84	\$ 98,622.42	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	-4.34%	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03
Services - 30x	\$ 31,915.84	\$ 13,694.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	8.82%	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67
Other Exp - 40x	\$ 58,695.22	\$ 11,092.90	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	61.54%	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40
Capital - 50x	\$ 4,084,028.73	\$ 4,239,835.54	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	-2.45%	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75	\$ 4,310,110.75
Total Fire Expenses	\$ 7,992,240.99	\$ 7,992,240.99	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	7.42%	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70	\$ 8,055,768.70
EMS																			
Salaries & Wages - 001	\$ 70,515.34	\$ 70,038.05	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	11.10%	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83	\$ 84,159.83
FLCA	\$ 157,342.12	\$ 178,643.53	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	4.79%	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74	\$ 231,042.74
Insurance	\$ 63,017.84	\$ 62,138.42	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	32.40%	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07	\$ 119,998.07
Certification Pay	\$ 252,009.44	\$ 254,173.54	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	9.77%	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26	\$ 329,889.26
Supplies - 20x	\$ 162,648.38	\$ 167,802.82	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	6.44%	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33	\$ 163,535.33
All Other Personnel - 00x	\$ 97,014.13	\$ 67,876.39	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	10.04%	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24	\$ 67,880.24
Maintenance - 20x	\$ 114,205.84	\$ 98,622.42	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	-4.34%	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03	\$ 96,446.03
Services - 30x	\$ 31,915.84	\$ 13,694.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	8.82%	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67	\$ 14,798.67
Other Exp - 40x	\$ 58,695.22	\$ 11,092.90	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	61.54%	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40	\$ 28,376.40
Capital - 50x	\$ 1,652,661.46	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	10.35%	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59	\$ 1,673,662.59
Total EMS Expenses	\$ 5,736,720.19	\$ 5,913,498.13	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	1.75%	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32	\$ 6,238,004.32
Total Fire & EMS Expenditures	\$ 13,728,961.18	\$ 13,905,759.12	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	1.75%	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02	\$ 14,293,773.02
Net Difference (Rev - Exp)	\$ (11,040,214.83)	\$ (11,092,680.99)	\$ (12,575,579.51)	\$ (12,575,579.51)	\$ (12,575,579.51)		\$ (12,575,579.51)	\$ (12,575,579.51)	\$ (12,575,										

Agenda Item:

7B. Water resources report. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Water Resources Report

FOR AGENDA OF: 5/14/13

DATE SUBMITTED: 5/3/13

SUBMITTED BY: Charlie Hastings *CH* **CLEARANCES:** Todd Parton
Public Works Director City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Staff will present an update on the water supply and availability as it relates to the drought.

RECOMMENDED ACTION

Information and discussion.

Agenda Item:

7C. Economic update. (staff)

**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: May 14, 2013 **DATE SUBMITTED:** April 25, 2013

SUBMITTED BY: Mike Erwin **CLEARANCES:** Todd Parton
Director of Finance City Manager

EXHIBITS: Economic Update

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

CITY OF KERRVILLE
ECONOMIC UPDATE AS OF MAY 9, 2013

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	7.50%	7.60%	801.00%	↓	April
Consumer Confidence	68.1	61.9	68.7	↔	April
1 year T-Bills	0.11%	0.13%	0.18%	↓	5/8/13

State					
Monthly Unemployment	6.30%	6.40%	7.00%	↓	March
Monthly Sales Tax	\$2,150.9m	\$1,977.9m	\$2,069.6m	↑	April

Local					
Monthly Unemployment (Kerr Co.)	5.30%	5.40%	5.60%	↓	March
Median Listing Price	\$169,000	\$169,000	\$220,000	↔	4/21/13
Monthly Sales Tax	\$501,369	\$431,654	\$446,695	↑	May
Monthly EIC Tax	\$250,685	\$215,800	\$223,320	↑	May
Monthly HOT	\$91,748	\$53,023	\$88,694	↑	March

	FY13 Budget	FY13 as of 4/30/2013	FY13 % Received	FY12 as of 4/30/2012	FY12 % Received
General Fund					
Tax Revenue	\$14,939,900	\$12,025,155	80.49%	\$11,755,893	81.07%
Property Tax	\$8,050,000	\$7,998,878	99.36%	\$7,863,840	99.54%
Sales Tax	\$4,885,000	\$3,129,970	64.07%	\$2,946,281	64.75%
Permits & Fees	\$324,975	\$169,602	52.19%	\$165,881	51.20%
Intergovernmental	\$1,191,000	\$734,483	61.67%	\$876,830	74.75%
Service Revenues	\$2,411,860	\$1,524,244	63.20%	\$1,415,444	55.05%
Grant Revenue	\$29,500	\$16,144	54.73%	\$27,359	103.24%
Fines & Forfeitures	\$513,618	\$262,593	51.13%	\$290,199	59.43%
Interest & Misc.	\$240,850	\$139,383	57.87%	\$120,767	31.74%
Transfers In	\$1,250,000	\$729,167	58.33%	\$744,896	58.77%
Total General Fund	\$20,901,703	\$15,600,770	74.64%	\$15,397,269	74.27%
Total General Fund Expenditures	\$21,209,503	\$11,922,319	56.21%	\$11,025,953	54.19%
Water/Sewer Fund					
Water Sales	\$4,500,000	\$2,692,085	59.82%	\$2,250,614	51.09%
Sewer Sales	\$3,800,000	\$2,011,004	52.92%	\$2,130,703	56.88%
Other Revenue	\$725,500	\$400,268	55.17%	\$417,671	56.81%
Total Water & Sewer Fund	\$9,025,500	\$5,103,358	56.54%	\$4,798,989	54.00%
Total W&S Fund Expenditures	\$8,931,239	\$4,763,653	53.34%	\$6,421,971	60.80%