

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, APRIL 8, 2014, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, APRIL 8, 2014, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by Mr. Eldon Sheffer, with Schreiner University.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** led by Kerrville Fire Chief Robert Ojeda.  
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. PRESENTATIONS:**

2A. Proclamation designation April as National Safe Digging Month. (Mayor Pratt)

2B. Proclamation designating April as Child Abuse Prevention Month.  
(Councilmember Keeble)

2C. Proclamation designating April 13-19 as National Library Week. (Mayor Pratt)

**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. Contract with Kraftsman, LP, for installation of the Louise Hays Park interactive water feature and plaza through Texas BuyBoard in the amount of \$748,316.00 and authorize the City Manager to execute change orders which may exceed \$50,000 but will not exceed a total contract value of \$800,698.12. (staff)

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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, April 4, 2014 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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3B. Contract with M&C Fonseca Construction Co., Inc. for the construction of the Scott Schreiner Municipal Golf Course bridge repair and drainage improvements in the amount of \$96,533.00 and authorize the City Manager to execute change orders but will not exceed a total contract amount of \$111,533.00. (staff)

**END OF CONSENT AGENDA**

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

4A. Ordinance No. 2014-08, amending the zoning district boundaries of the western portion of Lot 17, Block 1, Oak Hill Addition subdivision, otherwise known as 512 Barnett Street and located within the City of Kerrville, Kerr County, Texas, from the "R1-A" residential district to "RT" residential transition district; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (staff)

**5. ORDINANCE, FIRST READING:**

5A. Ordinance No. 2014-07 amending Chapter 18 "Animals" of the city's Code of Ordinances by deleting Section 18-2 "Bird Sanctuary" and amending Section 18-79 "Domestic Pigeons"; containing a savings and severability clause; providing an effective date; and providing other matters relating to the subject. (staff)

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

6A. Ordinance No. 2014-06 amending the budget for fiscal year 2014 to allocate \$500,000.00 for repairs to structures at the Kerrville/Kerr County Airport. (staff)

**7. CONSIDERATION AND POSSIBLE ACTION:**

7A. Resolution No. 09-2014, granting a petition requesting the annexation of an approximate 308.841 acres tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E. R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas, and consisting of a residential subdivision to be known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; and ordering the preparation of an annexation ordinance. (staff)

7B. Resolution No. 08-2014 finding that the tax reforms related to the omnibus tax reform bill as drafted by the U.S. House Ways and Means Committee are contrary to the public interest, significantly reduce the ability of local governments throughout the country to effectively meet the needs of their citizens, and cause significant harm to the nation's economy. (Mayor Pratt)

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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## **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:

- Jefferson lift station
- River Trail.

#### **Section 551.071:**

- City of Kerrville, Texas, Plaintiff, v. C&C Groundwater Services, LLC; Old Republic Insurance Company; and CH2MHILL, Inc., Defendants, Cause No. 12276A, in the District Court of the 216th Judicial District, Kerr County, Texas.

#### **Sections 551.071, 551.072 and 551.073:**

Discuss the purchase, exchange, lease, sale, or value of real property; and a negotiated contract for a prospective gift or donation because deliberation in an open meeting would have detrimental effect on the position of the city in negotiations with a third person, related to the development of municipal facilities.

## **11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

## **12. ADJOURNMENT.**

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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, April 4, 2014 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Proclamation designation April as National Safe Digging Month. (Mayor Pratt)



## City of Kerrville

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

# PROCLAMATION

- WHEREAS,** Each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging; and
- WHEREAS,** Undersigned consequences such as service interruption, damage to the environment and personal injury and even death are the potential results; and
- WHEREAS,** Atmos Energy, along with the 1500 Common Ground Alliance members, promote the National Call-Before-You-Dig number – 811 – in an effort to reduce these damages. Designated by the FCC in 2005, 811, provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site; and
- WHEREAS,** Through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally digging with care around the marks; and
- WHEREAS,** All parties agree that safe digging is a shared responsibility.

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby recognize April 2014 as

## NATIONAL SAFE DIGGING MONTH

in the City of Kerrville and urge all citizens to know what's below, call 811 before you dig, thereby preventing damage to the environment and avoiding the risk of personal injury.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jack Pratt, Jr., Mayor



## **Agenda Item:**

2B. Proclamation designating April as Child Abuse Prevention Month.  
(Councilmember Keeble)



## City of Kerrville

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# PROCLAMATION

- WHEREAS,** Nearly 200,000 children in Texas are reported as abused or neglected every year, and where all of us should be able to pursue our own measure of happiness and live free from fear; and
- WHEREAS,** Child abuse prevention is a community responsibility and finding solutions depends on involvement among all people ensuring children know they are never alone – that they always have a place to go and there are always people on their side; and
- WHEREAS,** Communities need to support and promote programs that benefit children and their families, programs that can give all children a strong start in life; and
- WHEREAS,** Effective child abuse prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies, and the business community; and
- WHEREAS,** Everyone in the community should become more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim April 2014 to be

## CHILD ABUSE PREVENTION MONTH

in the City of Kerrville and urge all citizens to observe this month with programs and activities that will help reduce or prevent child abuse and provide for children's physical, emotional and development needs.



**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

## **Agenda Item:**

2C. Proclamation designating April 13-19 as National Library Week. (Mayor Pratt)



## City of Kerrville

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# PROCLAMATION

- WHEREAS,** Libraries help lives change in their communities, campuses and schools; and
- WHEREAS,** Librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls; and
- WHEREAS,** Libraries and librarians bring together community members to enrich and shape the community and address local issues; and
- WHEREAS,** Librarians are trained, tech-savvy professionals, providing technology training and access to downloadable content like e-books; and
- WHEREAS,** Libraries offer programs to meet community needs, providing residents with early literacy skills, students with 24/7 homework help, instructional classes, and financial planning resources; and
- WHEREAS,** Libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and
- WHEREAS,** Libraries, librarians, library workers and supporters across America are celebrating National Library Week

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim April 13-19, 2014 as

## NATIONAL LIBRARY WEEK

in the City of Kerrville and encourage all residents to visit the library this week to take advantage of the wonderful resources available at your library. Lives change at your library.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jack Pratt, Jr., Mayor



## **Agenda Item:**

3A. Contract with Kraftsman, LP, for installation of the Louise Hays Park interactive water feature and plaza through Texas BuyBoard in the amount of \$748,316.00 and authorize the City Manager to execute change orders which may exceed \$50,000 but will not exceed a total contract value of \$800,698.12.  
(staff)

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

**SUBJECT:** Authorize the City Manager to execute a contract with Kraftsman, LP, for the installation of the Louise Hays Park interactive water feature and plaza through the Texas BuyBoard in the amount of \$748,316.00 and authorize the City Manager to execute change orders which may exceed \$50,000 but will not exceed a total contract value of \$800,698.12.

**FOR AGENDA OF:** April 8, 2014

**DATE SUBMITTED:** March 28, 2014

**SUBMITTED BY:** Malcolm Matthews, Director  
Parks and Recreation Dept.

**CLEARANCES:** Kristine Ondrias  
Deputy City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

|                     |                        |                       |                |
|---------------------|------------------------|-----------------------|----------------|
| <b>Expenditure</b>  | <b>Current Balance</b> | <b>Amount</b>         | <b>Account</b> |
| <b>Required:</b>    | <b>in Account:</b>     | <b>Budgeted:</b>      | <b>Number:</b> |
| <b>\$800,698.12</b> | <b>\$1,813,807.68</b>  | <b>\$2,000,000.00</b> | <b>B04</b>     |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

On August 13, 2013, the City Council authorized a professional services contract with Peter Lewis Architect + Associates to complete the design for the *Louise Hays/Lehmann & Monroe Parks and River Trail (Louise Hays Park to G St.) Project*, to be funded from previously approved 4b sales tax. Many of the park elements that have been approved in that design require specialization, especially in regard to the design/construction of the interactive water feature, water circulation/filtration/synchronization, fountain lighting, and integrated plaza.

