

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, DECEMBER 12, 2017, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA  
REGULAR COUNCIL MEETING, DECEMBER 12, 2017, 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION OFFERED BY WARREN FERGUSON, COUNCILMEMBER PLACE  
FOUR**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**1. 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.

**2. 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.

**3. PRESENTATION:**

- 3.A Update on the final terms of the General Obligation Refunding Bonds, Series 2017 and presentation of the transaction summary.  
[Transaction Summary Presentation.pdf](#)

**4. CONSENT AGENDA:**

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

- 4.A Approve minutes of the following city council meetings: regular meeting held September 26, 2017; workshop held October 17, 2017; special meeting held October 20, 2017; and regular meeting held October 24, 2017.

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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 830-257-8000 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: December 8, 2017 at 6PM 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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[2017 0926.docx](#)  
[2017 1017 workshop.doc](#)  
[2017 1020.doc](#)  
[2017 1024.docx](#)

- 4.B Execution of a Joint Election Agreement with Kerr County for conducting the City of Kerrville General Election to be held on May 5, 2018.

[Election Agreement 2017.pdf](#)

- 4.C Resolution No. 47-2017 authorizing the abandonment and release of a recreation easement previously conveyed to the City of Kerrville, Texas, and located on the property with an address of 245 Guadalupe Street; and ordering recording.

[Resolution 47-2017.pdf](#)

- 4.D Budget and Economic Update ending October 31, 2017.

[Council 10-31-17.xlsx](#)

## **END OF CONSENT AGENDA**

### **5. PUBLIC HEARINGS AND RESOLUTIONS:**

- 5.A Resolution No. 43-2017, granting a conditional use permit for an approximate 0.91 acre tract of land situated in the John C. Sheffield Survey No. 121, Abstract No. 291; located south of and adjacent to State Highway 27 (Junction Highway); and otherwise known as 1327 Junction Highway; said property located within the Guadalupe River Zoning District (GR); by permitting said property to be used for Retail Trade I as that term is defined within the City's Zoning Code; and making said permit subject to certain conditions and restrictions.

[PZ staff report 10.19.17 for CC.docx](#)

[Resolution 43-2017.pdf](#)

- 5.B Resolution No. 46-2017, for a conditional use permit to convert an office complex into a three-plex multi-family housing unit in accordance with Chapter I, "the City of Kerrville Zoning Code" Article 11-1-10 (Residential Zoning Districts) for an approximate 0.23 acre tract. Legal description Oak Hill 1 Subdivision, Lot 4-pt & 5, Block 1, located at 714 Clay Street North; on the northeast side of Barnett Street North, between Barnett Street North and Myrta Street North.

[PZ PH 11.16.17.docx](#)

[Res. 46-2017.pdf](#)

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City Secretary, City of Kerrville, Texas

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

- 6.A Ordinance No. 2018-02, adding a statement to Art. 11-1-6 (a) (11) Central Business District (CBD); Art. 11-1-11 (b) "GTW" Gateway District, and Art. 11-1-11 (c) "GR" Guadalupe River District, to clarify that these districts are designated "design districts".  
[PZ PH 11.16.17 designate design districts.docx](#)  
[Node example.docx](#)  
[Ordinance 2018-02.pdf](#)

**7. ORDINANCES, FIRST READING:**

- 7.A Ordinance No. 2018-01 amending Chapter 10, "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; by amending Section 10-3 "Licensing Requirements; Fees"; by reducing the applicable fee for a brewpub license; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters relating to the subject.  
[Ordinance 2018-01.pdf](#)  
[Texas Alcoholic Beverage Commission Fee Schedule.pdf](#)  
[City of Kerrville - Alcoholic Beverage Fee Schedule.pdf](#)
- 7.B Ordinance No. 2018-03 amending Chapter 66, "Library," of the Code of Ordinances of the City of Kerrville, Texas; by amending Article II "Library Advisory Board" to change the composition of the Library Advisory Board to allow Kerr County to make an appointment; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.  
[Ord. 2018-03, library.pdf](#)

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

- 8.A Ordinance No. 2017-21, annexing an approximate 7.95 acre tract of land into the City of Kerrville, Texas, said property generally located south of and adjacent to State Highway 27 East and west of Colvin Ranch Road East; said property being out of the F. Rodriguez Survey No. 72, Abstract No. 280, being located adjacent to the corporate limits of the City of Kerrville, Texas, and more commonly known as 5263 Highway 27 East; further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for the property annexed.  
[O 2017-21.pdf](#)

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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**9. CONSIDERATION AND POSSIBLE ACTION:**

- 9.A Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.
- 9.B Administrative Services Contract between the City of Kerrville, Texas and the City of Kerrville, Texas Economic Improvement Corporation in the amount of \$83,300.  
[Administrative Services Contract with EIC.pdf](#)  
[Administrative Services Contract - EIC - City - Redline Version - December 2017.pdf](#)
- 9.C Review and possible action concerning Economic Improvement Corporation board appointments.  
[Economic Improvement Corporation.docx](#)

**10. INFORMATION AND DISCUSSION**

**11. BOARD APPOINTMENTS**

- 11.A Appointments to the Food Service Advisory Board  
[Food Service Advisory Board.docx](#)
- 11.B Appointments to the Planning and Zoning Commission  
[P&Z board sheet.pdf](#)

**12. ITEMS FOR FUTURE AGENDAS**

**13. 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/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

- 13.A Section 551.071 and Section 551.074:  
Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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13.B Section 551.074:

Review and possible action concerning Economic Improvement Corporation board appointments.

[Economic Improvement Corporation.docx](#)

13.C Section 551.074:

Appointments to the Planning and Zoning Commission.

[Planning and Zoning Commission.docx](#)

13.D Section 551.074:

Conduct performance review of City Manager Mark McDaniel.

**14. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY**

**ADJOURNMENT.**

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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## City Council Agenda Bill Report

Agenda Item No. 2017-75

Submitted by: Sandra Yarbrough, Finance Director

Submitting Department: Finance

Meeting Date: December 12, 2017

### **SUBJECT:**

Update on the final terms of the General Obligation Refunding Bonds, Series 2017 and presentation of the transaction summary.

### **SUMMARY STATEMENT:**

Anne Burger Entekin, Managing Director, FirstSouthwest, a division of Hilltop Securities will brief City Council on the final terms of the General Obligation Refunding Bonds, Series 2017 and present the transaction summary.

### **EXHIBITS:**

Transaction Summary Presentation as attached

### **RECOMMENDED ACTION:**

For information only.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [Transaction Summary Presentation.pdf](#)





Primary Contacts:

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*Associate*

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Dallas, Texas 75270

Direct: 214.953.4107



General Obligation Refunding Bonds, Series 2017

December 12, 2017

**City of Kerrville, Texas**

## Market Update

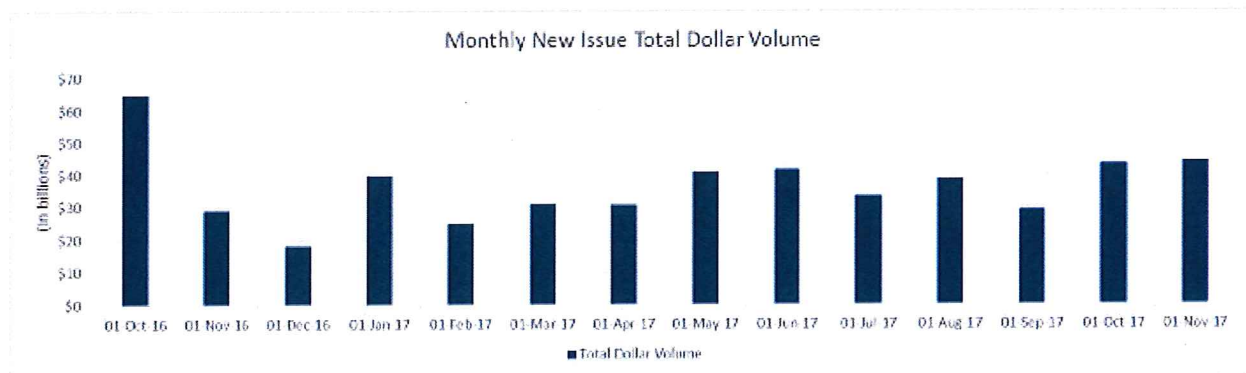
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## Projected Municipal Market Volume – Week of December 4, 2017

### Municipal Market Volume

This week we are seeing the largest calendar of the year. Estimating \$21bbn for the week. In the pipeline. Negotiated: calendar New York Ref, NY \$800mm; MI Fin Auth Hospt (MI) \$770 mm; Miami Dade Cnty Wtr Rev (FL) \$556mm. Competitive: FL St Beo Peco Ref (FL) \$500, Weschester Cnty (NY) \$160mm; Florida St DOT Turnpike (FL) \$160mm



Source: ICI Muni Bond Long-term Mutual Fund and ETFs weekly flows

***Actual municipal volume week of 12/4 was \$21.5 billion***

***Municipal volume is projected to be \$20 billion week of 12/11***



## Rating Summary

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## Credit Rating Commentary

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**STANDARD  
& POOR'S**

**“AA”/Stable Outlook - Affirmed**

- “Very strong management, with strong financial policies and practices under our Financial Management Assessment (FMA) methodology”
- “Strong budgetary performance, with operating surpluses in the general fund and at the total governmental fund level in fiscal 2016”
- “Very strong budgetary flexibility, with an available fund balance in fiscal 2016 of 35% of operating expenditures”
- “Very strong liquidity, with total government available cash at 47.5% of total governmental fund expenditures and 5.5x governmental debt service, and access to external liquidity we consider strong”
- “Strong debt and contingent liability position, with debt service carrying charges at 8.7% of expenditures and net direct debt that is 82.9% of total governmental fund revenue, as well as low overall net debt at less than 3.0% of market value and rapid amortization, with 70.9% of debt scheduled to be retired in 10 years
- “Strong institutional framework score”

## Refunding Transaction Results

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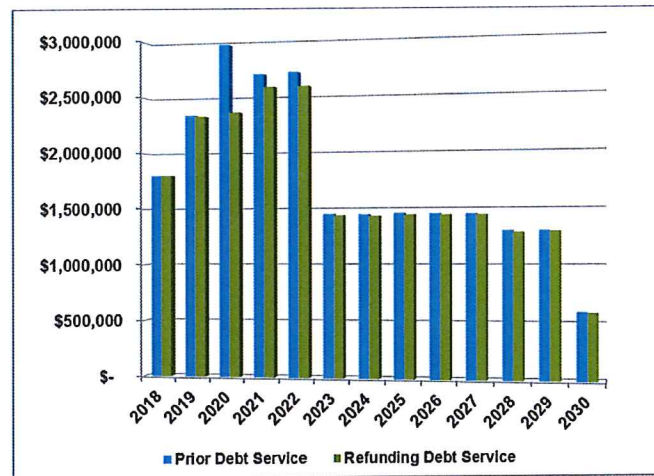


## Projected Aggregate Projected Debt Service Savings of Refunding's

### General Obligation Refunding Bonds, Series 2017<sup>(1)</sup>

- **Delivery Date:** 12/20/2017
- Refunding Par Amount: \$16,940,000
- Refunded Par: \$18,630,000
- Gross Savings: \$939,278
- Net Present Value Savings: \$1,011,667
- Present Value Benefit (%): 5.430%
- TIC: 2.408%
- Negative Arbitrage: \$64,344%

Savings City of Kerrville, Texas Aggregate Assumes Current 'AA/Aa3' Market Rates as of November 8, 2017 + 25 bps FSW --PRELIMINARY: For Purposes of Discussion Only--			
Date	Prior Debt Service	Refunding Debt Service	Savings
9/30/2018	\$ 1,797,903	\$ 1,797,903	\$ -
9/30/2019	2,335,281	2,324,750	10,531
9/30/2020	2,960,869	2,357,750	603,119
9/30/2021	2,694,069	2,580,250	113,819
9/30/2022	2,706,521	2,582,500	124,021
9/30/2023	1,449,374	1,434,750	14,624
9/30/2024	1,444,964	1,429,250	15,714
9/30/2025	1,453,715	1,441,500	12,215
9/30/2026	1,450,069	1,440,500	9,569
9/30/2027	1,449,574	1,441,750	7,824
9/30/2028	1,299,774	1,285,000	14,774
9/30/2029	1,300,350	1,293,000	7,350
9/30/2030	588,469	582,750	5,719
	\$22,930,930	\$ 21,991,653	\$ 939,278



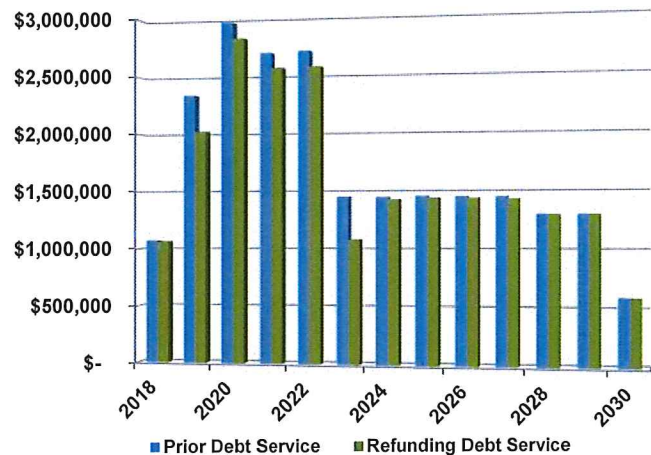
(1) Market rates as of November 8, 2017 plus 25 basis points.

## Final Aggregate Debt Service Savings of Refunding's

### General Obligation Refunding Bonds, Series 2017<sup>(1)</sup>

- **Delivery Date:** 12/20/2017
- **Refunding Par Amount:** \$17,215,000
- **Refunded Par:** \$18,630,000
- **Gross Savings:** \$1,168,677
- **Net Present Value Savings:** \$1,070,773
- **Present Value Benefit (%):** 5.748%
- **TIC:** 2.472%
- **Negative Arbitrage:** \$47,783%

Kerrville, Texas General Obligation Refunding Bonds, Series 2017 Final Savings				
Date	Prior Debt Service	Refunding Debt Service	Savings	
9/30/2018	\$ 1,072,107	\$ 1,064,858	\$	7,250
9/30/2019	2,335,281	2,020,700		314,581
9/30/2020	2,960,869	2,824,450		136,419
9/30/2021	2,694,069	2,564,175		129,894
9/30/2022	2,706,521	2,570,275		136,246
9/30/2023	1,449,374	1,083,175		366,199
9/30/2024	1,444,964	1,424,250		20,714
9/30/2025	1,463,715	1,438,675		15,040
9/30/2026	1,450,069	1,434,925		15,144
9/30/2027	1,449,574	1,428,675		20,899
9/30/2028	1,299,774	1,296,400		3,374
9/30/2029	1,300,350	1,298,300		2,050
9/30/2030	588,469	587,600		869
	\$ 22,205,135	\$ 21,036,458	\$	1,168,677



### Comparison of Actual Results to Projections:

- **\$229,399** More Gross Savings
- **\$53,106** More Net Present Savings
- **0.32%** Higher Net Present Value Benefit
- **\$16,561** Reduction to Negative Arbitrage

## Final General Obligation Bonds, Series 2017

Sources:	
Bond Proceeds:	
Par Amount	\$ 17,215,000.00
Net Premium	1,324,740.65
Debt Service Transfer	792,299.04
<b>Total Sources</b>	<b>\$ 19,332,039.69</b>

Uses:	
Refunding Escrow Deposits Cash	\$ 7,030,765.60
Refunding Escrow Deposits SLGS	12,092,670.00
Cost of Issuance	118,000.00
Underwriter's Discount	90,132.31
Additional Proceeds	471.78
<b>Total Uses</b>	<b>\$ 19,332,039.69</b>

\$17,215,000 Kerrville, Texas General Obligation Refunding Bonds, Series 2017					
Maturity Date	Principal	Coupons	Yields	Interest	Debt Service
9/30/2018	\$ 690,000	2.00%	1.35%	\$ 374,858	\$ 1,064,858
9/30/2019	1,475,000	2.00%	1.57%	545,700	2,020,700
9/30/2020	2,310,000	2.00%	1.72%/1.74%	514,450	2,824,450
9/30/2021	2,105,000	3.00%	1.77%/1.81%	459,175	2,564,175
9/30/2022	2,175,000	3.00%	1.85%/1.89%	395,275	2,570,275
9/30/2023	735,000	3.00%	1.96%/1.99%	348,175	1,083,175
9/30/2024	1,100,000	3.00%	2.06%/2.09%	324,250	1,424,250
9/30/2025	1,155,000	5.00%	2.15%/2.18%	283,675	1,438,675
9/30/2026	1,210,000	5.00%	2.24%/2.27%	224,925	1,434,925
9/30/2027	1,265,000	5.00%	2.35%/2.38%	163,675	1,428,675
9/30/2028	1,190,000	4.00%	2.49%/2.53%	106,400	1,296,400
9/30/2029	1,240,000	4.00%	2.60%/2.64%	58,300	1,298,300
9/30/2030	565,000	4.00%	2.75%	22,600	587,600
	<b>\$17,215,000</b>			<b>\$3,821,458</b>	<b>\$ 21,036,458</b>

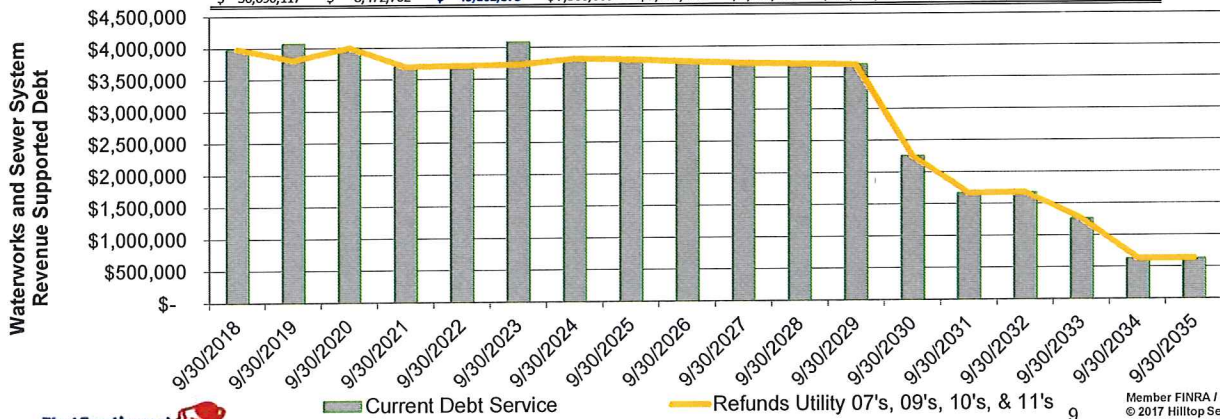
CITY OF KERRVILLE, TEXAS



## Final Utility System Supported Debt Savings of Refunding's Structure

City of Kerrville, Texas  
General Obligation Refunding Bonds, Series 2017 - Analysis of Debt Service - Utility System Supported Debt Portion - Final

							Less:		Series 2017		Total Projected
Outstanding Utility System Debt			Reamortized Loan			Aggregate Debt Service	Refunding savings Only Utility Portion	Debt Service Post Refunding			
Principal	Interest	Total	Principal	Interest	Total						
9/30/2018	\$ 2,720,003	\$ 1,084,894	\$ 3,804,897	\$ -	\$ 180,000	\$ 180,000	\$ 3,984,897	\$ -	\$ 3,984,897		
9/30/2019	2,888,488	1,000,807	3,889,295	-	180,000	180,000	4,069,295	266,221	3,803,074		
9/30/2020	2,916,626	910,841	3,827,467	-	180,000	180,000	4,007,467	6,219	4,001,248		
9/30/2021	2,707,000	819,540	3,526,540	-	180,000	180,000	3,706,540	9,064	3,697,477		
9/30/2022	2,803,000	735,210	3,538,210	-	180,000	180,000	3,718,210	8,376	3,709,834		
9/30/2023	2,175,000	659,624	2,834,624	1,071,429	173,571	1,245,000	4,079,624	359,141	3,720,483		
9/30/2024	2,010,000	594,456	2,604,456	1,071,429	147,857	1,219,286	3,823,742	13,316	3,810,426		
9/30/2025	2,075,000	533,556	2,608,556	1,071,429	122,143	1,193,571	3,802,128	8,341	3,793,786		
9/30/2026	2,125,000	475,081	2,600,081	1,071,429	96,429	1,167,857	3,767,938	9,816	3,758,122		
9/30/2027	2,185,000	415,056	2,600,056	1,071,429	70,714	1,142,143	3,742,199	11,666	3,730,533		
9/30/2028	2,250,000	351,579	2,601,579	1,071,429	45,000	1,116,429	3,718,007	2,314	3,715,694		
9/30/2029	2,325,000	282,996	2,607,996	1,071,429	19,286	1,090,714	3,698,711	1,606	3,697,104		
9/30/2030	2,040,000	216,471	2,256,471				2,256,471	869	2,255,603		
9/30/2031	1,515,000	154,238	1,669,238				1,669,238	-	1,669,238		
9/30/2032	1,560,000	113,638	1,673,638				1,673,638	-	1,673,638		
9/30/2033	1,190,000	70,325	1,260,325				1,260,325	-	1,260,325		
9/30/2034	595,000	36,150	631,150				631,150	-	631,150		
9/30/2035	610,000	18,300	628,300				628,300	-	628,300		
	\$ 36,690,117	\$ 8,472,762	\$ 45,162,879	\$ 7,500,000	\$ 1,575,000	\$ 9,075,000	\$ 54,237,879	\$ 696,950	\$ 53,540,929		

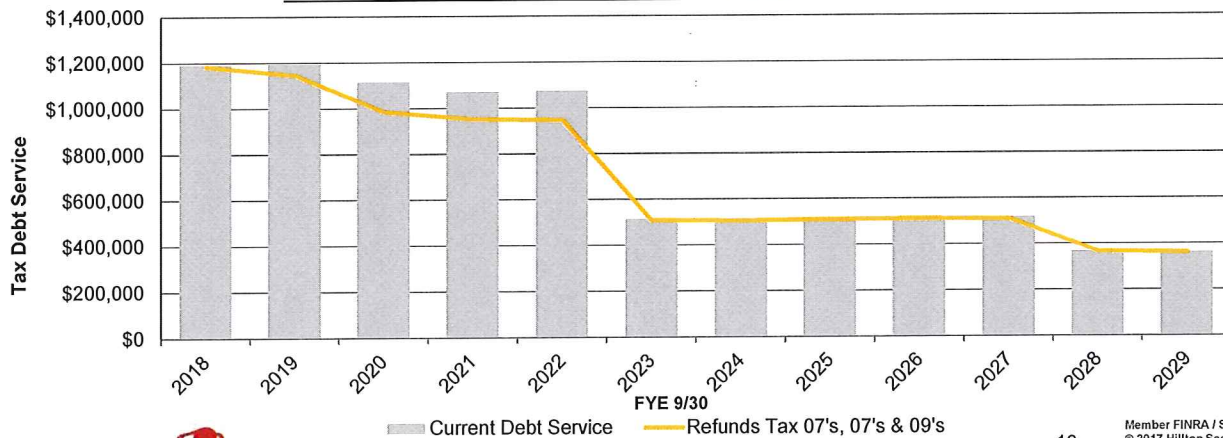


## Final City of Kerrville Tax Debt Service Post Refunding

City of Kerrville, Texas

### General Obligation Refunding Bonds, Series 2017 - Analysis of Debt Service - Tax Supported Debt

	Outstanding Tax System Debt			Less:	Total Projected Debt Service Post Refunding
	Principal	Interest	Total	Series 2017 Refunding savings Only Tax Portion	
9/30/2018	\$ 908,893	\$ 280,539	\$ 1,189,432	\$ 7,250	\$ 1,182,182
9/30/2019	948,152	245,779	1,193,932	48,360	1,145,572
9/30/2020	905,320	209,135	1,114,455	130,200	984,255
9/30/2021	898,000	173,455	1,071,455	120,830	950,625
9/30/2022	937,000	137,345	1,074,345	127,870	946,475
9/30/2023	405,000	110,383	515,383	7,058	508,325
9/30/2024	420,000	93,723	513,723	7,398	506,325
9/30/2025	440,000	76,324	516,324	6,699	509,625
9/30/2026	460,000	58,078	518,078	5,328	512,750
9/30/2027	480,000	38,983	518,983	9,233	509,750
9/30/2028	345,000	22,160	367,160	1,060	366,100
9/30/2029	355,000	7,544	362,544	444	362,100
	\$ 7,502,365	\$ 1,453,446	\$ 8,955,811	\$ 471,727	\$ 8,484,084



## Refunding Summary

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- Despite significant municipal market volume, the City's advanced refunding transaction achieved savings results in excess of projections
  - The City's name has been and continues to be well received by investors
- We want to express our appreciation to Mr. McDaniel, Ms. Yarbrough and Ms. Dozier for all their assistance in making this a successful transaction, especially with a very compressed schedule
- Thank Bond Counsel, McCall Parkhurst & Horton L.L.P., for their efforts
- The Underwriting Syndicate lead by Raymond James performed well
  - Pushed the scale for pricing and underwrote bonds to support the issue
- Thank the City for the honor of serving Kerrville as its Financial Advisor; we appreciate our long-term relationship

## City Council Agenda Bill Report

Agenda Item No. 2017-85

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Approve minutes of the following city council meetings: regular meeting held September 26, 2017; workshop held October 17, 2017; special meeting held October 20, 2017; and regular meeting held October 24, 2017.

### **SUMMARY STATEMENT:**

The minutes are presented for council's approval.

### **EXHIBITS:**

Minutes as attached.

### **RECOMMENDED ACTION:**

Approval of minutes of council meetings held September 26, 2017; October 17, 2017; October 20, 2017; October 24, 2017; and November 14, 2017.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [2017 0926.docx](#)
- [2017 1017 workshop.doc](#)
- [2017 1020.doc](#)
- [2017 1024.docx](#)



This meeting is recorded and can be viewed on the city's website at [www.kerrvilletx.gov](http://www.kerrvilletx.gov).

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
SEPTEMBER 26, 2017

On September 26, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Bonnie White in the city hall council chambers at 701 Main Street. The invocation was offered by Mayor White, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Barody	Mayor Pro Tem
Vincent C. Voelkel	Councilmember
Mary Ellen Summerlin	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Guillermo Garcia	Executive Director of Strategic Initiatives
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
David Knight	Police Chief
Dannie Smith	Fire Chief
Stuart Cunyus	Public Information Officer

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

2. VISITORS/CITIZENS FORUM:

1. Bruce Stracke stated a tremendous amount of investment had been made recently in several businesses in Kerrville, particularly in the downtown area.
2. Richard Norat introduced himself and asked that council nominate him to the KCAD Board of Directors (Item 6D).

3. PRESENTATIONS AND RECOGNITIONS:

3A. Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2016. Mr. McDaniel noted the city had received this award every year for the past 33 years, since 1984.



3B. Transparency Stars Awards Certificate awarded to the finance departments by the Texas Comptroller of Public Accounts.

**4. CONSENT AGENDA:**

Ms. Summerlin moved to approve consent agenda items 4A through 4F; Mr. Ferguson seconded the motion, and the motion passed 5-0:

4A. Minutes of the special meeting held August 30, 2017.

4B. Resolution No. 36-2017, approving the budget for fiscal year 2018 for the Kerr Emergency 9-1-1 Network.

4C. Resolution No. 37-2017, authorizing submission of an application to Alamo Area Council of Governments for grant funding for recycling.

4D. Interlocal agreement between the County of Kerr and City of Kerrville, Texas for the housing of city prisoners.

4E. Non-exclusive license agreement between the City of Kerrville and Texas Hill Country Senior Softball League.

4F. Request for waiver of parade permit fee and deposit by the Veterans Parade Committee for the 2017 Veterans Day Parade.

**END OF CONSENT AGENDA**

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

5A. Ordinance No. 2017-17, adopting the annual budget for the City of Kerrville, Texas, fiscal year 2018; providing appropriations for each city department and fund; containing a cumulative clause; and containing a savings and severability clause.

Mr. McDaniel recommended three items be considered for budget adjustments in the general fund expense:

1. Additional water expense at the Kerrville Sports Complex	\$60,000
2. Remove Kerr County resident library fee revenue	\$21,500
3. Lifepak15 savings due to discount on purchase	<u>- \$34,000</u>
	\$47,500

This total net expense would be offset by increase in sales tax projection of \$47,500.

Also, as previously requested by council, Mr. McDaniel presented several options to balance the FY2018 budget if the council adopted the effective tax rate that would reduce revenue projections by \$159,985.

Mr. Baroody proposed to adopt the three adjustments recommended by Mr. McDaniel, and proposed additional changes:

- Transfer portion of projected FY17 budget surplus into capital fund, \$143,300
- One-time expenses to be covered by capital fund transfer, \$143,300
- Reduce city's contribution to Kerr Economic Development Corporation, \$21,500. Mr. Baroody stated that KEDC would be fully funded for FY2018 and this amount would only decrease their reserve.

Council discussed the following:

- What impact would these additional changes have on the city's future budgets?
- Unexpected things could happen for economic development that were not anticipated.

- Concern may be over projecting sales tax revenue and sales tax could drop.
- City should not draw down on its reserve fund as this could be risky.
- The city's contribution to KEDC should not be reduced.
- Kerr County was proposing to keep their tax rate the same.

The following persons spoke:

1. Delayne Sigerman recommended the proposed tax rate in the city manager's budget should be approved. The small amount of savings from the effective rate may not adequately fund services for future growth. KEDC and the Executive Director Brian O'Connor were instrumental in retaining and adding three major businesses to our community: James Avery Craftsman, Mooney International, and Fox Tank. KEDC should be fully funded and allowed to carry forward with Mr. O'Connor's plans.

2. Diane McMahon, Chairman of the Parks and Recreation Advisory Board (PRAB), spoke in support of continuing with the feasibility study of the Olympic Pool. The pool had not had significant improvements since it was built in 1970. The PRAB was concerned that the city have adequate funds for the maintenance and operations of parks and recreation facilities. Ms. McMahon presented a letter and resolution passed by the PRAB stating that the budget be supported by the current effective tax rate.

Ms. Summerlin questioned which rate the PRAB supported: the current tax rate, which had been the same for the past 9 years; or the effective tax rate, which would be lower. Ms. McMahon stated the one that enabled adequate revenue for operations of the parks.

Mayor White noted the parks budget was increased to \$1.4 million in the proposed budget.

3. John Harrison, member of the PRAB, stated he was not at the PRAB special meeting when the resolution was adopted; however he was at a previous meeting and he thought the board was trying to support the tax rate that was in the budget proposed by the city manager who was hired to do a budget, and that was what he thought the board was supporting.

4. Michael Sigerman noted the city had a professional city manager and staff who put together a budget proposal. At a previous council meeting the city manager presented several options to balance the budget if council lowered the tax rate, but stated he did not recommend the options. Mr. Sigerman wanted to know what the city manager had to say about Mr. Baroody's proposal.

Mr. McDaniel stated he delivered the proposed budget and made his recommendation to council, and the budget was now in the council's hands. Except for KEDC, all city services he proposed were funded; however, he looked at the budget in the long term and not just one year in time.

Mr. Baroody motioned to accept the proposed budget with amendments outlined by Mr. Baroody with the budget to be supported by the effective tax rate of \$.5514/\$100 tax value. Mayor White seconded the motion and the motion passed on vote of 3 - 2 on the following roll call vote:

Mayor White	<u>YES</u>
Mayor Pro Tem Baroody	<u>YES</u>
Councilmember Voelkel	<u>YES</u>
Councilmember Summerlin	<u>NO</u>
Councilmember Ferguson	<u>NO</u>

5B. Ordinance No. 2017-18, levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the fiscal year 2018; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Ms. Yarbrough noted the effective tax rate was \$.5514, of which \$.4779 was maintenance and operations portion of the budget and \$.0735 was interest and sinking.

Mr. Baroody moved to adopt the effective tax rate of \$.5514/\$100 property tax value to fully fund the budget adopted on the previous item. Mr. Voelkel seconded the motion and the motion passed on vote of 3 - 2 on the following roll call vote:

Mayor White	<u>YES</u>
Mayor Pro Tem Baroody	<u>YES</u>
Councilmember Voelkel	<u>YES</u>
Councilmember Summerlin	<u>NO</u>
Councilmember Ferguson	<u>NO</u>

## **6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Purchase of four (4) cardiac monitors from Physio-Control in the amount of \$114,045.91.

Chief Smith requested authorization to purchase 4 LifePak 15 cardiac monitors replace the city's existing LifePak monitors, for which the service life will expire January 2019 and will no longer be supported under the service agreement. Physio-Control was offering a 5% discount and trade in of \$3,000 each for the city's current monitors if purchased before September 29, a total discount of \$114,045 for four new units, to be purchased in the FY2018 budget.

Ms. Summerlin moved to approve the purchase of four LifePak15 cardiac monitors at a price not to exceed \$114,045.91; Mr. Baroody seconded the motion and it passed 5-0.

6B. Fiscal Year 2018 budget for the City of Kerrville, Texas Economic Improvement Corporation (EIC).

Mr. Hoppe noted that city council met on September 12 and the vote to approve the EIC FY2018 budget failed. EIC reconsidered its budget on September 18 and approved their FY2018 budget without change. The budget allocated at \$4,799,153, including projected revenue of \$3,476,206, use of \$1,307,947 from the reserve account. The FY2017 projected unrestricted fund balance was \$2,259,612.

The following persons spoke:

1. Pat Patillo, supported approval of the EIC budget as proposed, without amendment. Council was micromanaging the EIC budget that was put together by competent business professionals and approved by the EIC.

2. Tom Moser, Kerr County Commissioner, supported the proposed EIC budget and allowing KEDC to maintain a reserve. He noted that reserve funds could give KEDC flexibility to act quickly on things that may come forward. Mr. Moser noted that economic development was important and didn't just happen. KEDC worked over a year to negotiate the location of James Avery Craftsman's \$15 million facility with over 500 employees. KEDC also worked to relocate Fox Tank and to keep Mooney International in Kerrville. The KEDC board was made up of professionals. Economic prospects would not come to the city directly. Mr. Moser also asked if the effective tax rate affected the county's fee for library services. Council noted the fee was taken out.

Mayor White noted that procedures were addressed in Texas Local Government Code:

- The powers of a development corporation, such as EIC, shall be subject at all time to the control of the city council. The city shall approve all programs and expenditures of its development corporation and shall review any financial statements of the corporation.
- Gave the city authority to alter structure, the organization, the programs or activities of the development corporation at any time. The authority may be limited where there is a contract in place. The existing contract is the grant agreement between KEDC and EIC, which stated that KEDC was eligible to receive an amount up to \$180,000 for each of the remaining two years of the agreement, which started October 2015. The contract does not require that KEDC be funded \$180,000 for 3 years. Council had authority to approve EIC's budget, specifically, the allocation, expenditures and amendments.

Mayor White noted that KEDC's operations would be fully funded at \$140,000 as requested by Brian O'Connor, KEDC's Director. The council nor EIC would approve or obligate public funds without a designated purpose. The \$40,000 in KEDC's reserve fund was undesignated, and KEDC was not subject to open meetings. When KEDC has a proposal to recommend, immediately the Council and EIC will be open to the proposal.

Mr. Baroody moved to adopt the proposed EIC budget with amendment of the line item for KEDC's annual contribution to be changed from \$180,000 to \$140,000. The motion was seconded by Mr. Voelkel.

Ms. Summerlin noted a conversation by Councilmember Baroody at an EIC meeting about eliminating KEDC, now the council majority was cutting EIC's budget \$40,000, and the city's budget \$21,000 for KEDC. She questioned if this was a gradual defunding of KEDC, and noted KEDC was an independent organization, not government, and was the preferred method of negotiation for businesses and economic development. EIC recommended their same budget twice, and this sends the message that council would be making EIC's budget decisions. A majority of the current councilmembers have been opposed to projects and decisions of EIC in the past. Immediately after the election the

majority replaced three EIC members. The council majority did not have a majority on EIC now so when they have a problem, they move the decisions to city council where they have a majority. Removing \$21,000 from the city budget and \$40,000 from EIC budget will affect KEDC's operations.

The motion passed 3-2 with Councilmembers Baroody, Voelkel, and White voting in favor of the motion, and Councilmembers Summerlin and Ferguson voting against the motion.

6C. Resolution No. 38-2017 amending the City of Kerrville Fee Schedule by revising fees charged for various services and uses provided or offered by the city.

Ms. Yarbrough presented changes to the fee schedule.

Mr. Baroody opined that the municipal use fee for reuse water for the sports complex and golf course was too low at \$0.38. Mr. McDaniel noted that the municipal use fee was adopted at \$0.38 by a prior council.

Mayor White stated the motion to approve Resolution No. 38-2017. Ms. Summerlin moved the motion as stated; Mr. Ferguson seconded the motion, and it passed 5 – 0.

6D. Resolution No. 39-2017 nominating a candidate(s) to Kerr Central Appraisal District Board of Directors. Ms. Craig reported that KCAD requested nominations from the city by October 15; KCAD will prepare a ballot for entities to cast their votes. Based on the city's tax levy, the city will have 704 votes out of 5,000. The ballot will be scheduled on the November 14 agenda for council to cast its votes. William Morgan currently served as the city's representative.

Mayor White stated that Mr. Morgan had served to complete a vacant term, and he told her he would be happy if council wanted to nominate someone else.

Mr. Ferguson moved to nominate Judy Eychner; Ms. Summerlin seconded the motion and it passed 5-0.

6E. Resolution No. 40-2017 authorizing the waiver of various fees and authorizing a License Agreement for the use of the City's downtown pavilion for the Kerrville Farmers Market (KFM) to be held in Downtown Kerrville the First Friday evening of each month.

Mr. Hoppe noted the city was requested to be a co-sponsor for farmers market events: 1) Waive fees, i.e. pavilion rental and permit/application fees; 2) Allow use of equipment such as tents, tables and chairs; 3) Provide in-kind marketing and advertising in the city's annual activity guide, press releases, and website; 4) Provide barricades, access to electricity, and use of downtown restrooms. The agreement did not waive any associated fees such as police officers for security. The sponsors had garnered support for the events from downtown businesses and the owners of the adjacent parking lot.

The following persons spoke:

1. Delayne Sigerman asked if this was the same group that held the Farmers Market at with the county. Council noted it was a different group with different vendors.



2. Justin Graham, organizer of the KFM, noted the pavilion provided a centralized location to bring agricultural vendors into the downtown area. He was working with others to establish branding, logo, and website. Events would be held the first Friday of each month beginning October 6.

Mr. Baroody moved to approve Resolution No. 40-2017 as presented; Mr. Voelkel seconded the motion and it passed 5-0.

**6F. Amendment to Procedural Rules for Meetings of the Kerrville City Council, Rule 7.5(c).**

Councilmember Voelkel requested council amend Rule 7.5(c) to allow councilmembers to attend any city board meeting provided adequate notice was provided to staff so that an agenda may be posted if required.

Council discussed the following:

- Anyone could access the recordings of board meetings; however, the recordings were not always immediately available on the website.
- Councilmembers attending should strictly watch and not participate; however, members may participate in discussions if they were a participant or had personal business in the matter being discussed.

Upon question of council, Mr. Hayes noted his concern was if a councilmember participated in the discussion of an item at a board meeting, and that item was later brought before council for consideration, the question of due process could be raised.

Mr. Voelkel moved to amend the Procedural Rules with statement "councilmembers may attend board meetings provided no participation unless the member has personal business at that meeting. Mr. Ferguson seconded the motion and it passed 4 – 1 with Councilmembers Voelkel, Ferguson, Baroody, and White voting in favor of the motion, and Councilmember Summerlin voting against the motion.

**7. INFORMATION AND DISCUSSION:**

**7A. Budget and economic update.**

Ms. Yarbrough gave the financial report year to date for the period ending August 31, 2017: general fund revenues totaled \$27,742,466 and expenditures \$24,962,627; water and sewer fund revenues totaled \$10,741,037 and expenditures \$10,320,076; hotel/motel fund revenues were \$1,133,962 and expenditures \$1,012,700. Eight permits were issued in August for residential construction and commercial construction was \$1,162,000. She reviewed the community investment capital projects in progress and noted sales tax collections were exceeding projections, and utility accounts were growing at about .5%.

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

**9. EXECUTIVE SESSION: None.**

**10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY. None.**

**ADJOURNMENT.** The meeting adjourned at 7:59 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

This meeting is recorded and can be viewed on the city's website at [www.kerrvilletx.gov](http://www.kerrvilletx.gov).

CITY COUNCIL MINUTES  
WORKSHOP

KERRVILLE, TEXAS  
OCTOBER 17, 2017

On Tuesday, October 17, 2017, the Kerrville City Council workshop was called to order at 10:00 a.m. by Mayor White in city hall council chambers at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Baroody	Mayor Pro Tem
Mary Ellen Summerlin	Councilmember
Vincent C. Voelkel	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None.

CITY STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Stuart Barron	Director of Public Works
David Barrera	Asst. Director of Public Works
Stuart Cunyus	Public Information Officer
Kim Meisner	Director of General Operations
David Knight	Police Chief

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

**WATER AND WASTEWATER UPDATE**

Mr. Barron noted the city had four sources of water: surface water, groundwater, Aquifer Storage and Recovery (ASR) water, and reuse water.

Surface Water:

The state allocated surface water on the priority date system, with exception of riparian, and domestic and livestock rights. The city had authority to impound 840 acre feet of water in Nimitz Lake; according to a survey in 2015, 735 acre feet of water was stored in Nimitz Lake. The state watermaster enforced the amount of surface water that the city could remove from the river.

Groundwater:

The state subscribed to the Rule of Capture, i.e. property owner had the right to capture water flowing under their property. Headwaters Groundwater Conservation District (HGCD) determined how much the city could use based on historic usage,

surface acre allowance, and conjunctive right. HGCD allowed the city 1.4 billion gallons per year. The current permit would come up for renewal in 2018.

Mr. Barron reviewed projects in the 2008 Water and Wastewater Master Plan, as updated in 2012 (water) and 2014 (wastewater), including several major projects: Legion Lift Station Upgrade:

Current capacity would allow for an additional 95 living unit equivalents (LUE). The upgrade project would add an additional 44% capacity, equivalent to approximately 2500 LUE. Projects currently affected by the limited capacity were: Schreiner University, Peterson Farm Road, Sendero Ridge, East Main North, Pinto Trail, and a proposed hotel on Spring Street. Schedule for the project upgrade was: design complete, spring 2018; and construction estimated to take 8-12 months, possibly as early as mid to late 2018. Currently, the project estimate was \$8,330,750.

Total Trihalomethanes (TTHM) Study:

Two options were under study by Freese & Nichols: 1) Granular activated carbon, and 2) Chloramines; Mr. Barron gave pros and cons for each method. Presentation of the F&N study would be in the next two months.

Direct Potable Reuse (DPR):

The original concept of DPR was to develop a .5 MGD – 1 MGD plant next to the reuse pond to supplement the city's potable water supply; \$5 million was budgeted for construction in FY2027. Currently, staff had completed sampling and water testing, and evaluation of treatment types, and either treatment type was acceptable to TCEQ. Mr. Barron discussed steps to be taken if the city elected to move forward with DPR, and stated that construction could begin in 3-5 years. He discussed future water options.

ASR III:

The first ASR III well was abandoned as a production well and was going to be used as a monitoring well. The second ASR III well was under design to be located near the proposed DPR plant. Currently TCEQ was not requiring the city to store DPR water in an ASR well if treated to drinking water standards; it could be put directly into distribution. ASR III was on hold until DPR treatment was determined.

The following person spoke:

1. Barry Wall discussed rainwater systems, solar water heating systems, and other water conservation methods.

**ADJOURNMENT.** The meeting adjourned at 11:46 a.m.

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

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

This meeting is recorded and can be viewed on the city's website at [www.kerrvilletx.gov](http://www.kerrvilletx.gov).

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
OCTOBER 20, 2017

On Friday, October 20, 2017, the Kerrville City Council special meeting was called to order at 2:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Baroody	Mayor Pro Tem
Vincent C. Voelkel	Councilmember
C. Warren Ferguson	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT:

CITY STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
David Knight	Police Chief
Stuart Cunyus	Public Information Officer
Kim Meisner	Director of General Operations

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

**1. EXECUTIVE SESSION:**

Section 551.074:

1A. Deliberate the employment, evaluation, and contract of the City Attorney.

Mayor White requested clarification if the motion made by Mr. Ferguson on October 10 was a legal motion, that is: to allow the current employee contract to terminate on its expiration date, and to continue with Mr. Hayes as city attorney while a new contract was negotiated. She noted an email from Mr. Hayes to council after the October 10 meeting stating that he considered himself still employed under contract as that contract did not expire but could be terminated by either party.

Mr. Hayes stated the contract does not expire and it was a legal motion; however, it had no effect. The motion was an ineffective motion.



Mayor White noted if there was time when council came out of executive session, council would hear public comments.

Mayor White moved to go into executive session under Section 551.074 of the Texas Government Code; Mr. Baroody seconded the motion and it passed 5-0.

At 2:04 p.m. the regular meeting recessed. Council went into executive closed session at 2:04 p.m. At 3:44 p.m. the executive closed session recessed and council returned to open session at 3:44 p.m. No action was taken in executive session.

**2. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION, IF ANY**

Mr. Baroody moved to authorize the city manager to engage outside legal services to draft the amendments to the employment agreement of the city attorney. Mr. Voelkel seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 3:45 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

This meeting is recorded and can be viewed on the city's website at [www.kerrvilletx.gov](http://www.kerrvilletx.gov).

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
OCTOBER 24, 2017

On October 24, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Bonnie White in the city hall council chambers at 701 Main Street. The invocation was offered by Mayor Pro Tem George Baroody, followed by the Pledge of Allegiance led by Police Chief David Knight.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Baroody	Mayor Pro Tem
Vincent C. Voelkel	Councilmember
Mary Ellen Summerlin	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Guillermo Garcia	Executive Director of Strategic Initiatives
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
David Knight	Police Chief
Stuart Cunyus	Public Information Officer
Sabine Kuenzel	Executive Director of Development Services
Kyle Burrow	City Engineer

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

2. VISITORS/CITIZENS FORUM: None.

3. CONSENT AGENDA:

Mr. Ferguson moved to approve consent agenda item 3A; Ms. Summerlin seconded the motion, and the motion passed 5-0:

3A. Minutes of the regular council meeting held September 12, 2017 and the council workshop held September 19, 2017.