Early in the process, it was determined that the inclusion of a major water feature contract specialist was needed for several reasons, including design and construction expertise, cost efficiencies, and scheduling. An internationally respected water feature equipment manufacturer, the *Fountain People*, is conveniently located in San Marcos, Texas. Design team and city staff visited their headquarters/plant and other interactive fountains similar to what is envisioned in Louise Hays Park to evaluate options. The *Fountain People* utilize distributors/installers of their equipment and their regional distributor/installer is *Kraftsman, LP*, from Spring, Texas. *Kraftsman* has significant experience with interactive water features, recycling water systems, and plaza installation.

After evaluation of all of these issues, it was determined that the most efficient procurement method for this element of the project is for the City to contract directly with

*Kraftsman*, through the Texas BuyBoard. *Kraftsman* will complete the interactive fountain and plaza turnkey in conjunction with, but separate from, the park's other construction of site work, utility and walkway connections, and support buildings around the plaza. *Kraftsman* submitted a design, materials, and installation proposal for the fountain, recycling system, and plaza to the City in the amount of \$748,316.00. A construction contingency of up to 7% is also included in this authorization. This cost is within the projected estimate for the fountain, support equipment, and plaza. Construction for this segment of the Louise Hays/Lehmann & Monroe Parks project is slated to begin in June with completion estimated for February 2015.

#### **RECOMMENDED ACTION**

Authorize the City Manager to execute a contract with Kraftsman, LP, for the installation of the Louise Hays Park water feature and plaza through the Texas BuyBoard in the amount of \$748,316.00 and authorize the City Manager to execute change orders which may exceed \$50,000 but will not exceed a total contract value of \$800,698.12.

## **Agenda Item:**

3B. Contract with M&C Fonseca Construction Co., Inc. for the construction of the Scott Schreiner Municipal Golf Course bridge repair and drainage improvements in the amount of \$96,533.00 and authorize the City Manager to execute change orders but will not exceed a total contract amount of \$111,533.00. (staff)

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

**SUBJECT:** Council authorization for the City Manager to execute a construction contract with M&C Fonseca Construction Co., Inc. for the construction of the Scott Schreiner Municipal Golf Course Bridge Repair and Drainage Improvements project in the amount of \$96,533.00 and authorize the City Manager to execute additional change orders as necessary in an amount not to exceed a total contract amount of \$111,533.00.

**FOR AGENDA OF:** April 8, 2014

**DATE SUBMITTED:** March 26, 2014

**SUBMITTED BY:** Dieter Werner, P.E.  
Director of Engineering

**CLEARANCES:** Kristine Ondrias  
Deputy City Manager

**EXHIBITS:** Bid Tabulation

**PAYMENT TO BE MADE TO:** M&C Fonseca Construction Co., Inc.  
1901 Prairie Creek Rd.  
Granite Shoals, TX 78654

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

|                     |                        |                     |                |
|---------------------|------------------------|---------------------|----------------|
| <b>Expenditure</b>  | <b>Current Balance</b> | <b>Amount</b>       | <b>Account</b> |
| <b>Required:</b>    | <b>in Account:</b>     | <b>Budgeted:</b>    | <b>Number:</b> |
| <b>\$111,533.00</b> | <b>\$248,528.92</b>    | <b>\$111,533.00</b> | <b>G84</b>     |

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

The Scott Schreiner Municipal Golf Bridge Repair and Drainage Improvements project originated after the failure of the existing concrete cart path bridge at Hole #3 and poor condition of the existing concrete bridge at Hole #12. City staff provided in house design plans to address the condition of the existing bridges as well as to improve restricted drainage flows of Quinlan Creek through the golf course. The scope of the proposed construction includes demolition and removal the existing bridges and replacing them with prefabricated aluminum bridge structures on reinforced concrete abutments, as well as regrading the Quinlan Creek channel at these locations to allow enhanced flows under the bridges. The proposed construction will also include the removal of some existing concrete cart path and the installation of new concrete paths to facilitate access to the proposed bridge structures.

The Remedial Drainage Program was instituted using 2009 bond proceeds to address flooding and drainage issues throughout the city. The funds from this program will be used to pay for the construction, which will result in the replacement of two damaged bridges while providing for improved flows of Quinlan Creek through the golf course.

On March 25, 2014, three (3) bids were received and opened. The apparent low bidder

was M&C Fonseca Construction with a bid of \$96,533.00.

**RECOMMENDED ACTION**

The Director of Engineering recommends the City Council authorize the City Manager to execute a construction contract with M&C Fonseca Construction Co., Inc. for the construction of the Scott Schreiner Municipal Golf Course Bridge Repair and Drainage Improvements project in the amount of \$96,533.00 and authorize the City Manager to execute additional change orders as necessary in an amount not to exceed a total contract amount of \$111,533.00.

# Project Name: Schreiner Golf Course Bridge Repair

**Engineering Number : PW13-025**

[illegible]

## **Agenda Item:**

4A. Ordinance No. 2014-08, amending the zoning district boundaries of the western portion of Lot 17, Block 1, Oak Hill Addition subdivision, otherwise known as 512 Barnett Street and located within the City of Kerrville, Kerr County, Texas, from the "R1-A" residential district to "RT" residential transition district; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (staff)

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

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**SUBJECT:** Public Hearing & Action: Zoning Change Request and 1<sup>st</sup> Ordinance Reading – Public hearing, consideration, and action concerning a requested zoning change from a (R-1A) Residential District to a (RT) Residential Transition District for a portion of Lot 17, Block 1 of the Oak Hill Addition Subdivision, comprising 0.17 acres out of the J.C. Hays Survey Number 117, Abstract Number 182, located at 512 Barnett St.

**FOR AGENDA OF:** April 8, 2014

**DATE SUBMITTED:** March 30, 2014

**SUBMITTED BY:** Jason Lutz 

**CLEARANCES:** Dieter Werner 

**EXHIBITS:** Ordinance, Location Map, Exhibit

**AGENDA MAILED TO:** Harvey Brinkman, 821 A Earl Garrett, Kerrville, TX 78028

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

Currently the applicant owns Lot 17, Block 1, of the Oak Hill Addition Subdivision, located at 512 Barnett Street. This property is a 0.39 acre lot with 0.17 acres located in the R1A zoning district and the remaining 0.22 acres located in the RT zoning district. The zoning code requires any property that is bisected by two zoning districts to develop under the district with the most restrictive zoning. In this case the property would have to be developed in accordance with R1A development standards.

The applicant is seeking a rezoning of one half of the property in order to expand the number of residents that would be allowed in an existing and permitted boarding home as well as increase the number of permitted land uses.

Currently the existing Boarding Home facility is permitted for 8 individuals and a change from R1A to RT would allow a maximum of 10 individuals permitted at this location. Any additional individuals that may be permitted would only be allowed if the facility met the criteria for overall square footage, bedroom size standards, and all other regulations found in the Boarding Home ordinance.

The change in zoning would also allow the land owner the ability to convert the property from a residential land use to low intensity commercial use such as offices, beauty salons, restaurants, and small scale retail shops.

The subject area is bound to the north and west by the R1A zoning district, to the south by the C19 Commercial district, and to the east by the RT (Residential Transition District).

The Planning & Zoning Commission recommended approval of the requested zoning change by a vote of 5-0 at their regularly scheduled meeting on March 20, 2014.

One protest was received during the meeting from an adjacent land owner. The land owner protested the change in zoning based on the fact that they did not want group homes in the neighborhood.