END OF CONSENT AGENDA

**4. PUBLIC HEARING:**

4A. Annexation into the incorporated limits, and applying a Zoning Classification of District 26-E, for an approximate 7.95 acre tract out of land adjacent to the incorporated limits which is out of the F. Rodriguez Survey No. 72, Abstract No. 280, Kerr County, Texas, located at 5263 Highway 27.

Mr. Voelkel filed a conflict of interest affidavit and recused himself from the meeting at 6:05 p.m.

Ms. Kuenzel noted this was the second public hearing and presented the annexation schedule.

Mayor White declared the public hearing open at 6:06 p.m.; no one spoke; Mayor White closed the public hearing at 6:06 p.m.

Mr. Voelkel returned to the meeting at 6:06 p.m.

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

5A. Ordinance No. 2017-19, a zoning change to amend Ordinance No. 2004-15, which created a "Planned Development District" for an approximate five hundred thirty-six acre tract of land out of the Walter Fosgate Survey Number 120, within the City of Kerrville, Kerr County, Texas; and generally located southeast of the intersection of Farm to Market Road 783 (Harper Highway) and Interstate 10; said amendment to adjust the authorized uses between two defined areas within said district, said areas located adjacent to and north of Holdsworth Drive.

Council noted that the proposed ordinance would: 1) Add hotel/motel to permitted uses on Tract 1C; and 2) Add fuel sales to Tract 4C. The original PDD stipulated no fuel sales in 4C. Fuel sales were allowed in 1C with the stipulation that fuel sales not be within 300 ft. of the northwest corner; the purpose of this requirement might have been to establish a distance requirement from Town Creek. It was suggested that fuel sales not be allowed in 4C until after an environmental study was done.

Ms. Kuenzel confirmed that 4C was 100 ft. from the floodplain. Mr. Burow provided the 2000 and the current floodplain maps of the area.

John Hewitt, applicant's engineer, opined that 4C was a significant distance from Town Creek; however, if there was an environmental concern, the developer probably would be willing to withdraw the request for fuel sales on 4C. Regarding the hotel/motel use, the plans were conceptual only and the location had not been determined.

Mr. Burow noted that EPA and TCEQ did not require an environmental study for gas stations; however, prior to construction the developer would have to have an approved EPA Spill Prevention Plan.

Mr. Baroody moved to amend PDD 2004-15 by adopting the modified Ordinance 2017-19 to only add hotel/motel as a permitted use to subzone 1C. Mr. Voelkel seconded the motion and it passed 5-0.

5B. Ordinance No. 2017-20, amending the budget for Fiscal Year 2017 to account for the transfer of funds between different funds as previously authorized by City Council, to account for the proceeds from the sale of the former City Hall property, and to make other amendments as provided herein.

Ms. Yarbrough noted no changes since first reading.

Mr. Ferguson moved for approval of Ordinance No. 2017-20 on second and final reading; Mr. Baroody seconded the motion and it passed 5-0.

## **6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Resolution No. 42-2017 authorizing a waiver of various fees associated with construction activities for the property located at 602 Spur 100, within the City of Kerrville, Texas. (Steve Volkman, citizen)

Matter was deferred until the applicant could be present.

6B. Interim administrative services contract between City of Kerrville, Texas and the City of Kerrville, Texas Economic Improvement Corporation in the amount of \$16,700.

Mr. Hoppe noted the current contract expired September 30, 2017. The proposed interim contract would provide city administrative services to the EIC at a cost of \$16,700 for 60 days, to expire December 23, 2017. The interim contract was approved by EIC on October 16.

Mr. Hoppe noted that currently legal services were provided by the city attorney; however, the city attorney was also legal counsel to the City Council. EIC was concerned about their authority to hire outside legal counsel in the event of a conflict between the EIC and City Council.

Council discussed EIC's options to hire outside legal counsel separate from the city attorney and how that expenditure would be paid, i.e. separate pre-approved line item in EIC's budget, or a statement in the contract.

Mr. Baroody moved to approve the 60 day extension. Ms. Summerlin seconded the motion and it passed 5-0.

## **7. INFORMATION AND DISCUSSION**

7A. Presentation of the Office of Innovation.

Mr. Garcia noted the city's greatest resource was its employees. The Office of Innovation would engage and empower employees to achieve the highest levels of performance through education, process improvement, strategic and business planning, and creativity. After the comprehensive plan is established, it will be integrated into the strategic operating plan that is supported by the business plan. A business plan will be developed by each department to create accountability for strategies, action plans and

performance measures. The business plan will consist of: strategic alignment, department planning, and performance criteria, based on the Baldrige Performance Excellence Criteria.

**7B. Budget and economic update.**

Ms. Yarbrough gave the financial report year to date for the period ending September 30, 2017: general fund revenues totaled \$28,072,527 and expenditures \$27,630,066; water and sewer fund revenues totaled \$11,881,558 and expenditures \$11,230,342; hotel/motel fund revenues were \$1,225,145 and expenditures \$1,012,700. Eight permits were issued in September for residential construction and commercial construction was \$8,635,950. She reviewed the community investment capital projects in progress. Ms. Yarbrough noted the budget amendment approved in Item 5B was not included in this report.

**8. CITY MANAGER'S REPORT**

**8A. Comprehensive Plan Subcommittee Appointments Process.**

Mr. McDaniel noted that in August council appointed 42 members to the comprehensive plan steering committee. He discussed the comprehensive plan subcommittee appointment process and suggested each councilmember submit two names for each of the seven subcommittees, and appointments would be scheduled for the November 14 agenda. Also at the November 14 meeting council will appoint a chair for each of the seven subcommittees from the steering committee.

**9. ITEMS FOR FUTURE AGENDAS, CITY COUNCIL**

- Process for and evaluation of the city attorney for the November agenda.
- As the river trail is extended, consider material that will not tear up bicycle tires, no rough rocks.

**10. EXECUTIVE SESSION: None.**

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

**ADJOURNMENT.** The meeting adjourned at 7:13 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary



# City Council Agenda Bill Report

Agenda Item No. 2017-100

Submitted by: Cheryl Brown

Submitting Department: City Secretary

Meeting Date: December 12, 2017

## **SUBJECT:**

Execution of a Joint Election Agreement with Kerr County for conducting the City of Kerrville General Election to be held on May 5, 2018.

## **SUMMARY STATEMENT:**

The attached agreement will authorize the Kerr County Elections Office to conduct the City of Kerrville General Election to be held on May 5, 2018, including:

- Hiring and training election judges and workers
- Management of the polling location for both early voting and election day
- Preparation, ordering and distribution of ballots
- Manage the early voting by mail process.

The city will reimburse the county for the actual expenses attributable to the cost of the city election, rental of equipment and supplies, plus 10% of the cost incurred, and a \$50 administrative fee. The contract is the same as in previous years; however, the fees proposed are slightly higher due to: higher cost in ballot preparation and printing by Hart InterCivic, hiring one additional election day clerk and one additional early ballot board clerk, and anticipated heavy increase in ballot by mail applications.

It should be noted that the attachment to the contract is only an estimate of the election costs and may vary based on the needs of the election, which are currently unknown, for example, printing of additional ballots, and the potential need to hire additional workers. The county elections office works diligently to keep the city's cost to a minimum and will inform the city secretary prior to purchasing additional ballots, hiring additional workers, or any adjustments that may significantly increase the cost estimate.

## **EXHIBITS:**

Election Agreement with Kerr County as attached.

## **RECOMMENDED ACTION:**

Approval of the contract.

## **EXPENDITURE REQUIRED:**

\$7,427.97

## **CURRENT BALANCE IN ACCOUNT:**

\$7,500.00

## **AMOUNT BUDGETED:**

\$7,500.00

**ACCOUNT NUMBER:**

01-0102-4920

**PAYMENT TO BE MADE TO:**

Kerr County Tax Assessor/Collector

**ATTACHMENTS**

- [Election Agreement 2017.pdf](#)

**THE STATE OF TEXAS  
COUNTY OF KERR**

**JOINT ELECTION AGREEMENT  
BETWEEN  
CITY OF KERRVILLE AND KERR COUNTY**

**THIS AGREEMENT** is made and entered into by and between Diane Bolin Tax Assessor/Collector (or designated employee) on behalf of Kerr County, Texas duly constituted and acting as County Elections Officer and the City of Kerrville by and through Bonnie White, its Mayor, hereinafter referred to as "CITY OF KERRVILLE" and by authority of Section 31.092, Vernon's Texas Civil Statutes, Election Code for conducting and supervision of the elections for the CITY OF KERRVILLE in conjunction with the Election.

Diane Bolin, Tax Assessor/Collector (or designated employee) shall order all supplies for the election and distribute those supplies to the election personnel. Election forms and all records of the election shall be combined for use in this election on the Tally Equipment.

**THIS AGREEMENT** is entered into in consideration of the mutual covenants and agreement hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. DUTIES AND SERVICES OF KERR COUNTY**

Diane Bolin Tax Assessor/Collector (or designated employee) agrees to coordinate, supervise, and handle all aspects in administering the CITY OF KERRVILLE elections in accordance with the provisions of the Texas Election Code and as outlined in this Agreement.

Diane Bolin, Tax Assessor/Collector (or designated employee) in connection with the holding and supervision of said election shall assume the following responsibilities:

- a. Shall be responsible for notifying each election judge and alternate judge of his or her appointment and for determining the number of clerks and other election workers authorized to work at each voting location; and arrange for the notification, including writ of election, and compensation of all presiding judges and alternate judges.
- b. Election judges shall be responsible for picking up election supplies and materials at the time and place determined by Diane Bolin, Tax Assessor/Collector (or designated employee). This responsibility will be set forth in the election judges' letter notifying the judge of his/her appointment.

Election Contract – CITY OF KERRVILLE

- c. Procure, prepare, proof, and distribute ballots.
- d. Procure, prepare, and distribute election judge's kits.
- e. Arrange for the use of the Cailloux City Center as the polling location.
- f. Use Optical scanning eScan Equipment and DAU eSlate (Hart 6.2.1) for counting of the ballots as certified by the Secretary of State to comply with HAVA for early voting and election day.
- g. Assemble the list of registered voters to be used in conducting the election in conformity with the election precincts established for the election.
- h. Publish the legal notice of the date, time and place of the testing of the electronic tabulation equipment and conduct such testing.
- i. Supervise the handling and disposition of election returns, voted ballots, etc., and tabulate unofficial returns and assist in preparing the tabulation for the official canvass.
- j. Diane Bolin, Tax Assessor/Collector (or designated employee) will prepare the unofficial tabulation report after all city ballots have been counted, and will provide a copy of the report to the CITY OF KERRVILLE as soon as possible after all returns have been tabulated, but in no event later than 2:00 p.m. on the 10<sup>th</sup> day following the election. The CITY OF KERRVILLE will be responsible for the official canvass of its General Election.
- k. All early voting ballots (those cast by mail and those cast by personal appearance) will be prepared for counting by an Early Voting Ballot Board.
- l. Handle all aspects of Early Voting including those voting by mail.
- m. Prepare the results of the election for the CITY OF KERRVILLE to conduct its own canvass of the election as prescribed by law.
- n. Provide at no cost for the storage of all election records as provided by law
- o. As the general custodian of election records shall conduct a criminal background check for relevant election officials, staff, and temporary workers upon hiring.
- p. Hart Intercivic certifies that a criminal background check on all employees, including temporary employees that may program, test, perform maintenance, transport equipment, or perform technical support

on the voting system equipment for KERR COUNTY has been performed. The Company has determined there are no findings that would prevent the employees from performing their assigned duties.

## **II. DUTIES AND SERVICES OF CITY OF KERRVILLE**

The CITY OF KERRVILLE in connection with the holding and supervision of said election shall assume the following responsibilities and shall directly bear any cost for the same:

- a. Shall receive from their candidates all documents filed under Title 15 of the Texas Election Code relating to campaign contributions and expenditures.
- b. Preparation of election orders, resolutions, notices, and other pertinent documents for adoption or execution by the appropriate office or body and post or publish in the required time frame.
- c. Prepare and send out “Notice of Drawing” for a place on the Ballot to all eligible candidates.
- d. Election Officers with a list provided by Diane Bolin Tax Assessor/Collector (or designated employee) shall be appointed and approved thru the governing body of the CITY OF KERRVILLE. The Election Officers are as follows: Early Voting Judge, Election Day Judge, Election Day Alternate Judge, Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Early Voting Ballot Board Judge.
- e. Polling Location shall be appointed and approved thru the governing body of the CITY OF KERRVILLE.
- f. Deliver to Diane Bolin, Tax Assessor/Collector or designated employee as soon as possible, a list showing the official wording for the Election titles that is to be printed on the ballot with the exact form, orders, wording, and spelling that is to be used.
- g. Pay any additional costs incurred by Diane Bolin, Tax Assessor/Collector or designated employee if a recount for the election is required, or the election is contested in any manner.
- h. Shall issue “Certificates of Election” to candidates elected after the Official Canvass.

Election Contract – CITY OF KERRVILLE

- i. The CITY OF KERRVILLE will be responsible for the official canvass of its Election.

**III. PAYMENT FOR SERVICES**

- a. The CITY OF KERRVILLE shall pay to Kerr County the actual expenses directly attributable to the Contract, ten percent (10%) of the budget cost for Election Service Contract Fee pursuant to the Texas Election Code, Section 31.100, and the administrative fee of \$50.00 per election. (See attached Estimated Cost Sheet.)
- b. After the date of election and completion of all duties required, the Tax Assessor/Collector (or designated employee) shall then compute the final statement for all expenses including ten percent (10%) of the budget cost for Election Service Contract Fee, the \$50.00 Administration Fee and mail payment for the election services to Kerr County. The CITY OF KERRVILLE shall be responsible for paying this amount within thirty (30) days from the Final Cost Report.
- c. If the Election is cancelled a \$75.00 administration fee is due.

IN WITNESS WHERE OF, the parties hereto have made and entered into this agreement this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

  
\_\_\_\_\_

Diane Bolin, Tax Assessor/Collector

Or Designated Employee

Kerr County, Texas

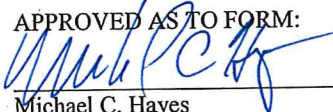
\_\_\_\_\_  
Bonnie White, Mayor

CITY OF KERRVILLE

ATTEST:

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

APPROVED AS TO FORM:

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



<b>ESTIMATED COST of May 2018 Election</b>					
<b>for the City of Kerrville</b>					
<b>County Election Services Contract Costs</b>					
<b>1</b>	Ballot Printing Cost			<b>Estimate</b>	<b>Actual</b>
	First 1000 Ballots Free				
<b>2</b>	Electronic Voting System Programming				
	Test and Sample Ballots	1000 free + 2000 Ballots		\$2,143.00	
		Extra Ballots			
*					
<b>3</b>	Publication of Test of Electronic Voting Equipment				
	Newspaper-Kerrville Daily Times			\$ 60.00	
	Other Newspapers as requested per their fees				
<b>4</b>	Charge for Wireless Internet			\$ -	
*					
<b>5</b>	Lease of Voting Machines				
	Early Voting and Election Day				
		<b># of Units</b>	<b>Lease Cost</b>		
	eStates	2	\$37.50	\$ 75.00	
	JBC	2	\$37.50	\$ 75.00	
	eScans	2	\$67.50	\$ 135.00	
*	Tally Computer	1	\$57.75	\$ 57.75	
*	Lap Top Comp	1	\$52.50	\$ 52.50	
*					
<b>6</b>	Precinct Election Judges and Clerks				
	\$10.00 per Hour				
	Early Voting Clerks	2	80 hours	\$ 1,600.00	
	Election Day Judge & Alternate Judge	2	15 hours	\$ 300.00	
	Election Day Clerk	2	14 hours	\$ 280.00	
	Early Ballot Board Clerks	4	4 hours	\$ 160.00	
	Tabulation Supervisor & Personnel	4	2 hours	\$ 80.00	
	Election Night Workers			\$ -	
	Training Hour Paid to Election Judge	6	1 hour	\$ 60.00	
*					
<b>6a</b>	County Employees overtime				
	County Employees- Set up for Early Voting	3	1 hour		
	County Employees- Tear Down/setup	2	9 hours		
	County Employee -Tear Down/setup	1	15 hours		
<b>7</b>	Fee for Pickup of Supplies before Election Day and				
	Delivery of Supplies after Polls Close Per Election Day Judge			\$ 25.00	25.00
<b>8</b>	Technical Support Personnel			\$ -	
<b>9</b>	Miscellaneous Election Costs				
	Elections Kits	2	\$ 50.00	\$ 100.00	
	Central Counting Station Kit	1	\$ 12.00	\$ 12.00	
	Shipping of Kits & MBB's for programming			\$ 60.00	
	Postage - Appointment of Judges & Clerks	10	\$ 0.60	\$ 6.00	
	Postage - Writ of Election to Judge & Clerk	10	\$ 0.60	\$ 6.00	
*	Postage - Mail Ballots Application	200	\$ 0.60	\$ 120.00	
*	Postage- Mail Ballots	500	\$ 0.60	\$ 300.00	
*	Mail Ballot Kits	500	\$ 2.00	\$ 1,000.00	
	<b>SUBTOTAL EXPENSES - Cost of the Election</b>			\$ 6,707.25	
<b>10</b>	Election Service Contract Fee (10% of Cost)			\$ 670.72	
	Administrative Fee			\$ 50.00	50.00
<b>11</b>	<b>TOTAL COST OF ELECTION</b>			\$ 7,427.97	
	Balance due 30 days after Final Cost Report				
* The following items may be divided with the different entities having the election					
<b>3</b>	Publication - Newspaper	shared costed with all Entities			
<b>5</b>	Lease - Election Machines	shared costed of Talley & Lap Top Computer w/all Entities			
<b>5</b>	Lease - Election Machines	Equipment costed shared with City of Kerrville			
<b>6</b>	Cost - Election Judge-Clerk	City of Kerrville & KISD share /City of Ingram & Ingram ISD share			
<b>6a</b>	Cost - County Employees	(shared costed with all Entities			
<b>9</b>	Shipping on MBB, Election Kits, & Ballots	- Shared with all Entities			
<b>9</b>	Postage - Applications, Ballots, Mail Ballot Kits	Shared with City of Kerrville & KISD			

## **City Council Agenda Bill Report**

Agenda Item No. 2017-123

Submitted by: Ashlea Boyle, Director Parks & Recreation

Submitting Department: Parks & Recreation Department

Meeting Date: December 12, 2017

### **SUBJECT:**

Resolution No. 47-2017 authorizing the abandonment and release of a recreation easement previously conveyed to the City of Kerrville, Texas, and located on the property with an address of 245 Guadalupe Street; and ordering recording.

### **SUMMARY STATEMENT:**

The City secured recreation easements for the River Trail-West project from numerous property owners along Guadalupe Street based on the original routing of the trail between Lowry Park and the Dietert Center. There was a re-routing of the trail across one property after negotiation that affected the route on an adjacent property that already had a finalized recreation easement. The City worked with the affected property owner (Thomas and Elizabeth Price) and amended the location of the trail easement across their property to ensure that the easement lines matched.

Since the original easement with Price had been filed at the courthouse, that original easement needs to be abandoned to avoid any future issues with the easement location or any contradictions with the new amended easement. This easement abandonment must be authorized by the City Council. Following abandonment, City staff will then file the new, revised recreation easement from the Price family.

### **EXHIBITS:**

Resolution No. 47-2017 as attached.

### **RECOMMENDED ACTION:**

Approval of Resolution No. 47-2017.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

## ATTACHMENTS

- [Resolution 47-2017.pdf](#)

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 47-2017**

**A RESOLUTION AUTHORIZING THE ABANDONMENT AND RELEASE  
OF A RECREATION EASEMENT PREVIOUSLY CONVEYED TO THE  
CITY OF KERRVILLE, TEXAS, AND LOCATED ON THE PROPERTY  
COMMONLY KNOWN AS 245 GUADALUPE STREET; AND ORDERING  
RECORDING**

**WHEREAS**, a recreation easement ("Easement") was previously conveyed to the City of Kerrville, Texas ("City") for property located adjacent to and on the south side of Guadalupe Street (the "Property"), as evidenced by the instrument recorded at 16-04784 of the Real Property Records of Kerr County, Texas; and

**WHEREAS**, in the course of designing the placement and construction of the public river trail, the City discovered that the location of the Easement needed to move to accommodate the connection of the trail to adjacent properties; and

**WHEREAS**, the owner of the Property located at 245 Guadalupe Street, which includes the Easement, has agreed to both the relocation and to convey the City a revised recreation easement; and

**WHEREAS**, based upon the relocation, the Easement is and will be unnecessary; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that the Easement is no longer necessary and that as such, the Easement should be abandoned and released;

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

**SECTION ONE.** City Council finds that the Easement on the property located at 245 Guadalupe Street, as conveyed to the City and recorded at 16-04784 of the Real Property Records of Kerr County, Texas, said Easement attached as **Exhibit A**, no longer serves a public interest and should be abandoned and released.

**SECTION TWO.** Based upon the findings made in Section One, above, and in accordance with the City's policy regarding the disposition of real estate, City Council authorizes the City Manager to execute and then file and record the Abandonment and Release of Easement, as attached at **Exhibit B**, in the Real Property Records of Kerr County, Texas.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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

## Exhibit "A"

16-04784

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**RECREATION EASEMENT  
(Public River Trail)**

THE STATE OF TEXAS       §  
                                  §  
COUNTY OF KERR         §

That **THOMAS S. PRICE** and **ELIZABETH M. PRICE** (collectively, the "Grantor"), whose address is P.O. Box 232, Hunt, Texas 78024-0232, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, paid by the City of Kerrville, Texas, 701 Main Street, Kerrville, Texas, 78028 ("Grantee"), the receipt and sufficiency of which is hereby acknowledged has GIVEN, GRANTED, AND CONVEYED and by these presents does hereby GIVE, GRANT, AND CONVEY to the Grantee, its successors and assigns, a permanent, perpetual, and non-exclusive easement and right-of-way, along, across, over, and under all of the certain tracts of land, which is further described in **Exhibit A** attached hereto and made a part hereof, and hereinafter referred to as the "Easement." The Easement shall be for the purpose of creating, constructing, and maintaining a linear public park, and more specifically, a public river trail; said trail to be adjacent to the Guadalupe River, and consisting of materials such as concrete or natural materials to be solely determined by the Grantee, for exercising, walking, jogging, bicycling, and other recreational uses and amenities related thereto, such as the placement, installation, and construction of trash receptacles, lighting, security telephones, park benches, water fountains, irrigation, signage, and drainage structures, the types and locations of which to be solely determined by the Grantee, and hereinafter the trail and amenities collectively

referred to as the "Facilities." Grantee's rights shall include the right to bring and operate such equipment upon the Easement as may be necessary or appropriate to effectuate the purposes for which the Easement is granted, which include public use, and for the purposes of creating, constructing, and maintaining the Facilities. Grantee shall not commence the placement, installation, and construction of the Facilities without first notifying Grantor in writing within a reasonable period of time prior to such placement, installation, and construction, such period not to be less than fifteen (15) days. Grantee shall construct, operate, and maintain its Facilities in an efficient and workmanlike manner and shall not interfere with Grantor's use and enjoyment of the real property burdened by the Easement. Grantee shall have the right to remove any and all vegetation from the Easement, including trees and brush, which may be necessary or appropriate to effectuate the purposes for which the Easement is granted. In addition, Grantee may, in its sole discretion, plant vegetation, including trees and shrubs, within the Easement as a way of enhancing public use of Grantee's linear park. Grantee agrees to restrict use of the Easement to pedestrians, skaters, and bicyclists and for other non-motorized uses, except in cases where motorized vehicles are used by Grantee to maintain the Facilities or where such vehicles are used to monitor and patrol the Easement or respond to emergencies. Grantee shall install and maintain signs to provide public notice of the prohibition of motorized vehicle use. Grantee shall enforce all rules and regulations for City park and recreation areas and as such, Grantee has adopted and will enforce rules and regulations specifically applicable to the use of the Easement. Grantee also acknowledges that the Facilities to be installed or constructed shall belong to the Grantee and that Grantee, not Grantor, shall be responsible for the maintenance, repair, or removal of any of the Facilities and for all liability, costs, or claims arising from the Grantee's or



the public's use of the Easement or the Facilities. Further, Grantee shall be responsible for the periodic removal of trash and debris within the Easement.

Grantee, its successor and assigns shall enjoy the rights, benefits, and privileges herein conveyed until such time as the Easement may be abandoned, at which time all right, title, and interest in the Easement shall automatically and immediately cease to exist. However, any such "abandonment" shall only be effective and occur upon formal action taken by the Kerrville City Council.

This instrument contains the entire agreement of the parties. There are no other or different agreements or understandings between Grantor and Grantee or its agents. Grantor, in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of Grantee or its agents or employees, except as such are set forth herein. This instrument and the rights, easements, and agreements herein contained shall be covenants running with the land and shall inure to the benefit of and be binding and obligatory upon the heirs, executors, administrators, successors and assigns of the parties hereto.

TO HAVE AND TO HOLD the Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors, assigns, and legal representatives and Grantor hereby binds itself and its successors, assigns and legal representatives to warrant and forever defend all and singular the Easement unto Grantee, its successors, assigns and legal representatives against every person whomsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor, but not otherwise.

EXECUTED this the 6<sup>th</sup> day of July, 2016.

(signatures begin on following page)

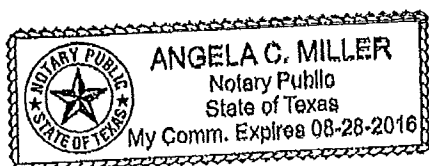
GRANTOR  
THOMAS S. PRICE

By: Thomas S. Price  
Printed Name: Thomas S. Price  
Its: \_\_\_\_\_

# ACKNOWLEDGMENT

STATE OF TEXAS §  
§  
COUNTY OF KERR §

On this day the 5th day of July, 2016, before me the undersigned notary public, personally appeared THOMAS S. PRICE, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said THOMAS S. PRICE, and that such person has executed the same as the act of such THOMAS S. PRICE for the purposes and consideration therein expressed, and in the capacity therein stated.



Angela C. Miller  
Notary Public in and for the State of Texas  
My Commission Expires: 8-28-16

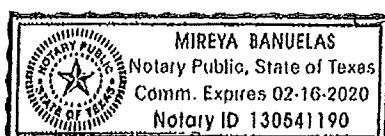
ELIZABETH M. PRICE

By: Elizabeth M. Price  
Printed Name: Elizabeth M. Price  
Its: \_\_\_\_\_

# ACKNOWLEDGMENT

STATE OF TEXAS §  
§  
COUNTY OF KERR §

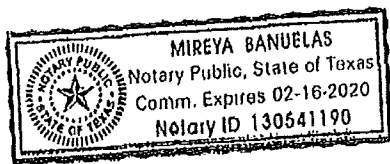
On this day the 5th day of July, 2016, before me the undersigned notary public, personally appeared ELIZABETH M. PRICE, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said ELIZABETH M. PRICE, and that such person has executed the same as the act of such ELIZABETH M. PRICE for the purposes and consideration therein expressed, and in the capacity therein stated.



Mireya Banuelas  
Notary Public in and for the State of Texas

Recreation Easement - Kerrville River Trail

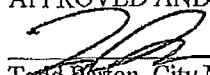
Page 4 of 5



My Commission Expires: 2/16/2020

(SEAL)

APPROVED AND ACCEPTED:

  
 Todd Parton, City Manager  
 City of Kerrville, Texas

AFTER RECORDING RETURN TO:

Office of the City Secretary ✓  
 City of Kerrville, Texas  
 City Hall  
 701 Main Street  
 Kerrville, Texas 78028

**CUPLIN & ASSOCIATES, Inc.**

land surveyors &amp; planners

Prepared For: City of Kerrville

Project No. 14736

Date: 12/18/2014

**0.058 ACRE RECREATION TRAIL EASEMENT**

BEING A 0.058 ACRE, 30FT. WIDE EASEMENT OUT OF THE JOHN YOUNG SURVEY NO. 119, ABSTRACT NO. 375 IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, BEING A PORTION OF BLOCK NO. 11 OF THE LOWRY ADDITION TO KERRVILLE, TEXAS, A SUBDIVISION LOCATED IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 28, PAGE 113 OF THE DEED RECORDS OF KERR COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 0.91 ACRE TRACT, AS DESCRIBED IN DEED TO THOMAS S. PRICE AND ELIZABETH M. PRICE IN VOLUME 710, PAGE 373 OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 0.058 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1/2" iron pin set with easement cap, along the easterly line of said 0.91 acre tract, being the northeast corner hereof, from whence a 1/2" iron pin found at the northeast corner of said 0.91 acre tract bears North 07°44'38" East, a distance of 242.01';

THENCE South 07°44'38" West, along the easterly line hereof, the easterly line of said 0.91 acre tract, a distance of 30.97' to a 1/2" iron pin set with easement cap, at the point of beginning of a curve to the right, and being the southeast corner hereof;

THENCE over and across said 0.91 acre tract, and along the southerly line hereof the following courses and distances;

- 1) Along said curve to the right, having an arc length of 57.86', a radius of 515.00', a chord bearing of South 87°02'19" West, and a chord length of 57.83' to a 1/2" iron pin set with easement cap;
- 2) North 89°44'35" West, a distance of 26.73' to a 1/2" iron pin set with easement cap, along the westerly line of said 0.91 acre tract, and being the southwest corner hereof;

THENCE North 08°05'16" East, along the westerly line hereof, and the westerly line of said 0.91 acre tract, a distance of 30.28' to a 1/2" iron pin set with easement cap, being the northwest corner hereof;

THENCE over and across said 0.91 acre tract, and along the northerly line hereof the following courses and distances;

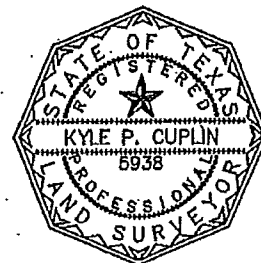
- 1) South 89°44'35" East, a distance of 22.60' to a 1/2" iron pin set, at the point of beginning of a curve to the left;
- 2) Along said curve to the left, having an arc length of 61.94', a radius of 485.00', a chord bearing of North 86°35'54" East, and a chord length of 61.90' to the Point of Beginning, containing 0.058 of an acre, more or less.

The above 0.058 acre Recreation Trail Easement is subject to a 20ft wide temporary construction easement lying north of and adjacent to the northerly line and south of and adjacent to the southerly line.

I hereby certify that this survey was prepared on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to Texas Coordinate System, South Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.

*Kyle P. Cuplin*  
Registered Professional Land Surveyor No. 5938

Dated 12/18/2014



1932 West RR 1431 • PO Box 1095 • Kingsland, TX 78639  
PH: 325.388.3300 Fax: 325.388.3320  
www.cuplinassociates.com

Page 2 of 2

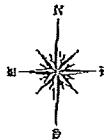
# RECREATION TRAIL EASEMENT

LOCAL ADDRESS: 317 GUADALUPE STREET, KERRVILLE, TEXAS.

LEGAL DESCRIPTION: BEING A 0.068 ACRE, 30FT. WIDE EASEMENT OUT OF THE JOHN YOUNG SURVEY NO. 119, ABSTRACT NO. 375 IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, BEING A PORTION OF BLOCK NO. 11 OF THE LOWRY ADDITION TO KERRVILLE, TEXAS, A SUBDIVISION LOCATED IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 28, PAGE 113 OF THE DEED RECORDS OF KERR COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 1.14 ACRE TRACT, AS DESCRIBED IN DEED TO S. & B. PARTNERS I, LTD. IN VOLUME 774, PAGE 174 OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 0.068 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY OF EVEN DATE.

**CUPLIN ASSOCIATES INC**  
LAND SURVEYORS & PLANNERS

LEGEND	
●	1/2" IRON PIN FOUND (UNLESS NOTED)
△	CALC. POINT
⊙	IRON PIPE FOUND
○	SET 1/2" IRON PIN WITH EASEMENT CAP
...	VOLUME/PAGE
D.R.K.C.	DEED RECORDS KERR CO.
O.P.R.C.	OFFICIAL PUBLIC RECORDS OF KERR COUNTY
C.M.	CONTROLLING MONUMENT
( )	RECORD INFO/SUBJECT



NOTES:  
1) BASIS OF BEARINGS ARE TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE.  
2) DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE GRID, FOR SURFACE VALUES APPLY A COMBINED SCALE FACTOR OF 1.0001325 FEET.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S11°28'25"E	30.64'
L2	N89°44'35"W	64.05'
L3	N02°02'25"W	33.94'
L4	S89°44'35"E	57.52'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	105.27'	36.41'	36.23'	N78°46'00"W
C2	75.27'	39.21'	38.77'	S73°33'28"E

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

*Kyle P. Cuplin* DATED 12/31/14  
KYLE P. CUPLIN, R.P.L.S. NO. 5938

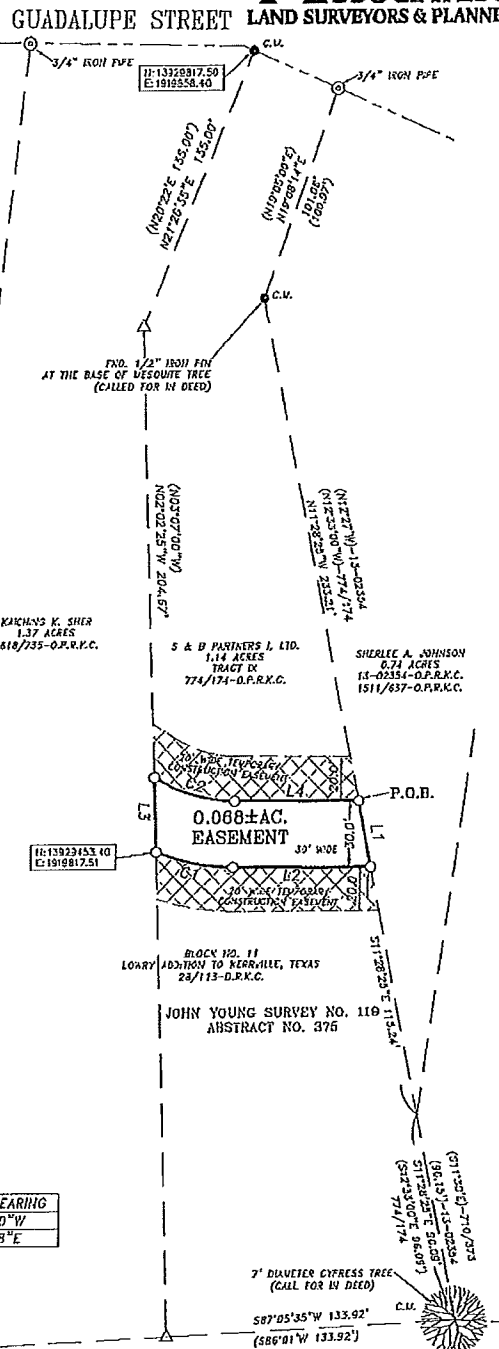


1 of 2 SHEET  
PROJ. NO. 14736  
PREPARED FOR: CITY OF KERRVILLE  
TECH: C. CUPLIN  
APPROVED: K. CUPLIN  
FIELDWORK PERFORMED ON: OCTOBER & NOVEMBER 2014  
CUP-14736-001

1932 WEST RR 1431  
PO BOX 1693  
KINGSLAND, TX. 78639  
PH: 325-358-3100 FAX: 325-358-3100  
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 60'  
0 30 60

DATE	DESCRIPTION
12/31/14	REVISIONS





FILED AND RECORDED  
At 2:43 o'clock P M  
STATE OF TEXAS  
COUNTY OF KERR

August 3, 2016

I hereby certify that this instrument was filed in the  
numbered sequence on the date and time  
stamped above by me and was duly recorded in  
the Official Public Records of Kerr County Texas.

Rebecca Bolin County Clerk

M. O. Rodriguez Deputy



## EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

### ABANDONMENT AND RELEASE OF EASEMENT

STATE OF TEXAS           §  
   §  
COUNTY OF KERR       §

**WHEREAS**, by instrument dated July 5, 2017, and executed by Thomas S. Price and Elizabeth M. Price (collectively referred to as "Grantor"), and recorded at 16-04784, Real Property Records, Kerr County, Texas, the undersigned City of Kerrville, Texas ("City"), obtained a recreation easement for the right to create, construct, and maintain a public river trail over, through, and upon the property described in said instrument (the "Easement"); and

**WHEREAS**, in the course of planning for the placement and construction of the public river trail, the City discovered that the location of the Easement needed to move to accommodate the connection of the trail to adjacent properties; and

**WHEREAS**, the current owners of the property, which includes the Easement, has agreed to the relocation, and no construction has occurred within the Easement; and

**WHEREAS**, based upon the relocation, the Easement is and will be unnecessary; and

**WHEREAS**, City Council of the City of Kerrville, Texas, has determined that the Easement, which was obtained by the City in the instrument referred to above, is no longer necessary and that as such, the Easement should be abandoned and released;

**NOW THEREFORE**, the City Council of the City of Kerrville, Texas, by Resolution No. 47-2017 duly made and adopted at its regular meeting of December 12, 2017, has abandoned and released and does hereby evidence the abandonment and release of the Easement.

**EXECUTED** this the \_\_\_\_ day of December \_\_\_\_, 2017.

(signature page to follow)

## CITY OF KERRVILLE, TEXAS

\_\_\_\_\_  
Mark L. McDaniel, City Manager

ATTEST:

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

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF KERR       §

This instrument was acknowledged before me on this the \_\_\_\_ day of December, 2017, by Mark L. McDaniel, City Manager, City of Kerrville, Texas, on behalf of said City.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**Upon Recording, Return to:**

Office of City Secretary  
City of Kerrville  
City Hall  
701 Main Street  
Kerrville, TX 78028

T:\Legal\PARKS & RECREATION\River Trail\Prop Acq\LHP to Guad Park (west)\Abandonment & Release of Easement\_PRICE, Thomas & Elizabeth\_113017.docx

## City Council Agenda Bill Report

Agenda Item No. 2017-95

Submitted by: Sandra Yarbrough, Finance Director

Submitting Department: Finance

Meeting Date: December 12, 2017

### **SUBJECT:**

Budget and Economic Update ending October 31, 2017.

### **SUMMARY STATEMENT:**

General Fund revenues received as of October 31, 2017 are \$1,056,562 or 3.94% of budget and expenses were \$1,929,187 or 7.19% of budget. Receipts for October property tax collections were not received until early November due to a medical emergency of the staff member normally assigned to handle these functions in the Kerr County tax office. These receipts will be included in the November report. Expenses included several one-time or annual expenses including liability insurance, workman's compensation insurance, dues and subscriptions. Sales tax collections received in October for August local sale were \$554,919 or 8.61% of budget and 4.77% over same time period in prior year.

Water and Sewer Fund revenues received as of October 31, 2017 were \$1,113,427 or 9.08% of budget and expenses were \$1,201,153 or 9.85% of budget. Expenses included several one-time or annual expenses including liability insurance, workman's compensation insurance, dues and subscriptions. Water sales were 9.87% of budget and sewer services were 8.03% of budget. The residential winter averaging for sewer will begin soon which will reflect a decrease in water sales for the billing periods of December, January, and February with the consumption range from November 20 through March 10.

Hotel Motel Fund revenues received as of October 31, 2017 for persons visiting Kerrville in September were \$90,719 and had no expense in October.

Community Investment Plan most active projects are shown with some nearing completion. This report reflects financial activity only and does not reflect percentage or status of project completion.

New residential permits issued in October were 7 and commercial permits for new and improvements were valued at \$8,883,507. Those additions or improvements completed during 2017 and are not tax exempt will be reflected on the 2018 tax year tax roll and included in the fiscal year 2019 budget.

Real estate inventory and transaction have remained consistent through the year. Unemployment has remained at a low percentage for several months.

Active water accounts billed in October served 10,977 residential living units, 1,580 commercial units, and 524 irrigation only accounts. Active sewer accounts billed in October served 10,671 residential living units and 1,301 commercial units. Curbside residential garage accounts billed in October was 8,116. Curbside service is provided to residential units with 4 or less living units. All other residential garbage service is acquired through contracted dumpster service.

**EXHIBITS:**

Budget and Economic Update as attached.

**RECOMMENDED ACTION:**

No action required.

**EXPENDITURE REQUIRED:**

\$0

**CURRENT BALANCE IN ACCOUNT:**

N/A

**AMOUNT BUDGETED:**

N/A

**ACCOUNT NUMBER:**

N/A

**PAYMENT TO BE MADE TO:**

N/A

**ATTACHMENTS**

- [Council 10-31-17.xlsx](#)

**Budget and Economic Update**  
**Month ending October 31, 2017**

	Current Month	Y-T-D Total	Budget @ 8.33%	Prior Year To-Date	% change vs prior year
<b>General Fund</b>					
<b>Total Revenues</b>	<b>\$ 1,056,562</b>	<b>\$ 1,056,562</b>	<b>3.94%</b>	<b>\$ 1,482,991</b>	<b>-28.75%</b>
Property tax	\$ -	\$ -	0.00%	\$ 349,333	-100.00%
Sales tax	\$ 554,919	\$ 554,919	8.61%	\$ 529,670	4.77%
<b>Total Expenditures</b>	<b>\$ 1,929,187</b>	<b>\$ 1,929,187</b>	<b>7.19%</b>	<b>\$ 1,788,436</b>	<b>7.87%</b>
<b>Water and Sewer Fund</b>					
<b>Total Revenues</b>	<b>\$ 1,113,427</b>	<b>\$ 1,113,427</b>	<b>9.08%</b>	<b>\$ 1,047,243</b>	<b>6.32%</b>
Water Sales	\$ 567,569	\$ 567,569	9.87%	\$ 535,035	6.08%
Sewer Service	\$ 445,869	\$ 445,869	8.03%	\$ 452,748	-1.52%
<b>Total Expenditures</b>	<b>\$ 1,201,153</b>	<b>\$ 1,201,153</b>	<b>9.85%</b>	<b>\$ 940,246</b>	<b>27.75%</b>
<b>Hotel/Motel Fund</b>					
<b>Total Revenues</b>	<b>\$ 90,719</b>	<b>\$ 90,719</b>	<b>7.53%</b>	<b>\$ 101,597</b>	<b>-10.71%</b>
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>#DIV/0!</b>

Community Investment Plan	Project Budget	Current Month	P-T-D Expense	Project Budget Balance
Kerrville Sports Complex	\$ 10,500,000	\$ -	\$ 10,071,543	\$ 428,457
Landfill Permitting	\$ 757,597	\$ -	\$ 429,313	\$ 328,284
Legion Lift Station	\$ 750,000	\$ -	\$ 115,555	\$ 634,445
Oxidation Ditch WWTP	\$ 1,487,745	\$ -	\$ 41,792	\$ 1,445,953
Rehab Clarifier Water Treatment	\$ 683,750	\$ -	\$ 28,961	\$ 654,789
Reuse System	\$ 23,003,000	\$ -	\$ 11,075,332	\$ 11,927,668
River Trail	\$ 6,000,000	\$ 8,697	\$ 5,246,584	\$ 753,416
Sports Complex Field House	\$ 2,196,000	\$ -	\$ 1,584,920	\$ 611,080
TTHM/Tank Repaint	\$ 1,764,100	\$ -	\$ 994,954	\$ 769,146

Development Activities:			Housing - October (Source: Kerrville Board of Realtors)	
<u>Residential</u>	<u>Commercial</u>		491 active residential listings; 63 residential sales October 2017	
Oct 7	\$ 8,883,507		\$17,782,145 total residential sales dollars October 2017	
Nov			\$167,990,313 total residential sales dollars Y-T-D 2017	
Dec				
Jan				
Feb			<b>Unemployment - September (Source: Texas Workforce Commission)</b>	
Mar			National	4.1%
Apr			Texas	4.0%
May			Local	3.2%
June				
July			<b>Utility Accounts Billed - October:</b>	
Aug			Water - Residential units - 10,977; Commercial units - 1,580; Irrigation - 524	
Sept			Sewer- Residential units - 10,671; Commercial units - 1,301	
YTD 7	\$ 8,883,507		Garbage - Curbside - residential only - 8,116	

## City Council Agenda Bill Report

Agenda Item No. 2017-88

Submitted by: Sabine Kuenzel, Chief Planning Officer

Submitting Department: Development Services

Meeting Date: December 12, 2017

### **SUBJECT:**

Resolution No. 43-2017, granting a conditional use permit for an approximate 0.91 acre tract of land situated in the John C. Sheffield Survey No. 121, Abstract No. 291; located south of and adjacent to State Highway 27 (Junction Highway); and otherwise known as 1327 Junction Highway; said property located within the Guadalupe River Zoning District (GR); by permitting said property to be used for Retail Trade I as that term is defined within the City's Zoning Code; and making said permit subject to certain conditions and restrictions.

### **SUMMARY STATEMENT:**

This case comes before the City Council because the applicant is requesting to use the subject Guadalupe River zoned site as an auto-parts store (O'Reilly's). Auto-parts stores less than 3000 square feet are permitted by right in the Guadalupe River district. However, the applicant is proposing a 7,584 square foot auto-parts store, which is a conditional use.

The Planning and Zoning Commission conducted a public hearing at its regular meeting on October 19, 2017. The representative for the owner of the neighboring property to the west, (Starbucks) expressed concern regarding compliance with environmental regulations, possible incidental car repair on site, and general appearance of the site. The Planning and Zoning Commission recommended approval of a conditional use permit, subject to conditions that have been addressed as follows:

- 1) A copy of the Phase I Environmental Site Assessment that is required by the National Environmental Protection Agency has now been submitted and is part of the City's records for the subject site.
- 2) A provision has been included in the resolution that no vehicle service work may be conducted on-site that could potentially damage the property or adjacent lands. .
- 3) The building elevations that were displayed by the applicant during the public hearing have been attached to the resolution.
- 4) A requirement has been added to the resolution that the dumpster enclosure will be masonry and will match the building in color and materials.

### **EXHIBITS:**

Staff report and Resolution No. 43-2017 as attached.