**Recommended Action**

1. Open the required public hearing, and
2. Render a decision for the zoning change request as outlined in the attached ordinance on the 1st reading.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2014-08**

**AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE WESTERN PORTION OF LOT 17, BLOCK 1, OAK HILL ADDITION SUBDIVISION, OTHERWISE KNOWN AS 512 BARNETT STREET AND LOCATED WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, FROM THE "R1-A" RESIDENTIAL DISTRICT TO "RT" RESIDENTIAL TRANSITION DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION**

**WHEREAS**, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a hearing to be held before the City Council on April 8, 2014, to consider an amendment to the City's zoning regulations and map, by amending the existing zoning district boundaries for the property described in Section One from "R1-A" Residential District to "RT" Residential Transition District, in accordance with the process set out in Article 11-I-21 of the Zoning Code of the City of Kerrville, Texas; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on April 8, 2014, 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 after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville to amend the zoning regulations accordingly;

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

**SECTION ONE.** The zoning for the property described as follows is amended by changing its zoning district from "R1-A" Residential District to "RT" Residential Transition District:

**The western portion of Lot 17, Block 1, Oak Hill Addition, a subdivision within the City of Kerrville, Texas, and comprising approximately 0.17 acre out of the J.C. Hays Survey No. 117, Abstract No. 182, more commonly known as 512 Barnett Street, and more particularly described in Exhibit A.**

**SECTION TWO.** The City Planning Director is authorized and directed to enter this amendment upon the City's official zoning map and take other actions contemplated by and in accordance with Section 11-I-4(c) of the City's Zoning Code.

**SECTION THREE.** 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 FOUR.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding will not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville 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 FIVE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is 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.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, 2014.**

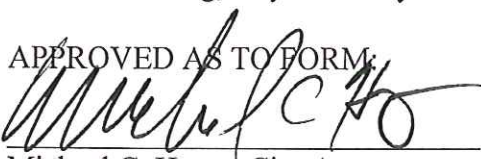
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

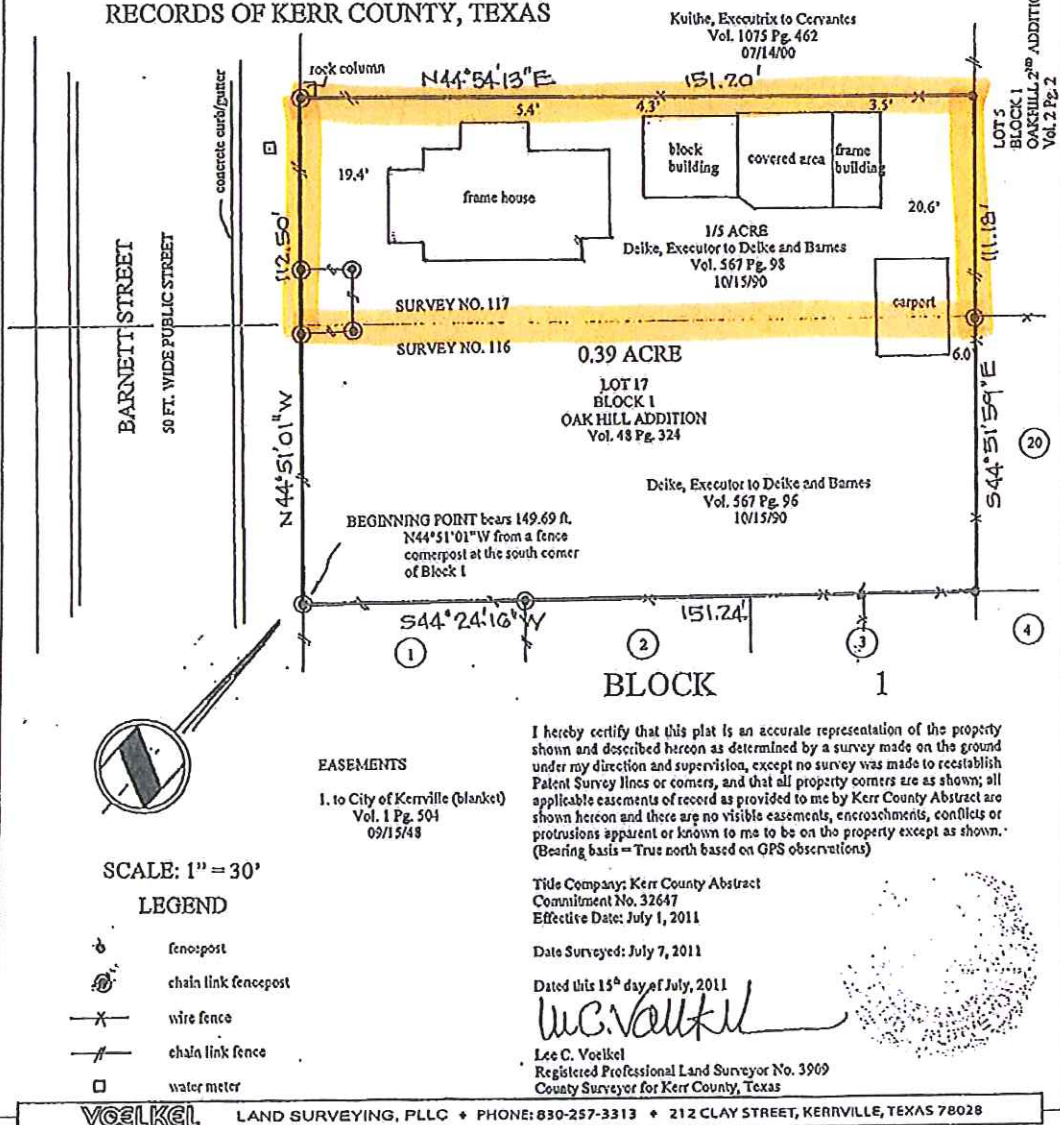
  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

# Exhibit A

SURVEY PLAT FOR 0.39 ACRE OF LAND, MORE OR LESS, OUT OF ORIGINAL PATENT SURVEYS IN KERR COUNTY, TEXAS AS FOLLOWS:

| SURVEY NO. | SURVEY    | ABSTRACT NO. | ACRES |
|------------|-----------|--------------|-------|
| 116        | B.F. CAGE | 106          | 0.22  |
| 117        | J.C. HAYS | 182          | 0.17  |

COMPRISING ALL OF LOT 17, BLOCK 1 OF OAK HILL ADDITION, A SUBDIVISION OF KERR COUNTY ACCORDING TO THE PLAT OF RECORD IN VOLUME 48 AT PAGE 324 OF THE DEED RECORDS OF KERR COUNTY, TEXAS, THAT SAME LAND CONVEYED FROM ELIESE SCOTT DEIKE, INDEPENDENT EXECUTOR TO FRANKLIN DALE DEIKE AND MARY JANE DEIKE BARNES BY A SPECIAL WARRANTY DEED EXECUTED THE 15<sup>TH</sup> DAY OF OCTOBER, 1990 AND RECORDED IN VOLUME 567 AT PAGE 96 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS AND ALL OF A CERTAIN 1/5 ACRE TRACT CONVEYED FROM ELIESE SCOTT DEIKE, INDEPENDENT EXECUTOR TO FRANKLIN DALE DEIKE AND MARY JANE DEIKE BARNES BY A SPECIAL WARRANTY DEED EXECUTED THE 15<sup>TH</sup> DAY OF OCTOBER, 1990 AND RECORDED IN VOLUME 567 AT PAGE 98 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS



**VOELKEL**

LAND SURVEYING, PLLC • PHONE: 830-257-3313 • 212 CLAY STREET, KERRVILLE, TEXAS 78028

## Exhibit B - Location 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 37.5 75 150 Feet

1 inch = 75 feet



## **Agenda Item:**

5A. Ordinance No. 2014-07 amending Chapter 18 "Animals" of the city's Code of Ordinances by deleting Section 18-2 "Bird Sanctuary" and amending Section 18-79 "Domestic Pigeons"; containing a savings and severability clause; providing an effective date; and providing other matters relating to the subject. (staff)

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

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**SUBJECT:** An Ordinance amending Chapter 18 "Animals" of the City's Code of Ordinances by deleting Section 18-2 "Bird Sanctuary and amending Section 18-79 "Domestic Pigeons"

**FOR AGENDA OF:** April 8, 2014 **DATE SUBMITTED:** April 1, 2014

**SUBMITTED BY:** Mike Hayes *MAH* **CLEARANCES:**  
City Attorney

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:** None

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** *MP*

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|                    |                        |                  |                |
|--------------------|------------------------|------------------|----------------|
| <b>Expenditure</b> | <b>Current Balance</b> | <b>Amount</b>    | <b>Account</b> |
| <b>Required:</b>   | <b>in Account:</b>     | <b>Budgeted:</b> | <b>Number:</b> |
| \$ 0               | \$ 0                   | \$ 0             | NA             |

**PAYMENT TO BE MADE TO:** NA

**REVIEWED BY THE FINANCE DEPARTMENT:**

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**SUMMARY STATEMENT**

During the last Council meeting held on March 25, 2014, City Council discussed, pursuant to an item placed on the agenda by Councilmember MacDonald, repealing Section 18-2, "Bird Sanctuary" of the City of Kerrville's Code of Ordinances. At the conclusion of a discussion, Council directed the City Attorney to prepare an ordinance which would repeal this section. In reviewing that chapter of the Code and consulting the Chief of Police, the City Attorney recommends also deleting subsection (c) of Section 18-79 of the same chapter, as this provision creates, in staffs' opinion, an inappropriate exception and defense to prosecution. As such, the attached Ordinance would delete Section 18-2, but also would delete subsection (c) of Section 18-79.

**RECOMMENDED ACTION**

Consideration of Ordinance.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2014-07**

**AN ORDINANCE AMENDING CHAPTER 18 "ANIMALS" OF THE CITY'S CODE OF ORDINANCES BY DELETING SECTION 18-2 "BIRD SANCTUARY" AND AMENDING SECTION 18-79 "DOMESTIC PIGEONS"; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, Chapter 18 of the City's Code of Ordinances ("Code") provides regulations regarding the ownership, care, and keeping of animals within the City; and

**WHEREAS**, Section 18-2 of the Code establishes a bird sanctuary within the City's limits; and

**WHEREAS**, City Council discussed Section 18-2 and believes that it is an unnecessary local law due to federal and state laws which protect wildlife, including birds and fowl, and which regulate hunting; and

**WHEREAS**, City Council also believes that Section 18-79 of the Code should be amended by deleting subsection (c) of that section as it sets out an improper defense to prosecution; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to delete Section 18-2 and amend Section 18-79 of Chapter 18 of the Code for the reasons provided above;

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

**SECTION ONE.** Chapter 18 "Animals", Article I "In General", of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 18-2 as indicated by the language that is bracketed and stricken (~~deleted~~) as follows:

~~"[Sec. 18-2. Bird sanctuary.~~

~~The entire area embraced by the corporate limits of the city and any parks or other land owned by it are hereby designated as a bird sanctuary. It shall be unlawful for any person to trap, shoot or attempt to shoot with any type of firearm including BB or air rifles, or molest in any manner, any bird or wild fowl or rob the nests thereof anywhere within the described area except as otherwise provided in this chapter.]"~~

**SECTION TWO.** Chapter 18 "Animals", Article III "Care and Keeping of Animals", of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting subsection (c)

from Section 18-79 as indicated by the language that is bracketed and stricken (~~[[deleted]]~~) as follows:

**“Sec. 18-79. Domestic pigeons.**

·  
·  
·

~~[(e) Relief from prosecution specified. Any person may relieve himself from prosecution for violation of this section by notifying the chief of police at any time before prosecution is begun that unconfined pigeon or pigeons are roosting, nesting, or breeding on lot, lots, real estate, or premises owned, possessed or controlled by him and requesting and authorizing him, the chief of police, to have the unconfined pigeon or pigeons so roosting, nesting or breeding on the lot, lots, real estate or premises so owned, possessed, or controlled by him removed therefrom, killed, or destroyed.]”~~

**SECTION THREE.** 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 the Code to reflect the amendments of Chapter 18 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

**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 will not affect the validity of the remaining portions of this Ordinance. The City 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 is 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 SEVEN.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is 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 EIGHT.** This Ordinance is 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 \_\_\_\_ day of \_\_\_\_\_, 2014.**

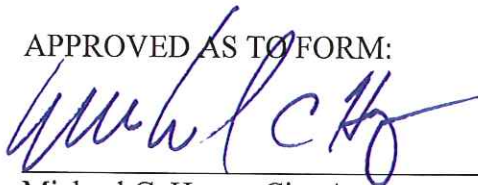
**PASSED AND APPROVED ON SECOND AND FINAL READING, this \_\_\_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

## **Agenda Item:**

6A. Ordinance No. 2014-06 amending the budget for fiscal year 2014 to allocate \$500,000.00 for repairs to structures at the Kerrville/Kerr County Airport. (staff)

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

**SUBJECT:** Second reading of an ordinance amending the FY2014 Budget to allocate \$500,000 for repairs to city and county owned buildings at the Kerrville/Kerr County Municipal Airport

**FOR AGENDA OF:** April 8, 2014

**DATE SUBMITTED:** March 27, 2014

**SUBMITTED BY:** Sandra Yarbrough  
Director of Finance

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Ordinance Amending FY2014 Budget  
Attachment A – detailing changes

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

|                                  |                                        |                             |                            |
|----------------------------------|----------------------------------------|-----------------------------|----------------------------|
| <b>Expenditure<br/>Required:</b> | <b>Current Balance<br/>in Account:</b> | <b>Amount<br/>Budgeted:</b> | <b>Account<br/>Number:</b> |
| \$500,000                        | \$6,294,046<br>(As of 9/30/13)         | \$0                         |                            |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

The attached ordinance provides for the second amendment to the FY2014 budget, and includes budget amendments as per Attachment A. This proposal allocates \$500,000 from the city's reserve funds for one-half of the cost to repair the roofs on several publicly owned buildings that house the Mooney Aviation Company (MAC).

MAC, the entity that acquired Mooney International in 2013, has restarted the production of Mooney aircraft at the Kerrville/Kerr County Municipal Airport (Airport) and the Joint Airport Board (JAB) has been working with MAC to negotiate a new lease since November 2013. The preexisting lease for these buildings has expired and new lease is required. Prior Mooney entities failed to repair the roofing systems as required by their lease and, as a result, the roofing systems have severely deteriorated. The resulting conditions make these buildings difficult for the existing manufacturing operations as well as for future tenants. Repairing the roofs will provide for an improved image of the Airport, protect equipment and inventory located within the buildings, and provide for safer work environments for employees.

MAC has received price quotes to repair the roofs for the buildings that they are using. Their cost estimates are approximately \$1 million to install a new membrane system on the buildings, which contain approximately 300,000 square feet. MAC has requested public funds to address the roof repairs.

Establishing a means to repair these buildings will resolve a key issue that will enable the JAB to finalize a lease with the MAC.

Assuming the allocation of the \$500,000 from reserves for this project, city staff estimates that the unrestricted reserve fund balance at the end of the FY2014 budget year will be \$6,566,448 and will maintain the reserve at 30% of annual operating expenses in the fund.

### **RECOMMENDED ACTION**

City staff recommends that the City Council approve this budget amendment with the following stipulations:

1. That the be disbursed concurrent with Kerr County's equal allocation;
2. That the repair to the roofs be conducted as a JAB project following the appropriate public bidding processes; and
3. That the actual amount of the funds to be disbursed be based upon an equal split of the costs between the city and the county based upon the JAB's final contract price.