### **RECOMMENDED ACTION:**

Approval of Resolution No. 43-2017.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**



**AMOUNT BUDGETED:**

N/A

**ACCOUNT NUMBER:**

N/A

**PAYMENT TO BE MADE TO:**

N/A

**ATTACHMENTS**

- [PZ staff report 10.19.17 for CC.docx](#)
- [Resolution 43-2017.pdf](#)



## City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Action: Public Hearing, Consideration and Action  
Planning File #: 2017-053  
Representative: Molly Robb – O'Reilly Auto Parts  
Legal Description: A tract of land situated in the John C. Sheffield Survey, Abstract No. 281, City of Kerrville, Kerr County, Texas, being all of a tract of land conveyed to Robert L. Harder by Special Warranty Deed recorded in Volume 1227, Page 229, Deed Records of Kerr County, Texas, located at 1327 Junction Highway.

### Proposal

A conditional use permit to allow "Retail Trade I" (New Auto Parts) use on the subject property

### Analysis

#### **Adjacent Zoning and Land Uses**

##### **Subject Site**

**Current Zoning:** Guadalupe River District (GR)

**Current Land Uses:** Vacant

**Direction:** South

**Current Zoning:** GR

**Current Land Uses:** Guadalupe River

**Direction:** East

**Current Zoning:** GR

**Current Land Uses:** Pawn shop and gun store

**Direction:** West

**Current Zoning:** PD Planned Development

**Current Land Uses:** Coffee shop

**Direction:** North

**Current Zoning:** W6 West Side

**Current Land Uses:** Retail center

**Thoroughfare:** Junction Highway 27

**Parking Information:** Minimum vehicle spaces: One (1) space per 250 sq. feet (with exclusions for non-public space)

**Access:** Access will be exclusively off of Junction Highway via a 36' access drive with enough lane width for an exclusive left-out, right-out drives as well as one entrance drive

## **Zoning Ordinance Review Criteria – Zoning Ordinance Art. 11-1-13 Section (f)(9)**

### **1. Compatibility with stated purpose of the zoning district**

The property's zoning classification primarily permits public uses with several limited (small scale) commercial uses, office, and higher density residential uses. Retail trade uses that are less than 3000 square feet (which include new auto parts uses) would be permitted without a conditional use permit.

<b>LAND USES</b>	<b>GR</b>
Agricultural – General	
Agricultural Service	
Bed and Breakfast	P
Building Construction, General	
Building Construction, Specialist	
Business Services I	C
Business Services II	C
Cocktail Lounge	C
Detention Facilities	
Dwelling , Single Family, Detached	
Manufactured Home or Manufactured Housing	
Dwelling, Multiple Family	P
Dwelling, Single Family with apartment	
Dwelling, RC District Uses (with plat)	
Education, Secondary and College	P
Education, Primary	C
Equipment Sales/Repair/Storage (Heavy)	
Fuel Sales	
Funeral Services	C
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	C
Manufacturing and Industrial, Heavy	
Manufacturing and Industrial, Limited	
Manufactured Housing Sales	
Personal Services I	C
Personal Services II	C
Personal Services-Limited	C
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade – I	C
Retail Trade – II	
Retail Trade – III	
Retail Trade – Limited	P

Tourist/Visitor & Recreation Service	P
Transportation Terminals (Bus/Aviation)	
Vehicle Maintenance and Repair	
Vehicle Sales/Service-Used	C
Vehicle Sales/Services – New	C
Warehousing & Distribution	

## **2. Compatible with surrounding uses:**

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have comparable uses in terms of impact. The existing zoning district and proposed conditional use are consistent with the surrounding area. The area has been established as a Guadalupe River corridor. The surrounding area will be impacted minimally due to the proposed use.

## **3. Vehicle and pedestrian safety:**

The proposed conditional use will not increase traffic more than traffic already generated by existing uses, nor alter traffic patterns.

A public sidewalk will be required along the frontage of the property in compliance with City public sidewalk requirements.

The property abuts the Guadalupe River, and this area is included in the future River Trails Master Plan. A 25' wide trail easement will be dedicated for a possible future trail connection across the rear of the property prior to abandonment of a Flood Easement that still exists across the property.

## **4. Limit drainage and erosion impacts:**

The City of Kerrville Engineering Department has been involved in the review of the plans and will also review site civil drawings prior to Building Permit issuance.

## **5. Nuisance prevention:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

## **6. Preservation of significant terrain features:**

The site contains portions of land that are within the 100 year floodplain. A floodplain determination has been submitted. Engineering has confirmed that proposed work within the floodplain will meet current City regulations.

## **7. Other Considerations**

The City's Development Review Committee has reviewed a development site plan and determined that it is in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-13 Conditional Use Permits.

### **Procedural Requirements**

This public hearing date was published in the Kerrville Daily Times, the FY2018 City of Kerrville official newspaper of general circulation. Additionally, notice of this meeting was posted at city hall and on the city's internet website in accordance with Section 551.043(a) of the Texas Government Code.

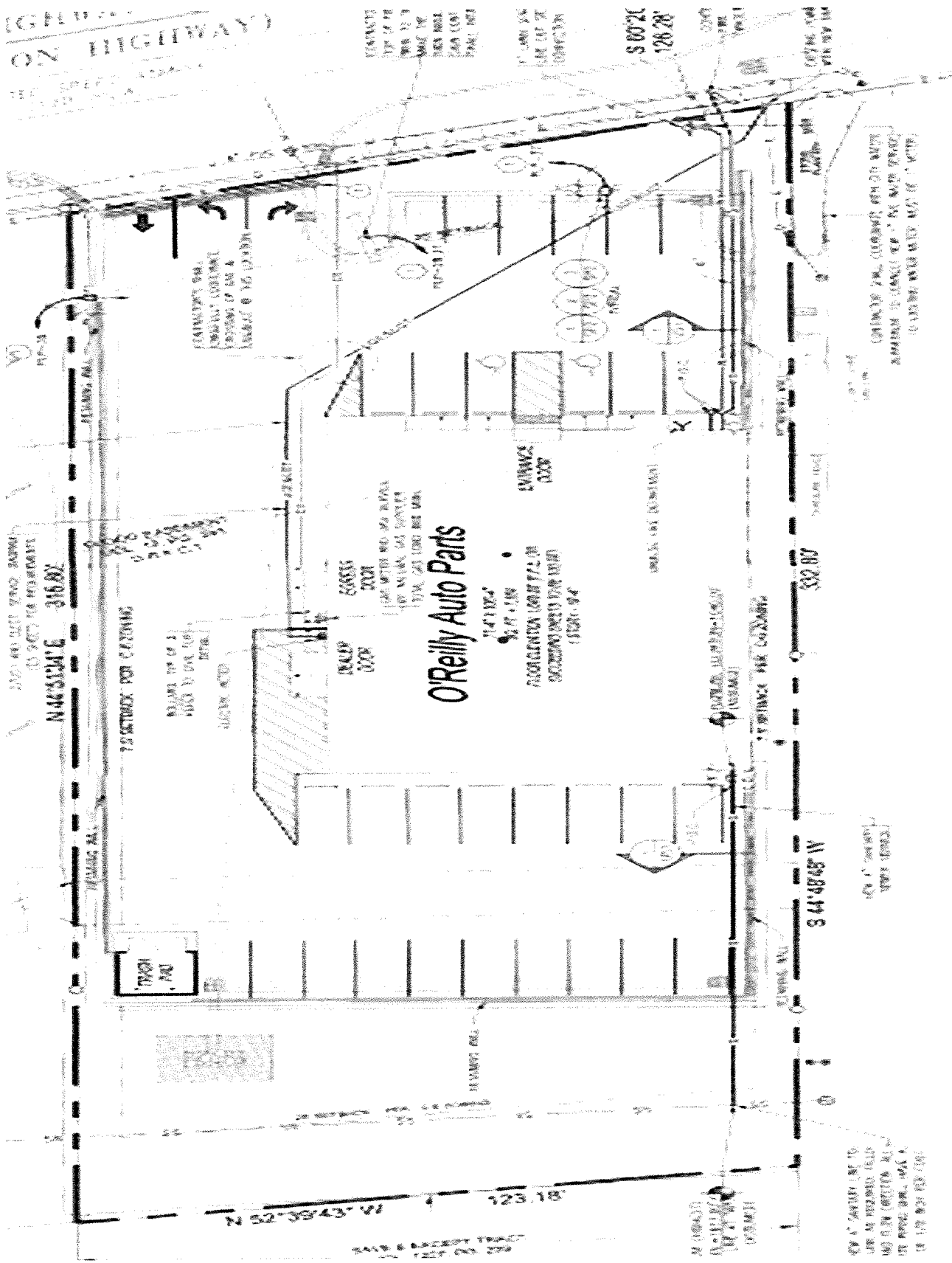
### **Staff Recommendation:**

Approval

### **Attachments:**

Illustration

(GREEN)  
ON HIGHWAY)



CONTAINING 2000 CUBIC FEET OF SPACE  
AVAILABLE TO LEASE AT \$1.00 PER SQUARE FOOT  
TO BE USED FOR STORAGE OF AUTOMOBILE PARTS

TRUCK AND  
SERVICE AREA

FOR A 2000 CUBIC FEET OF SPACE  
AVAILABLE TO LEASE AT \$1.00 PER SQUARE FOOT  
TO BE USED FOR STORAGE OF AUTOMOBILE PARTS

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 43-2017**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.91 ACRE TRACT OF LAND SITUATED IN THE JOHN C. SHEFFIELD SURVEY NO. 121, ABSTRACT NO. 291; LOCATED SOUTH OF AND ADJACENT TO STATE HIGHWAY 27 (JUNCTION HIGHWAY); AND OTHERWISE KNOWN AS 1327 JUNCTION HIGHWAY; SAID PROPERTY LOCATED WITHIN THE GUADALUPE RIVER ZONING DISTRICT (GR); BY PERMITTING SAID PROPERTY TO BE USED FOR RETAIL TRADE I AS THAT TERM IS DEFINED WITHIN THE CITY'S ZONING CODE; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS**

**WHEREAS**, the Planning and Zoning Commission and City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of a Conditional Use Permit under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map adopted thereby, have given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area, City Council finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit for the property described in Section One hereof, and subject to the special conditions and restrictions as provided herein;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described as follows to be used for Retail Trade I purposes, as that term is defined in Article 11-I-3 of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and subject to the provisions of this Resolution and other applicable City Code, ordinances, and resolutions:

**An approximate 0.91 acre of land situated in the John C. Sheffield Survey No. 121, Abstract No. 291, located south of and adjacent to State Highway 27 (Junction Highway), and more commonly known as 1327 Junction Highway, within the City of Kerrville, Texas;**

Hereafter referred to as "the Property."



**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property based upon its location with the Guadalupe River Zoning District (GR), if the Property is used for Retail Trade I purposes, such use is subject to the following additional conditions and regulations:

- A. Site Plan and Building Elevations:** The development of the Property shall conform substantially to the site plan attached as **Exhibit A** and the building elevations attached as **Exhibit B**.
- B. Platting:** An administratively complete application for a plat of the Property must be submitted to the City for approval before the issuance of a building permit.
- C. Floodplain:** All development and use of the Property shall comply with the City's floodplain regulations, including review and approval from the City's Floodplain Administrator.
- D. Signs:** The design, installation, location, operation, and maintenance of signs shall comply with the City's ordinances regulating signs at the time of installation, to include the City's Sign Code (Chapter 6, Art. II, Code of Ordinances).
- E. Landscaping Regulations:** Landscaping must be installed in accordance with the following:
  - 1. Plant materials planted on the property must be from the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area published by the City at the time of planting.
  - 2. All landscaping must be maintained in a healthy, growing condition.
- F. Exterior Lighting:** Any exterior lighting shall be located, shielded, and aimed in such a manner so as not to allow light to fall directly onto adjacent properties or public roadway.
- G. Visibility Triangles:** Visibility triangles shall be established and maintained pursuant to existing City regulations for the entrance to the Property from a public roadway.
- H. Parking:** The design and number of parking spaces shall be in accordance with the City's regulations in effect at the time building permits are submitted to the City. All required parking spaces shall be

Reso. No. 43-2017

constructed of asphalt or concrete and shall be marked and kept available for customers and employees.

- I. **Location of Loading Areas:** Except for materials and supplies being delivered to customers, all loading and unloading of materials, supplies, and inventory shall occur on the side of a building facing away from the public roadway unless such loading area is screened from public view from the roadway by a masonry screening wall not less than eight feet (8.0') high constructed of the same materials as the building it serves, but in no case shall such loading and unloading areas be on the side of a building facing the public roadway.
- J. **Outside Storage:** The outside storage of any materials, supplies, inventory and equipment, whether contained in cargo containers or other similar containers, is prohibited.
- K. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the principal building in materials and color to which it is adjacent on the remaining three sides.
- L. **Vehicle Repair and Maintenance:** No repair or maintenance of any vehicle may occur on the Property at any time, to include oil changes.
- M. **Screening:** Screening must be in accordance with the regulations in effect at the time individual building permits are submitted to the City.
- N. **Federal and state laws:** The development and use of the Property shall comply with all applicable federal, state, and local laws and regulations including, the rules and regulations established by the Texas Commission on Environment Quality, as may be amended.
- O. **Environmental Assessment:** the Phase 1 Environmental Site Assessment submitted as part of the application for this zoning action shall be maintained on file by the City as part of the development and use of the Property.
- P. **Other Zoning regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning

Reso. No. 43-2017

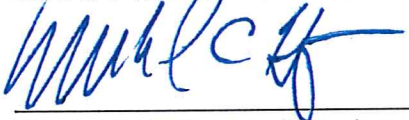
Code, as amended or superseded, the provisions of this Resolution shall prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with Article 11-I-13 of the Zoning Code of the City of Kerrville, Texas.

**PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_ A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:



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

ATTEST:

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





## City Council Agenda Bill Report

Agenda Item No. 2017-90

Submitted by: Sabine Kuenzel, Chief Planning Officer

Submitting Department: Development Services

Meeting Date: December 12, 2017

### **SUBJECT:**

Resolution No. 46-2017, for a conditional use permit to convert an office complex into a three-plex multi-family housing unit in accordance with Chapter I, "the City of Kerrville Zoning Code" Article 11-1-10 (Residential Zoning Districts) for an approximate 0.23 acre tract. Legal description Oak Hill 1 Subdivision, Lot 4-pt & 5, Block 1, located at 714 Clay Street North; on the northeast side of Barnett Street North, between Barnett Street North and Myrta Street North.

### **SUMMARY STATEMENT:**

This Conditional Use Permit would allow the conversion of an existing office building to be remodeled into a three-unit multi-family use. The site is situated roughly in the center of a block that is zoned for transitional uses that would allow residential and low-impact commercial uses to coexist. Any new commercial construction is required to reflect a residential character.

The site was recently built to house three office tenants, but the owner believes the site would currently be more marketable as three residential units.

### **EXHIBITS:**

Staff report and Resolution 46-2017 as attached.

### **RECOMMENDED ACTION:**

Approval of Resolution No. 46-2017.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [PZ PH 11.16.17.docx](#)
- [Res. 46-2017.pdf](#)





## City of Kerrville Planning Department Report

To:	Planning & Zoning Commission
Agenda Item:	3A
Action:	Public Hearing, Consideration and Action
Planning File #:	2017-072
Representative:	Jeremy Itz
Legal Description	A tract of land situated in Oak Hill, Blk. 1, Lot 4-PT & 5, located at 714 Clay Street North.

---

### Proposal

A conditional use permit to allow the conversion of a small office complex to a multi-family housing unit.

### Analysis

#### **Adjacent Zoning and Land Uses**

##### **Subject site**

**Current Zoning:** Residential Transition District (RT)

**Current Land Uses:** Office Space

##### **Direction: South**

**Current Zoning:** C11 Central City District

**Current Land Uses:** Non-industrial commercial development

##### **Direction: East**

**Current Zoning:** RT Residential Transition District

**Current Land Uses:** Church, child care

##### **Direction: West**

**Current Zoning:** R1A Residential District

**Current Land Uses:** Single family residential

##### **Direction: North**

**Current Zoning:** RT Residential Transition District

**Current Land Uses:** Single residential residence, offices, church, multi-family dwelling

**Thoroughfare:** Sidney Baker Street (Highway 16)

#### **Parking Information:**

**Access:** Access will be exclusively off of Clay Street via a 10' access drive.



## Zoning Ordinance Review Criteria – Zoning Ordinance Art. 11-1-10 Section (b)(1)

### 1. Compatibility with stated purpose of the zoning district

The property's zoning classification primarily permits residential uses with several limited (small scale) commercial uses, office, and higher density residential uses. Bed and Breakfast, Manufacturing-Custom, Personal Services I and Personal Services-Limited, Professional Offices, Restaurant, General and Limited would be permitted without a conditional use permit.

LAND USES	R-1	R-1A	R-3	RC	RM	RT
Agricultural - General						
Agricultural Service						
Bed and Breakfast	C	C	P	C	C	P
Building Construction, General						
Building Construction, Specialist						
Business Services I						
Business Services II						
Cocktail Lounge						
Detention Facilities						
Dwelling, Single Family, Detached	P	P	P	P	P	P
Manufactured Home or Manufactured Housing					P	
Dwelling, Multiple Family			P			C
Dwelling, Single Family with apartment	C	P	P	C	P	C
Dwelling, RC District Uses (with plat)		P	P	P	P	
Education, Secondary and College						C
Education, Primary	C	C	P	C	C	C
Equipment Sales/Repair/Storage (Heavy)						
Fuel Sales						
Funeral Services						
Institutional and Public Use Facilities						
Life Care Development			C			C
Manufacturing, Custom						P
Manufacturing and Industrial, Heavy						
Manufacturing and Industrial, Limited						
Manufactured Housing Sales						
Personal Services I						P
Personal Services II						
Personal Services-Limited						P
Professional Offices						P
Restaurant, General						P
Restaurant, Limited						P
Retail Trade – I						
Retail Trade – II						
Retail Trade – III						
Retail Trade – Limited						P
Tourist/Visitor & Recreation Service						C
Transportation Terminal (Bus/Aviation)						
Vehicle Maintenance and Repair						
Vehicle Sales/Service-Used						
Vehicle Sales/Services – New						
Warehousing & Distribution						

### 2. Compatible with surrounding uses:

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have comparable uses in terms of impact. The existing zoning district and proposed conditional use are consistent with the surrounding area. The area has been established as a Residential Transition District. The surrounding area will be impacted minimally due to the proposed use.

**3. Vehicle and pedestrian safety:**

The proposed conditional use will not increase traffic more than traffic already generated by existing uses, nor alter traffic patterns.

A public sidewalk was installed along the frontage of the property in compliance with City public sidewalk requirements at the time the site was developed.

**4. Limit drainage and erosion impacts:**

No additional impervious cover is proposed.

**5. Nuisance prevention:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**6. Preservation of significant terrain features:**

No physical changes to the site are proposed.

**7. Other Considerations**

The City's Development Review Committee has reviewed a development site plan and identified no significant issues for consideration by the Commission.

**Procedural Requirements**

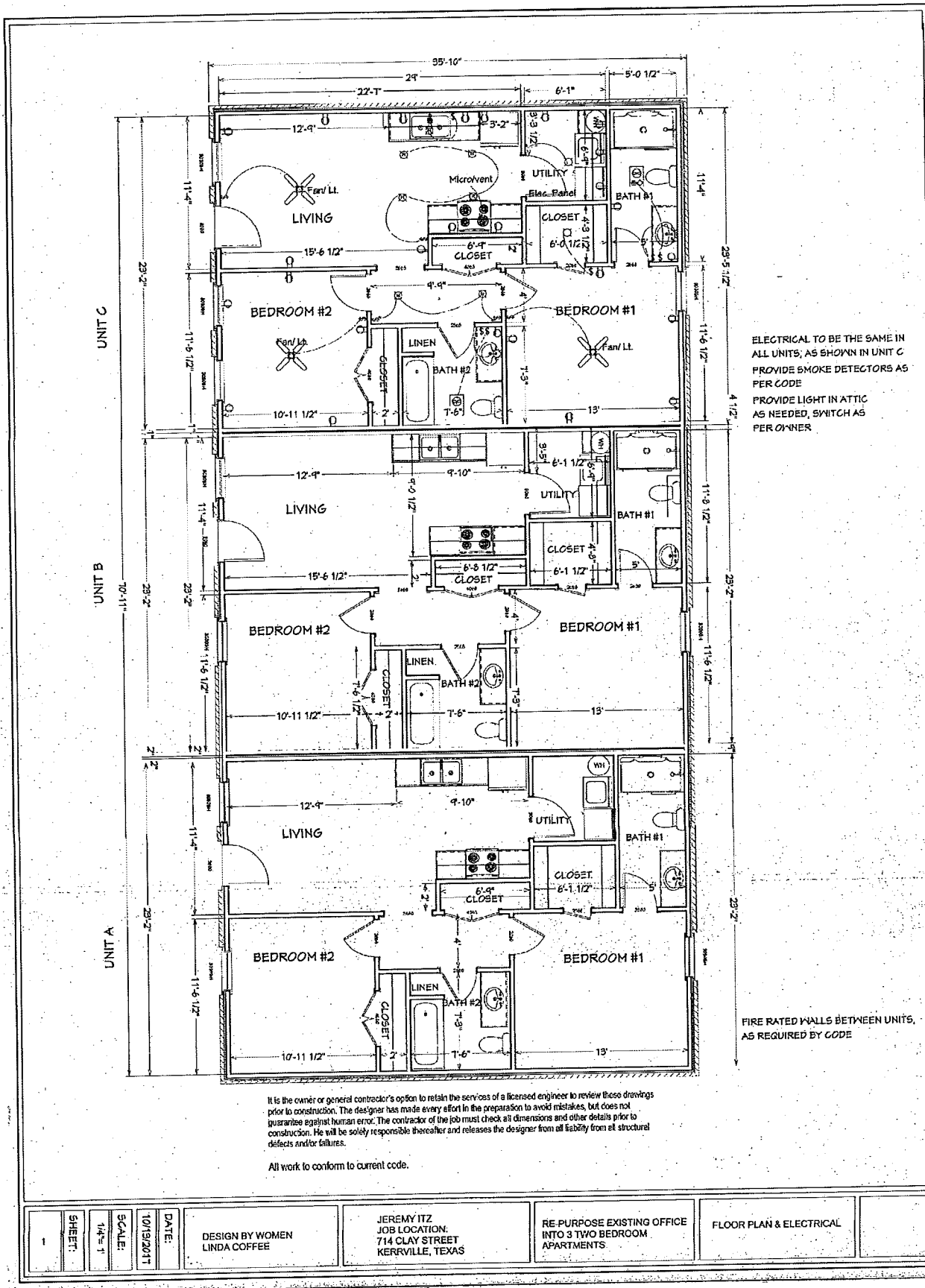
This public hearing date was published in the Kerrville Daily Times, the FY2018 City of Kerrville official newspaper of general circulation. Additionally, notice of this meeting was posted at city hall and on the city's internet website in accordance with Section 551.043(a) of the Texas Government Code.

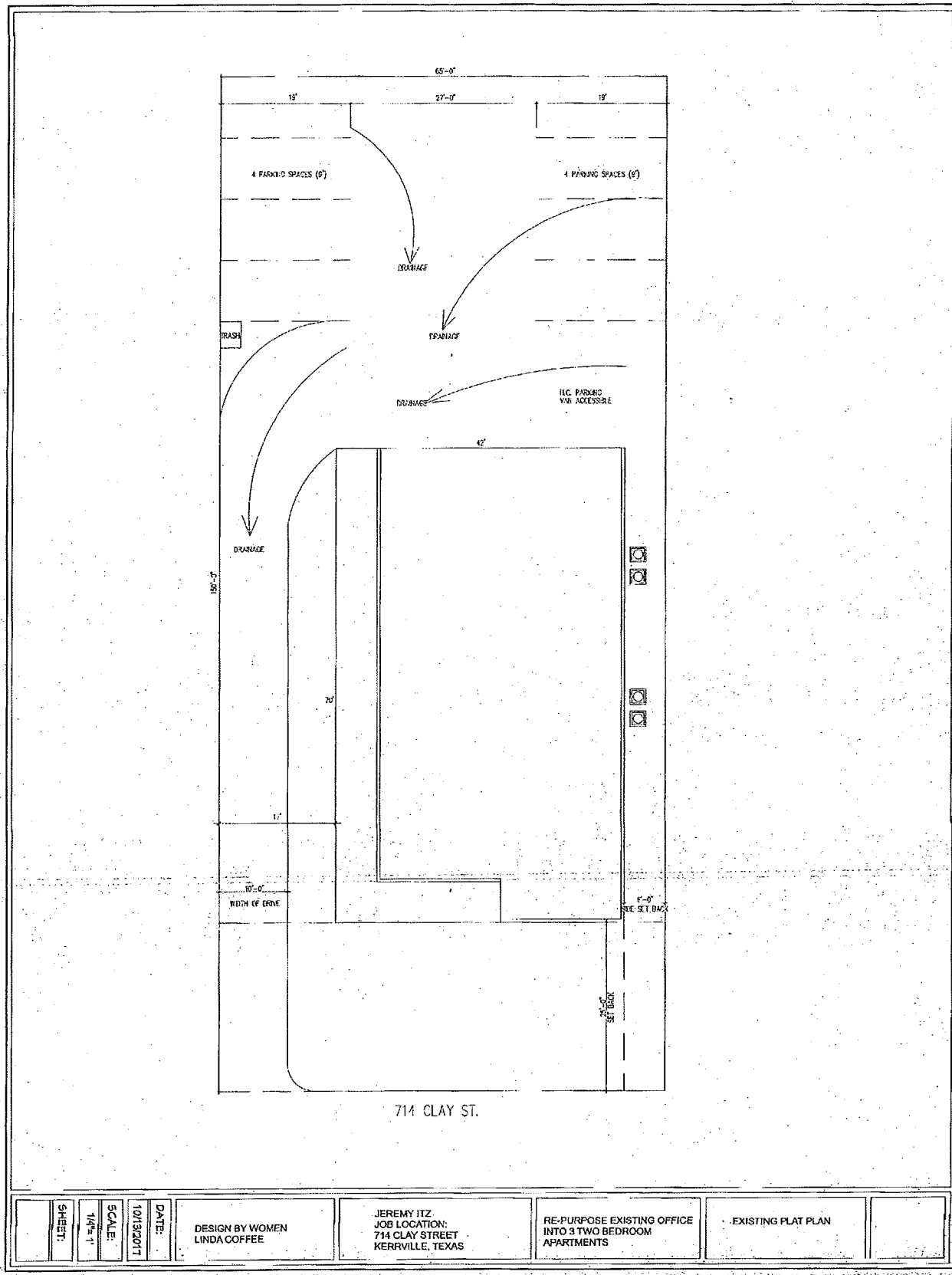
**Staff Recommendation:**

Approval

**Attachments:**

Illustration





**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 46-2017**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED ON PART OF LOT 4 AND LOT 5, OAK HILL ONE SUBDIVISION, MORE COMMONLY KNOWN AS 714 CLAY STREET NORTH AND GENERALLY LOCATED ON THE NORTHEAST SIDE OF CLAY STREET NORTH AND BETWEEN BARNETT STREET NORTH AND MYRTA STREET NORTH; SAID PROPERTY ZONED FOR RESIDENTIAL TRANSITION (RT) USES; BY PERMITTING SAID PROPERTY TO BE USED FOR DWELLING, MULTIPLE FAMILY; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

WHEREAS, the Planning and Zoning Commission and City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of a Conditional Use Permit under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map adopted thereby, have given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area, City Council finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit for the property described in Section One hereof, and subject to the special conditions and restrictions as provided herein;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described as follows to be used for Dwelling, Multiple Family purposes, as that term is defined in Article 11-I-3 of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and subject to the provisions of this Resolution and other applicable City Code, ordinances, and resolutions:

**Part of Lot 4 and Lot 5, Oak Hill One Subdivision, a subdivision of Kerr County, and more commonly known as 714 Clay Street North.**

Hereafter referred to as "the Property."

Reso. No. 46-2017

**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property based upon its location within a Residential Transition Zoning District (RT), if the Property is used for Dwelling, Multiple Family purposes, such use is subject to the following additional conditions and regulations:

- A. The development and use of the Property shall be substantially in accordance with **Exhibit A**, attached hereto and incorporated herein by reference.
- B. The design and number of parking spaces shall be in accordance with the regulations in effect at the time individual building permits are submitted to the City.

**PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_ A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

ATTEST:

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

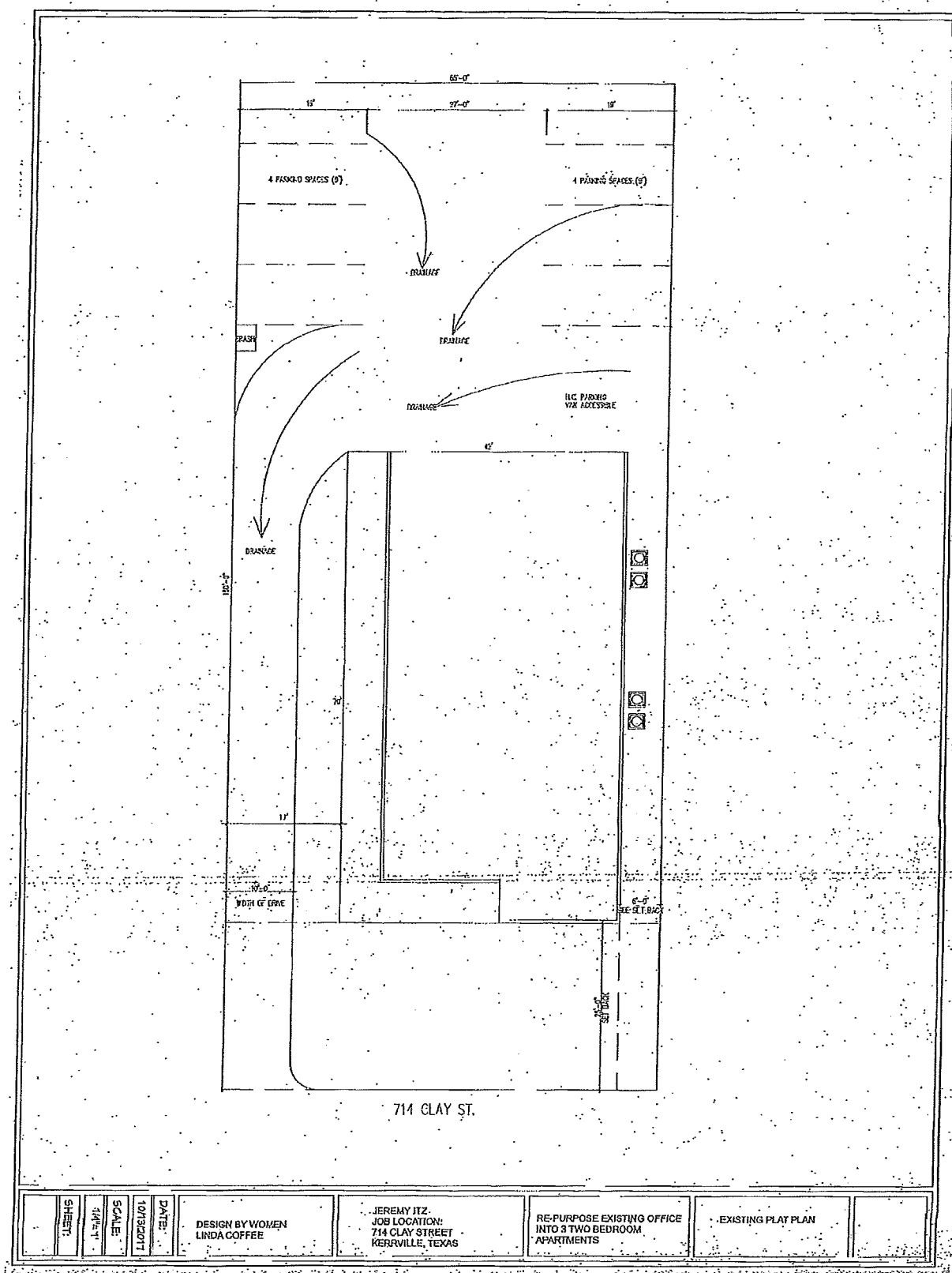
APPROVED AS TO FORM:



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







## City Council Agenda Bill Report

Agenda Item No. 2017-89

Submitted by: Sabine Kuenzel, Chief Planning Officer

Submitting Department: Development Services

Meeting Date: December 12, 2017

### **SUBJECT:**

Ordinance No. 2018-02, adding a statement to Art. 11-1-6 (a) (11) Central Business District (CBD); Art. 11-1-11 (b) "GTW" Gateway District, and Art. 11-1-11 (c) "GR" Guadalupe River District, to clarify that these districts are designated "design districts".

### **SUMMARY STATEMENT:**

Recent changes in the Texas Legislature allow cities to adopt design regulations within "design districts" as they relate to telecommunication network nodes and poles, but only allows municipal authority to regulate design in "design districts". This is the first step in preparing the City to better respond to requests for network nodes and poles as they come into the City for permitting. In the future, staff will follow-up with a discussions regarding the actual design guidelines.

### **EXHIBITS:**

Staff report and Ordinance No. 2018-02 as attached.

### **RECOMMENDED ACTION:**

Approval of Ordinance No. 2018-02 on first reading.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [PZ PH 11.16.17 designate design districts.docx](#)
- [Node example.docx](#)
- [Ordinance 2018-02.pdf](#)



## City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3B  
Planning File #: 2017-076  
Hearing Date: November 16, 2017  
Subject: Public hearing, consideration, and action regarding a text amendment to the City of Kerrville Zoning Ordinance, identifying design districts

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The purpose of this proposed text amendment is to clarify that the following districts are intended to be "design districts":

- 1) Guadalupe River District (GR)
- 2) Central Business District (CBD)
- 3) Gateway District (GTW)

Recent changes in the Texas Legislature allow cities to adopt design regulations within "design districts" as they relate to telecommunication network nodes and poles, but limits municipal authority to do that to areas that a city has designated as "design districts". The City's intention in creating these districts was to identify these areas of the City of Kerrville as unique to their respective characters.

On September 21 and October 5 of this year, the Commission received and discussed an overview of the City's current Wireless Telecommunications Facilities ordinance, the federal and statutory context, and our options.

This is the first step in preparing the City to better respond to requests for network nodes and poles as they come into the City for permitting. As we proceed with Comprehensive Plan discussions regarding the future goals for the City, we will further explore additional details and options regarding design regulations.

### **Attachments:**

Zoning map









**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2018-02**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO DESIGNATE THE CENTRAL BUSINESS DISTRICT, THE GATEWAY DISTRICT, AND THE GUADALUPE RIVER DISTRICT AS "DESIGN DISTRICTS" IN ACCORDANCE WITH SENATE BILL 1004; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**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 and otherwise, of a hearing held before the City Council on December 12, 2017, 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 revisions to Articles 11-I-3 and 11-I-11 of the City's Zoning Code, such amendments to provide that the Central Business District, the Gateway District, and the Guadalupe River District are designated as "design districts", in accordance with Senate Bill 1004, which is now codified as Chapter 284 of the Texas Local Government Code; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on December 12, 2017, 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 revise Articles 11-I-3 and 11-I-11 as provided herein;

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

**SECTION ONE.** Article 11-I-3 "Definitions and Interpretations of Words and Phrases", of the City's Zoning Code is amended by adding the language that is underlined (added) as follows:

**“Art. 11-I-3 DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES**

**(a) Definitions: ...**

**(24) Central Business District (CBD):** Lots 3-11, Block H and Lots 1-7, 12-16, Block I, B.F. Cage Addition; all of Blocks 1, 2, 3, 4, 5, 6, 7, 8 the Courthouse Block, 17, 18, 19, 20, 22, 23, 24, 25, and 26, J.D. Brown Addition; Lots 598-601, Block 10, Lots 377- 380, Block 51, Lots 369-376, Block 52, all of Blocks 9, 22, 29, 30, 31, 43, 44, 45 and 50, Schreiners 2<sup>nd</sup> Addition, City of Kerrville, Kerr Country, Texas; and being generally described as Barnett Street on the north, the Guadalupe River on the south, Hays Street on the west and Tivy Street on the east; said district is designated as a “design district” in accordance with Section 284.105, Texas Local Government Code.”

**SECTION TWO.** Article 11-I-11 “Miscellaneous Zoning Districts” of the City’s Zoning Code, and specifically the “Gateway District (GTW)” and “Guadalupe River District (GR)”, is amended by adding the language that is underlined (added) as follows:

**“(b) “GTW” Gateway District:** The “GTW” Gateway District is designed primarily to regulate the development and land use of areas at or near the most heavily trafficked entries into the City in a manner that enhances the appearance of such areas while at the same time allowing the development of more intense uses that require good access to major thoroughfares. Most commercial uses are permitted as a matter of right. Development of hotels and other similar uses is encouraged. All uses which are allowed conditionally should be carefully evaluated as to the impact such uses have on the appearance and “first impression” portrayed to anyone traveling into and out of the City as well as the amount of traffic concentrated around such entry ways. The “GTW” Gateway District regulations may be applied to newly annexed areas that may result in the development of an additional main entrance into the City. This district is designated as a “design district” in accordance with Section 284.105, Texas Local Government Code. In addition to other regulations set forth in the Zoning Code, property located in the “GTW” Gateway District shall be developed in accordance with the following regulations: ...

**(c) “GR” Guadalupe River District:** The “GR” Guadalupe River District is primarily designed to allow the development of business-type uses compatible with the riverside environment in areas contiguous with or in close proximity to the Guadalupe River which are not otherwise included in other zoning districts. When a Conditional Use Permit is required, an evaluation of the



proposed development's impact on the quality of the water and the river environment generally, and aesthetic compatibility with the river front should be made when determining the nature of the conditions to be included in the permit. This district is designated as a "design district" in accordance with Section 284.105, Texas Local Government 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 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 FIVE.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-9, 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 SIX.** 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 SEVEN.** 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., 2017.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2018.**

*(signatures begin on following page)*

\_\_\_\_\_  
Bonnie White, Mayor

ATTEST:

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

APPROVED AS TO FORM:



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

## City Council Agenda Bill Report

Agenda Item No. 2017-96

Submitted by: Sandra Yarbrough, Finance Director

Submitting Department: Finance

Meeting Date: December 12, 2017

### **SUBJECT:**

Ordinance No. 2018-01 amending Chapter 10, "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; by amending Section 10-3 "Licensing Requirements; Fees"; by reducing the applicable fee for a brewpub license; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters relating to the subject.

### **SUMMARY STATEMENT:**

This is the first reading of ordinance to amend the alcoholic beverage license and fee permit requirements. With the recent trend of brew pubs and brewer's permit holders establishing businesses within the city limits, concerns regarding the license and fee requirements have been brought to the attention of city staff. The fees are significantly higher than compared to other establishments that hold similar alcoholic beverage permits, such as restaurants. In an effort to encourage this type of business development, consideration should be given to make these licenses and fees more reasonable. Under the current ordinance the Brewpub license fee would be \$500 for two years and Brewer's Permit license fee would be \$1,500 for two years. The amended ordinance would recognize these two license permits as a Beer on-Premise license, and that fee would be \$150 for either license type for a two year permit.

### **EXHIBITS:**

Ordinance No 2018-01, Texas Alcoholic Beverage Commission Fee Schedule, and City of Kerrville Alcoholic Beverage Fee Schedule as attached.

### **RECOMMENDED ACTION:**

Approve Ordinance No. 2018-01 on first reading.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [Ordinance 2018-01.pdf](#)
- [Texas Alcoholic Beverage Commission Fee Schedule.pdf](#)
- [City of Kerrville - Alcoholic Beverage Fee Schedule.pdf](#)

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2018-01**

**AN ORDINANCE AMENDING CHAPTER 10, "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS; BY AMENDING SECTION 10-3 "LICENSING REQUIREMENTS; FEES"; BY REDUCING THE APPLICABLE FEE FOR A BREWER'S PERMIT AND BREWPUB LICENSE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, pursuant to the authority found within Sections 11.38 and 61.36 of the Texas Alcoholic Beverage Code, the City, per Section 10-3 of its Code of Ordinances, levies and collects fees for each license or permit it issues for premises engaged in the sale of alcoholic beverages within the City; and

**WHEREAS**, the City desires to amend the applicable fee for brewpub licenses; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 10, "Alcoholic Beverages" by reducing the applicable fee for brewer's permits and brewpub licenses;

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

**SECTION ONE.** Section 10-3, subsection (a) of Chapter 10 "Alcoholic Beverages," of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

**"Sec. 10-3. Licensing Requirements; fees.**

- (a) *Generally.* Before any permit or license required by this chapter shall be issued, the applicant shall be required to show a valid permit or license issued by the state, authorizing him to engage in such manufacture, sale, distribution, barter or sale of the class, or classes, of alcoholic beverage included in such application for such city license within the corporate limits of the city, and shall pay to the city, for the use and benefit of the general fund of the city, the applicable permit or license fees, as follows:



One-half of permit or license fee paid to the state, except for a brewer's permit, brewpub license, or license issued for a similar business, in which case the City shall charge the fee applicable for an on-premises retailer."

**SECTION TWO.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

**SECTION THREE.** The provisions of this Ordinance are to be 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 hereby 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 shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that 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 Clerk 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.


**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2018.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## TEXAS ALCOHOLIC BEVERAGE COMMISSION

**Fee Chart for Liquor Permits**

Surcharges are subject to annual charge.

Code	Description of Permits	Authorizing Statute TABC Code	Fees	Surcharge	Total Due
AW	Agent's Manufacturing Warehousing Permit	Ch 55	\$1,500	\$651	\$2,151
A	Agent's Permit	Ch 35	\$20	\$94	\$114
AB	Airline Beverage Permit	Ch 34	\$4,400	\$327	\$4,727
PE	Beverage Cartage Permit	Ch 44	\$40	\$151	\$191
J	Bonded Warehouse Permit	Ch 46	\$300	\$136	\$436
JD	Bonded Warehouse Permit (Dry Area)	Ch 46	\$300	\$136	\$436
B	Brewer's Permit	Ch 12	\$3,000	\$576	\$3,576
DA	Brewer's Self-Distribution Permit	Ch 12A	\$500	\$250	\$750
C	Carrier's Permit	Ch 41	\$60	\$252	\$312
CB	Caterer's Permit	Ch 31	\$1,000	\$278	\$1,278
TB	Daily Temporary Mixed Beverage Permit (Per Day)	Ch 30	\$50	\$201	\$251
TN	Daily Temporary Private Club Registration Permit	Ch 33	\$50	\$226	\$276
DS	Direct Shipper's Permit	Ch 54	\$150	\$378	\$526
D	Distiller's & Rectifier's Permit	Ch 14	\$3,000	\$350	\$3,350
DK	Distiller's Agent's Permit	Ch 15	\$20	\$94	\$114
FB	Food and Beverage Certificate	Ch 25	\$200	\$576	\$776
BP	Brewpub License	Ch 74	\$1,000	\$426	\$1,426
FC	Forwarding Center Authority	Rule 35.6	\$2,000	\$278	\$2,278
I	Industrial Permit	Ch 38	\$120	\$261	\$381
E	Local Cartage Permit	Ch 43	\$60	\$202	\$262
ET	Local Cartage Transfer Permit	Ch 42	\$60	\$202	\$262
LP	Local Distributor's Permit	Ch 23	\$200	\$452	\$652
LI	Local Industrial Alcohol Manufacturer's Permit	Ch 47	\$200	\$327	\$527
T	Manufacturer's Agent's Permit	Ch 36	\$20	\$94	\$114
MR	Market Research Packager's Permit	Ch 49	\$200	\$127	\$327
MI	Minibar Permit Original	Ch 51	\$4,000	\$350	\$4,350
	1st Renewal		\$3,000	\$350	\$3,350
	2nd Renewal		\$2,000	\$350	\$2,350
	3rd and All Subsequent Renewals		\$1,500	\$350	\$1,850
MB	Mixed Beverage Permit Original	Ch 28	\$6,000	\$602	\$6,602
	1st Renewal		\$4,500	\$602	\$5,102
	2nd Renewal		\$3,000	\$602	\$3,602
	3rd and All Subsequent Renewals		\$1,500	\$602	\$2,102
RM	Mixed Beverage Permit with FB Original	Ch 28	\$6,000	\$602	\$6,602
	1st Renewal		\$4,500	\$602	\$5,102
	2nd Renewal		\$3,000	\$602	\$3,602
	3rd and All Subsequent Renewals		\$1,500	\$602	\$2,102
LB	Mixed Beverage Late Hours	Ch 29	\$300	\$327	\$627
U	Nonresident Brewer's Permit	Ch 13	\$3,000	\$376	\$3,376
S	Nonresident Seller's Permit	Ch 37	\$300	\$376	\$676
P	Package Store Permit	Ch 22	\$1,000	\$501	\$1,501
PS	Package Store Tasting Permit	Ch 52	\$50	\$176	\$226
Q	Wine Only Package Store	Ch 24	\$150	\$553	\$703
PT	Passenger Train Beverage Permit	Ch 48	\$1,000	\$602	\$1,602
O	Private Carrier's Permit	Ch 42	\$60	\$252	\$312
NE	Private Club Exemption Certificate Permit	Ch 32	\$0	\$0	\$0
N	Private Club Registration Permit-Option 1 2 year permit	Ch 32	\$1,500	\$901	\$2,401
	0 to 250 Members		\$2,700	\$901	\$3,601
	251 to 450 Members		\$3,900	\$901	\$4,801
	451 to 650 Members		\$5,100	\$901	\$6,001
	651 to 850 Members		\$6,000	\$901	\$6,901
	851 to 1000 Members		\$6 Per Member	\$901	Varies



Code	Description of Permits	Authorizing Statute TABC Code	Fees	Surcharge	Total Due
N	Private Club Registration Permit-Option 2	Ch 32	\$7,000	\$901	\$7,901
	1st Renewal		\$5,500	\$901	\$6,401
	2nd and All Subsequent Renewals		\$4,000	\$901	\$4,901
NB	Private Club Beer and Wine Permit	Ch 32	\$3,000	\$901	\$3,901
NL	Private Club Late Hours Permit	Ch 32	\$1500	\$350	\$1,850
L	Private Storage Permit	Ch 45	\$200	\$202	\$402
PR	Promotional Permit	Ch 50	\$600	\$376	\$976
K	Public Storage Permit	Ch 45	\$200	\$202	\$402
W	Wholesaler's Permit	Ch 19	\$3,750	\$701	\$4,451
X	General Class B Wholesaler's Permit	Ch 20	\$600	\$651	\$1,251
LX	Local Class B Wholesaler's Permit	Ch 21	\$150	\$651	\$801
PB	Passenger Bus Beverage Permit	Ch 48A	\$1000	\$0	\$1000
V	Wine and Beer Retailer's Permit Excursion Boat	Ch 25	\$260	\$553	\$813
Y	Wine and Beer Retailer's Permit Railway Car (Fee - Per Car)	Ch 25	\$60	\$553	\$613
Z	Wine Bottler's Permit	Ch 18	\$450	\$602	\$1,052
G	Winery Permit	Ch 16	\$150	\$701	\$851
GF	Winery Festival Permit	Ch 17	\$100	\$278	\$378
GS	Winery Storage Permit	Ch 45	\$200	\$202	\$402

## Fee Chart for Beer Licenses

Surcharges are subject to annual charge.