Staff further recommends that the a joint meeting be held between the city's and county's representatives to the airport in addition to representatives of JAB to finalize plans to address the building deficiencies.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2014-06**

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2014  
TO ALLOCATE \$500,000.00 FOR REPAIRS TO STRUCTURES AT THE  
KERRVILLE/KERR COUNTY AIRPORT**

**WHEREAS**, Ordinance No. 2013-17, dated September 24, 2013, adopted the Fiscal Year 2014 Budget; and

**WHEREAS**, the City Manager proposes that City Council allocate \$500,000.00 from the City's reserve fund to account for one-half of the estimated cost for repairing roofs on several buildings at the Kerrville/Kerr County Airport, which are occupied by the Mooney Aviation Company; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2014 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2014 is amended as set forth in **Attachment A**.

**PASSED AND APPROVED ON FIRST READING**, this the 25<sup>th</sup> day of March, A.D., 2014.

**PASSED AND APPROVED ON SECOND AND FINAL READING**, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2014.

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

Attachment A - Budget Amendment - February 2014

| Fund Name                                          | Account Number | Adjustment description                                                     | Amount        |
|----------------------------------------------------|----------------|----------------------------------------------------------------------------|---------------|
| General Fund                                       | 01-800-970     | Transfer funds to General Capital Projects Fund                            | \$ 500,000.00 |
| General Capital Projects                           | 70-7001        | Transfer funds from General Fund                                           | \$ 500,000.00 |
| General Capital Projects                           | 70-800-502     | City share for repairs to building at Municipal Airport (Mooney buildings) | \$ 500,000.00 |
| Repairs to City-County owned assets equally shared |                |                                                                            |               |

## **Agenda Item:**

7A. Resolution No. 09-2014, granting a petition requesting the annexation of an approximate 308.841 acres tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E. R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas, and consisting of a residential subdivision to be known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; and ordering the preparation of an annexation ordinance. (staff)

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

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**SUBJECT:** Petition for annexation: - Consideration and action concerning a petition for annexation of The Heights of Kerrville Subdivision, consisting of a 308.841 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. & T.E. R.R. Survey No. 1861, Abstract No. 1242 and the J.D. Leavell Survey No. 1862, Abstract No. 1435, Kerr County, Texas.  
Applicant: Kyle Krupa. (File No.2014-008)

**FOR AGENDA OF:** April 8, 2014      **DATE SUBMITTED:** March 30, 2014

**SUBMITTED BY:** Jason Lutz (JL)      **CLEARANCES:** Dieter Werner (DW)

**EXHIBITS:** Resolution 09-2014  
Exhibit A - 2007 Development Agreement  
(Available in the City Secretary's Office),  
Exhibit B – Recorded Plat  
Exhibit C – Annexation Service Plan

**AGENDA MAILED TO:** Kerrville Heights, LLC, 2100 Ross Ave., Suite 2900, Dallas, Texas 75201

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The Heights of Kerrville is a 57 lot rural residential subdivision platted in 2009. All lots in the subdivision are greater than 5 acres and are approved for private septic systems. The subdivision is currently connected to and served by municipal water. All streets located in the subdivision are private streets with access easements for utilities and access for emergency services. The subdivision has been developed in accordance with the City of Kerrville's Subdivision Ordinance as a Rural Residential Subdivision.

This property is governed via a development agreement enacted in 2007(ordinance # 2007-23). The property is to be developed and zoned as an R1 district upon annexation. The development agreement requires that the property begin the annexation process upon the submittal for the first building permit located in the subdivision. The owner has submitted 2 permits for the construction of single family homes.

The development agreement states that the agreement itself should be considered the

petition for annexation. Once the annexation process is complete, the development agreement establishes that the effective date of annexation be 180 days after the 2<sup>nd</sup> and final ordinance reading.

The Local Government Code requires Council to review and accept the petition prior to initiating annexation proceedings. Approving the attached petition and resolution will satisfy that requirement.

If the petition is accepted, the following timeline will be followed to complete the annexation process:

May 1, 2014

Public hearing and recommendation, from the Planning and Zoning Commission, for zoning.

May 27, 2014

First public hearing on the requested annexation by the City Council.  
(40 days after petition for annexation approved)

June 10, 2014

Second public hearing on the requested annexation by the City Council.  
(20 days prior to 1<sup>st</sup> ordinance reading)

July 8, 2014

First ordinance reading by the City Council.

July 22, 2014

Second and final ordinance reading by the City Council.

#### **RECOMMENDED ACTION**

1. Accept the petition for annexation (development agreement), approve the resolution, and direct staff to initiate the annexation process as outlined above.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 09-2014**

**A RESOLUTION GRANTING A PETITION REQUESTING THE ANNEXATION OF AN APPROXIMATE 308.841 ACRES TRACT OF LAND OUT OF THE FLORENTINE LARA SURVEY NO. 123, ABSTRACT NO. 225, M.K. AND T.E. R.R. SURVEY NO. 1861, ABSTRACT 1242, AND THE J.D. LEAVELL SURVEY NO. 1862, ABSTRACT NO. 1435 WITHIN KERR COUNTY, TEXAS, AND CONSISTING OF A RESIDENTIAL SUBDIVISION TO BE KNOWN AS THE HEIGHTS OF KERRVILLE AND LOCATED WEST OF HARPER ROAD (FM 783) AND BETWEEN ITS INTERSECTION WITH HOLDSWORTH DRIVE AND INTERSTATE 10; AND ORDERING THE PREPARATION OF AN ANNEXATION ORDINANCE**

**WHEREAS**, on March 7, 2007, the then owner of an approximate 308.841 acres tract out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E. R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas (the "Property"), entered into that *Annexation and Development Agreement by and between the City of Kerrville, Texas, and Phoenix Summit, Ltd.* (the "Agreement");

**WHEREAS**, the Agreement provides in part that it is considered a petition for annexation pursuant to Texas Local Government Code Section 43.028, but that annexation would not commence until such time that the owner of the Property applies for a building permit for the construction of a residential unit on the Property; and

**WHEREAS**, the owner has recently submitted applications for building permits to construct two single family homes on the Property, thus triggering the annexation petition process; and

**WHEREAS**, having considered the terms of the Agreement, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to grant the petition and to initiate the annexation process, which includes the preparation of an ordinance annexing the subject property;

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

**SECTION ONE.** The petition for annexation, considered a part of the Agreement pertaining to the approximate 308.841 acres tract out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E. R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435, within Kerr County, Texas, and consisting of the Property to be known as the Heights of Kerrville, a residential subdivision, which is more fully described in **Exhibit A**, is granted.

**SECTION TWO.** City staff is directed to initiate the annexation process and to prepare an ordinance annexing the subject property described in Section One, above.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2014.**

*(signatures begin on following page)*

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

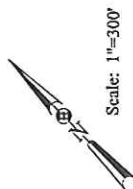
APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Michael C. Hayes", written over a horizontal line.

\_\_\_\_\_  
Michael C. Hayes, City Attorney







Scale: 1"=300'

## LEGEND

- |            |                                 |
|------------|---------------------------------|
| P.U.E.     | PUBLIC UTILITY EASEMENT         |
| G.P.U.E.   | GRADING/PUBLIC UTILITY EASEMENT |
| R.O.W.     | RIGHT OF WAY                    |
| P.O.A.D.E. | PROPERTY OWNER'S ASSOCIATION    |
| P.D.E.     | PRIVATE DRAINAGE EASEMENT       |

[illegible]

SHEET 4 OF 6

SHEET 5 OF 6

KEYMAP  
THE HEIGHTS OF KERRVILLE

# MATKINHOVER

**ENGINEERING  
& SURVEYING**

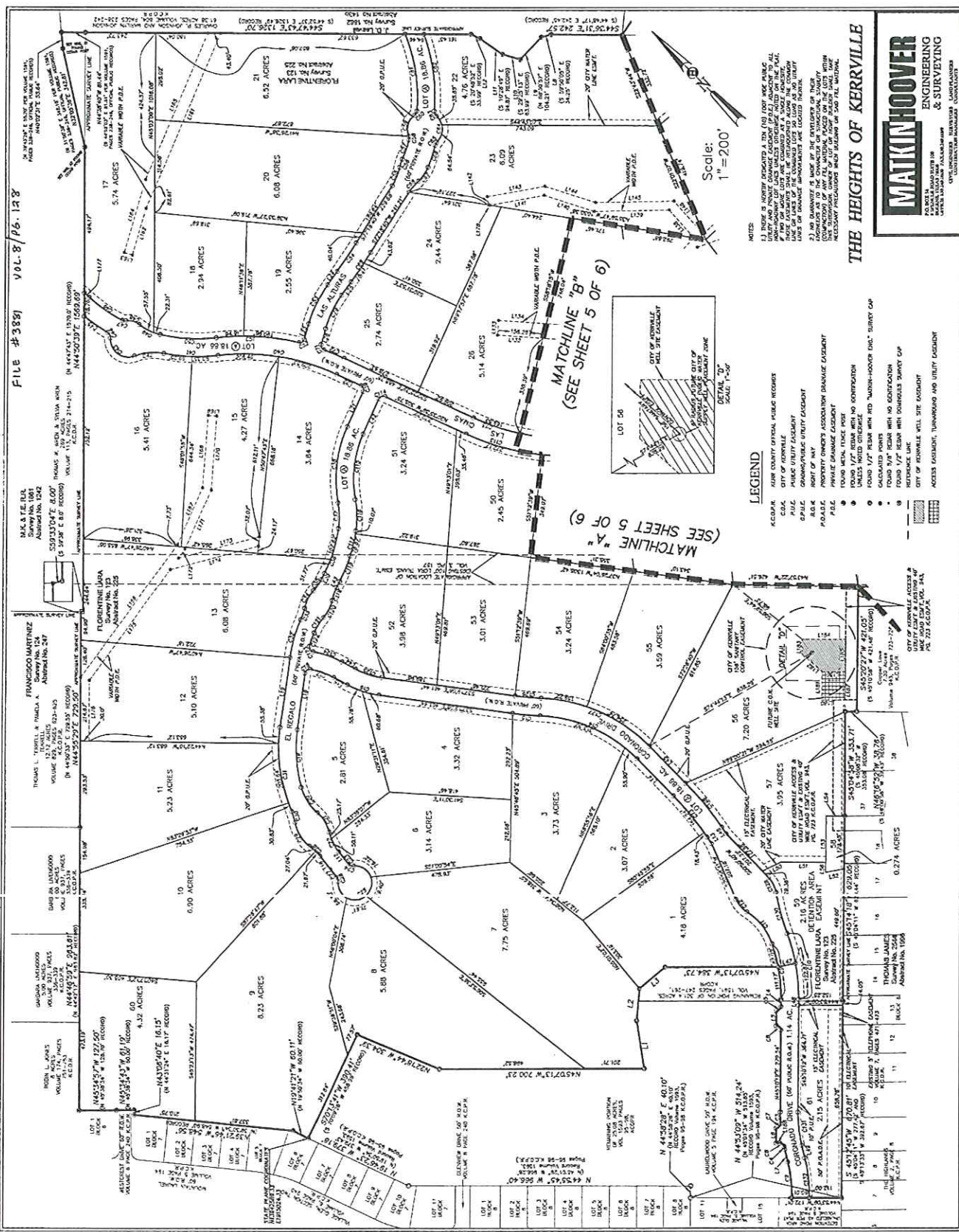
BOX 14  
HUNTER ROAD, STE 100  
DALLAS, TEXAS 75264  
FOR EMPLOYMENT CALL 214/269-0099

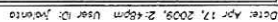
**CIVIL ENGINEERS SURVEYORS LAND PLANNERS**  
1515 N. GILBERT ST. SUITE 100  
DALLAS, TEXAS 75203

(continued)

SHEET 3 OF 6

| ADDRESS TABLE |         |            |         |
|---------------|---------|------------|---------|
| EL REGALO     |         | CORONA DR. |         |
| LOT           | ADDRESS | LOT        | ADDRESS |
| 1             | 104     | 1          | 539     |
| 2             | 105     | 2          | 538     |
| 3             | 106     | 3          | 537     |
| 4             | 107     | 4          | 536     |
| 5             | 108     | 5          | 535     |
| 6             | 109     | 6          | 534     |
| 7             | 110     | 7          | 533     |
| 8             | 111     | 8          | 532     |
| 9             | 112     | 9          | 531     |
| 10            | 113     | 10         | 530     |
| 11            | 114     | 11         | 529     |
| 12            | 115     | 12         | 528     |
| 13            | 116     | 13         | 527     |





**MATKINHOVER**  
ENGINEERING  
& SURVEYING  
LAND PLANNING  
ESTIMATING  
300 E. 10TH ST.  
SUITE 100  
MINNEAPOLIS, MN 55401  
612-338-1100  
FAX 612-338-1101

FILE # 3881 VOL. 8/16-130

| LINE | LENGTH | BEARING      |
|------|--------|--------------|
| 1.1  | 105.17 | S53.46E21.7W |
| 1.2  | 109.81 | S49.26S55.3W |
| 1.3  | 109.81 | S49.26S55.3W |
| 1.4  | 24.56  | S45.30E17.3E |
| 1.5  | 20.00  | S44.52E13.3E |
| 1.6  | 50.00  | S44.52E13.3E |
| 1.7  | 43.66  | S41.15E27.7E |
| 1.8  | 101.76 | S40.00E14.1E |
| 1.9  | 101.76 | S40.00E14.1E |
| 1.10 | 94.35  | S39.29E31.7E |
| 1.11 | 24.08  | S38.00E17.7W |
| 1.12 | 177.73 | S38.00E17.7W |
| 1.13 | 27.68  | S37.00E55.9E |
| 1.14 | 193.10 | N62.40E29.7E |
| 1.15 | 193.10 | N62.40E29.7E |
| 1.16 | 27.68  | S37.00E55.9E |
| 1.17 | 238.27 | S36.40E29.7E |
| 1.18 | 73.05  | S36.40E29.7E |
| 1.19 | 23.56  | S35.24E17.3E |
| 1.20 | 90.56  | S34.24E17.3E |
| 1.21 | 23.56  | S35.24E17.3E |
| 1.22 | 55.31  | S34.24E17.3E |
| 1.23 | 56.78  | S33.00E14.1E |
| 1.24 | 56.78  | S33.00E14.1E |
| 1.25 | 56.78  | S33.00E14.1E |
| 1.26 | 56.78  | S33.00E14.1E |
| 1.27 | 56.78  | S33.00E14.1E |
| 1.28 | 56.78  | S33.00E14.1E |
| 1.29 | 56.78  | S33.00E14.1E |
| 1.30 | 56.78  | S33.00E14.1E |
| 1.31 | 56.78  | S33.00E14.1E |
| 1.32 | 56.78  | S33.00E14.1E |
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| 1.35 | 56.78  | S33.00E14.1E |
| 1.36 | 56.78  | S33.00E14.1E |
| 1.37 | 56.78  | S33.00E14.1E |
| 1.38 | 56.78  | S33.00E14.1E |
| 1.39 | 56.78  | S33.00E14.1E |
| 1.40 | 56.78  | S33.00E14.1E |
| 1.41 | 56.78  | S33.00E14.1E |
| 1.42 | 56.78  | S33.00E14.1E |
| 1.43 | 56.78  | S33.00E14.1E |
| 1.44 | 56.78  | S33.00E14.1E |
| 1.45 | 56.78  | S33.00E14.1E |
| 1.46 | 56.78  | S33.00E14.1E |
| 1.47 | 56.78  | S33.00E14.1E |
| 1.48 | 56.78  | S33.00E14.1E |
| 1.49 | 56.78  | S33.00E14.1E |
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| 1.51 | 56.78  | S33.00E14.1E |
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| 1.61 | 56.78  | S33.00E14.1E |
| 1.62 | 56.78  | S33.00E14.1E |
| 1.63 | 56.78  | S33.00E14.1E |
| 1.64 | 56.78  | S33.00E14.1E |
| 1.65 | 56.78  | S33.00E14.1E |
| 1.66 | 56.78  | S33.00E14.1E |
| 1.67 | 56.78  | S33.00E14.1E |
| 1.68 | 56.78  | S33.00E14.1E |
| 1.69 | 56.78  | S33.00E14.1E |
| 1.70 | 56.78  | S33.00E14.1E |
| 1.71 | 56.78  | S33.00E14.1E |
| 1.72 | 56.78  | S33.00E14.1E |
| 1.73 | 56.78  | S33.00E14.1E |
| 1.74 | 56.78  | S33.00E14.1E |
| 1.75 | 56.78  | S33.00E14.1E |
| 1.76 | 56.78  | S33.00E14.1E |
| 1.77 | 56.78  | S33.00E14.1E |
| 1.78 | 56.78  | S33.00E14.1E |
| 1.79 | 56.78  | S33.00E14.1E |
| 1.80 | 56.78  | S33.00E14.1E |
| 1.81 | 56.78  | S33.00E14.1E |
| 1.82 | 56.78  | S33.00E14.1E |
| 1.83 | 56.78  | S33.00E14.1E |
| 1.84 | 56.78  | S33.00E14.1E |
| 1.85 | 56.78  | S33.00E14.1E |
| 1.86 | 56.78  | S33.00E14.1E |
| 1.87 | 56.78  | S33.00E14.1E |
| 1.88 | 56.78  | S33.00E14.1E |
| 1.89 | 56.78  | S33.00E14.1E |
| 1.90 | 56.78  | S33.00E14.1E |
| 1.91 | 56.78  | S33.00E14.1E |
| 1.92 | 56.78  | S33.00E14.1E |
| 1.93 | 56.78  | S33.00E14.1E |
| 1.94 | 56.78  | S33.00E14.1E |