Code	Description of Licenses	Authorizing Statute TABC Code	Fees	Surcharge	Total Due
BK	Agent's Beer License	Ch 73	\$20	\$94	\$114
BC	Branch Distributor's License	Ch 66	\$150	\$701	\$851
BB	General Distributor's License	Ch 64	\$600	\$701	\$1,301
BI	Importer's License	Ch 67	\$40	\$278	\$318
BJ	Importer's Carrier's License	Ch 68	\$40	\$202	\$242
BD	Local Distributor's License	Ch 65	\$150	\$701	\$851
BA	Manufacturer's License	Ch 62	\$1,500	\$651	\$2,151
	1st Establishment		\$3,000	\$651	\$3,651
	2nd Establishment		\$8,550	\$651	\$9,201
	3rd, 4th, & 5th Establishments		\$16,800	\$651	\$17,451
DB	Manufacturer's Self-Distribution License	Ch 62A	\$500	\$250	\$750
MW	Manufacturer's Warehouse License	Ch 62	\$600	\$553	\$1,153
BS	Nonresident Manufacturer's License	Ch 63	\$1,500	\$576	\$2,076
FB	Food and Beverage Certificate	Ch 25	\$200	\$576	\$776
BP	Brewpub License	Ch 74	\$1,000	\$426	\$1,426
BF	Beer Retailer's Off Premise License	Ch 71	\$120	\$553	\$673
BE	Beer Retailer's On Premise License (Excluding BEXAR, DALLAS, HARRIS, TARRANT Counties)	Ch 69	\$300	\$553	\$853
BE	Beer Retailer's On Premise License	Ch 69	\$2,000	\$553	\$2,553
	(BEXAR, DALLAS, HARRIS, TARRANT Counties)		\$1,500	\$553	\$2,053
BL	Retail Dealer's On Premise Late Hours License	Ch 70	\$500	\$327	\$827
SL	Storage License	Ch 75	\$400	\$202	\$602
BH	Temporary License	Ch 72	\$30	\$201	\$231
CA	Temporary Auction Permit	Ch 53	\$25	\$0	\$25
BG	Wine and Beer Retailer's Permit (Excluding BEXAR, DALLAS, HARRIS, TARRANT Counties)	Ch 25	\$350	\$553	\$903
BG	Wine and Beer Retailer's Permit	Ch 25	\$2,000	\$553	\$2,553
	(BEXAR, DALLAS, HARRIS, TARRANT Counties)		\$1,500	\$553	\$2,053
BQ	Wine and Beer Retailer's Off Premise Permit	Ch 26	\$120	\$553	\$673
WP	Water Park Permit	Ch 56	\$60	\$0	\$60

## **CITY OF KERRVILLE - ALCOHOL BEVERAGE LICENSE**

Went into Effect 10/1/1997. Began Collecting 8/2000.

### **2 YEAR LICENSE FEES**

<b>BB</b>	General Distributor	<b>300.00</b>
<b>BC</b>	Branch Distributor	<b>75.00</b>
<b>BE</b>	Beer on Premise	<b>150.00</b>
<b>BF</b>	Beer off Premise	<b>60.00</b>
<b>BG</b>	Wine & Beer on Premise-Retailers Permit	<b>175.00</b>
<b>BI</b>	Importer's License	<b>20.00</b>
<b>BJ</b>	Importer's Carrier's License	<b>20.00</b>
<b>BL</b>	Wine & Beer on Premise-Late Hours	<b>250.00</b>
<b>BQ</b>	Wine & Beer off Premise	<b>60.00</b>
<b>CB</b>	Caterer's Permit (3 yr. Grace Period)	<b>500.00</b>
<b>LB</b>	Mixed Beverage Late Hours (3 yr. Grace Period)	<b>750.00</b>
<b>LP</b>	Local Distributor's Permit	<b>100.00</b>
<b>MB</b>	Mixed Beverage (3 yr. Grace Period)	<b>750.00</b>
<b>O</b>	Private Carrier's License	<b>30.00</b>
<b>P</b>	Package Store Permit	<b>500.00</b>
<b>PE</b>	Beverage Cartage Permit	<b>20.00</b>
<b>PS</b>	Package Store Tasting Permit	<b>20.00</b>
<b>Q</b>	Wine Only Package Store	<b>75.00</b>
<b>X</b>	General Class B Wholesalers Permit	<b>300.00</b>

## **City Council Agenda Bill Report**

Agenda Item No. 2017-94

Submitted by: Laura Bechtel, Library Director

Submitting Department: Library

Meeting Date: December 12, 2017

### **SUBJECT:**

Ordinance No. 2018-03 amending Chapter 66, "Library," of the Code of Ordinances of the City of Kerrville, Texas; by amending Article II "Library Advisory Board" to change the composition of the Library Advisory Board to allow Kerr County to make an appointment; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

### **SUMMARY STATEMENT:**

The interlocal agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt Holdsworth Memorial Library for residents of Kerr County will go into effect on January 1, 2018. The agreement stipulates that the City shall amend the membership make-up of the Library Advisory Board to provide that one member of the five-member board may be appointed by the County. The board is currently comprised of four members appointed by City Council and one member appointed by the Friends of the Butt-Holdsworth Memorial Library, with the stipulation that all members maintain a library card in good standing. The revisions to the ordinance will amend the membership make-up of the Library Advisory Board to provide that one member of the five-member board may be appointed by the County.

There are currently 4 openings on the Library Advisory Board, with 2 terms expired in November 2017 and 2 resignations. Appointments to fill the openings are to be on the January 9, 2018 City Council agenda.

### **EXHIBITS:**

Ordinance No. 2018-03 as attached.

### **RECOMMENDED ACTION:**

Approve Ordinance No. 2018-03 on first reading.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

## ATTACHMENTS

- [Ord. 2018-03, library.pdf](#)

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2018-03**

**AN ORDINANCE AMENDING CHAPTER 66, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS; BY AMENDING ARTICLE II "LIBRARY ADVISORY BOARD" TO CHANGE THE COMPOSITION OF THE LIBRARY ADVISORY BOARD TO ALLOW KERR COUNTY TO MAKE AN APPOINTMENT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT**

**WHEREAS**, the City of Kerrville, Texas ("City"), owns and administers the Butt-Holdsworth Memorial Library ("Library"); and

**WHEREAS**, the City Council previously established a Library Advisory Board ("LAB") for the purpose of advising and making recommendations to the City Council on matters pertaining to the Library; and

**WHEREAS**, the LAB is currently made up of five members, with City Council appointing four members and the Friends of the Library appointing a member; and

**WHEREAS**, during its meeting on November 12, 2017, City Council entered into an interlocal agreement with Kerr County whereby Council agreed to allow all Kerr County residents to access the Library and its services; and

**WHEREAS**, as part of this interlocal agreement with Kerr County, the City also agreed to amend the membership make-up of the LAB to provide that one member may be appointed by the County, such appointment to be made available following the next vacancy on the LAB; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 66, Article II of the Code of Ordinances of the City of Kerrville to revise the LAB as provided above;

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

**SECTION ONE.** Section 66-34 of Chapter 66 "Library," Article II "Library Advisory Board" of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

**“Sec. 66-34. Composition of and appointment to the Board; ~~[ex-officio members;]~~ terms; vacancies; absences, officers, compensation; meetings.**

(a) *Composition.* The board shall be composed of five members with appointments to be made as follows:

- (1) Council shall appoint three ~~[four]~~ members; ~~[and]~~
- (2) the Kerr County Commissioners Court shall appoint one member; and
- (3~~[2]~~) the Friends of the Butt-Holdsworth Memorial Library shall appoint one of its members.”

**SECTION TWO.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

**SECTION THREE.** The provisions of this Ordinance are to be 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 hereby 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 shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2017.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

Ord. No. 2018-03

ATTEST:

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Bonnie White, Mayor

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Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'MCH', is written over a horizontal line.

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Michael C. Hayes, City Attorney



## **City Council Agenda Bill Report**

Agenda Item No. 2017-91

Submitted by: Sabine Kuenzel, Chief Planning Officer

Submitting Department: Development Services

Meeting Date: December 12, 2017

### **SUBJECT:**

Ordinance No. 2017-21, annexing an approximate 7.95 acre tract of land into the City of Kerrville, Texas, said property generally located south of and adjacent to State Highway 27 East and west of Colvin Ranch Road East; said property being out of the F. Rodriguez Survey No. 72, Abstract No. 280, being located adjacent to the corporate limits of the City of Kerrville, Texas, and more commonly known as 5263 Highway 27 East; further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for the property annexed.

### **SUMMARY STATEMENT:**

This is the second of two readings to annexing phase two of the Fox Tank property. This annexation completes the company's obligation under its economic improvement agreement with the City of Kerrville.

The Planning and Zoning Commission conducted a public hearing on this item at the September 7, 2017 regular meeting and recommended that the Council annex the subject tract and recommended a zoning designation of District 26-E. The City Council held its first public hearing on October 10, 2017, its second public hearing on October 24, 2017, and approved the first reading of the ordinance on November 14, 2017.

### **EXHIBITS:**

Ordinance No. 2017-21 as attached.

### **RECOMMENDED ACTION:**

Approval of Ordinance No. 2017-21 on second reading.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

\$0

### **AMOUNT BUDGETED:**

\$0

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

ATTACHMENTS



- O 2017-21.pdf

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-21**

**AN ORDINANCE ANNEXING AN APPROXIMATE 7.95 ACRE TRACT OF LAND INTO THE CITY OF KERRVILLE, TEXAS, SAID PROPERTY GENERALLY LOCATED SOUTH OF AND ADJACENT TO STATE HIGHWAY 27 EAST AND WEST OF COLVIN RANCH ROAD EAST; SAID PROPERTY BEING OUT OF THE F. RODRIGUEZ SURVEY NO. 72, ABSTRACT NO. 280, BEING LOCATED ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, AND MORE COMMONLY KNOWN AS 5263 HIGHWAY 27 EAST; FURTHER DESCRIBING THE PROPERTY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE PROPERTY ANNEXED; AND ESTABLISHING THE ZONING FOR THE PROPERTY ANNEXED**

**WHEREAS**, pursuant to Texas Local Government Code Section 43.052(h)(2), the owner of the property described in Section One, below, previously petitioned the City to annex the property into the corporate limits of the City of Kerrville, Texas; and

**WHEREAS**, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject property, adopt a service plan as required by state law, and establish zoning regulations for the property;

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

**SECTION ONE.** The property described and depicted in **Exhibit A** is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

**SECTION TWO.** The petition for annexation concerning the property described in Section One, above, is attached as **Exhibit B** and incorporated herein by reference.

**SECTION THREE.** The service plan regarding the provision of public services, as set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is hereby adopted for the property described in Section One, above, as required by Texas Local Government Code §43.056.

**SECTION FOUR.** Upon the adoption of this Ordinance, the property as described in Section One, above, shall be subject to a zoning designation of District 26-E.

**SECTION FIVE.** The provisions of this Ordinance are to be cumulative of all 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 hereby expressly repealed to the extent of any such inconsistency or conflict.

**SECTION SIX.** 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, hereby 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 SEVEN.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 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 NINE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 TEN.** In accordance with Section 43.028(d) of the Texas Local Government Code, the City Secretary is directed to file a certified copy of this Ordinance together with a copy of the petition requesting annexation with the Kerr County Clerk.

**PASSED AND APPROVED ON FIRST READING, this the 14<sup>th</sup> day of November A.D., 2017.**

**PASSED AND APPROVED ON SECOND READING, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

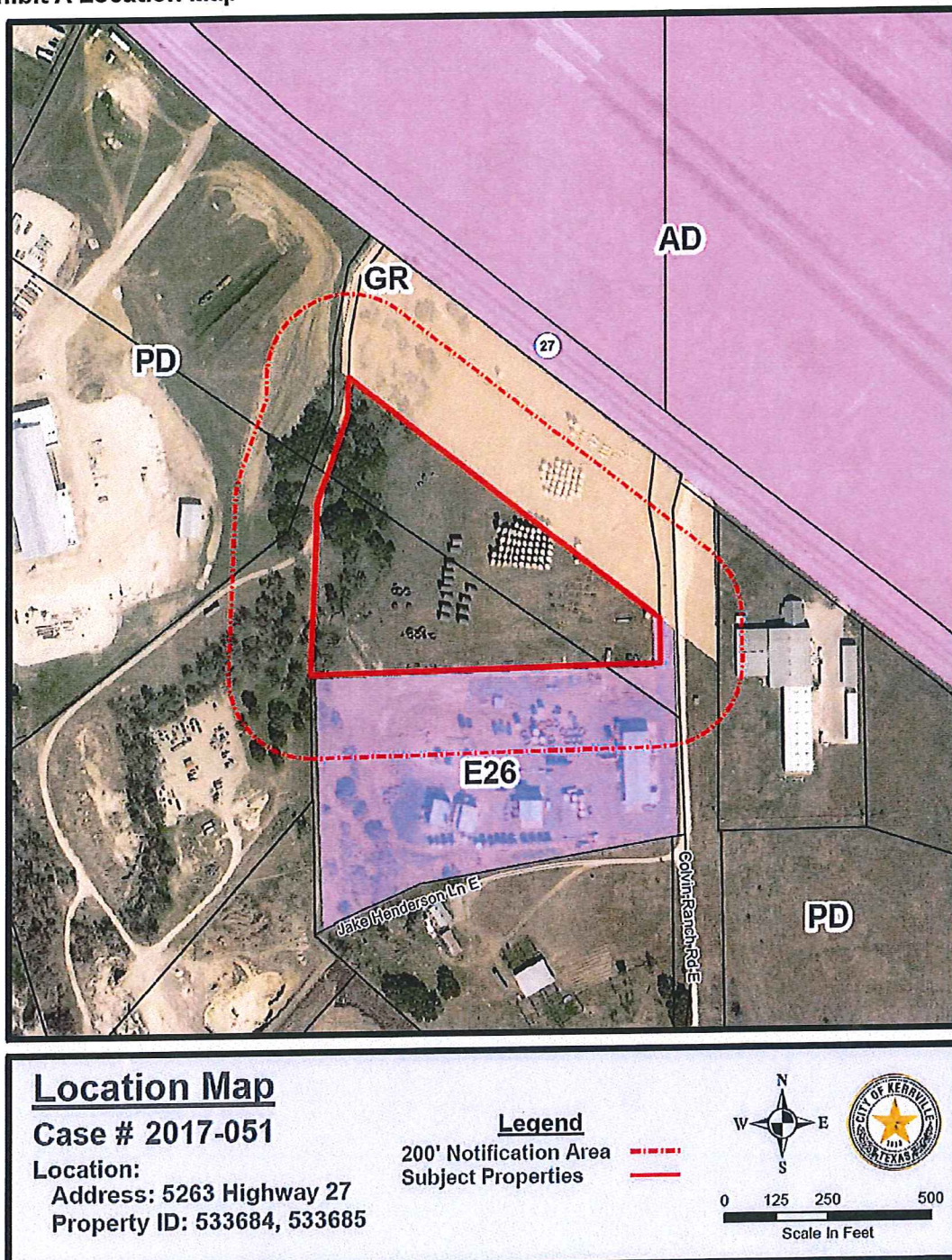
  
Michael C. Hayes, City Attorney

ATTEST:

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



Exhibit A 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.

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EXHIBIT B

PETITION REQUESTING ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF 7.95 ACRES OUT OF THE F. RODRIGUEZ Survey, Abstract Number 280, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

Fox Tank Company is the sole owner of an approximately 7.95 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 72, Abstract No. 280 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBIT "A" (Field Notes) and  
EXHIBIT "B" (Survey) attached hereto.

The above-described property is (a) one-half mile or less in width, (b) contiguous to the incorporate limits of the City of Kerrville, Texas, and (c) presently vacant and without residents or on which fewer than three qualified voters reside.

In accordance with Texas Local Government Code §43.028, Fox Tank Company hereby requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas.

SUBMITTED THIS 3<sup>rd</sup> day of July, 2017.

By: [Signature]  
Legally authorized signature

#### ACKNOWLEDGEMENTS

THE STATE OF TEXAS

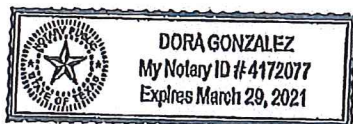
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COUNTY OF KERR

§

§

This instrument was acknowledged before me on the 3<sup>rd</sup> day of July, 2017, for and on behalf of



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: DORA GONZALEZ

My Commission Expires: 3-29-2021

**EXHIBIT C**  
**ANNEXATION SERVICE PLAN**

<b>SERVICE</b>	<b>DETAILS OF SERVICE PROVIDED</b>	<b>TIMETABLE</b>
<b>Animal Control</b>	The provisions of animal control services shall be in effect following annexation of the property.	Immediately following annexation
<b>Code Enforcement</b>	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville 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 of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
<b>Fire Protection and Suppression</b>	Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.	Immediately following annexation
<b>Fire Prevention</b>	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
<b>Library</b>	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
<b>Parks and Recreation</b>	City of Kerrville Parks and Recreation services will continue to be available to the area residents, if any.	Immediately following annexation
<b>Police Protection</b>	Police 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

<b>SERVICE</b>	<b>DETAILS OF SERVICE PROVIDED</b>	<b>TIMETABLE</b>
<b>Public Services - Street Department</b>	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City of Kerrville.	Immediately following annexation
<b>Sanitation (Refuse Collection)</b>	Refuse collection shall be available to residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
<b>Traffic Engineering</b>	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
<b>Utilities (Water Distribution and Wastewater Collection)</b>	Extension of utilities within the property shall be in accordance with the City of Kerrville's Subdivision Ordinance.	As the property develops



## **City Council Agenda Bill Report**

Agenda Item No. 2017-86

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

### **SUMMARY STATEMENT:**

Consider reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

State law sets Municipal Court Judges' terms at two years. Judge Maguire has served since 2003. Judge Prislovsky has served since 1988.

### **EXHIBITS:**

None

### **RECOMMENDED ACTION:**

Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

### **EXPENDITURE REQUIRED:**

\$65,000 Annually

### **CURRENT BALANCE IN ACCOUNT:**

\$51,612.50

### **AMOUNT BUDGETED:**

\$65,000 Annually

### **ACCOUNT NUMBER:**

01-0109-0003

### **PAYMENT TO BE MADE TO:**

Municipal Court Judges Maguire and Prislovsky

### **ATTACHMENTS**

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## **City Council Agenda Bill Report**

Agenda Item No. 2017-124

Submitted by: EA Hoppe, Deputy City Manager

Submitting Department: City Administration

Meeting Date: December 12, 2017

### **SUBJECT:**

Administrative Services Contract between the City of Kerrville, Texas and the City of Kerrville, Texas Economic Improvement Corporation in the amount of \$83,300.

### **SUMMARY STATEMENT:**

The City of Kerrville provides services to the EIC through an annual Administrative Services contract. This contract includes services for project management, engineering, financial, legal, and administrative support. The EIC compensates the City \$100,000 annually for these services, and this item was included within the approved EIC budget for FY 2018. The previous contract expired on September 30, 2017. The EIC approved an interim 60-day contract at their October 13th Regular meeting and directed City staff to revise the contract language to clarify the EIC's ability to hire and pay for outside legal counsel, if needed. The City Council approved the interim 60-day contract at their October 24th City Council meeting. That contract remains in effect until Dec. 23, 2017.

Attached is the revised FY18 Administrative Services Contract between the City of Kerrville and the EIC. This contract contemplates a contract amount of \$83,300 for administrative services to be rendered between December 24, 2017 and September 30, 2018, which is the end of the City's fiscal year. The \$83,300 is the balance of the \$100,000 initially approved in the budget, with the \$16,700 already accounted for within the interim 60-day contract. This revised contract was approved by the EIC at their November 27th meeting.

### **EXHIBITS:**

Administrative Services Contract as attached.

### **RECOMMENDED ACTION:**

Approve administrative services contract as presented.

### **EXPENDITURE REQUIRED:**

\$83,333 (EIC)

### **CURRENT BALANCE IN ACCOUNT:**

\$83,333 (EIC)

### **AMOUNT BUDGETED:**

\$100,000 (EIC)

### **ACCOUNT NUMBER:**

40-4000-3100

### **PAYMENT TO BE MADE TO:**

City of Kerrville

## ATTACHMENTS

- [Administrative Services Contract with EIC.pdf](#)
- [Administrative Services Contract - EIC - City - Redline Version - December 2017.pdf](#)

**ADMINISTRATIVE SERVICES CONTRACT  
BETWEEN CITY OF KERRVILLE, TEXAS AND  
CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION**

**THIS CONTRACT** is entered into and effective as of the \_\_\_\_ day of November 2017, by and between the City of Kerrville, Texas, ("City"), and the City of Kerrville, Texas Economic Improvement Corporation ("EIC") for and in consideration of the following promises and conditions:

**ARTICLE I**  
**SERVICES PROVIDED BY CITY**

City agrees to provide the following services to EIC subject to the limitations and conditions set forth below:

- A. **Engineering and Project Management Services:** City agrees to provide engineering and project management services, to include design, bid, and construction phases, for EIC-funded projects that involve improvements to City and/or public property. For such projects requiring expenditures estimated at more than \$25,000.00 for construction, City may contract for specialized engineering services and EIC agrees to pay for such services as part of a project, which is authorized by the EIC to be funded in whole or in part by sales tax revenues generated pursuant to the authority of Chapters 501, 502, and 505 of the Texas Local Government Code.
- B. **Legal Services:** City agrees the City Attorney will be the legal advisor of, and attorney for, EIC, which representation will include review of documents, contracts, and other instruments as to form and legality, the conduct of legal research, and, if requested, the issuance of legal opinions. In the provision of legal services by the City Attorney, the City Attorney shall provide such services only if the provision of legal services to EIC does not unreasonably impair his ability to provide legal services to the City. For example, in the event the City Attorney determines that a legal or ethical conflict exists between the City and the EIC, the EIC agrees that the City Attorney may continue to represent the City on such matter notwithstanding such conflict provided the City Attorney has made reasonable disclosure of the conflict to the president of the EIC. Where a conflict exists, EIC shall retain the right to hire counsel of its own choice at EIC expense, subject to its budget to include any undesignated reserve cash balance but not to exceed an overall expense of \$50,000.00. The City Attorney may contract at times for specialized legal services with respect to a project approved by EIC and EIC agrees to pay for such services.
- C. **Financial Services:** City agrees to provide accounting, banking, and investment services, including accounts receivable, accounts payable, investments, record keeping, financial reporting, and an audit of all funds. The City will provide a report at each regular monthly meeting of the EIC, such report to include a statement of revenues and expenditures for all funds and a cash flow analysis on a form approved by the EIC.
- D. **Administrative Services:** City will provide services from the City Manager to include secretarial and other clerical services, including taking minutes and preparation of resolutions and correspondence related to the operation of EIC. The City Manager or designee will engage with the EIC in a manner comparable to the role identified by Section 6.04 of the City Charter.