| LINE | LENGTH | BEARING      |
|------|--------|--------------|
| 1.95 | 56.78  | S33.00E14.1E |
| 1.96 | 56.78  | S33.00E14.1E |
| 1.97 | 56.78  | S33.00E14.1E |
| 1.98 | 56.78  | S33.00E14.1E |
| 1.99 | 56.78  | S33.00E14.1E |
| 2.00 | 56.78  | S33.00E14.1E |
| 2.01 | 56.78  | S33.00E14.1E |
| 2.02 | 56.78  | S33.00E14.1E |
| 2.03 | 56.78  | S33.00E14.1E |
| 2.04 | 56.78  | S33.00E14.1E |
| 2.05 | 56.78  | S33.00E14.1E |
| 2.06 | 56.78  | S33.00E14.1E |
| 2.07 | 56.78  | S33.00E14.1E |
| 2.08 | 56.78  | S33.00E14.1E |
| 2.09 | 56.78  | S33.00E14.1E |
| 2.10 | 56.78  | S33.00E14.1E |
| 2.11 | 56.78  | S33.00E14.1E |
| 2.12 | 56.78  | S33.00E14.1E |
| 2.13 | 56.78  | S33.00E14.1E |
| 2.14 | 56.78  | S33.00E14.1E |
| 2.15 | 56.78  | S33.00E14.1E |
| 2.16 | 56.78  | S33.00E14.1E |
| 2.17 | 56.78  | S33.00E14.1E |
| 2.18 | 56.78  | S33.00E14.1E |
| 2.19 | 56.78  | S33.00E14.1E |
| 2.20 | 56.78  | S33.00E14.1E |
| 2.21 | 56.78  | S33.00E14.1E |
| 2.22 | 56.78  | S33.00E14.1E |
| 2.23 | 56.78  | S33.00E14.1E |
| 2.24 | 56.78  | S33.00E14.1E |
| 2.25 | 56.78  | S33.00E14.1E |
| 2.26 | 56.78  | S33.00E14.1E |
| 2.27 | 56.78  | S33.00E14.1E |
| 2.28 | 56.78  | S33.00E14.1E |
| 2.29 | 56.78  | S33.00E14.1E |
| 2.30 | 56.78  | S33.00E14.1E |
| 2.31 | 56.78  | S33.00E14.1E |
| 2.32 | 56.78  | S33.00E14.1E |
| 2.33 | 56.78  | S33.00E14.1E |
| 2.34 | 56.78  | S33.00E14.1E |
| 2.35 | 56.78  | S33.00E14.1E |
| 2.36 | 56.78  | S33.00E14.1E |
| 2.37 | 56.78  | S33.00E14.1E |
| 2.38 | 56.78  | S33.00E14.1E |
| 2.39 | 56.78  | S33.00E14.1E |
| 2.40 | 56.78  | S33.00E14.1E |
| 2.41 | 56.78  | S33.00E14.1E |
| 2.42 | 56.78  | S33.00E14.1E |
| 2.43 | 56.78  | S33.00E14.1E |
| 2.44 | 56.78  | S33.00E14.1E |
| 2.45 | 56.78  | S33.00E14.1E |
| 2.46 | 56.78  | S33.00E14.1E |
| 2.47 | 56.78  | S33.00E14.1E |
| 2.48 | 56.78  | S33.00E14.1E |
| 2.49 | 56.78  | S33.00E14.1E |
| 2.50 | 56.78  | S33.00E14.1E |
| 2.51 | 56.78  | S33.00E14.1E |
| 2.52 | 56.78  | S33.00E14.1E |
| 2.53 | 56.78  | S33.00E14.1E |
| 2.54 | 56.78  | S33.00E14.1E |
| 2.55 | 56.78  | S33.00E14.1E |
| 2.56 | 56.78  | S33.00E14.1E |
| 2.57 | 56.78  | S33.00E14.1E |
| 2.58 | 56.78  | S33.00E14.1E |
| 2.59 | 56.78  | S33.00E14.1E |
| 2.60 | 56.78  | S33.00E14.1E |
| 2.61 | 56.78  | S33.00E14.1E |
| 2.62 | 56.78  | S33.00E14.1E |
| 2.63 | 56.78  | S33.00E14.1E |
| 2.64 | 56.78  | S33.00E14.1E |
| 2.65 | 56.78  | S33.00E14.1E |
| 2.66 | 56.78  | S33.00E14.1E |
| 2.67 | 56.78  | S33.00E14.1E |
| 2.68 | 56.78  | S33.00E14.1E |
| 2.69 | 56.78  | S33.00E14.1E |
| 2.70 | 56.78  | S33.00E14.1E |
| 2.71 | 56.78  | S33.00E14.1E |
| 2.72 | 56.78  | S33.00E14.1E |
| 2.73 | 56.78  | S33.00E14.1E |
| 2.74 | 56.78  | S33.00E14.1E |
| 2.75 | 56.78  | S33.00E14.1E |
| 2.76 | 56.78  | S33.00E14.1E |
| 2.77 | 56.78  | S33.00E14.1E |
| 2.78 | 56.78  | S33.00E14.1E |
| 2.79 | 56.78  | S33.00E14.1E |
| 2.80 | 56.78  | S33.00E14.1E |
| 2.81 | 56.78  | S33.00E14.1E |
| 2.82 | 56.78  | S33.00E14.1E |
| 2.83 | 56.78  | S33.00E14.1E |
| 2.84 | 56.78  | S33.00E14.1E |
| 2.85 | 56.78  | S33.00E14.1E |
| 2.86 | 56.78  | S33.00E14.1E |
| 2.87 | 56.78  | S33.00E14.1E |
| 2.88 | 56.78  | S33.00E14.1E |
| 2.89 | 56.78  | S33.00E14.1E |
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| 2.93 | 56.78  | S33.00E14.1E |
| 2.94 | 56.78  | S33.00E14.1E |
| 2.95 | 56.78  | S33.00E14.1E |
| 2.96 | 56.78  | S33.00E14.1E |
| 2.97 | 56.78  | S33.00E14.1E |
| 2.98 | 56.78  | S33.00E14.1E |
| 2.99 | 56.78  | S33.00E14.1E |
| 3.00 | 56.78  | S33.00E14.1E |