- E. **Investment Officer:** The City's Director of Finance will serve as the EIC's investment officer in accordance with the EIC's Investment Policy, as may be amended.
- F. **Regulatory Financial Reporting:** The City's Director of Finance shall prepare all financial reports required by state and federal regulatory agencies.
- G. **Annual Audit:** The City's Director of Finance shall include the EIC's financial information as part of the City's Comprehensive Annual Financial Report (CAFR).
- H. **Project Reports:** The City Manager or designee shall provide a report at each regular monthly meeting of the EIC on all ongoing projects, which are subject to a funding agreement with the EIC. These reports shall include the status and estimated completion date of each project and verification that performance criteria are being met.
- I. **Staff Reports:** The City Manager or designee shall prepare a report on each application for EIC funds, such report to include the following information:
  - 1. Complete Application
  - 2. Financial Impact Analysis
    - a. Total payroll
    - b. Payroll multiplier
    - c. Sales and ad valorem tax generation
  - 3. Return on Investment Analysis
    - a. Property tax – City, County, and KISD
    - b. Sales tax – City and County
    - c. Payroll multiplier
    - d. Timeline by which return is realized
  - 4. Feasibility Analysis
    - a. Land – size, zoning, platting, building/fire codes
    - b. Building – size, suitability, condition
    - c. Infrastructure – water, wastewater, streets, drainage, electricity, public safety

**J. Prospect Support Services:** The City Manager or designee shall ensure that the following support services as provided by City staff are provided to the EIC in the review and processing of applications for EIC funds:

1. receive applications;
2. evaluate applications for completeness;
3. determine eligibility;
4. facilitate submission before the EIC;
5. provide technical evaluation;
6. provide recommendations;
7. coordinate with other aligned agencies/entities; and
8. identify appropriate incentives and programs.

## **ARTICLE II** **COMPENSATION**

In consideration of the provision by City to EIC of the services described in Article I, above, EIC shall pay City the sum of **\$83,300.00** for the term specified below. It is agreed by the parties that this compensation is equal to the reasonable value of the services anticipated to be provided by City to the EIC. City shall deduct the payment required hereunder upon receipt of said sales tax revenues from the Comptroller of Public Accounts for the State of Texas.

## **ARTICLE III** **TERM**

The term of this Contract commences on December 24, 2017, and ends on September 30, 2018, subject to earlier termination as provided herein and extension by agreement of the parties hereto.

## **ARTICLE IV** **TERMINATION**

This Contract may be terminated by City or EIC for any reason, with or without cause, not earlier than thirty (30) days prior to delivery to the non-terminating party of a written notice of termination. EIC agrees to pay City the reasonable cost of services rendered by City up to the date of termination.

## **ARTICLE V** **GOVERNING LAW**

This Contract is subject to, governed by, and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in the year and as of the date indicated.

*(signatures begin on following page)*



CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC  
IMPROVEMENT CORPORATION

By: \_\_\_\_\_  
Mark L. McDaniel, City Manager

By:  \_\_\_\_\_  
Kenneth Early, President

ATTEST:

\_\_\_\_\_  
Cheryl Brown, Deputy City Secretary

APPROVED AS TO FORM:

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

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Administrative Services Contract Between City of Kerrville, Texas  
and City of Kerrville, Texas Economic Improvement Corporation 2017-18

Page 4

**ADMINISTRATIVE SERVICES CONTRACT  
BETWEEN CITY OF KERRVILLE, TEXAS AND  
CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION**

**THIS CONTRACT** is entered into and effective as of the \_\_\_\_ day of ~~October~~November 2017, by and between the City of Kerrville, Texas, ("City"), and the City of Kerrville, Texas Economic Improvement Corporation ("EIC") for and in consideration of the following promises and conditions:

**ARTICLE I**  
**SERVICES PROVIDED BY CITY**

City agrees to provide the following services to EIC subject to the limitations and conditions set forth below:

- A. **Engineering and Project Management Services:** City agrees to provide engineering and project management services, to include design, bid, and construction phases, for EIC-funded projects that involve improvements to City and/or public property. For such projects requiring expenditures estimated at more than \$25,000.00 for construction, City may contract for specialized engineering services and EIC agrees to pay for such services as part of a project, which is authorized by the EIC to be funded in whole or in part by sales tax revenues generated pursuant to the authority of Chapters 501, 502, and 505 of the Texas Local Government Code.
- B. **Legal Services:** City agrees the City Attorney will be the legal advisor of, and attorney for, EIC, which representation will include review of documents, contracts, and other instruments as to form and legality, the conduct of legal research, and, if requested, the issuance of legal opinions. In the provision of legal services by the City Attorney, the City Attorney shall provide such services only if the provision of legal services to EIC does not unreasonably impair his ability to provide legal services to the City. ~~Furthermore~~For example, in the event the City Attorney determines that a legal or ethical conflict exists between the City and the EIC, the EIC agrees that the City Attorney may continue to represent the City on such matter notwithstanding such conflict provided the City Attorney has made reasonable disclosure of the conflict to the president of the EIC. Where a conflict exists, EIC shall retain the right to hire counsel of its own choice at EIC expense, subject to its budget to include any undesignated reserve cash balance but not to exceed an overall expense of \$50,000.00. The City Attorney may contract at times for specialized legal services with respect to a project approved by EIC and EIC agrees to pay for such services.
- C. **Financial Services:** City agrees to provide accounting, banking, and investment services, including accounts receivable, accounts payable, investments, record keeping, financial reporting, and an audit of all funds. The City will provide a report at each regular monthly meeting of the EIC, such report to include a statement of revenues and expenditures for all funds and a cash flow analysis on a form approved by the EIC.
- D. **Administrative Services:** City will provide services from the City Manager to include secretarial and other clerical services, including taking minutes and preparation of resolutions and correspondence related to the operation of EIC. The City Manager or designee will engage with the EIC in a manner comparable to the role identified by Section 6.04 of the City Charter.

- E. **Investment Officer:** The City's Director of Finance will serve as the EIC's investment officer in accordance with the EIC's Investment Policy, as may be amended.
- F. **Regulatory Financial Reporting:** The City's Director of Finance shall prepare all financial reports required by state and federal regulatory agencies.
- G. **Annual Audit:** The City's Director of Finance shall include the EIC's financial information as part of the City's Comprehensive Annual Financial Report (CAFR).
- H. **Project Reports:** The City Manager or designee shall provide a report at each regular monthly meeting of the EIC on all ongoing projects, which are subject to a funding agreement with the EIC. These reports shall include the status and estimated completion date of each project and verification that performance criteria are being met.
- I. **Staff Reports:** The City Manager or designee shall prepare a report on each application for EIC funds, such report to include the following information:
  - 1. Complete Application
  - 2. Financial Impact Analysis
    - a. Total payroll
    - b. Payroll multiplier
    - c. Sales and ad valorem tax generation
  - 3. Return on Investment Analysis
    - a. Property tax – City, County, and KISD
    - b. Sales tax – City and County
    - c. Payroll multiplier
    - d. Timeline by which return is realized
  - 4. Feasibility Analysis
    - a. Land – size, zoning, platting, building/fire codes
    - b. Building – size, suitability, condition
    - c. Infrastructure – water, wastewater, streets, drainage, electricity, public safety

**J. Prospect Support Services:** The City Manager or designee shall ensure that the following support services as provided by City staff are provided to the EIC in the review and processing of applications for EIC funds:

1. receive applications;
2. evaluate applications for completeness;
3. determine eligibility;
4. facilitate submission before the EIC;
5. provide technical evaluation;
6. provide recommendations;
7. coordinate with other aligned agencies/entities; and
8. identify appropriate incentives and programs.

## **ARTICLE II** **COMPENSATION**

In consideration of the provision by City to EIC of the services described in Article I, above, EIC shall pay City the sum of ~~\$16,700.00~~**\$83,300.00** for the term specified below. It is agreed by the parties that this compensation is equal to the reasonable value of the services anticipated to be provided by City to the EIC. City shall deduct the payment required hereunder upon receipt of said sales tax revenues from the Comptroller of Public Accounts for the State of Texas.

## **ARTICLE III** **TERM**

The term of this Contract commences on ~~October 25~~**December 24**, 2017, and ends on ~~December 23~~**September 30, 2017**~~2018~~, subject to earlier termination as provided herein and extension by agreement of the parties hereto.

## **ARTICLE IV** **TERMINATION**

This Contract may be terminated by City or EIC for any reason, with or without cause, not earlier than thirty (30) days prior to delivery to the non-terminating party of a written notice of termination. EIC agrees to pay City the reasonable cost of services rendered by City up to the date of termination.

## **ARTICLE V** **GOVERNING LAW**

This Contract is subject to, governed by, and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in the year and as of the date indicated.

*(signatures begin on following page)*



CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC  
IMPROVEMENT CORPORATION

By: \_\_\_\_\_  
Mark L. McDaniel, City Manager

By: \_\_\_\_\_  
Kenneth Early, President

ATTEST:

\_\_\_\_\_  
Cheryl Brown, Deputy City Secretary

APPROVED AS TO FORM:

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

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**Administrative Services Contract Between City of Kerrville, Texas  
and City of Kerrville, Texas Economic Improvement Corporation 2017-18**

Page 4

## City Council Agenda Bill Report

Agenda Item No. 2017-131

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Council

Meeting Date: December 12, 2017

**SUBJECT:**

Review and possible action concerning Economic Improvement Corporation board appointments.

**SUMMARY STATEMENT:**

Mayor White has requested Council review and discuss possible action concerning EIC board appointments.

**EXHIBITS:**

Board Sheet as attached.

**RECOMMENDED ACTION:**

**EXPENDITURE REQUIRED:**

\$0

**CURRENT BALANCE IN ACCOUNT:**

N/A

**AMOUNT BUDGETED:**

N/A

**ACCOUNT NUMBER:**

N/A

**PAYMENT TO BE MADE TO:**

N/A

**ATTACHMENTS**

- [Economic Improvement Corporation.docx](#)



**ECONOMIC IMPROVEMENT CORPORATION**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
PATTILLO, SHERI Vice President 1695 Mountain Laurel	285-9210 (O)	06-10-14	05-24-16	06-01-18
BAROODY, GEORGE 1616 Glen Road	830-542-9210 (C)	05-23-17		06-01-18
COOPER, GARY 124 Erin Drive	816-810-3744 (H)	5-23-17		06-01-19
EARLY, KENNETH 2756 Indian Wells Dr. E	928-3264 (H) 257-4771 (W) 938-3264 (C)	05-24-16		06-01-18
NAMAN, ROBERT 1800 Glen Road	792-4761 (H)	05-23-17		06-01-19
STAFFORD, PAUL 38 Antelope Trail	895-3079 (H)	05-26-15	05-23-17	06-01-19
WILSON, JAMES 410 Spring Mill	792-0470 (H) 210-593-1507 (O)	01-27-15	05-24-16	06-01-18
<b>CITY STAFF:</b>				
E.A. Hoppe Deputy City Manager	258-1106 (O)			
Cheryl Brown Secretary	258-1118 (O)			
Sandra Yarbrough Treasurer	258-1120 (O)			

Qualifications: Resident of the city and at least three directors must be persons who are not employees, officers or members of the governing body of the city.

Purpose: Benefiting and accomplishing public purposes of the city permitted by Section 4B of the Act including, but not limited to, the promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare, and financing the acquisition, construction and/or equipping, and/or the maintenance and operating costs of any "Project" (as defined in Section 4B of the Act).

Term of Office: Two years; maximum of two consecutive terms

Quorum: Majority

Number of Members: Seven

Meeting Time & Place: Third Monday, 4:00 p.m., City Hall Council Chambers

Established by: Resolution No. 1995-112, amended by Resolution Nos. 1999-184; 032-2009

Revised: May 24, 2017

## City Council Agenda Bill Report

Agenda Item No. 2017-92

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Appointments to the Food Service Advisory Board

### **SUMMARY STATEMENT:**

Consider appointments to the Food Service Advisory Board: Three term expired December 1, 2017.

### **EXHIBITS:**

Board sheet as attached

### **RECOMMENDED ACTION:**

Appoint persons to the Food Service Advisory Board with terms to expire December 1, 2019.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [Food Service Advisory Board.docx](#)

## **FOOD SERVICE ADVISORY BOARD**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
AAMODT, "GARY", JR. 160 Kerrville South Dr.	257-3533 (O) 896-7979 (H) 370-4416 (C)	08-11-15		12-01-17
EGELSTON, MONICA 1358 Junction Hwy. #15 Ingram, TX 78025	377-6903 (H) 895-3354 (W)	03-28-17		12-01-18
FIEDLER, ANGELA 205 Avenue F Waring, TX 78074	377-8116 (H) 257-6568 (W)	03-28-17		12-01-18
MOLINA, RUBEN 325 George Ct.	896-3313 (O) 377-2768 (H)	01-12-16		12-01-17
RUSCH, MONTY 316 Patriot St.	370-3259 (H) 258-7721 (W)	03-28-17		12-01-18
TOLLE, BECKY 540 Fairway Dr.	377-4255 (O) 837-0076 (H)	01-12-16		12-01-17
WHITE, SETH 1418 Jackson Rd.	387-1976 (H) 257-6901 (W)	03-28-17		12-01-18
<b>CITY STAFF:</b> Daryle Poe Health Specialist	258-1173			
Danny Batts Director of Bldg. Services	258-1178 (O) 896-0517 (F)			

**Qualifications:** Shall be composed of local certified food managers from the food service or food processing industry, any member of the local restaurant association who owns or conducts business in the city of Kerrville or any citizen of Kerr County qualified by training and/or experience to advise on the application of the food code.

**Powers and Duties:** To hear appeals and make recommendations to the health official for variances from provisions of the code; to provide assistance to the health official concerning interpretations of the code; to advise the city manager, at his request, regarding the suspension or revocation of food permits; and to consider and make recommendations to city council regarding any matters relating to the food service program.

Term of Office: Two Years; no member shall serve more than two consecutive terms.

Quorum: Four

Number of Members: Seven

Meeting Time & Place: As needed, in the Development Services office.

Absences: Any member who misses three consecutive regular meetings shall thus cause his/her seat on the board to become vacant. The council shall then appoint a new member to fill the vacancy.

Established by: Ordinance 1989-30; amended by Ordinance 1994-11  
Code of Ordinances: Chapter 58 - Article II - Section 58-34

Revised: July 19, 2017

## City Council Agenda Bill Report

Agenda Item No. 2017-93

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Appointments to the Planning and Zoning Commission

### **SUMMARY STATEMENT:**

Consider appointments to the Planning and Zoning Commission: Three positions will expire on January 1, 2018.

### **EXHIBITS:**

Board sheet as attached.

### **RECOMMENDED ACTION:**

Appoint persons to the Planning and Zoning Commission with terms to expire January 1, 2020.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [P&Z board sheet.pdf](#)

**PLANNING AND ZONING COMMISSION**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WALLER, ROBERT Chair 33 Antelope Trail	792-6088 (H) 896-2950 (O)	07-09-13	12-13-16	01-01-19
HARMON, GARRETT Vice-Chair 701 Lee Street	895-4510 (O) 285-2151 (C)	06-25-13	12-13-16	01-01-19
BARNETT, DON 3 Antelope Trail	739-6822 (C)	01-12-16		01-01-18
SIGERMAN, MICHAEL 4000 Comanche Trace	895-7765 (H) 305-498-1602 (O)	02-23-16	12-13-16	01-01-18
ZUBER, RUSTIN 112 Harmon Way 616 Clay St. (mailing)	895-2829 (O) 377-0329 (C) 895-4913 (H)	12-10-13	12-13-16	01-01-19
<b><u>ALTERNATES:</u></b> JONES, DAVID THOMAS 207 Lakewood	257-5635 (H) 210-289-5483 (C)	12-13-16		01-01-18
LENARD, MARTY 605 Overhill Drive	370-1757 (H)	12-13-16		01-01-19
<b><u>CITY STAFF:</u></b> Sabine Kuenzel Chief Planner	258-1184 (O)			

Qualifications: At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

Powers and Duties: 1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.



2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

**Term of Office:** Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

**Quorum:** Three (may include an alternate member but only where substitution for and acting as a regular member)

**Number of Members:** Five regular members and two alternates.

**Meeting Time & Place:** First and third Thursdays, 4:30 p.m., City Hall; Council Chambers.

**Absences:** Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

**Established by:** Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified).

Rules and Regulations amended by Resolution 180-2001; Rules Governing Conduct amended by Resolution 052-2003; Process for Appointment amended by Resolution 007-2006.

\* Appointed as alternate

\*\* Appointed as full member

Revised: May 25, 2017

## **City Council Agenda Bill Report**

Agenda Item No. 2017-98

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Section 551.071 and Section 551.074:

Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

### **SUMMARY STATEMENT:**

Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

### **EXHIBITS:**

None

### **RECOMMENDED ACTION:**

Reappointment of Municipal Court Judges M. Patrick Maguire and Mark Prislovsky for two year terms to expire December 31, 2019.

### **EXPENDITURE REQUIRED:**

\$65,000 Annually

### **CURRENT BALANCE IN ACCOUNT:**

\$51,612.50

### **AMOUNT BUDGETED:**

\$65,000 Annually

### **ACCOUNT NUMBER:**

01-0109-0003

### **PAYMENT TO BE MADE TO:**

Municipal Court Judges Maguire and Prislovsky

### **ATTACHMENTS**

-

## City Council Agenda Bill Report

Agenda Item No. 2017-132

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Council

Meeting Date: December 12, 2017

### **SUBJECT:**

Section 551.074:

Review and possible action concerning Economic Improvement Corporation board appointments.

### **SUMMARY STATEMENT:**

Mayor White has requested Council review and discuss possible action concerning EIC board appointments.

### **EXHIBITS:**

Board Sheet as attached.

### **RECOMMENDED ACTION:**

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [Economic Improvement Corporation.docx](#)

**ECONOMIC IMPROVEMENT CORPORATION**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
PATTILLO, SHERI Vice President 1695 Mountain Laurel	285-9210 (O)	06-10-14	05-24-16	06-01-18
BAROODY, GEORGE 1616 Glen Road	830-542-9210 (C)	05-23-17		06-01-18
COOPER, GARY 124 Erin Drive	816-810-3744 (H)	5-23-17		06-01-19
EARLY, KENNETH 2756 Indian Wells Dr. E	928-3264 (H) 257-4771 (W) 938-3264 (C)	05-24-16		06-01-18
NAMAN, ROBERT 1800 Glen Road	792-4761 (H)	05-23-17		06-01-19
STAFFORD, PAUL 38 Antelope Trail	895-3079 (H)	05-26-15	05-23-17	06-01-19
WILSON, JAMES 410 Spring Mill	792-0470 (H) 210-593-1507 (O)	01-27-15	05-24-16	06-01-18
<b>CITY STAFF:</b>				
E.A. Hoppe Deputy City Manager	258-1106 (O)			
Cheryl Brown Secretary	258-1118 (O)			
Sandra Yarbrough Treasurer	258-1120 (O)			

Qualifications: Resident of the city and at least three directors must be persons who are not employees, officers or members of the governing body of the city.

Purpose: Benefiting and accomplishing public purposes of the city permitted by Section 4B of the Act including, but not limited to, the promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare, and financing the acquisition, construction and/or equipping, and/or the maintenance and operating costs of any "Project" (as defined in Section 4B of the Act).

Term of Office: Two years; maximum of two consecutive terms

Quorum: Majority

Number of Members: Seven

Meeting Time & Place: Third Monday, 4:00 p.m., City Hall Council Chambers

Established by: Resolution No. 1995-112, amended by Resolution Nos. 1999-184; 032-2009

Revised: May 24, 2017

## City Council Agenda Bill Report

Agenda Item No. 2017-133

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Secretary

Meeting Date: December 12, 2017

### **SUBJECT:**

Section 551.074:

Appointments to the Planning and Zoning Commission.

### **SUMMARY STATEMENT:**

Consider appointments to the Planning and Zoning Commission: Three positions will expire on January 1, 2018.

### **EXHIBITS:**

Board sheet as attached.

### **RECOMMENDED ACTION:**

Appoint persons to the Planning and Zoning Commission with terms to expire on January 1, 2020.

### **EXPENDITURE REQUIRED:**

\$0

### **CURRENT BALANCE IN ACCOUNT:**

N/A

### **AMOUNT BUDGETED:**

N/A

### **ACCOUNT NUMBER:**

N/A

### **PAYMENT TO BE MADE TO:**

N/A

### **ATTACHMENTS**

- [Planning and Zoning Commission.docx](#)

## **PLANNING AND ZONING COMMISSION**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WALLER, ROBERT Chair 33 Antelope Trail	792-6088 (H) 896-2950 (O)	07-09-13	12-13-16	01-01-19
HARMON, GARRETT Vice-Chair 701 Lee Street	895-4510 (O) 285-2151 (C)	06-25-13	12-13-16	01-01-19
BARNETT, DON 3 Antelope Trail	739-6822 (C)	01-12-16		01-01-18
SIGERMAN, MICHAEL 4000 Comanche Trace	895-7765 (H) 305-498-1602 (O)	02-23-16	12-13-16	01-01-18
ZUBER, RUSTIN 112 Harmon Way 616 Clay St. (mailing)	895-2829 (O) 377-0329 (C) 895-4913 (H)	12-10-13	12-13-16	01-01-19
<b>ALTERNATES:</b>				
JONES, DAVID THOMAS 207 Lakewood	257-5635 (H) 210-289-5483 (C)	12-13-16		01-01-18
LENARD, MARTY 605 Overhill Drive	370-1757 (H)	12-13-16		01-01-19
<b>CITY STAFF:</b>				
Sabine Kuenzel Chief Planner	258-1184 (O)			

Qualifications: At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

Powers and Duties: 1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.

2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

Term of Office: Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

Quorum: Three (may include an alternate member but only where substitution for and acting as a regular member)

Number of Members: Five regular members and two alternates.

Meeting Time & Place: First and third Thursdays, 4:30 p.m., City Hall; Council Chambers.

Absences: Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

Established by: Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified).

Rules and Regulations amended by Resolution 180-2001; Rules Governing Conduct amended by Resolution 052-2003; Process for Appointment amended by Resolution 007-2006.

\* Appointed as alternate

\*\* Appointed as full member

Revised: May 25, 2017



## **City Council Agenda Bill Report**

Agenda Item No. 2017-87

Submitted by: Brenda Craig, City Secretary

Submitting Department: City Administration

Meeting Date: December 12, 2017

### **SUBJECT:**

Section 551.074:

Conduct performance review of City Manager Mark McDaniel.

### **SUMMARY STATEMENT:**

Conduct performance review of City Manager Mark McDaniel.

### **EXHIBITS:**

None.

### **RECOMMENDED ACTION:**

Conduct performance review of City Manager Mark McDaniel.

### **EXPENDITURE REQUIRED:**

### **CURRENT BALANCE IN ACCOUNT:**

### **AMOUNT BUDGETED:**

### **ACCOUNT NUMBER:**

### **PAYMENT TO BE MADE TO:**

### **ATTACHMENTS**

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