Date: Apr 17, 2009 3:57pm User: joeboric

THE HEIGHTS OF KERRVILLE

**MATKIN-HOOVER**  
ENGINEERING  
& SURVEYING

200 WEST 14th STREET  
KERRVILLE, TEXAS 78601  
TEL: 361-2222 FAX: 361-2223  
WWW.MATKIN-HOOVER.COM

## EXHIBIT C

### ANNEXATION SERVICE PLAN

| SERVICE                         | DETAILS OF SERVICE PROVIDED                                                                                                                                                                                                                                                                                                                                                                                                                              | TIMETABLE                                                                 |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Animal Control                  | The provisions of animal control services shall be in effect following annexation of the property.                                                                                                                                                                                                                                                                                                                                                       | Immediately following annexation                                          |
| Code Enforcement                | The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City's Zoning Ordinance. | Immediately following annexation, zoning to be concurrent with annexation |
| Fire Protection and Suppression | Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.                                                                                                                                                                                                                                                                                                                       | Immediately following annexation                                          |
| Fire Prevention                 | The services of the City's Fire Marshall shall be provided to the area.                                                                                                                                                                                                                                                                                                                                                                                  | Immediately following annexation.                                         |
| Library                         | Future residents of the area, if any, will continue to be entitled to utilize all City's Library facilities.                                                                                                                                                                                                                                                                                                                                             | Immediately following annexation.                                         |
| Parks and Recreation            | The City's Parks and Recreation services will continue to be available to any area residents.                                                                                                                                                                                                                                                                                                                                                            | Immediately following annexation                                          |
| Police Protection               | Kerrville Police Department protection personnel and equipment shall be provided to the area immediately upon annexation. Police enforcement and protection services shall be provided through regular patrol activities.                                                                                                                                                                                                                                | Immediately following annexation                                          |

# ANNEXATION SERVICE PLAN (CONTINUED)

| SERVICE                                                  | DETAILS OF SERVICE PROVIDED                                                                                                                                                       | TIMETABLE                        |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Public Services - Street Department                      | Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City.                                                          | Immediately following annexation |
| Sanitation (Refuse Collection)                           | Refuse collection shall be available to any residents of the annexed area at the same costs and procedures as required of City residents and businesses.                          | Immediately following annexation |
| Traffic Engineering                                      | Traffic control devices and street markers shall be installed where deemed necessary by the City Street Department, except as provided by the Texas Department of Transportation. | Immediately following annexation |
| Utilities (Water Distribution and Wastewater Collection) | Extension of utilities to the property shall be in accordance with the City's Subdivision Ordinance.                                                                              | As the property develops         |

## **Agenda Item:**

7B. Resolution No. 08-2014 finding that the tax reforms related to the omnibus tax reform bill as drafted by the U.S. House Ways and Means Committee are contrary to the public interest, significantly reduce the ability of local governments throughout the country to effectively meet the needs of their citizens, and cause significant harm to the nation's economy. (Mayor Pratt)

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

**SUBJECT:** Resolution No. 08-2014 in opposition of the federal omnibus tax reform act to eliminate the tax exemption for municipal bonds

**FOR AGENDA OF:** April 8, 2014

**DATE SUBMITTED:** April 1, 2014

**SUBMITTED BY:** Jack Pratt, Jr.  
Mayor

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Resolution No. 08-2014

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

|                    |                        |                  |                |
|--------------------|------------------------|------------------|----------------|
| <b>Expenditure</b> | <b>Current Balance</b> | <b>Amount</b>    | <b>Account</b> |
| <b>Required:</b>   | <b>in Account:</b>     | <b>Budgeted:</b> | <b>Number:</b> |
| <b>\$0</b>         | <b>\$0</b>             | <b>\$0</b>       |                |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

Members of the U.S. Congress have discussed legislative initiatives to eliminate or limit the tax-exempt status of municipal bonds over the past couple of years. The elimination or limitation of the tax exemptions of municipal bonds would have a significant impact on local governments throughout the country. By eliminating or limiting their tax exempt status these bonds become much less desirable and the ability of local governments to meet the needs of their communities and maintain lower costs, utility and tax rates will be jeopardized.

Bonds are important financial instruments that allow local governments to meet the needs to provide vital city services like public utilities and other capital projects deemed important by a community. In addition, local and state governments have been a vital part of the nation's economic recovery over the past several years. Through local investments in infrastructure and capital projects many jobs have been created, thereby sustaining the economy.

**RECOMMENDED ACTION**

I recommend that the City Council approve Resolution No. 08-214 as presented.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 08-2014**

**A RESOLUTION FINDING THAT THE TAX REFORMS RELATED TO THE OMNIBUS TAX REFORM BILL AS DRAFTED BY THE U.S. HOUSE WAYS AND MEANS COMMITTEE ARE CONTRARY TO THE PUBLIC INTEREST, SIGNIFICANTLY REDUCE THE ABILITY OF LOCAL GOVERNMENTS THROUGHOUT THE COUNTRY TO EFFECTIVELY MEET THE NEEDS OF THEIR CITIZENS, AND CAUSE SIGNIFICANT HARM TO THE NATION'S ECONOMY**

**WHEREAS**, a member of the U.S. House Ways and Means Committee has drafted an omnibus tax reform bill; and

**WHEREAS**, the bill would, in part, tax a portion of income made from the interest of municipal bonds for individuals in the highest tax bracket; and

**WHEREAS**, specifically, the proposal would place a 25 percent cap on the amount of tax-exempt municipal bond interest for individuals in the upper income brackets; and

**WHEREAS**, the draft legislation would also eliminate the tax-exempt status of both private activity bonds and advanced refunding bonds, two types of bonds that are sometimes used by cities and other local entities, such as economic development corporations; and

**WHEREAS**, the current executive administration has targeted the municipal bond tax exemption in its budget proposal for fiscal year 2015; and

**WHEREAS**, the federal government has not taxed interest on municipal bonds since a landmark ruling of the U.S. Supreme Court in 1895; and

**WHEREAS**, a decision by Congress to do so now would significantly increase cities' borrowing costs because investors would no longer be able to avoid paying federal income taxes on any interest earned from a purchase of municipal bonds and would demand higher interest payments instead; and

**WHEREAS**, subjecting bond interest to federal taxation would have the effect of either: (1) restricting city bond issuances at a time cities need flexibility to provide essential services in response to economic growth; or (2) increasing the tax burden on local taxpayers who will pick up the tab for the added costs of issuing municipal bonds;

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

**SECTION ONE.** The City Council finds that the tax reforms specified above are contrary to the public interest, significantly reduce the ability of local governments throughout the country to effectively meet the needs of their citizens, and cause significant harm to the

nation's economy.

**SECTION TWO.** The City Council authorizes the Mayor to forward this Resolution to its elected representatives and act on behalf of the City in all matters related to this omnibus tax reform bill.

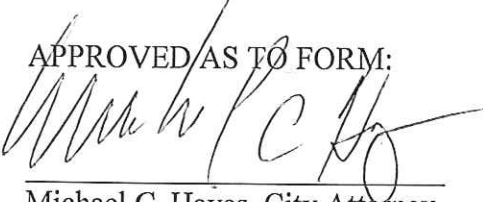
**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2014.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney