

KERRVILLE CITY COUNCIL AGENDA
REGULAR COUNCIL MEETING, FEBRUARY 13, 2018, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION OFFERED BY MARY ELLEN SUMMERLIN, COUNCILMEMBER PLACE THREE.

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 Presentation of Officer of the Year Award to Officer Austin Beal, Police Commendation Award.

[AB_officer_of_year.docx](#)
[OFFICER BEAL NOMINATION.pdf](#)

4. CONSENT AGENDA:

These items are considered routine 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

1

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: February 9, 2018, 5:00 pm and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Manager the authority to take all actions necessary for each approval:

4.A Approval of minutes for the city council workshops held January 4 and January 9, 2018, and the regular city council meeting held January 9, 2018.

[2018 0104 workshop.doc](#)

[2018 0109 workshop.doc](#)

[2018 0109.docx](#)

END OF CONSENT AGENDA

5. PUBLIC HEARINGS AND ORDINANCES, FIRST READING:

5.A Ordinance No. 2018-04, amending the "Zoning Code" for the City of Kerrville, Texas, by revising the definition of "home occupation" and adopting regulations for that use; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00) ordering publication; and providing other matters relating to the subject.

[AB 2018-04.docx](#)

[PZ PH staff report 10.05.17.docx](#)

[Ordinance 2018-04.pdf](#)

5.B Ordinance No. 2018-06 amending the city's "Zoning Code" by changing the zoning district for several properties making up an approximate 2.96 acres and more commonly known as 829, 837, and 851 Clay Street North and 619 Myrta Street North; by removing the area from the Residential Transition zoning district (RT) and placing it within the 21-N zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject.

[AB Ord 2018-06.docx](#)

[Excerpts from P_Z_staff_report.docx](#)

[2017-098 - Zoning - Protest Map \(002\).pdf](#)

[Opposition within vicinity of subject property.pdf](#)

[General opposition.pdf](#)

[Ordinance 2018-06.pdf](#)

6. ORDINANCE, SECOND AND FINAL READING:

6.A Ordinance No. 2018-05, Amending Chapter 6 "Advertising", Article II "Signs" of the City of Kerrville Code of Ordinances, to add pole banner signs as an authorized sign and providing regulations therefor; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

[AB 02.13.2018 2nd Read.docx](#)

2

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Brenda Craig
City Secretary, City of Kerrville, Texas

[Ordinance No. 2018-05.pdf](#)
[Example.pdf](#)

7. CONSIDERATION AND POSSIBLE ACTION:

7.A First Amendment to the Kerrville Public Utility Board loan agreement to extend the maturity date.

[AB KPUB_Loan_Amendment.2.docx](#)
[First Amendment to Loan Agreement.pdf](#)
[KPUB Loan Payment Schedule.pdf](#)

7.B Authorize the purchase of Packaged Pump Station System from Pump Mechanical Technical Services, LLC through Buyboard, a Local Government Purchasing Cooperative at a price of \$107,962.00 for the Sports Complex Reuse Pond and Pump Station Project.

[AB Pump Station System - EA.docx](#)
[Reuse System Budget and Expense Report.pdf](#)
[Kerrville Reuse Distribution System Change Orders and Quantity Overruns.pdf](#)
[City of Kerrville - Sports Complex- Pump Station - Estimate.pdf](#)

8. INFORMATION & DISCUSSION:

8.A Regulating the use of portable electronic devices while driving.

[AB Handheld_Electronic_Devices.docx](#)
[Presentation - Handheld Portable Electronic Devices While Driving.pptx](#)

8.B Regulating the escort of oversized loads, including a fee structure for providing police escorts for commercial vehicles through the city.

[AB Oversized_Load_Escorts.docx](#)
[Presentation - Oversized Load Escorts.pptx](#)

8.C Code enforcement update.

[AB Code Enforcement Update.docx](#)
[Presentation - Code Enforcement Update.pptx](#)

9. CITY MANAGER'S REPORT

10. BOARD APPOINTMENTS

10.A Appointments to the Recovery Community Coalition.

[AB RCC.docx](#)
[Recovery Community Coalition.docx](#)

10.B Appointments to the Zoning Board of Adjustment and Appeals.

3

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Brenda Craig
City Secretary, City of Kerrville, Texas

11. ITEMS FOR FUTURE AGENDAS

12. 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. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY

ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

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Brenda Craig
City Secretary, City of Kerrville, Texas



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

SUBJECT: Presentation of Officer of the Year Award to Officer Austin Beal, Police Commendation Award

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/2/2018

SUBMITTED BY: Chief David Knight

EXHIBITS: Nomination Document

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: NA

SUMMARY STATEMENT:

Officer Austin Beal is a 3 year veteran of the Kerrville Police Department currently assigned to the Field Operations Division as a patrol officer and has performed his duties in an exemplary manner. Since being assigned to patrol in January 2015 Officer Beal has conducted numerous investigations of criminal offenses, and has effected a significant number of on-view arrests, a testament to his proactive approach to policing.

Officer Beal is a Field Training Officer due to his high level of performance in all areas. He is a proactive and aggressive field training officer and has superior inter-personal communication skills which he uses to good effect in developing leads and connecting with the public he serves. Austin is a Special Operations Unit Tactical Officer and has assisted our Special Crimes Unit on several cases.

Officer Beal regularly goes above and beyond what is expected of a Patrol Officer in an effort to deliver the highest level of service he is capable of to the Kerrville community.

Austin is active in supporting department efforts for community involvement and proactively seeks out volunteer opportunities. He is an active participant of the Mentoring Program at Nimitz Elementary School as a mentor for at risk children providing guidance, support and a positive model to students.

Officer Beal's interaction with the citizens we serve promotes a positive impression of law enforcement, effectively bolstering the legitimacy of our service to our citizens. His actions daily are grounded in service to others, justice and fundamental fairness. He consistently performs his duties with an extra measure of diligence, dedication and professional excellence that bring great credit to him and the Kerrville Police Department.

RECOMMENDED ACTION:

Recognize Officer Austin Beal for his award as Kerrville Police Department Police Officer of the Year.



City of Kerrville
Police Department
429 Sidney Baker
Kerrville, Texas 78028-5069
830.792.2721 (O)
830.896.0717 (F)
Jonathan.Lamb@kerrvilletx.gov

MEMORANDUM

TO: Meritorious Conduct Board

FROM: SGT Lamb

DATE: October 16, 2017

SUBJECT: Officer of the Year Nomination

I am proud to nominate Officer Austin Beal as the Kerrville Police Department's Officer of the Year for 2017.

Officer Beal has been a Kerrville Police Officer since January 2015. In addition to being an exemplary patrol officer, Officer Beal has taken on several additional professional responsibilities within the department. He is a key member of the department's Special Operations Unit. He has also been selected as a Field Training Officer, due to his high performance in all areas, a relative rarity for an officer of his experience. He completed an academically and physically challenging multi-part Physical Fitness Instructor's course, consisting of over 240 hours of training. Since then he has worked diligently to put in place a physical fitness standard for the department. Officer Beal was selected for each of these voluntary additional responsibilities over officers senior to him due to his demonstrated commitment to excellence, and he performs all of these duties in an exemplary manner.

Officer Beal is a standout patrol officer in every way, from his high personal standards of conduct to the effort he puts into every task he undertakes. He thoroughly investigates each offense in order to provide a solid case for prosecution. Officer Beal has a significant number of on-view arrests, a testament to his proactive mindset. Officer Beal has superior inter-personal communication skills which he uses to good effect in developing leads and connecting with the public he serves. Officer Beal is especially good with offenses involving children, displaying a caring, compassionate and gentle approach that enables him to develop a true rapport with children victims. His work ethic, self-initiated activity, and dedication to duty have earned him a reputation among his peers as an officer to emulate. Officer Beal regularly goes above and beyond what is expected of a Patrol Officer in an effort to deliver the highest level of service he is capable of to the Kerrville community.

Officer Beal is also dedicated to the community he serves in other ways. Although not a resident of Kerrville, for the second year, Officer Beal has been involved in the Mentoring Program at Nimitz Elementary School, which pairs students with positive adult role models in order to provide these students with guidance, support and friendship. During his time with the Mentoring Program, Officer Beal met with his seven-year-old friend at least once and sometimes twice a week. Officer Beal has influenced a young man's life in a positive manner that goes beyond what we typically expect from our law enforcement officers but is typical of the demonstrated care and compassion that Officer Beal is known for.

These typical examples are indicative of the type of professional law enforcement service that Officer Beal provides to the citizens of this city every day. Although Officer Beal is not the only officer who goes the extra mile in their service to this community, and it is sometimes difficult to stand out in a field comprised of so many dedicated public servants, Officer Beal distinguishes himself by consistently performing his duties with an extra measure of diligence, dedication, and professional excellence that bring great credit to him and the Kerrville Police Department.

This meeting is recorded and can be viewed on the city's website at www.kerrvilletx.gov.

CITY COUNCIL MINUTES
WORKSHOP

KERRVILLE, TEXAS
JANUARY 4, 2018

On Monday, January 4, 2018, 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
Vincent C. Voelkel	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT:

Mary Ellen Summerlin	Councilmember
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CITY STAFF PRESENT:

Brenda Craig	City Secretary
Charvy Tork	Director of Information Technology
Cheryl Brown	Deputy City Secretary
Guillermo Garcia	Executive Director of Strategic Initiatives

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

1. TRAINING SESSION:

1A. City Council will receive training regarding the use of new electronic agenda and legislative software. Discussion regarding related processes may occur and general guidance to staff may be provided.

The city council received training on the new electronic agenda and legislative software.

ADJOURNMENT. The meeting adjourned at 11:32 a.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda G. Craig City Secretary

This meeting is recorded and can be viewed on the city's website at www.kerrvilletx.gov.

CITY COUNCIL MINUTES
WORKSHOP

KERRVILLE, TEXAS
JANUARY 9, 2018

On Monday, January 9, 2018, the Kerrville City Council workshop was called to order at 3:00 p.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
EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Charvy Tork	Director of Information Technology
Cheryl Brown	Deputy City Secretary
Guillermo Garcia	Executive Director of Strategic Initiatives
Kim Meisner	Director of General Operations
Sandra Yarbrough	Director of Finance
Drew Paxton	Director of Development Services

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

1. TRAINING SESSION:

1A. City Council will receive training regarding the use of new electronic agenda and legislative software. Discussion regarding related processes may occur and general guidance to staff may be provided.

The city council received training on the new electronic agenda and legislative software.

ADJOURNMENT. The meeting adjourned at 4:17 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda G. Craig City Secretary

This meeting is recorded and can be viewed on the city's website at www.kerrvilletx.gov.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JANUARY 9, 2018

On January 9, 2018, 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 Councilmember Vincent Voelkel, followed by the Pledge of Allegiance led by Roman Garcia.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Barood	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
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
David Knight	Police Chief
Stuart Cunyus	Public Information Officer
Drew Paxton	Executive Director of Development Services
Sabine Kuenzel	Chief Planning Officer
Guillermo Garcia	Executive Director of Strategic Initiatives

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:**

2A. Bruce Stracke reported on progress in the downtown area.

3. **PRESENTATION:**

3A. Resolutions of Commendation to James Wilson and Paul Stafford for serving on the Economic Improvement Corporation.

3B. Resolution of Commendation to Matthew Miller for service on the Library Advisory Board.

4. CONSENT AGENDA:

Mr. Baroody removed items 4F and 4I from the consent agenda.

Ms. Summerlin moved to approve consent agenda items 4A through 4E, 4G and 4H;

Mr. Ferguson seconded the motion, and the motion passed 5-0:

4A. Approval of minutes for the regular city council meeting held November 14, 2017, and the city council workshops held November 28 and December 4, 2017.

4B. Resolution 01-2018 ordering that a General Election be held on May 5, 2018, for the election of a Mayor and two City Councilmembers; appointing Election Judges; adopting an Electronic Counting System; establishing a Central Counting Station; appointing a Central Counting Station Manager; appointing a Tabulation Supervisor; appointing the Central Counting Station Presiding Judge; and authorizing the early processing of ballots

4C. RESOLUCIÓN 01-2018, QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 5 DE MAYO DEL 2018 PARA ELEGIR UN ALCALDE, Y DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES.

4D. Resolution No. 02-2018 abandoning and terminating both an easement for the discharge of storm waters and an easement for the discharge of effluent, said easements located on a tract of land in the Sam Wallace Survey No. 111, Abstract No. 590; the property being more generally known as 3501 Legion Drive; and ordering recording.

4E. Resolution No. 03-2018, adopting the City of Kerrville Investment Policy and Strategy regarding the investment of city funds, in accordance with the Public Funds Investment Act.

4G. Budget and Economic Update for period ending November 30, 2017.

4H. Interlocal Agreement between Kerr County, Texas and City of Kerrville, Texas regarding provision of maintenance service at Bear Creek Crossing.

END OF CONSENT AGENDA

4F. Resolution No. 04-2018, amending the City of Kerrville Fee Schedule by revising fees charged by the Kerrville Fire Department EMS and formally establishing that the Kerrville Little League may use the Kerrville Sports Complex for its 2018 season without charge.

Mr. Baroody stated his appreciation for work with Little League Baseball, which he was a part of, and noted LL would not have to raise registration fees in the foreseeable future. He questioned why LL fees were listed in the city's fee schedule. Mr. Hoppe noted the city listed all fees in the fee schedule and this was consistent with policy.

Mr. Ferguson moved to approve Resolution No. 04-2018; Mr. Baroody seconded the motion and it passed 5-0.

4I. Reject all bids submitted on December 19, 2017, for the construction of the Kerrville Sports Complex Irrigation Pond and Pump Station.

Mr. Baroody questioned why staff proposed that all bids be rejected. Mr. Hoppe noted two bids were received and both were above the project budget. Staff proposed to reduce the project scope and put the revised scope out for bid. He noted the seven acres east of the soccer complex would be given to the city when the city engaged a construction contract, as per the letter agreement with the Cailloux Foundation.

Mr. Baroody moved to reject all bids as proposed. Mr. Voelkel seconded the motion and it passed 5-0.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING:

5A. Ordinance No. 2018-04, amending to the City's "Zoning Code" to revise the definition of "home occupation" and to adopt regulations related to that use.

(ITEM TO BE RESCHEDULED TO JANUARY 23, 2018.)

Mr. Ferguson moved to reschedule this item to the January 23 meeting; Ms. Summerlin seconded the motion and it passed 5-0.

6. ORDINANCES, SECOND AND FINAL READING:

6A. 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 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.

Mr. McDaniel proposed to amend the alcohol beverage fee for brew pubs to be consistent with fees charged to similar establishments.

The following person spoke:

1. Jeremy Walther, representing Pint and Plow Brewing Company, supported the ordinance that would reduce the fee charged to local alcohol beverage manufacturers.

Ms. Summerlin moved to approve Ordinance No. 2018-01 on second and final reading; Mr. Ferguson seconded the motion and it passed 5-0.

6B. Ordinance No. 2018-02, 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 (\$2,000.00); and ordering publication.

Mr. Paxton noted no change since first reading.

Mr. Baroody moved to approve Ordinance No. 2018-02 on second and final reading; Ms. Summerlin seconded the motion and it passed 5-0.

6C. 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.

Mr. Ferguson moved to approve Ordinance No. 2018-03 on second and final reading; the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDAS: None.

8. CITY MANAGER'S REPORT:

Mr. McDaniel discussed the monthly capital improvement project report.

9. BOARD APPOINTMENTS

9A. Appointments to the Library Advisory Board:

Ms. Summerlin moved to reappoint Astrid Box and David Lipscomb, and to appoint Carol Wichman, all with terms to expire November 22, 2019. Mr. Baroody seconded the motion and it passed 5-0.

9B. Appointments to the Planning and Zoning Commission:

Item deferred to executive session.

9C. Appointments to the Economic Improvement Corporation

Item deferred to executive session.

10. EXECUTIVE SESSION:

Mr. Baroody moved for the city council to go into executive closed session under Section 551.074 (personnel/officers) of Chapter 551 of the Texas Government Code; Mr. Ferguson seconded the motion and it passed 5-0 to discuss the following matters: Section 551.074:

9B. Appointments to the Planning and Zoning Commission

9C. Appointments to the Economic Improvement Corporation

At 6:41 p.m. the regular meeting recessed. Council went into executive closed session at 6:41 p.m. At 7:35 p.m. the executive closed session recessed and council returned to open session at 7:35 p.m. No action was taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY

9B. Appointments to the Planning and Zoning Commission

Mr. Ferguson moved to reappoint Don Barnett, Michael Sigerman, and David Thomas

Jones to their current positions with terms to expire January 1, 2020. Mr. Baroody seconded the motion and it passed 5-0.

9C. Appointments to the Economic Improvement Corporation

Mr. Baroody moved to appoint Mark Bosma with term to expire June 1, 2018. Mr. Voelkel seconded the motion and it passed 4-1 with Councilmembers Baroody, Voelkel, Ferguson, and White voting in favor of the motion; and Councilmember Summerlin voting against the motion.

Mr. Baroody moved to appoint Kent McKinney with term to expire June 1, 2019. Mr. Ferguson seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:46 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda Craig City Secretary



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

SUBJECT: Ordinance No. 2018-04, amending the "Zoning Code" for the City of Kerrville, Texas, by revising the definition of "home occupation" and adopting regulations for that use; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00) ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/7/2018

SUBMITTED BY: Sabine Kuenzel

EXHIBITS: Planning and Zoning Commission staff report; Ordinance No. 2018-04

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

In the Spring of 2017, the Planning and Zoning Commission began discussions regarding creation of more effective tools to address home occupations. The current draft ordinance is the result of several iterations. The City Council had a workshop discussion on the issues involved with regulating home occupations in November 2017. Staff is now bringing this latest draft forward for the Council's public hearing and consideration.

RECOMMENDED ACTION:

Conduct public hearing and approve Ordinance 2018-04.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A
Action: Public Hearing; Consideration and Action on Recommendation to City Council
Planning File #: 2017-027
Representative: City of Kerrville

Proposal

A text amendment adding home occupation regulations, to Chapter 1, Article 11-1-19, "Home Occupation Regulations".

Procedural Requirements

This public hearing date was published in The Hill Country Community Journal, the FY2017 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

Staff Analysis and Recommendation: Approval

Home Occupations in Kerrville are currently administered and regulated by a definition in Article 11-1-3, Definitions and Interpretations of Words and Phases of the Zoning Code. The definition does not place any restrictions on the type of dwelling unit in which a home occupation can operate, single-family, duplex, apartment, etc., or restrict the use to any zoning district. It does not provide for any type of registration or monitoring and according to the City Attorney, it does not allow for the prosecution of violations, which does not give the Code Enforcement staff firm ground to respond to complaints, nor to take proactive action to assist with averting neighborhood decline.

On April 6, 2017, the Commission discussed moving forward with an ordinance amendment to define and regulate home occupations. On May 4, the Commission received researched background information and further discussed options. On June 16, 2017, the Commission reviewed a draft ordinance and discussed several changes.

On July 6, 2017, the Planning and Zoning Commission reviewed the attached ordinance language. That version came before the Commission for public hearing, and recommendation to

the City Council on September 7, 2017. One citizen spoke and raised questions regarding the percentage limitation of business use relative to residential use of a home, and raised the question regarding performance criteria, pointing out that violations could occur with purely residential uses as well.

The Commission tabled the item pending further review by Planning and Legal staff. Accordingly, the revised draft that is coming before the Commission is simplified from the one that had been sent to the Commission in September, and it removes the percentage use restriction. Due to the fact that the latest draft has changed, the staff advertised another public hearing before the Commission.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-04**

AN ORDINANCE AMENDING THE “ZONING CODE” FOR THE CITY OF KERRVILLE, TEXAS, BY REVISING THE DEFINITION OF “HOME OCCUPATION” AND ADOPTING REGULATIONS FOR THAT USE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a hearing held before City Council on February 13, 2018, 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 the City’s Zoning Code with respect to the use of property as a “home occupation”; and

WHEREAS, City Council recognizes the balance between different uses within the same zoning district and oftentimes in close proximity to each other, especially in relation to protecting residential uses; and

WHEREAS, a public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on February 13, 2018, 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, 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 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 Interpretation of Words and Phrases”, of the City’s Zoning Code is amended by replacing the definition for “home occupation” in its entirety indicated by language that is underlined (added) as follows:

“(57) **Home Occupation:** Any activity carried out for gain by a resident which results in the provision or manufacturing of services and/or goods and is conducted as an accessory use in a dwelling unit.”

SECTION TWO. Article 11-I-19 “Supplementary Development Requirements”, of the City’s Zoning Code is amended by including a new subsection “I” to add the language that is underlined (added) as follows, which will provide regulations with respect to the use of property for “home occupation”:

“I. Home Occupation: the purpose of this section is to ensure protection and the continuance of residential character within the City’s Residential Districts by permitting only low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property, create little exterior indication of such activities, and which do not create a nuisance or otherwise adversely impact the health, safety, or welfare of the neighborhood.

1. General provisions.

- a. These regulations found within this subsection apply within a residential zoning district, as listed in Article 11-I-10, “Residential Zoning Districts” of this Zoning Code.
- b. These regulations do not apply to:
 - i. A boarding home facility, as that term is defined within Chapter 30, Article I of the Code of Ordinances; or
 - ii. Cottage food production that meets the qualifications imposed under Texas Local Government Code and the City of Kerrville building and operations regulations.

2. Standards of operation. A home occupation shall comply with the following:

- a. Only one employee other than the occupants of the residence may office on the premises. A person who receives a wage, salary, or percentage of profits directly related to the home occupation is considered an employee. This definition does not include the coordination or supervision of an employee(s) who does not regularly visit the residence for purposes related to the business.
- b. The outdoor storage of materials, goods, supplies, or equipment relating to the home occupation is prohibited.
- c. Any alteration to the exterior of a dwelling, which changes its residential appearance or character, is prohibited.
- d. The installation, storage, or use of any equipment or machinery not normally found as part of a household or general office is prohibited.
- e. The display of merchandise for sale is prohibited.

- f. The creation of any offensive noise, odor, vibration, glare, smoke, fumes, or electrical interference, which is detectable outside the structure and not normally found within a residential area, is prohibited.
 - g. The storage or use of toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials is prohibited.
 - h. Deliveries related to the home occupation by a vehicle of more than two (2) axles is prohibited.
 - i. A home occupation shall not increase the traffic volume on the street on which the business is located above what is normally found within a residential area.
 - j. A home occupation may not use more than one (1) non-illuminated, on-site sign, which must either be: (1) flush-mounted to the primary residential structure and not exceed one square foot in size; or, (2) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceed six (6) square feet in size and three (3) feet in height. Any such sign may indicate only the name of the occupant and the home occupation and shall comply with the City's Sign Code.
3. Uses prohibited as a home occupation. The following uses are prohibited as a home occupation:
 - a. Sales of any kind where customers visit the residence.
 - b. Vehicle repair and service of any type, to include boats, recreational vehicles, and internal combustion engines.
 - c. Uses involving the breeding, boarding, or kenneling of animals.
 - d. Repair services for large appliances or equipment.
 - e. Uses involving manufacturing and/or assembling.
 - f. Uses involving the sale of fire arms, ammunition, or explosives.
 - g. Medical offices and/or clinics.
 - h. Barber and/or beauty shops including nail salons.
4. Administration. The City Manager or designee ("City") shall make all determinations as to whether any aspect of a proposed home occupation complies with the requirements of this subsection. If the City determines that

a proposed or existing home occupation does not comply with this subsection, a person engaged in the home occupation may submit an application for a conditional use permit in accordance with the Zoning Code, to include the payment of fees.

5. *Existing home occupation.* A home occupation legally in existence as of the effective date of this subsection but that does not fully comply with this subsection is deemed a legal nonconforming use and may continue in accordance with Article 11-I-16 (Non-Conforming Uses) of the Zoning Code. However, this exception does not include the following uses: vehicle repair and service of any type; repair services for large appliances and equipment; and uses involving the sale/repair of firearms, ammunition, and/or explosives. The burden of proof of such a legal non-conforming status for a home occupation is on the occupant."

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., 2018.

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

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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

SUBJECT: Ordinance No. 2018-06 amending the city's "Zoning Code" by changing the zoning district for several properties making up an approximate 2.96 acres and more commonly known as 829, 837, and 851 Clay Street North and 619 Myrta Street North; by removing the area from the Residential Transition zoning district (RT) and placing it within the 21-N zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/8/2018

SUBMITTED BY: Sabine Kuenzel

EXHIBITS: Excerpts from Planning and Zoning Commission staff report; Zoning Protest Map; Opposition within Vicinity of Subject Property; General Opposition; Ordinance No. 2018-06

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

Mr. Bruce Motheral owns the center at 820 Sidney Baker (location of Soaring Dragon restaurant and other tenant lease spaces) and reports that he needs to provide more parking to adequately serve his site. He owns the property behind him at 829 Clay and proposes to install parking. "Parking" is not considered a land use on its own – it is a site characteristic associated with the commercial use of the use that it is serving, which, in this particular case, is commercial.

Mr. Joseph Rehe owns commercial property on Sidney Baker as well (location of H&R Block and other tenant spaces), and owns lots at 837 and 851 Clay, as well as at 619 Myrta. Mr. Rehe has had tentative plans over the years to eventually consolidate his properties under a single commercial zoning classification.

These two co-applicants are therefore coming forward now under a single zoning request for these four properties to essentially expand the 21-N zoning that exists along Sidney Baker.

The Planning and Zoning Commission held a public hearing on January 18, 2018. Several members of the public spoke in opposition. The Commission was also in

receipt of 21 letters and emails in opposition to the request, five of these from land owners within the 200' notification area (853, 821, 819 Clay, 600 and 916 Remschel). During deliberations on its recommendation, on January 18, 2018, the Planning and Zoning Commission questioned whether a more tailored option could be made available for Mr. Motheral to pursue. At a subsequent meeting, on February 1, 2018, the Commission discussed creating a conditional use permit process for parking lots. At that meeting, the group requested the Planning staff to schedule a public hearing on such a text amendment. That item will be notified to be held on March 1, 2018, for possible action on a recommendation to City Council. Council could then consider the text amendment as early as March 27, 2018. If that option becomes available, Mr. Motheral could then return with a more specific application on a subsequent date, with duly notified public hearings to follow.

RECOMMENDED ACTION:

The Planning and Zoning Commission recommended denial by a unanimous vote on January 18, 2018.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Agenda Item: 4A

Action: Public hearing, consideration, and action concerning a recommendation of a request for rezoning at 829, 837, and 851 Clay Street, and at 619 Myrta Street, from "RT" (Residential Transition) zoning district to "21-N" (North District 21-N)

Planning File #: 2017-098

Representative: Mr. Bruce Motheral and Mr. Joseph Rehe

Mr. Joseph Rehe owns commercial property on Sidney Baker as well, and owns lots at 837 and 851 Clay, as well as at 619 Myrta. Mr. Rehe has had tentative plans over the years to eventually consolidate his properties under the same commercial zoning classification.

These two co-applicants are therefore coming forward now under a single zoning request for these four properties to essentially expand the 21-N zoning that exists along Sidney Baker.

Zoning and Land Uses

Current Zoning/Land Uses: RT/Vacant single family home on 829 Clay; RT/paved parking area and accessory building on 837 Clay; RT/vacant lot at 851 Clay; RT/office/retail building at 619 Myrta

East

Current Zoning: North Side District 21-N

Current Land Uses: Commercial office/retail tenant spaces, including one restaurant (Soaring Dragon) with 21-N across Sidney Baker

West (across Clay Street)

Current Zoning: RT

Current Land Uses: Church; the block across Myrta is developed with mix of an apartment complex, ten single family homes, and an office building that is in the process of converting to a three-plex

South

Current Zoning: RT

Current Land Uses: Single family home

East

Current Zoning: RT

Current Land Uses: Single family home

Transportation

Thoroughfare: Clay is classified as a “local” street and therefore not reflected as a thoroughfare

Existing Character: Clay Street in this area has a relatively wide pavement section of 37’; Myrta is a local street with a typical pavement section of 27’

Proposed Changes: No changes proposed to the street system

Parking Information: The Planning Department has no record of the parking status (due to the age of the development). In 2014, the City approved a Conditional Use Permit to allow a “general restaurant” (now called “Soaring Dragon”) to be located in the center; however, there is no indication that parking was reviewed nor raised as a concern at that time. According to the applicant, the site is underparked as it is currently used.

Staff Analysis and Recommendation: Approval

1. Consistency:

The property's land use designation is Commercial on the City of Kerrville Land Use Plan. There is a Comprehensive Plan process currently underway, and this topic could become part of that overall discussion.

2. Adverse Impacts on Neighboring Lands:

One of the points for consideration in this analysis is the increase in traffic that will be generated by the change in zoning from the RT to 21-N. The proposed zoning change would allow the subject property to develop more intense uses than what is permitted in the existing RT zoning district. Current planning practices encourage commercial uses to be located along major roadways such as Sidney Baker (Highway 16). Clay Street does have a relatively wide pavement width, which could accommodate additional traffic than is typical on local streets.

The increase in traffic is not likely to have an adverse impact to the existing low intensity commercial uses, the church uses, nor the multi-family uses that currently exist in the area. However, there are also the single family uses - three on the west side of Clay, ten on the east of Clay, and three across Myrta) - to take into consideration.

Also to consider is that the rezoning would further isolate the single family home on the southeast corner of Myrta and Clay, protection for which has incrementally been decreasing with the encroachment of nonresidential uses in the vicinity.

The public hearing provides an opportunity for the area property owners to provide testimony for the Commission consider in further assessing impacts on neighboring properties.

3. Suitability as Presently Zoned:

The current RT zoning permits single family residential uses, as well as limited commercial uses housed in structures that resemble houses. The current zoning would permit the existing

structure on the property to be converted to a variety of uses that would be compatible with the area uses and zoning.

4. Relative Potential Impacts:

In weighing the potential effects on public health, safety, and welfare, the Commission typically weighs the likely impacts of development under the existing zoning with those that could occur under the proposed zoning.

In this case, the existing zoning could result in single family, office, some personal services, limited retail, and restaurants – all these if they remain under 3,000 square feet, whose structures retain a residential style. With a Conditional Use Permit (CUP), uses such as multi-family, schools, and hotels might be permitted if the Commission and Council find they are compatible with their immediate surroundings. Certain development conditions could be imposed through the CUP approval process. No retail uses are permitted under the existing zoning.

The increase in zoning use intensity would allow the potential for non-residential style buildings. The additional uses permitted would include a full range of business services, small retail (but also potentially with a CUP if they exceed 3,000 square feet), and new vehicle sales. With a CUP, the potential would then exist for building construction specialists, detention facilities, more intense personal services, vehicle repair, and used vehicle sales.

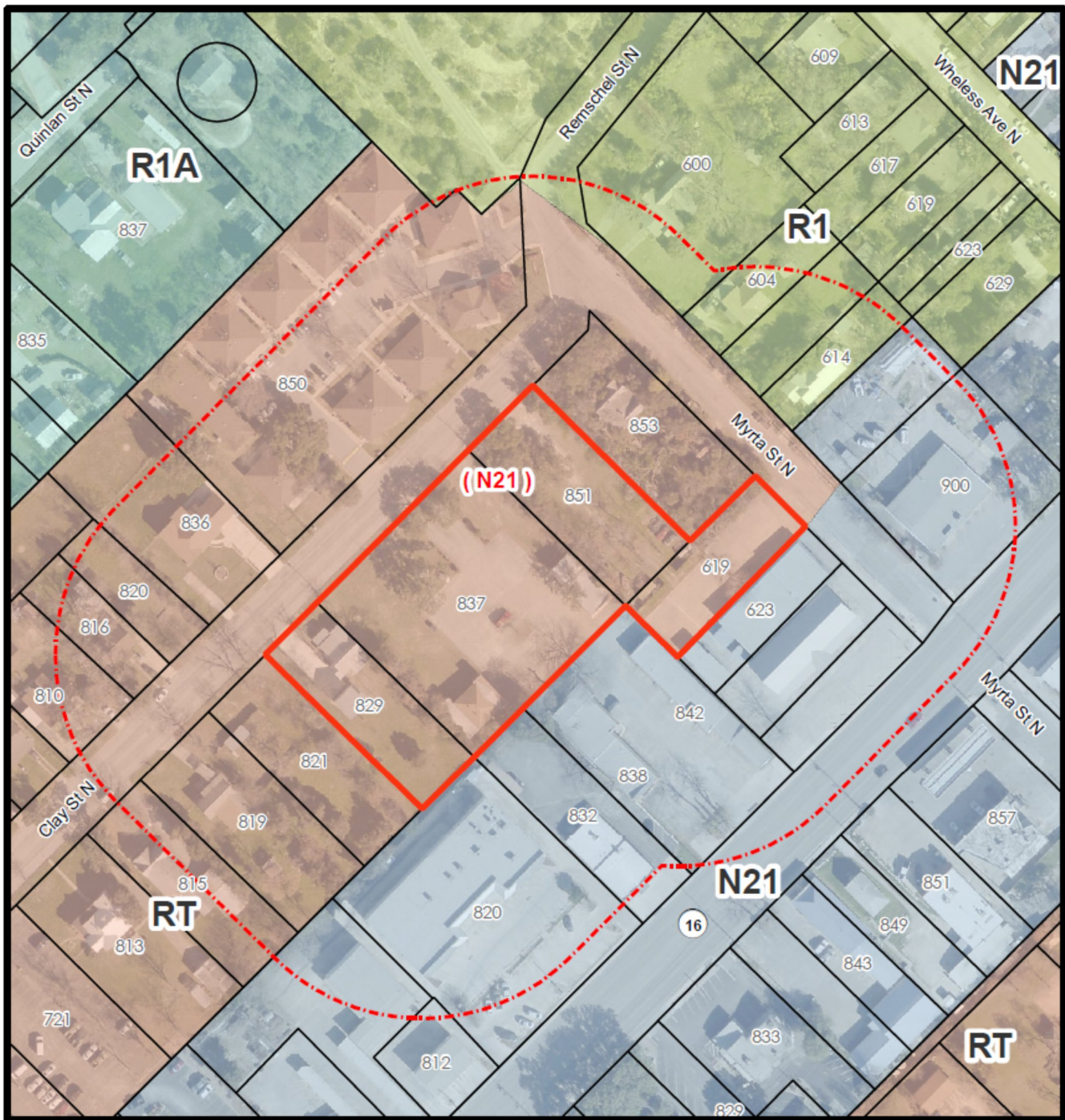
5. Other Factors:

Proceedings

Hold a public hearing and make a recommendation to Council.

Attachments:

Location Map
City of Kerrville Land Use Plan Excerpt
Excerpts of relevant Zoning Ordinance sections



Location Map

Case # 2017-098

Location:
829, 837, 851 Clay St N
619 Myrta St N

Legend

200' Notification Area
Subject Properties
Current Zoning
Requested Zoning

TEXT

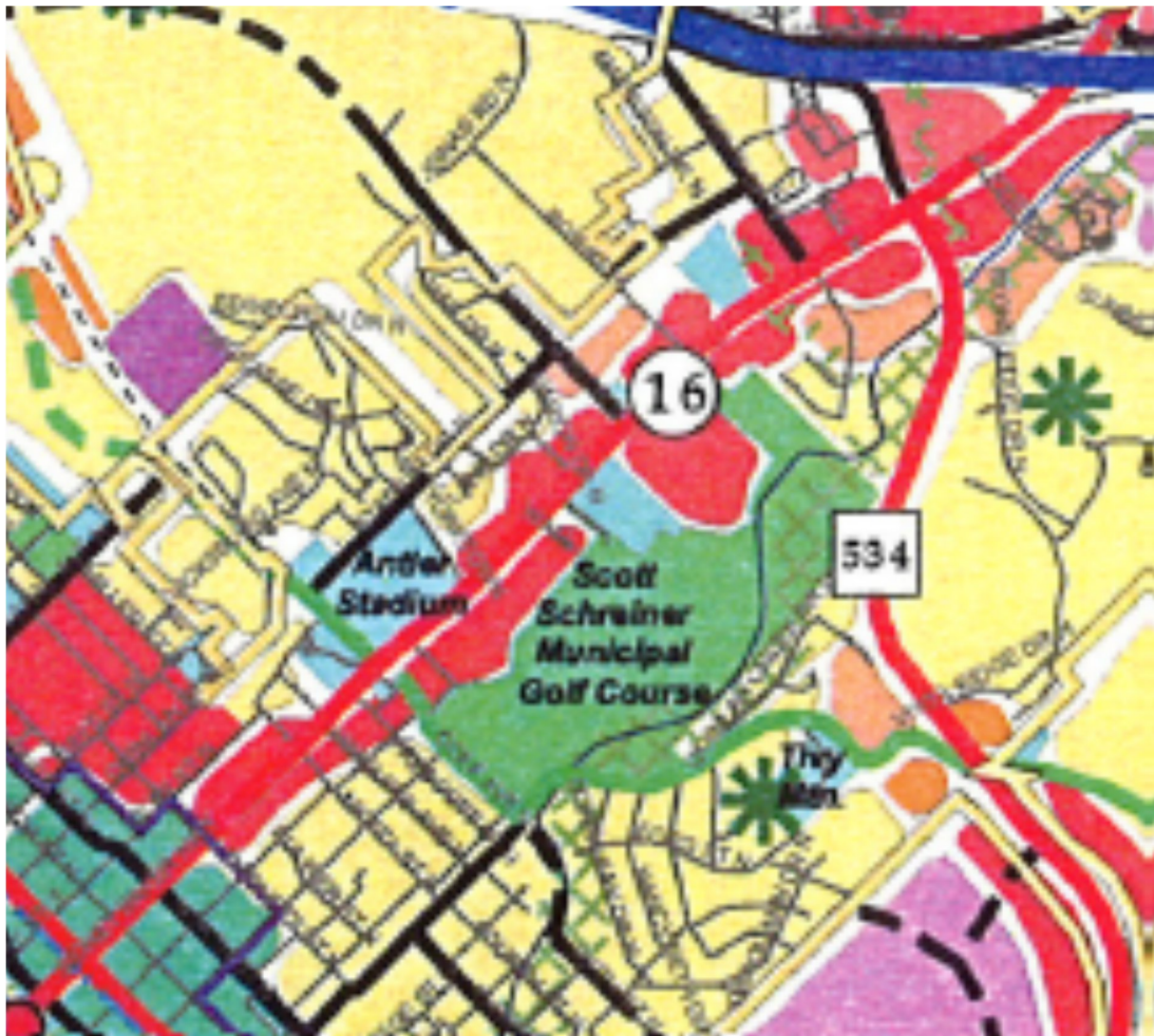
(TEXT)



0 50 100 200
Scale In Feet

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

CITY OF KERRVILLE LAND USE PLAN EXCERPT



EXCERPTS OF RELEVANT ZONING ORDINANCE SECTIONS

District 21-N: The purpose of District 21-N is to permit the development of small business uses along the State Highway 16 corridor into the Central City Area north of Barnett Street in a manner which:

- (i) promotes a reasonably attractive entranceway into the Central City Area; but
- (ii) does not adversely affect the adjacent residential areas through the development of incompatible businesses.

(**"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:

- (1) **Purpose:** The "RT" Residential Transition District is specifically designed to be a transition zone between single family areas and commercial properties. Because of development regulations that require the appearance of a business located in an "RT" Residential Transition District to be that of a single family residence, the "RT" Residential Transition District can be used in various areas of the City where existing lots are occupied in part by single family houses but where limited business uses may be under certain conditions appropriate and desirable.
- (2) **Building Limit:** Except for a detached garage or servant or guest quarters, no more than one main building may be constructed on a lot in the "RT", Residential Transition District.
- (3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:
 - (i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;
 - (ii) **Building Appearance:** The building shall be designed to appear as a residence, with:
 - a* a wood, rock, or brick exterior;
 - b* a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
 - c.* a front door and window(s) on the side of the building facing the lot front

LAND USES	RT	21
Agricultural - General		
Agricultural Service		
Bed and Breakfast	P	P
Building Construction, General		
Building Construction, Specialist		C
Business Services I		P
Business Services II		P
Cocktail Lounge		
Detention Facilities		C
Dwelling , Single Family, Detached	P	
Manufactured Home or Manufactured Housing		
Dwelling, Multiple Family	C	P
Dwelling, Single Family with apartment	C	
Dwelling, RC District Uses (with plat)		
Education, Secondary and College	C	C
Education, Primary	C	C
Equipment Sales/Repair/Storage (Heavy)		
Fuel Sales		P
Funeral Services		
Institutional and Public Use Facilities		
Life Care Development	C	C
Manufacturing, Custom	P	P
Manufacturing and Industrial, Heavy		
Manufacturing and Industrial, Limited		
Manufactured Housing Sales		
Personal Services I	P	P
Personal Services II		C
Personal Services-Limited	P	P
Professional Offices	P	P
Restaurant, General	P	C
Restaurant, Limited	P	P
Retail Trade – I		P
Retail Trade – II		C
Retail Trade – III		C
Retail Trade – Limited	P	P*
Tourist/Visitor & Recreation Service	C	
Transportation Terminal (Bus/Aviation)		
Vehicle Maintenance and Repair		C
Vehicle Sales/Service-Used		C
Vehicle Sales/Service – New		P
*Warehousing & Distribution		

(18) **Building Construction, Specialist:** The use of land by an establishment for an operation primarily involving special trade contracting work including, but not limited to, plumbing, electrical, painting, plastering, carpentry, air conditioning, custom rock masonry (not including rock quarrying and stockpiling), welding, fencing, overhead doors, or other similar uses; provided, however, if the establishment includes the additional operations described in Subsection (17), above, the use shall be defined as Building Construction, General,

(21) **Business Services I:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, and utility services not otherwise restricted by this Chapter, including, but not limited to:

- (i) bail bonding agencies;
- (ii) bicycle repair shops;
- (iii) cablevision, radio, and television stations;
- (iv) camera repair shops;
- (v) commercial art, photography, art and graphics;
- (vi) employment agencies;
- (vii) gunsmith and locksmith shops;
- (viii) Job and vocational training centers;
- (ix) musical instrument, radio, and television repair;
- (x) postal services;
- (xi) re-upholstery and furniture repair;
- (xii) taxidermy businesses that (a) do not conduct on-site the evisceration and processing of animal carcasses or (b) whose on-site evisceration and processing operations have been determined by the Commission to not have a heavier impact on surrounding properties than other uses defined as Business Services I;
- (xiii) telephone and electric company offices (excluding storage and maintenance yards, but including telecommunications serving centers).

(22) **Business Services II:** The use of land for the purpose of primarily engaging in the provision of services to firms as well as to individuals, but which are deemed to be a more intensive use of property than uses defined as Business Services I, including, but not limited to:

- (i) appliance sales or repair, used;
- (ii) automotive towing services;

- (iii) blue printing and photo copying services;
- (iv) building cleaning services;
- (v) car washes;
- (vi) commercial testing laboratories;
- (vii) disinfecting and exterminating services;
- (viii) laundry services;
- (ix) funeral service and crematories;
- (x) newspapers;
- (xi) photofinishing laboratories;
- (xii) protective services, non-governmental;
- (xiii) refrigeration/air conditioning service and repair;
- (xiv) repossession services;
- (xv) septic tank cleaning service;
- (xvi) sign painting and outdoor advertising services;
- (xvii) swimming pool cleaning and maintenance;
- (xviii) welding shops, not elsewhere classified as a manufacturing or industry.

(33) **Detention Facilities:** The use of land for the incarceration of people arrested pursuant to law as a result of a charge of a criminal offense being levied, or the institutionalization within a secure area of people who, if not confined, may pose a danger to themselves or others.

(39) **Dwelling, Multiple Family:** A building or group of buildings on one building site containing separate dwelling units for three or more families.

(88) **Personal Services - I:** Frequently or recurrently needed services of a personal nature provided in a building with a floor area of not greater than five thousand (5,000) square feet, including, but not limited to;

- (i) beauty parlors and/or barber shops;
- (ii) day care centers;
- (iii) health or fitness studios/salons and massage therapy;

- (iv) pet services;
- (v) portrait photography studios;
- (vi) repair services of personal items such as shoes, watches, and jewelry;
- (vii) schools primarily engaged in instructional or informational classes related to art, dance, gymnastics, cheerleading, trampoline and tumbling, or martial arts;
- (viii) seamstress and/or tailor shops.

(90) Personal Services - Limited: The provision of the services defined in Personal Services I from a building with a maximum floor area of 3,000 square feet and architecturally designed to look like a residence, with:

- (i) a wood, rock, or brick exterior;
- (ii) a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
- (iii) a front door and window(s) on the side of the building facing the lot front.

(89) Personal Services - II: All of Personal Services - I without respect to the square footage of the building used, plus uses involving more intensive personal services, including, but not limited to:

- (i) guidance services;
- (ii) kennels with a maximum boarding capacity of less than twelve (12) animals;
- (iii) mini-storage;
- (iv) residential care services;
- (v) self service Laundromats; and
- (vi) veterinary services.

(101) Restaurant, Limited: A building or part thereof used in the preparation and retail sale for on-premise consumption of food and beverages, excluding the sale of alcoholic beverages and restaurants with drive-through service.

(100) Restaurant, General: A building or part thereof used in the on-site preparation and retail sale of food and beverages. A General Restaurant is permitted to provide live entertainment and the retail sale of alcoholic beverages for on-premises consumption, provided such alcoholic beverage sales constitute less than fifty percent of the gross revenue of the restaurant. Limited Restaurants are included within the scope of this definition.

(102) Retail Trade - Limited: Businesses located in a building not exceeding a gross floor area of 3000 square feet architecturally designed to look like a single family residence with a wood, rock, or brick exterior, a roof constructed of materials and with a similar pitch to other residences in the

adjoining neighborhood, and a front door and window(s) on the side of the building facing the lot front, which businesses are primarily engaged in the selling of new merchandise for personal or household consumption, and rendering services incidental to the sale of the goods excluding the products specifically listed in Retail Trade I and II. Typical uses include the following:

- (i) Hardware, paint, glass, and wallpaper stores;
- (ii) Lawn and garden supply, nurseries, and landscaping;
- (iii) Department, variety, and general merchandise stores;
- (iv) Food sales;
- (v) Specialty clothing and shoe stores;
- (vi) Furniture, floor covering, upholstery, and curtain stores;
- (vii) Sales of new household appliances;
- (viii) Drug stores;
- (ix) Sporting goods stores;
- (x) Toy, gift, and novelty shops;
- (xi) Stationery stores;
- (xii) Book sales;
- (xiii) Camera and photographic supply;
- (xiv) Luggage and leather goods sales;
- (xv) Sewing, needlework establishments;
- (xvi) Mail order and direct sale establishments; (xvii) Tobacco products sale;
- (xviii) Florists;
- (xix) Limited Restaurants;
- (xx) Sale of new auto parts.

(103) Retail Trade I: Businesses, not including open air markets, operating in a building of any architectural style with a gross floor area not exceeding 50,000 square feet including:

- (i) all businesses defined as Retail Trade, Limited;
- (ii) sales or rental of new or use merchandise, except used appliances;

- (iii) alcoholic beverage sales for off-premise consumption;
- (iv) businesses primarily engaged in the sale, rental, or repair of used furniture;
- (v) businesses primarily engaged in the sale of storage buildings.

(104) **Retail Trade II:** Businesses defined as Retail Trade I operating from a building with a gross floor area not exceeding 100,000 square feet.

(105) **Retail Trade III:** Businesses defined as Retail Trade I operating from a building of any size.

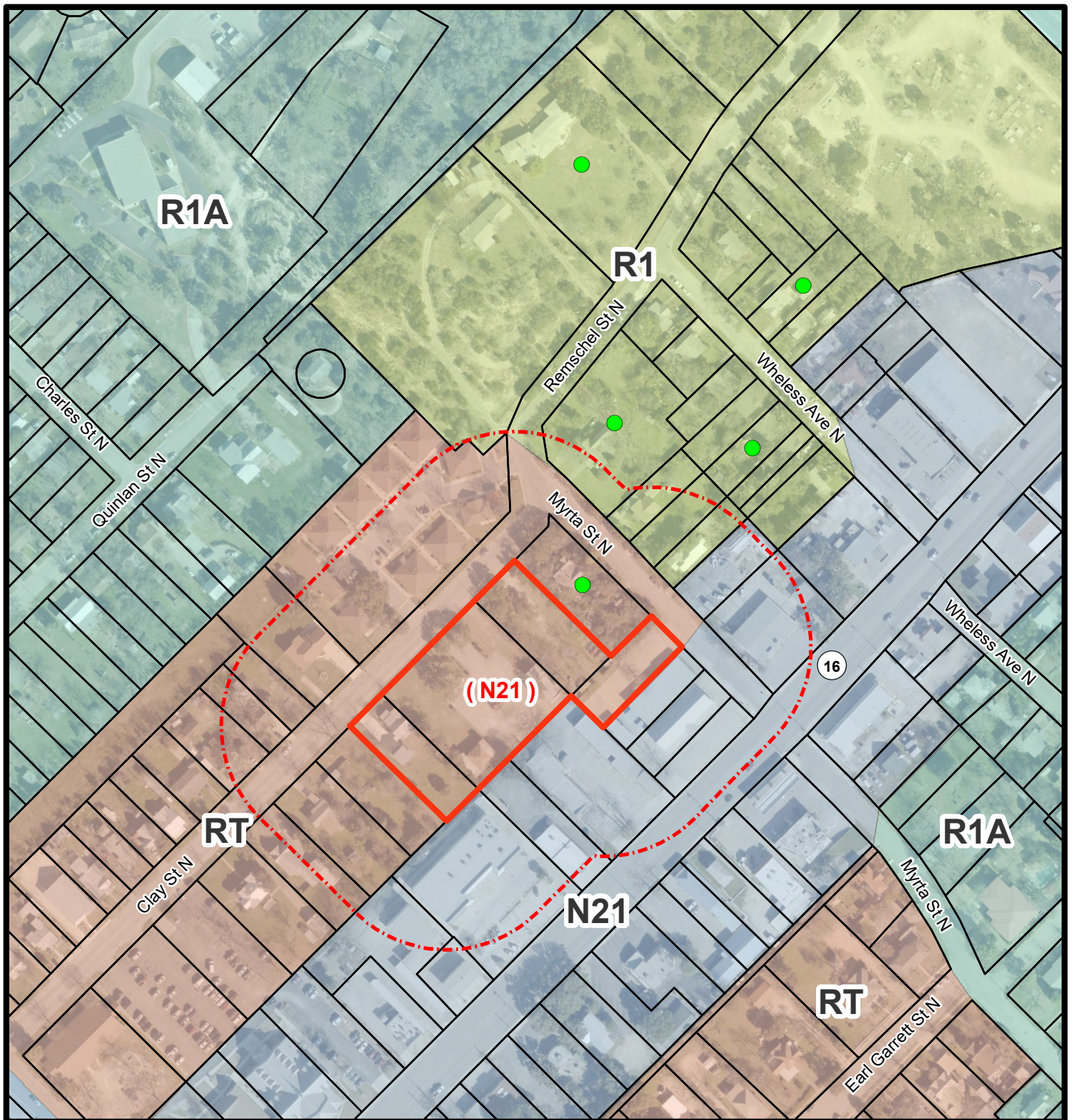
(117) **Tourist/Visitor & Recreation Services:** Businesses primarily engaged in providing food, lodging, and recreation and other leisure time activities for tourists and visitors, as well as local residents, including, but not limited to: Hotels and motels; recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the "RM" Residential Mix District;

- (i) Hotels and motels;
- (ii) Recreational vehicle parks, which may also be developed with a camp ground developed as part of a planned complex, but which is not a part of a manufactured home development as described in the "RM" Residential Mix District;
- (iii) General Restaurants, except restaurants with drive through window service are not included
- (iv) Commercial or public recreation, or educational facilities and services, both indoor and outdoor, provided that in all such uses there is no sale of alcoholic beverages
- (v) A cocktail lounge if it is a secondary use in the hotel/motel, or restaurant.

(122) **Vehicle Maintenance and Repair:** All uses allowed in Vehicle Sales/Service, and businesses primarily engaged in the repair of used cars, boats, motorcycles, recreational vehicles, campers, motor homes, farm implements/vehicles, trucks, or trailers.

(123) **Vehicle Sales/Services - New:** Businesses primarily engaged in the retail sale or rental of new automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles, with the sale, repair, and service of used vehicles and the sale of parts and accessories being a secondary use only. For purposes of this definition, the phrase "new automobiles" includes "program" cars and previously leased vehicles not older than two model years relative to the then current model year for that vehicle.

(124) **Vehicle Sales/Service - Used:** Businesses primarily engaged in the sale or rental of used automobiles, pickups, boats, motorcycles, recreational trailers, campers, motor homes, and farm implements/vehicles.



Location Map

Case # 2017-098

Location:

829, 837, 851 Clay St N
619 Myrta St N

Legend

200' Notification Area

Subject Properties

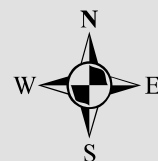
Current Zoning

Requested Zoning

Protest Location*

TEXT

(TEXT)



0 80 160 320

Scale In Feet

* There are a total of 17 protests but only 5 addresses were provided

Mary Lee Jobes Stewart
600 Myrta St.
Kerrville, TX 78028
January 17, 2018

City of Kerrville
Planning Department
Dorothy A. Miller & Sabine Kuenzel
Kerrville, TX 78028

File No. 2017-098

I protest the rezoning of the above described property.

My family moved into our home in 1940. My Mother, one sister, & three brothers have loved living in this neighborhood. Both Myrta & Remschel were dirt roads then. Our phone number was 407. We were able to keep a horse in our backlot & ride it down Sidney Baker to town occasionally. This is the homeplace for my extended family. It was a wonderful neighborhood to live in & still is. It's possible to be entertained at my kitchen window by the variety of birds, deer, coons, possums, armadillos, & skunks. We have good neighbors all around us. It would be heartbreaking to see this quiet, historic, & peaceful neighborhood change from what it is to a more commercial place with strangers drawn in for Chinese food.

This property's land use designation is Low-Density Residential on the City of Kerrville Land Use Plan. The requested 21-N zoning district is not consistent with the adopted land use designation. In order to approve a zoning district that is not in conformance with the Land Use Plan, there should be findings that there have been changes in the immediate area that would justify a departure from the Plan. There have been no such changes.

Please consider that the rezoning would further isolate the single family home on the southeast corner of Myrta and Clay (853 Clay St.), protection for which has incrementally been decreasing with the encroachment of nonresidential uses in the vicinity.

The results from the *Kerrville 2050* gathering of community leaders highlighted that Affordable/Attainable Housing was a "High Priority" at an 89% rating. I want to stress that your words were that it is a "High Priority". Here is a quote from the *Kerrville 2050* website: "Incentivize improvement of older housing stock; more/smaller options for seniors (besides assisted living), including rentals, housing stock that fits income levels of working people; mixed use housing downtown or within walking distance of retail & services."

Sincerely,

Mary Lee Jobes Stewart
Mary Lee Jobes Stewart

Dorothy Miller

From: Stewart, Linda B CIV USARMY 1 AD (US) <linda.b.stewart.civ@mail.mil>
Sent: Wednesday, January 17, 2018 2:38 PM
To: Dorothy Miller; Sabine Kuenzel
Cc: Stewart, Linda B CIV USARMY 1 AD (US); Linda Stewart
Subject: City of Kerrville Planning & Zoning Commission meeting 18 Jan 18 - opposing rezoning - agenda item 4A/Planning File # 2017-098 (UNCLASSIFIED)

Importance: High

CLASSIFICATION: UNCLASSIFIED

Good afternoon Ms. Miller & Ms. Kuenzel,

My name is Linda Stewart and I am a legal resident of Kerrville, Texas and my mother-in-law, Mary Lee Stewart, resides on 600 Myrta Street, Kerrville, TX 78028. It is my understanding there will be a City of Kerrville Planning & Zoning Commission meeting on Thursday January 18, 2018 4:30 pm at the City Hall where Agenda item 4A/Planning File # 2017-098 will be addressed (Public hearing, consideration, and action concerning a recommendation of a request for rezoning at 829, 837, and 851 Clay Street, and at 619 Myrta Street, from "RT" (Residential Transition) zoning district to "21-N" (North District 21-N)).

I oppose the potential re-zoning for several reasons:

#1 - The subject neighborhood/area is a well established older area of Kerrville which has historical value.

#2 - The subject neighborhood/area is inhabited of mostly senior citizens who has lived there for a long time and whose mobility at times are limited. Many of the current residents utilize Myrta and Clay Street for walking and/or using permobiles and walkers. Increased through traffic on Myrta Street and Clay Street due to additional business operations would be a safety concern.

#3 - The subject neighborhood/area has small houses and not too large lots, which in the future would continue to be good houses for small families and allow a safe, friendly and historical neighborhood whose residents can enjoy Kerrville and it's small town charm.

Thank you for your consideration.

Respectfully,

Linda

Linda Stewart
600 Myrta Street
Kerrville, TX 78028
915-249-1978
Linda.b.stewart.civ@mail.mil
Lgemmanilsson@hotmail.com

CLASSIFICATION: UNCLASSIFIED

William D. Stewart, COL, USA (Ret.)
600 Myrta St.
Kerrville, TX 78028
(915) 249-1969
W.D.Stewart.40@gmail.com

January 17, 2018

File No. 2017-098

City of Kerrville
Planning Department
Dorothy A. Miller and Sabine Kuenzel
Kerrville, TX 78028

To the Kerrville Planning Department,

I protest the rezoning of the above described property.

My mother, Mary Lee Stewart, lives on 600 Myrta Street and is within 200 feet of the subject property. She is a handicapped widow who I support financially. I reside here with her and I am also a 100% VA rated Permanent and Total Disabled Combat Veteran. Our family has owned this land and its four buildings and toolshed for more than 75 years going back to 1940.

This property's land use designation is Low-Density Residential on the City of Kerrville Land Use Plan. The requested 21-N zoning district is not consistent with the adopted land use designation. To approve a zoning district that is not in conformance with the Land Use Plan, there should be findings that there have been changes in the immediate area that would justify a departure from the Plan.

Also to consider is that the rezoning would further isolate the single family home on the southeast corner of Myrta and Clay (853 Clay St.), protection which has incrementally been decreasing with the encroachment of nonresidential uses in the vicinity. This neighborhood is an older and well established area of Kerrville which has historical value. The rezoning of the subject property would set a precedent for the city to abolish older residential areas, would significantly degrade the property values of this neighborhood and would become a deterrent for other families to reside here.

Additionally, this area is mainly inhabited by senior citizens who have lived here for a very long time and whose mobility at times is limited. Many of the current residents utilize Myrta and Clay Streets for their daily walks and they frequently use powered wheelchairs and walkers in and around this area. Increased traffic on Myrta Street and Clay Street due to additional business operations would be a significant safety concern. The commercialization of this area would most likely cause additional noise and privacy concerns and thus greatly diminish and deprive these elderly residents of their quality of life. Kerrville Oaks apartments will also be notably affected by this proposed change. This is a HUD subsidized 36-unit apartment complex that is classified as a handicapped and disabled accessible, low-cost housing area that is across the street from the subject property.

The results from the Kerrville 2050 gathering of community leaders highlighted that Affordable/Attainable Housing was a "High Priority" with an 89% affirmative rating. The City of Kerrville declared this was a "High Priority" objective and thus should be supported.

Thank you for your consideration and for protecting the interests of the homeowner.



William D. Stewart
Colonel, U.S. Army (Retired)

Dorothy Miller

From: Julee Reeves <juleereeves@yahoo.com>
Sent: Tuesday, January 16, 2018 3:00 PM
To: Dorothy Miller
Subject: Protest of zoning File No 2017-098

Re File No 2017-098

I oppose the zoning change of the property referred to in File 2017-098.

Some towns are seeking to preserve their old neighborhoods. They wish for children to grow up and come back after college and live in town and contribute to new growth. After all, a town NEEDS people to thrive and grow. The old neighborhoods are full of life and history. People there can tell you what Kerrville was like when it was 80 years younger; before trees were cut down and fences were put up. Houses full of memories of Christmas trees and Easter egg hunts and watermelon on the back porch; before those houses were torn down to make room for a fancy new parking lot or a gas station or fast food drive through. Old neighborhoods should be the heart of a town. When we seek to destroy the heart, we turn our town into little more than a few businesses and a whole lot of pavement all to benefit the pocket book of a few businessmen who do not live in that neighborhood. People deserve to be able to live and enjoy their home - with waves from their neighbors when walking down the street, and some sense of quiet and privacy when sitting in their back yard. They deserve to hear birds singing and church bells ringing and the laughter of children and old people.

Say NO to rezoning this old neighborhood to commercial. Let us start to save the hearts of our town.

JuLee Reeves
853 Clay St
Kerrville, TX 78028

juleereeves@yahoo.com

JuLee Reeves

853 Clay St.

Kerrville, Texas 78028

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St.)

The existing 'R-T' (residential -transitional) designation has been respectfully followed, allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.

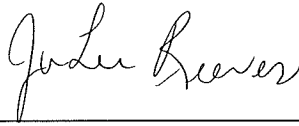
'soft commercial ' primarily requires:

- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential

neighborhood is simply an unacceptable change affecting safety and quality of life for citizens.

Signature:



Name legibly printed: JuLee Reeves

address: 853 Clay St. Kerrville, Tx 78028

date: January 15, 2018

Micheal Reeves

853 Clay St.
Kerrville, Texas 78028

City of Kerrville

Planning Department
Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St.)

The existing 'R-T' (residential -transitional) designation has been respectfully followed, allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.

'Soft commercial' primarily requires:

- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change affecting safety and quality of life for citizens.

Signature:  _____

Name legibly printed: Micheal Reeves

address: 853 Clay St. Kerrville, TX 78028

date: January 17, 2018

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St)

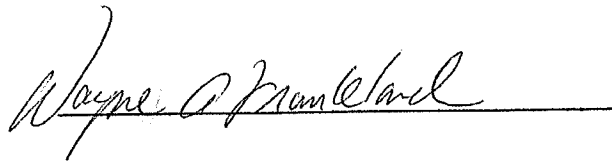
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- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:



name legibly printed:

Wayne A Frankland

address and e-address:

916 Remschel Ave.

Kerrville, Texas

capfrankland@gmail.com

date:

Jan 16, 2018

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St)

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- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:



name legibly printed: Wayne A. Frankland

address and e-address: capt Frankland@gmail.com

Rep. 921 Clay St. Kerrville.

date: Jan 16, 2018

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St)

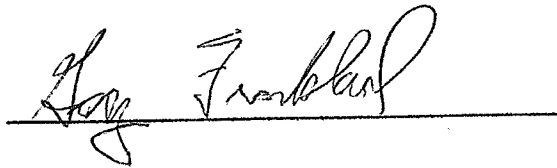
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- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:



name legibly printed:

GARY FRANKLAND

address/e-address:

franklife44@yahoo.com
819 CLAY ST., KERRVILLE

date:

16 JAN 2018

Dorothy Miller

From: Ellen <ellenw60@gmail.com>
Sent: Tuesday, January 16, 2018 7:17 AM
To: Sabine Kuenzel; Dorothy Miller
Subject: Commercial zonnig file No 2017 -098

Dear Ms. Miller and Ms. Kuenzel,

I protest the zoning change for the property referenced in file No 2017-098 because it will be a precedent setting event and will destroy the residential neighborhood and lower the quality of life for residents there.

Sincerely,
Ellen Jobes
Bijenmeent 97
1218GG Hilversum, Netherlands

Sent from my iPad
This email has been checked for viruses by AVG.
<http://www.avg.com>

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrtle St)

The existing 'R-T' (residential -transitional) designation has been respectfully followed, allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.

'soft commercial' primarily requires:

- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:

Ginette Talley, trustee

name legibly printed:

Ginette Talley, trustee

address/addresses:

619 Wheeler

e-address:

ginette610alcsalley.com

date:

1/17/18

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrtle St)

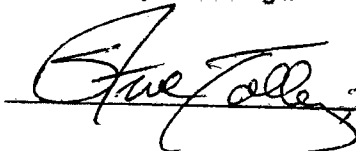
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- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:

 TRUSTEE

name legibly printed: STEVE TALLEY, TRUSTEE

address/office:

619 Wheeler

e-address:

stave@staley.com

date:

Jan. 17, 2018

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St)

The existing 'R-T' (residential -transitional) designation has been respectfully followed, allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.

'soft commercial' primarily requires:

- minimal traffic flow
- business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhood is simply an unacceptable change.

signature:

Julie & Michael Travis Mangum

name legibly printed:

Julie & Michael Travis Mangum

address/e-address:

612 Wheless Ave

e-address:

tmangum79@gmail.com

date:

1-17-18

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St.)
The existing 'R-T' (residential -transitional) designation has been respectfully followed,
allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.
'soft commercial' primarily requires:

- Minimal traffic flow
- Business establishments to appear and operate 'residential'

Extending Sydney Baker style business activity into our very residential neighborhoods is simply an unacceptable change affecting safety and quality of life for current and future residents. It would adversely affect the adjacent residential areas through the development of incompatible businesses. And the increased traffic on Clay and Myrta streets (currently classified as "local" streets) would pose safety and "quality-of-life" concerns for the 16 single family residences affected by a zoning change. And as your own staff study indicated, this zoning change will completely isolate the home at 853 Clay Street where "protection for which has incrementally been decreasing with the encroachment of nonresidential uses in the vicinity. "

Therefore, we ask that this re-zoning request be denied.

Signed: 

Gerald C Juarez

1904 Singing wind Dr.

Kerrville, TX 78028

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St.)

The existing 'R-T' (residential -transitional) designation has been respectfully followed, allowing 'soft commercial' in this otherwise calm and safe residential neighborhood.


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Therefore, we ask that this re-zoning request be denied.

Signed



Jerry M Juarez

1904 Singing wind Dr.

Kerrville, TX 78028

City of Kerrville

Planning Department

Kerrville, Texas 78028

Re: Re-Zoning file # 2017-098

I protest Re-Zoning the designated area (bounded by Clay St and Myrta St.)

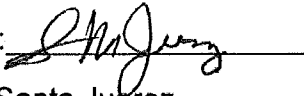
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Therefore, we ask that this re-zoning request be denied.

Signed: 
Santa Juárez
1904 Singing wind Dr.
Kerrville, TX 78028

Dorothy Miller

From: Robin M <mellgosa@gmail.com>
Sent: Wednesday, January 17, 2018 7:26 PM
To: Dorothy Miller
Subject: Protest zoning change file #2017-098

I protest zoning change for property referenced in file number 2017-098 as it will destroy the residential neighborhood and lower the quality of life for residents there.

Dorothy Miller

From: Nancy Brannan <nabrannan54@gmail.com>
Sent: Tuesday, January 16, 2018 6:05 AM
To: Dorothy Miller
Subject: File # 2017-098

I protest the zoning change for the property referenced in file 2017-098 because it will be a precedent setting event and will destroy the residential neighborhood and lower the quality of life for the residents there.

Thank you for your consideration.

Dorothy Miller

From: Chere Conner <chereconner@gmail.com>
Sent: Tuesday, January 16, 2018 1:55 PM
To: Dorothy Miller; Sabine Kuenzel
Subject: Reference: File No 2017-098

Dear Ms. Miller and Ms. Kuenzel,

I protest the zoning change for the property referenced in file No 2017-098 because it will be a precedent setting event and will destroy the residential neighborhood and lower the quality of life for residents there.

Thank you,
Chéré Conner
(c) 512.422.2059

Dorothy Miller

From: kctr@verizon.net
Sent: Tuesday, January 16, 2018 2:31 PM
To: Dorothy Miller; sabine.kuenzl@kerrvilletx.gov
Subject: Zoning change

I protest the zoning change for the property referenced in file No 2017-098 because it will be a precedent setting event and will destroy the residential neighborhood and lower the quality of life for residents there."

I do not live in Kerrville, I am still part of it in my heart.

I was born at Sid Petersen Memorial Hospital. I graduated from Tivy High School, as did my sisters and brother, plus my aunts and uncles.

It is a shame you have to tear down homes in order to build something "new" and put down parking lots and another storefront. Sidney Baker and Clay streets, are you serious?

This is one of the most shameful things you can do, not only to the residents who already live there, but to all of the city. This what y'all do, when something gets old you tear it down and build parking lots and what ever store that may not make it.

It is also shameful to tear down the SPMH. For what? To put in another parking lot. Downtown Kerrville is a shell of its former self. Y'all have no vision of possibility's and what you can do to renovate,an already existing building. Your answer would be to tear down and build another parking lot. Seriously I think Kerrville has to many parking lots.

This biggest disgrace besides tearing down the hospital is tearing down the Bluebonnet Hotel, I remember that hotel in it's beautiful glory, and what does the City of Kerrville and those in charge do , is tear it down, SHAME, SHAME, SHAME, on those who decided it wasn't worth saving. The City of Kerrville must very restless people in the council. If the Bluebonnet had been restored to its glory it

would have been the Diamond of the city and would resonate it's history and showplace all of Kerrville.

If the SPMH had been renovated it could have be used for apartments and small boutique, shops. It would have brought visitors from far away. When I saw that, it made me sick.

I could just see Kerrville as a bulimic town wasting away, and the nightmare of bulldozers not to far away.

I read an article where an old building in Providence, Rhode Island has a hot new development in an elegant old building built in 188 years ago

"Arcade Providence was America's first shopping mall, hosting boutiques on all three floors. Now those shops have been transformed into 48 tiny apartments and a mix of businesses, including restaurants, a coffee shop, and a new hair salon" <http://www.businessinsider.com/americas-first-shopping-mall-is-now-micro-apartments-2016-10>, copied and pasted.

Instead of tearing down a residential neighbor hood why do you not consider building downtown.

I live in Sachse Texas a bedroom community of north east corner of Dallas. The changes and rebuilding using old buildings, it is amazing.

I love the history of Kerrville and I hope you do as well and seriously reconsider your thinking and use down town and start rebuilding and renovating using the already existing buildings, it's on life support, it looks like.

NO MORE PARKING LOTS.

Maybe you all need the help and advice of Chip and Joanna Gaines.

Sincerely,

Christine Horning

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-06**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR SEVERAL PROPERTIES MAKING UP AN APPROXIMATE 2.96 ACRES AND MORE COMMONLY KNOWN AS 829, 837, AND 851 CLAY STREET NORTH AND 619 MYRTA STREET NORTH; BY REMOVING THE AREA FROM THE RESIDENTIAL TRANSITION ZONING DISTRICT (RT) AND PLACING IT WITHIN THE 21-N ZONING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on February 13, 2018, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for several properties making up an approximate 2.96 acres; said properties more commonly known as 829, 837, and 851 Clay Street North and 619 Myrta Street North; and such change to result in the removal of the properties from the Residential Transition Zoning District (RT) to placement within the 21-N Zoning District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on February 13, 2018, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to change the zoning district for the properties described below by placing them within the 21-N Zoning District;

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

SECTION ONE. The zoning district for the following properties commonly known as 829, 837, and 851 Clay Street North and 619 Myrta Street North, is changed from the Residential Transition Zoning District (RT) to the 21-N Zoning District:

Said properties also being described as follows:

All of Lot No. 11 and the N.E. 45 feet of Lot No. 10, Block G of the B.F. Cage Addition, a subdivision within the City of Kerrville, Kerr County, Texas, said property being more particular described in the deed filed in Volume 166, Page 163, of the Real Property Records of Kerr County, Texas; and

All that certain tract or parcel of land, lying and being situated within the City of Kerrville, Kerr County, Texas, and comprising approximately 2.04 acres out of original Survey No. 116, B.F. Cage, Abstract No. 108, and being part of Block "G", of the B.F. Cage Addition, plat of which is recorded at Volume 1, Page 1, of the Real Property Records of Kerr County, Texas; and

All that certain tract or parcel of land, lying and being situated within the City of Kerrville, Kerr County, Texas; and being out of original Survey No. 116, B.F. Cage, Abstract No. 108; and being part of Block "G", of the B.F. Cage Addition, plat of which is recorded at Volume 1, Page 1, of the Real Property Records of Kerr County, Texas;

All of which is more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

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

SECTION 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 1-7, Chapter 1 of the Code of Ordinances of

the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION 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., 2018.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2018.

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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

SUBJECT: Ordinance No. 2018-05, Amending Chapter 6 "Advertising", Article II "Signs" of the City of Kerrville Code of Ordinances, to add pole banner signs as an authorized sign and providing regulations therefor; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/7/2018

SUBMITTED BY: Sabine Kuenzel

EXHIBITS: Ordinance No. 2018-05; and picture example.

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	N/A	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

Council discussed amending the sign code to permit similar pole banners, but deferred action in order to allow additional time for research and discussion. Council requested Planning and Zoning Commission input. On December 21, 2017, the Commission reviewed the draft amendment and requested edits that have now been incorporated into the current draft. On January 18, 2018, the planning and zoning commission reviewed the attached ordinance and recommended approval by unanimous vote. On January 23, 2018, the City Council approved the ordinance on first reading by a vote of 3-2.

RECOMMENDED ACTION:

Approve Ordinance No. 2018-05 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-05**

AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”, ARTICLE II “SIGNS” OF THE CITY OF KERRVILLE CODE OF ORDINANCES, TO ADD POLE BANNER SIGNS AS AN AUTHORIZED SIGN AND PROVIDING REGULATIONS THEREFOR; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

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

WHEREAS, toward that end, City Council, pursuant to Ordinance No. 2012-05, as approved on July 3, 2012, adopted a new Sign Code, as codified in Article II of Chapter 6 of the City’s Code of Ordinances; and

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

WHEREAS, the Sign Code is being revised to authorize the use of a pole banner sign, as defined, and providing regulations therefor; and

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

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

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-35 by adding the language that is underlined (added) to add the definition of “pole banner” sign under subsection (2) *Types of Signs*, as follows:

“Sec. 6-35. Definitions.

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Pole banner: A banner sign that is mounted to a private light pole with an operational light.”

SECTION TWO. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-36 by adding the language that is underlined (added) as follows:

“Sec. 6-36. Exempt signs.

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(19) A pole banner but subject to the following: limited to not more than one (1) per pole and one (1) per each one (1.0) acre. Where a property is less than one (1.0) acre, a pole banner is allowed but each additional banner must correlate to at least one (1.0) full acre, to begin at two (2.0) acres. No matter the size, no property may use more than fifteen (15) pole banners, unless a variance is granted in accordance with this article. In addition, each pole banner must be: 1) made of a material designed to withstand the weather for at least 30 days; 2) mounted or secured to a pole that is anchored within concrete and within a durably constructed bracket of metal or similar material that secures the banner along both the top and bottom; 3) not greater than 12 square feet in area; 4) mounted with a minimum height of seven feet (7.0') from the bottom of the banner and a maximum height of thirty feet (30.0'); and 5) remain in a condition that is not ripped, torn, or faded.”

SECTION THREE. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City’s Code of Ordinances. The publisher is authorized to amend said Code per this Ordinance, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

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

one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

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

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

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2018.

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





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

SUBJECT: First Amendment to the Kerrville Public Utility Board loan agreement to extend the maturity date

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 1/31/2018

SUBMITTED BY: Sandra Yarbrough

EXHIBITS: Amendment to Loan Agreement

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: None

SUMMARY STATEMENT:

City staff requests an amendment to the KPUB loan agreement. The amendment restructures the repayment schedule by extending it from 10 to 13 years and rescheduling principal payments to begin in 2023 rather than 2020.

The proposed amendment was approved by the KPUB board on January 24, 2018.

RECOMMENDED ACTION:

Approve First Amendment to the KPUB loan agreement.

FIRST AMENDMENT TO LOAN AGREEMENT

This **FIRST AMENDMENT TO LOAN AGREEMENT** (this "*First Amendment*") is dated and effective as of January __, 2018 (the "*Amendment Effective Date*"), by and between the KERRVILLE PUBLIC UTILITY BOARD ("*Lender*") and the CITY OF KERRVILLE, TEXAS ("*Borrower*"). Lender and Borrower are sometimes hereafter referred to individually as a "Party" or collectively as the "Parties."

Reference is made to that certain LOAN AGREEMENT, executed as of August 1, 2016, by the Lender and the Borrower (the "*Loan Agreement*"). All capitalized terms used in this First Amendment that are not otherwise defined herein shall have the same meaning as set forth in the Loan Agreement.

RECITALS

WHEREAS, the Parties previously entered into the Loan Agreement, whereby Lender agreed to loan to the Borrower an amount not to exceed \$7,500,000 on a term basis in accordance with the provisions of the Loan Agreement (the "*Loan*"); and

WHEREAS, the Parties desire that the Maturity Date of the Loan referenced in Section 1.02 of the Loan Agreement and in the Promissory Note attached to the Loan Agreement be amended from August 1, 2026 to August 1, 2029, and that all principal payments on the Note be postponed for three years so that the first principal payment shall be due on February 1, 2023 (instead of February 1, 2020) and the final principal payment shall be due on August 1, 2029 (the new Maturity Date) instead of August 1, 2026 (the original Maturity Date);

AGREEMENT

NOW THEREFORE, in consideration of the foregoing, the mutual promises and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Amendment of Maturity Date. For the sole purpose of extending the Maturity Date of the Loan to August 1, 2029, the second sentence of Section 1.02 of the Loan Agreement is hereby amended, effective as of the Amendment Effective Date, to read as follows:

The Loan matures on August 1, 2029 (the "Maturity Date"), and will bear interest at the rate set forth in the Note.

2. Amendment of Schedule 1 - Amortization Schedule. For the sole purpose of postponing the beginning of principal repayments for three years to correspond to the extension of the Maturity Date to August 1, 2029, Schedule 1 attached to the Loan Agreement shall be replaced with the "Amended Schedule 1" attached to this First Amendment.

3. Replacement of Promissory Note. For the sole purpose of reflecting the changes being made to the Loan Agreement pursuant to this First Amendment, the original Promissory Note executed by the Borrower shall be replaced with the "Amended and Restated Promissory Note" attached to this First Amendment. Upon execution by the Borrower, and delivery to the Lender, of the Amended and Restated Promissory Note, the original Promissory Note shall have no force and effect and shall be canceled by the Lender.

4. Governing Law, Venue and Jurisdiction. The provisions of Section 6.06 of the Loan Agreement shall be effective with respect to this First Amendment.

5. Representations and Warranties. Each Party represents and warrants to the other Party as follows:

(a) The execution and delivery of this First Amendment and each Party's performance of its obligations under the Loan Agreement, as amended hereby, are within such Party's power, have been duly authorized by all necessary action, have been approved by all necessary governmental authorities (if any such approval shall be required), and do not and will not contravene or conflict with (i) any applicable law, or (ii) any agreement binding upon such Party; and

(b) The Loan Agreement, as amended by this First Amendment, represents the legal, valid and binding obligations of each Party, enforceable in accordance with their terms, except as enforcement may be limited by bankruptcy, insolvency, or other similar applicable laws affecting the enforcement of creditor's rights in general.

6. Binding Effect. This First Amendment is binding upon and will inure to the benefit of each of the Parties and its respective successors and permitted assigns.

7. No Waiver. Nothing contained in this First Amendment nor any past indulgence by the Parties, nor any other action or inaction on behalf of the Parties shall constitute a waiver of any breach that may exist under the Loan Agreement.

8. Headings. Section headings in this First Amendment are included herein for convenience and reference only and shall not constitute a part of this First Amendment for any other purpose.

9. Effect of Prior Agreements; Loan Agreement Remains in Force. The Loan Agreement, as amended hereby, supersedes any arrangement or agreement between the Parties made prior to the Amendment Effective Date that concerned the provisions set forth herein. The Loan Agreement, as amended hereby, contains the full and complete agreement of the Parties relating to the Loan made by Lender to Borrower. Except as affected by this First Amendment, the Loan Agreement is unchanged and continues in full force and effect.

10. Effectiveness of this First Amendment; Counterparts. This First Amendment shall not become effective nor enforceable by or against any Party unless and until executed and delivered by all Parties.

This First Amendment may be executed in counterparts, with each counterpart being deemed to be an original instrument, but all such counterparts together constituting but one agreement. Execution of a copy of this First Amendment which has been telecopied, faxed or transmitted by other electronic transmission device, and/or following execution thereof returned by any such device, shall be deemed to be effective and constitute an original instrument.

(The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the Borrower and Lender have caused this First Amendment to be executed this _____ day of January, 2018.

BORROWER:

City of Kerrville, a Texas home rule municipality

By: _____
Name: Mark McDaniel
Its: City Manager

LENDER:

Kerrville Public Utility Board

By:  _____
Name: Mike Wittler
Its: Chief Executive Officer

AMENDED SCHEDULE 1

Amortization Schedule

City of Kerrville

Amortization Schedule - Loan with KPUB

Principal Amount \$ 7,500,000
Interest Rate 2.4%
Term (in years) 13
Issue Date 8/1/2016
First Payment Date 2/1/2017
Last Payment Date 8/1/2029

Date	Principal	Interest	Total	Balance	
8/1/2016				\$ 7,500,000	
2/1/2017		90,000	90,000	7,500,000	
8/1/2017		90,000	90,000	7,500,000	180,000
2/1/2018		90,000	90,000	7,500,000	
8/1/2018		90,000	90,000	7,500,000	180,000
2/1/2019		90,000	90,000	7,500,000	
8/1/2019		90,000	90,000	7,500,000	180,000
2/1/2020		90,000	90,000	7,500,000	
8/1/2020		90,000	90,000	7,500,000	180,000
2/1/2021		90,000	90,000	7,500,000	
8/1/2021		90,000	90,000	7,500,000	180,000
2/1/2022		90,000	90,000	7,500,000	
8/1/2022		90,000	90,000	7,500,000	180,000
2/1/2023	535,714	90,000	625,714	6,964,286	
8/1/2023	535,714	83,571	619,286	6,428,571	1,245,000
2/1/2024	535,714	77,143	612,857	5,892,857	
8/1/2024	535,714	70,714	606,429	5,357,143	1,219,286
2/1/2025	535,714	64,286	600,000	4,821,429	
8/1/2025	535,714	57,857	593,571	4,285,714	1,193,571
2/1/2026	535,714	51,429	587,143	3,750,000	
8/1/2026	535,714	45,000	580,714	3,214,286	1,167,857
2/1/2027	535,714	38,571	574,286	2,678,571	
8/1/2027	535,714	32,143	567,857	2,142,857	1,142,143
2/1/2028	535,714	25,714	561,429	1,607,143	
8/1/2028	535,714	19,286	555,000	1,071,429	1,116,429
2/1/2029	535,714	12,857	548,571	535,714	
8/1/2029	535,714	6,429	542,143	0	1,090,714
TOTALS	\$ 7,500,000	\$ 1,755,000	\$ 9,255,000		\$ 9,255,000

Amended and Restated Promissory Note

(This Amended and Restated Promissory Note completely restates and replaces the original Promissory Note executed by Borrower having an original Maturity Date of August 1, 2026.)

Basic Information

Date: August 1, 2016

Borrower: City of Kerrville, a Texas home rule municipality

Borrower's Mailing Address: 701 Main Street
Kerrville, Kerr County, Texas 78028
Attn: City Manager

Lender: Kerrville Public Utility Board

Place for Payment: Office:
2250 Memorial Blvd.
Kerrville, Texas 78028
Attn: Chief Executive Officer

Mailing Address: P.O. Box 294999
Kerrville, Texas 78029-4999
Attn: Chief Financial Officer

Principal Amount: Seven Million Five Hundred Thousand and No/100
(\$7,500,000.00)

Annual Interest Rate: Two and 40/100 percent (2.4%), based on a 360 day year,
with twelve 30-day months

Maturity Date: August 1, 2029

Annual Interest Rate on Matured,
Unpaid Amounts: Ten and No/100 percent (10%)

Terms of Payment (principal and interest): Payments of all accrued interest and certain mandatory principal reductions as set out on the payment schedule attached hereto and made a part hereof as AMENDED SCHEDULE 1; such payments to be made bi-annually beginning on February 1, 2017 and continuing on or before February 1 and August 1 of each year until August 1, 2029 ("Maturity Date") when all unpaid principal and all accrued, but unpaid interest, is payable in full.

Security for Payment: Net revenues of the City's water and wastewater systems with a perfected lien pursuant to Chapter 1208, as amended, Texas Government Code.

Promise to Pay

Borrower promises to pay to the order of Lender the Principal Amount plus interest at the Annual Interest Rate. This Note is payable at the Place for Payment and according to the Terms of Payment. All unpaid amounts are due by the Maturity Date. If any amount is not paid either when due under the Terms of Payment or on acceleration of maturity, Borrower promises to pay any unpaid amount plus interest from the date the payment was due to the date of payment at the Annual Interest Rate on Matured, Unpaid Amounts.

Defaults and Remedies

Notwithstanding any other provision of this Note, in the event of a default or failure to pay any principal or interest when is due on this Note, before exercising any of Lender's remedies under this Note, Lender will first give Borrower written notice of default and Borrower will have ten days after notice is given in which to cure the default. If the default is not cured ten days after notice, Borrower and each surety, endorser, and guarantor waive all demand for payment, presentation for payment, notice of intention to accelerate maturity, notice of acceleration of maturity, protest, and notice of protest, to the extent permitted by law. The Lender may cure any default hereunder by withholding City transfer payments established in Section 35(c) Third of Ordinance No. 2013-21 until the default is cured.

Waivers

Borrower waives, to the extent permitted by law, all (i) demand for payment, (ii) presentation for payment, (iii) notice of intention to accelerate maturity, (iv) notice of acceleration of maturity, (v) protest, and (vi) notice of protest.

Attorney's Fees

Borrower also promises to pay reasonable attorney's fees and any other related costs if an attorney is retained to collect or enforce this Note. These expenses will bear interest from the date of advance at the Annual Interest Rate on Matured, Unpaid Amounts. Borrower will pay Lender these expenses and interest on demand at the Place for Payment. These expenses and interest will become part of the debt evidenced by this Note and will be secured by any security for payment.

Prepayment

Borrower may prepay this Note at any time without premium or penalty.

Usury Savings

Interest on the debt evidenced by this Note will not exceed the maximum rate or amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law. Any interest in excess of that maximum amount will be credited on the Principal Amount or, if the Principal Amount has been paid, refunded. On any acceleration or required or permitted prepayment, any excess interest will be canceled automatically as of the acceleration or prepayment or, if the excess interest has already been paid, credited on the Principal Amount or, if the Principal Amount has been paid, refunded. This provision overrides any conflicting provisions in this Note and all other instruments concerning the debt.

Other Clauses

Borrower is responsible for all obligations represented in this Note.

When the context requires, singular nouns and pronouns include the plural.

BORROWER

CITY OF KERRVILLE, a Texas home rule
municipality

By: _____
Name: Mark McDaniel
Title: City Manager

Executed this ____ day of January, 2018.

AMENDED SCHEDULE 1

Amortization Schedule

City of Kerrville

Amortization Schedule - Loan with KPUB

Principal Amount \$ 7,500,000
Interest Rate 2.4%
Term (in years) 13
Issue Date 8/1/2016
First Payment Date 2/1/2017
Last Payment Date 8/1/2029

Date	Principal	Interest	Total	Balance	
8/1/2016				\$ 7,500,000	
2/1/2017		90,000	90,000	7,500,000	
8/1/2017		90,000	90,000	7,500,000	180,000
2/1/2018		90,000	90,000	7,500,000	
8/1/2018		90,000	90,000	7,500,000	180,000
2/1/2019		90,000	90,000	7,500,000	
8/1/2019		90,000	90,000	7,500,000	180,000
2/1/2020		90,000	90,000	7,500,000	
8/1/2020		90,000	90,000	7,500,000	180,000
2/1/2021		90,000	90,000	7,500,000	
8/1/2021		90,000	90,000	7,500,000	180,000
2/1/2022		90,000	90,000	7,500,000	
8/1/2022		90,000	90,000	7,500,000	180,000
2/1/2023	535,714	90,000	625,714	6,964,286	
8/1/2023	535,714	83,571	619,286	6,428,571	1,245,000
2/1/2024	535,714	77,143	612,857	5,892,857	
8/1/2024	535,714	70,714	606,429	5,357,143	1,219,286
2/1/2025	535,714	64,286	600,000	4,821,429	
8/1/2025	535,714	57,857	593,571	4,285,714	1,193,571
2/1/2026	535,714	51,429	587,143	3,750,000	
8/1/2026	535,714	45,000	580,714	3,214,286	1,167,857
2/1/2027	535,714	38,571	574,286	2,678,571	
8/1/2027	535,714	32,143	567,857	2,142,857	1,142,143
2/1/2028	535,714	25,714	561,429	1,607,143	
8/1/2028	535,714	19,286	555,000	1,071,429	1,116,429
2/1/2029	535,714	12,857	548,571	535,714	
8/1/2029	535,714	6,429	542,143	0	1,090,714
TOTALS	\$ 7,500,000	\$ 1,755,000	\$ 9,255,000		\$ 9,255,000

BOND DEBT SERVICE

City of Kerrville, Texas - All Outstanding Waterworks and Sewer System Revenue Supported Debt
\$7,500,000 Loan Agreement with Kerrville Public Utility Board

Period Ending	Principal	Interest	Debt Service	Annual Debt Service
02/01/2018		90,000.00	90,000.00	
08/01/2018		90,000.00	90,000.00	
09/30/2018				180,000.00
02/01/2019		90,000.00	90,000.00	
08/01/2019		90,000.00	90,000.00	
09/30/2019				180,000.00
02/01/2020		90,000.00	90,000.00	
08/01/2020		90,000.00	90,000.00	
09/30/2020				180,000.00
02/01/2021		90,000.00	90,000.00	
08/01/2021		90,000.00	90,000.00	
09/30/2021				180,000.00
02/01/2022		90,000.00	90,000.00	
08/01/2022		90,000.00	90,000.00	
09/30/2022				180,000.00
02/01/2023	535,714.29	90,000.00	625,714.29	
08/01/2023	535,714.29	83,571.43	619,285.72	
09/30/2023				1,245,000.01
02/01/2024	535,714.29	77,142.86	612,857.15	
08/01/2024	535,714.29	70,714.29	606,428.58	
09/30/2024				1,219,285.73
02/01/2025	535,714.29	64,285.71	600,000.00	
08/01/2025	535,714.29	57,857.14	593,571.43	
09/30/2025				1,193,571.43
02/01/2026	535,714.29	51,428.57	587,142.86	
08/01/2026	535,714.29	45,000.00	580,714.29	
09/30/2026				1,167,857.15
02/01/2027	535,714.29	38,571.43	574,285.72	
08/01/2027	535,714.29	32,142.86	567,857.15	
09/30/2027				1,142,142.87
02/01/2028	535,714.29	25,714.29	561,428.58	
08/01/2028	535,714.29	19,285.71	555,000.00	
09/30/2028				1,116,428.58
02/01/2029	535,714.29	12,857.14	548,571.43	
08/01/2029	535,714.29	6,428.57	542,142.86	
09/30/2029				1,090,714.29
	7,500,000.06	1,575,000.00	9,075,000.06	9,075,000.06



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

SUBJECT: Authorize the purchase of Packaged Pump Station System from Pump Mechanical Technical Services, LLC through Buyboard, a Local Government Purchasing Cooperative at a price of \$107,962.00 for the Sports Complex Reuse Pond and Pump Station Project.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/8/2018

SUBMITTED BY: Kyle Burow

EXHIBITS: Reuse System Project – Overall Budget and Expense Report, and Kerrville Reuse Distribution System Change Orders and Quantity Overruns; City of Kerrville - Sports Complex - Pump Station - Estimate

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$107,962.00	\$9,682,841.57	\$23,003,000.00	U08

PAYMENT TO BE MADE TO: Pump Mechanical Technical Services, LLC

SUMMARY STATEMENT:

Kerrville Sports Complex (KSC) Irrigation Pond and Pump Station update:

Following the January 23rd City Council meeting, City staff met with Hewitt Engineering to propose options to lower the cost of the KSC irrigation pond project to meet the City's project budget (\$500,000). In the interest of attracting more bids, staff and Hewitt Engineering developed a revised scope to meet the needs of the project within the proposed budget. The scope proposed is to remove the pump station components from the Sports Complex Reuse Pond bid and purchase these directly through Buyboard from Pump Mechanical Technical Services, LLC (PMTS). That is the only item needing action by the City Council on tonight's agenda.

In addition, staff is proposing a change order with QroMex, the current reuse distribution line contractor, for the small section of utility line installation for the KSC pond project as an addition to the Distribution Main contractor's scope. Electricity will be brought to the site by KPUB using overhead lines. This strategy minimizes the remaining scope that is currently being bid to simply include site work and pond construction. The hope is that by only requiring the general contractor for the Sports Complex Pond to clear the site and construct the pond, the more basic scope will attract more competitive bids, including local bidders that did not bid in the first bid process when the scope was more complex.

The recommendation for this item is to approve the purchase of the Packaged Pump Station through Buyboard for an amount of \$107,962.00 to expedite the pump delivery and Sports Complex Reuse Pond project. By purchasing the pump station through Buyboard, the 8-12 week lead time on the pump station will help reduce the overall project

construction timeline by approximately 60 days. In addition, the City will likely save money by not having a general contractor “mark up” this segment of the construction.

The City does anticipate bid award for the site work and pond construction to be on the February 27 City Council Agenda. The land donation for the KSC Irrigation Pond site will also occur that night, per the previously adopted Letter of Agreement.

Overall Reuse Pond and Pump Station update:

The Sports Complex Reuse Pond and Pump Station has an individual project budget of \$500,000.00 and is being funded by the Reuse System project account with an overall project budget of \$23,003,000.00. Overall project financials and budget amounts approved to date are listed in the following overall project budget sheet, which also recaps various contingency spending to date.

In addition to the items approved to date, the overall Reuse Pond project may see an additional \$14,000 for the drainage improvements coinciding with the new drainage easement to Third Creek and possibly an additional \$40,500 for SCADA alterations based on unknown field conditions prior to commencement of the project. No other change orders for the Reuse Pond project are anticipated at this time.

Overall, the Reuse Pond Project had a base bid award of \$10,474,822 with \$1,525,178 (14.56%) in contingency funding approved for a total of \$12,000,000. Net total change orders accomplished and proposed total \$201,235.79, representing less than 2% of the Reuse Pond Project.

The Reuse Distribution project has a change order proposal totaling \$248,707.83 for various items incurred on the project as shown in the exhibit for Kerrville Reuse Distribution System Change Orders and Quantity Overruns:

- PCM-001-01: TxDOT change in bore lengths was due to alterations required by the TxDOT permit not originally shown in the construction plans, \$29,110.00.
- PCM-002: Bridge Modification and Addition of shaft depth resulted from having to meet the minimum required depth into the rock beneath the river. The resulting changes include the additional rebar to meet the new height in addition to drilling a greater depth, \$3,413.98 and \$3,000.00 respectively.
- PCM-003-1: TxDOT change in bore lengths resulted from the permit requirements for the Loop 534 bores, \$11,070.00.
- PCM-003-2: Addition of mainline valves, expansion joints, thrust restraints resulted from a design alteration requested by staff for better operation and maintenance. In the event of necessary repairs, staff will be able to isolate the section needing repair without being required to drain long lengths of the reuse mains. This is for all mains associated within the Distribution System project scope, \$70,965.00.

- PCM-004: Change from Cla-Val to BRV and Pinch Valve resulted from staff analyzing the designed automated valves and replacing with manual valves to minimize the potential for issues associated with electrical interphase complications by applying manual settings during these situations, \$121,323.35.
- PCM-005-01: Addition of 8-inch reuse line connection at WWTP. Resulted from existing field conditions that conflict with the as-built documents on file. The existing line installed for the Comanche Trace project is isolated from the reuse line installed for Tivy High School and Schreiner Golf Course. In order to operate from the pump station located at the reuse pond, the connection will need to occur to provide reuse water to Tivy High School, Schreiner Golf Course, and the Sports Complex since the existing pumps at the Wastewater Treatment Plant will be abandoned, \$20,650.00.
- PCM-005-02: HMAC overrun stemmed from field conditions where the street had poor existing asphalt conditions between Sidney Baker and Holdsworth Drive or exceeded the City street standard 2" depth along Legion Drive between Loop 534 and Meadowview Lane, \$78,175.50.
- PCM-005-03: Revised Connections on 534. Associated with the existing Comanche Trace line. During construction, it was found that the as-builts for the project do not correctly reflect what was installed for the project. The design was based on an existing 8-inch line which was field verified to be a 10-inch line. The changes for valves and piping associated with this issue, \$1,000.00 based on existing contract prices.
- PCM-006-01: Deduct for Leaving Existing Utility Bridge is a credit of \$90,000.00 since the demolition work is now proposed to not occur.

Overall, the Reuse Distribution Project had a base bid award of \$4,790,240.25 with \$709,759.75 (14.82%) in contingency funding approved. Net total change orders accomplished and proposed total \$248,707.83, representing approximately 5% of the Reuse Distribution Project. As explained earlier, a change order with Qro Mex is being explored for the line work between Holdsworth Drive and the KSC Irrigation Pond. Staff estimates this work will likely be \$100,000.

The total project appropriation for the entire reuse system project was \$23,003,000. The overall anticipated total project cost, with current KSC Pond and Pump estimates and all anticipated change orders across all related project components, is \$21,749,330.51. City staff anticipates an overall project savings of \$1,253,669.49 from the total project appropriation.

RECOMMENDED ACTION:

Authorize the purchase of Packaged Pump Station System from Pump Mechanical Technical Services, LLC through Buyboard, a Local Government Purchasing Cooperative at a price of \$107,962.00 for the Sports Complex Reuse Pond and Pump Station Project.

Reuse System Project - Overall Budget and Expense Report with Proposed KSC Pond and Pump Strategy					
Contracts	Base Contract	Appropriated Contingency	Contingency Utilization	Expenses to Date	Remaining on Contract w/ Proposed
Design/Engineering	\$3,026,500.00			\$2,822,140.00	\$204,360.00
Construction - ReUse Pond - MGC	\$10,474,822.00	\$1,525,178.00			
Approved Change Order #1			\$146,735.79		
Potential Change Orders			\$54,500.00	\$5,567,951.46	\$5,108,106.33
Construction - Distribution Mains - Qro Mex	\$4,790,240.25	\$709,759.75			
Proposed Change Order #1			\$248,707.83		
Potential Change Orders*			\$100,000.00	\$2,528,587.03	\$2,610,361.05
Payment for Const. Material to General Fund	\$2,035,000.00			\$2,035,000.00	
Soil Testing/Other	\$464,862.64			\$347,722.64	\$117,140.00
KSC ReUse Irrigation Pond and Pumps					
Proposed BuyBoard contract (PMTS) - Pumps	\$107,962.00				\$107,962.00
Estimated Pending Bid Award for Pond const.**	\$300,000.00				\$300,000.00
TOTALS	\$21,199,386.89	\$2,234,937.75	\$549,943.62	\$13,301,401.13	\$8,447,929.38

Total Project Appropriation: \$ 23,003,000.00

Anticipated Total Project Cost: \$ 21,749,330.51 (Expenses plus Remaining)

Anticipated Overall Project Savings: \$ 1,253,669.49

*This QroMex change order would be related to line work accomplished between Holdsworth Drive and the KSC Irrigation Pond site.

** This is an estimated contract amount for site work and pond construction. Bid opening is anticipated for Feb. 16, with City Council Bid Award anticipated for Feb. 27.

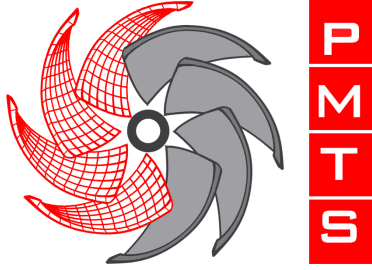
**Kerrville Reuse Distribution System Change Orders and
Quantity Overruns**

PCM/Change in Quantity	Unit Change	Cost
PCM-001-01: TxDOT change in bore lengths	+71 LF	\$29,110.00
PCM-002-01: Bridge Modification - addition of rebar	N/A	\$3,413.98
PCM-002-02: Addition of shaft depth	+4 LF	\$3,000.00
PCM-003-01: TxDOT change in bore lengths	+27 LF	\$11,070.00
PCM-003-02: Addition of mainline valves, expansion joints, thrust restraint	Various items	\$70,965.00
PCM-004-01: Change from Cla-Val to BRV and Pinch Valve replacement/addition at Tivy HS and Schreiner Golf Course	Various Items	\$121,323.35
PCM-005-01: Addition of 8-inch reuse line connection at WWTP	approx. 140 LF 8-inch + 4 valves	\$20,650.00
PCM-005-02: HMA Overrun		\$78,175.50
PCM-005-03: Revised Connections on 534		\$1,000.00
PCM-006-01: Deduct for Leaving Existing Bridge		-\$90,000.00
	<u>Total:</u>	\$248,707.83



Estimate Valid for 30 Days ONLY

Page 1



ESTIMATE

Date	Estimate #
1/18/2018	E11-01569

Estimate Valid for 30 Days ONLY

Name / Address

Pump Mechanical Technical Services, LLC

PO Box 1566
San Marcos, TX 78667

Terms	FOB	P.O. No.	Project
ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
?3 ½% DC Input Link Reactor ?Door Mounted Keypad ?50 HP 6 Year Warranty on Danfoss VFD which includes coverage against damages from momentary line or load anomalies such as lightning strikes. oClass J fuses/block per contactor oAB Interlocked Contactors w/1 AB SS OL per main motor •AB compactlogix PLC Platform •AB 10" Panelview +7 Color HMI •Inhand Network Switch with Modem •AB DC Power Supply •AB "Full Size" 30 mm N4 Door Devices oGreen Illuminated Switch per pump oSystem Switches: System Control, Low Discharge, VSD Bypass, PLC Bypass, Speed Pot and Red Illuminated Fault Push Button •GFCI Outlet •Control Power Transformer w/primary/secondary fusing •Flow Signal Input: Pulse •Lake Level Controls oHOA Selector Switch oPNR & Probes •Fertigation Relay •Safeties: oLoss of prime shutdown oVacuum Reprime oHigh Pump Temperature			

****PMTS 90 DAY LABOR WARRANTY ON WORKMANSHIP ONLY WITH VALID INSPECTION.**

****MANUFACTURER(S) PARTS ONLY WARRANTY UNLESS OTHERWISE SPECIFIED IN WRITING BY PMTS.**

****LABOR AND SEALS TO PULL AND RE-INSTALL FOR WARRANTY INSPECTIONS BY AUTHORIZED PUMP OR MOTOR SERVICE CENTER IS NOT INCLUDED.**

SECURITY-Until payment is received in full, the seller retains a security interest (LIEN) in any equipment described herein, as provided by Article 9 of the UNIFORM MECHANICAL CODE (UCC1). Once payment is received in full by PMT Services, a Release of Lien (UCC3) will be provided purchaser. Customer acknowledges and agrees: Interest will be charged on all past due accounts at a rate of 1.5% per month or the highest legal rate. If necessary for PMTS to retain an attorney for collection, customer agrees to pay ALL cost of collection including court costs and attorneys fees. This or any invoice pertaining to work involved (Signed or Not) shall constitute and be an integral part of the agreement until final payment is made. To secure such payment PMT Services will retain title to any parts, materials or equipment. LIENS WILL BE FILED 10 DAYS AFTER DUE DATE.

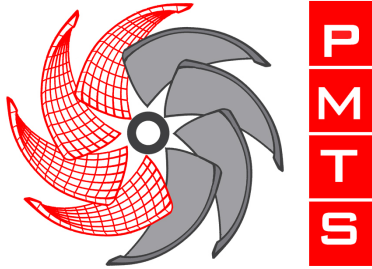
Subtotal

Sales Tax (0.0%)

Total

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ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
<ul style="list-style-type: none"> oMotor Space Heaters oLow discharge pressure shutdown oHigh discharge pressure shutdown w/auto restart oVSD fault with auto restart oSolid State Overload shutdown per motor oPhase Failure, Imbalance and low voltage protection •Operation Features oLamp Test Function oAutomatic alternation of pumps based on least run time oIntelligent Slow Ramp feature for automatic line fill oVFD Bypass •10" Color Touch screen interface o3 Year Flow Total Logging Year/Month/Day oPump Run Times oEvent Log oFlow and Station Trending oAssignable I/O •MPC Remote Cell Monitoring w/1 Year Activation 250 MB Data Plan Limit per month •nSite, MCI's Cloud Based Solution NO SUBSCRIPTION FEE oScheduled monthly email with flow report in Excel format oAccess to one full year of pressure, flow, alarms and event data •nAlert oManage maintenance due dates for all aspects of maintenance on your pumping station. oWarning light, display message and email alert when due. 			

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PO Box 1566
San Marcos, TX 78667

Terms	FOB	P.O. No.	Project
ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
<p>oMonitor and report irregular operation of irrigation system, pump system and filter system.</p> <p>Instrumentation</p> <ul style="list-style-type: none"> •SS Wika Pressure Transmitter 0-250 PSIG •DI220B Flow sensor •Ashcroft 1009AWL 3.5" Pressure Gauge w/isolation ball valve <p>Pumps</p> <ul style="list-style-type: none"> •(ONE REDUNDANT PUMP) 2 Ea 50 HP Model 12BF close coupled end suction pumps, each rated for 500gpm @ 264' TDH including station losses. To include; oBronze Impellers oSteel Shafting oMechanical Seal o50hp, 3600rpm, 460/3/60 Motors, premium efficient, Horizontal Shaft Motors with motor space heaters. <p>Isolation Valves</p> <ul style="list-style-type: none"> •6" lug butterfly pump isolation valves with lever actuator. •6" Pump silent wafer check valves coated with fusion bonded epoxy and SS disc. •4" lug butterfly station discharge isolation valve with lever actuator. <p>Relief Valves Standard Fusion Bonded Epoxy Inside/Out w/ Bronze Trim</p> <ul style="list-style-type: none"> •ClaVal 50-01 2" Station pressure relief valve with bronze trim, piped to suction with Discharge isolation butterfly valve w/lever operator, SS disc and EPDM elastomers, fusion bonded body. <p>Skid and Enclosure</p> <ul style="list-style-type: none"> •Channel skid system •Steel Grit blasting to SSPC-6 of station structural steel. •PPG Enviroacryl Zinc epoxy powder coat Primer 			

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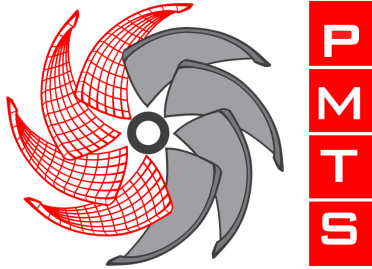
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PO Box 1566
San Marcos, TX 78667

Terms	FOB	P.O. No.	Project
ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
<ul style="list-style-type: none"> •Poly Powder coated non-skid paint system •Marine Grade Aluminum Enclosure with Double Access Doors, Exhaust Fan and Louvers, Thermostat, Heat Strip and LED light. Station Filter w/bypass •1 Ea. 4", Filtomat M104-4500, 300 micron, with 2" x 4" filter flush valve assembly piped to skid edge and flanged. •8" Lug isolation butterfly valves, w/gear operator, SS disc and EPDM elastomers, fusion bonded body. •8" wafer silent check valves with fusion bonded epoxy coated body and SS disc. Piping •Sch40 Station piping •8" Station suction manifold •8" Station discharge manifold •4" Station flowmeter spool •Hose Bibb connection •Steel Grit blasting to SSPC-6 of station piping. •NSF61 fusion bonded Epoxy powder coating of all piping 2" and above internal and externally. •Piping 2" and below to be 304SS. •Hose Bibb connection •8" Floating Intake with Foot Valve ***EXCLUDES FREIGHT FOB: Dallas, Texas Lead Time: 8-10 weeks following approved drawings 		0.00	0.00T
Additional Warranty items			

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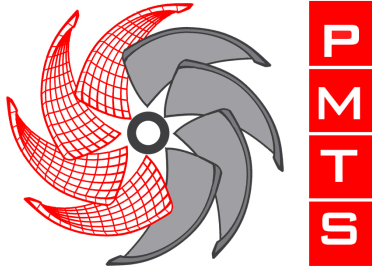
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Terms	FOB	P.O. No.	Project
ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
<p>•Warranty excludes crane if needed</p> <p>•6 year warranty on Variable frequency drive (Includes lightning damage coverage and labor to replace)</p> <p>•6 Year Warranty on ALL COMPONENTS IN ELECTRICAL PANEL, Inclusive of power related damage such as lightning. Includes parts only.</p> <p>•2 year warranty on Station</p> <p>Provided that all installation and operation responsibilities have been properly performed and documented. Seller will provide a replacement part or component during the warranty life. Repairs done at Seller expense must be pre-authorized. Upon request, Seller will provide advice for troubleshooting the system.</p> <p>***</p> <p>This proposal contains equipment that may require costly means to remove or replace based on site conditions. Seller will not accept liability for costs associated with the removal or replacement of equipment in difficult to access locations. This includes but is not limited to the use of large cranes, diving services, barges, helicopters, or other unusual requirements.</p> <p>Default of any agreement with Seller or;</p> <p>a.The misuse, abuse of the pumping package outside its intended use.</p> <p>b.Failure to perform required maintenance service.</p> <p>c.Pumping water not suitable for irrigation.</p> <p>d.Exposure to electrolysis erosion.</p> <p>e.Water salinity in excess of 2000 parts per million.</p> <p>f.Water from a reverse osmosis plant without countermeasures in place.</p> <p>g.Water with a Langelier Index less than -0.5 and greater than +1.5</p> <p>h.Presence of destructive gaseous or chemical solutions in our around the packaged system.</p>			

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Terms	FOB	P.O. No.	Project
ON Receipt		Kyle Burrow	MCIFTX-Sport Complex Pump Station-NEW-0118

Description	Qty	Rate	Total
OUTDOOR CUSTOM ENCLOSURE AND ELECTRICAL EXTENSION TO ENCLOSURE ***ADDER ** STAINLESS STEEL NEMA 4X REMOTE MOUNT ENCLOSURE 6" LEG KIT *****BUYBOARD VENDOR # 509-16***** **50% PRODUCTION DEPOSIT DUE ON EQUIPMENT WITH SIGNED ORDER AND VALID PO#, BALANCE ON COMPLETION	1	4,332.00	4,332.00T

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Subtotal \$107,962.00

Sales Tax (0.0%)
\$0.00

Fax #	E-mail	Web Site	Total
(830)632-5491	Angie@PMTSERVICE.COM	WWW.PMTService.com	\$107,962.00

Signature _____



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

SUBJECT: Regulating the use of portable electronic devices while driving.

AGENDA DATE OF: 1/23/2018

DATE SUBMITTED: 1/12/2018

SUBMITTED BY: Chief David Knight

EXHIBITS: Sample Ordinance

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

Bans on the use of handheld wireless communication devices while driving have been enacted by communities across the state.

During the recent legislative session the House amended the Transportation Code to establish a statewide approach to the issue of texting while driving in an attempt to ensure consistency across communities and provide important safeguards to motorists, bicyclists and pedestrians. H.B. 62 created a new state law offense: using a portable wireless communications device for electronic messaging while operating a motor vehicle. Specifically, an individual is prohibited from using a wireless device to read, write or send an electronic message while driving. "Electronic message" is defined as data that is read from or entered into a wireless communication device for the purpose of communicating with another person.

Transportation Code section 545.4251 provides a number of affirmative defenses to this offense which create enforcement problems and limit the value of the law. The new law went into effect September 1, 2017.

RECOMMENDED ACTION:

Provide direction to staff.



HANDHELD PORTABLE ELECTRONIC DEVICES WHILE DRIVING

Moving to a Hands Free
Environment

Chief David Knight – Kerrville
Police Department
February 13, 2018



Current Law

- During the last legislative session HB 62 was passed and signed into law adding a new offense to the Texas Transportation Code.
- Sec. 545.4251 USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR ELECTRONIC MESSAGING went into effect on September 1, 2017.
- The new law went into effect on September 1, 2017.



Provisions

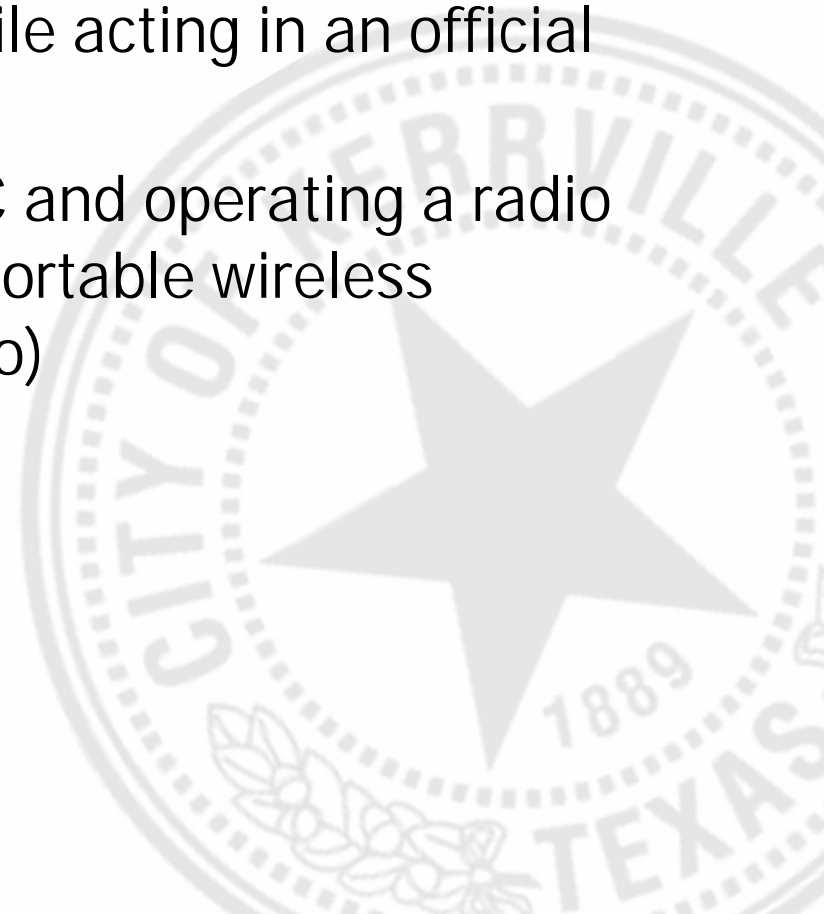
- Defines “electronic message” (read: a text message) and “wireless communication device” (read: a cell phone).
- Makes it an offense for a person to use a cell phone to read, write or send a text message while operating a motor vehicle that is moving.
- Requires the conduct to be committed in the presence or view of a peace officer or established by other evidence to be prosecuted.
- Creates a series of affirmative defenses to the texting statute.

Affirmative Defenses

- Use of a hands-free device
- Use of a GPS or navigation system
- Reporting illegal activity, summoning emergency help, or entering real-time traffic or road conditions into a phone app used for that purpose (such as Waze)
- Reading a text concerning something the operator reasonably believes to be an emergency
- Sending an electronic message as part of an operator's occupational duties when communicating with a dispatcher or similar network service through a device attached to the vehicle

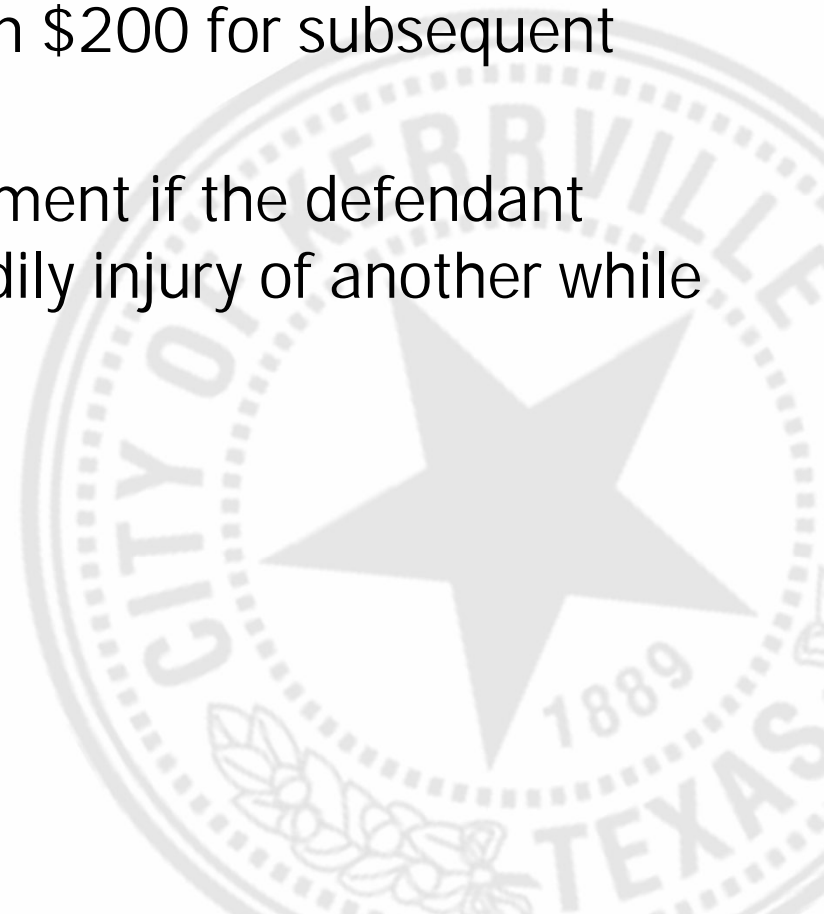
Affirmative Defenses

- Activating a function that plays music
- An operator of an authorized emergency or law enforcement vehicle texting while acting in an official capacity
- An operator licensed by the FCC and operating a radio frequency device other than a portable wireless communication device (CB radio)



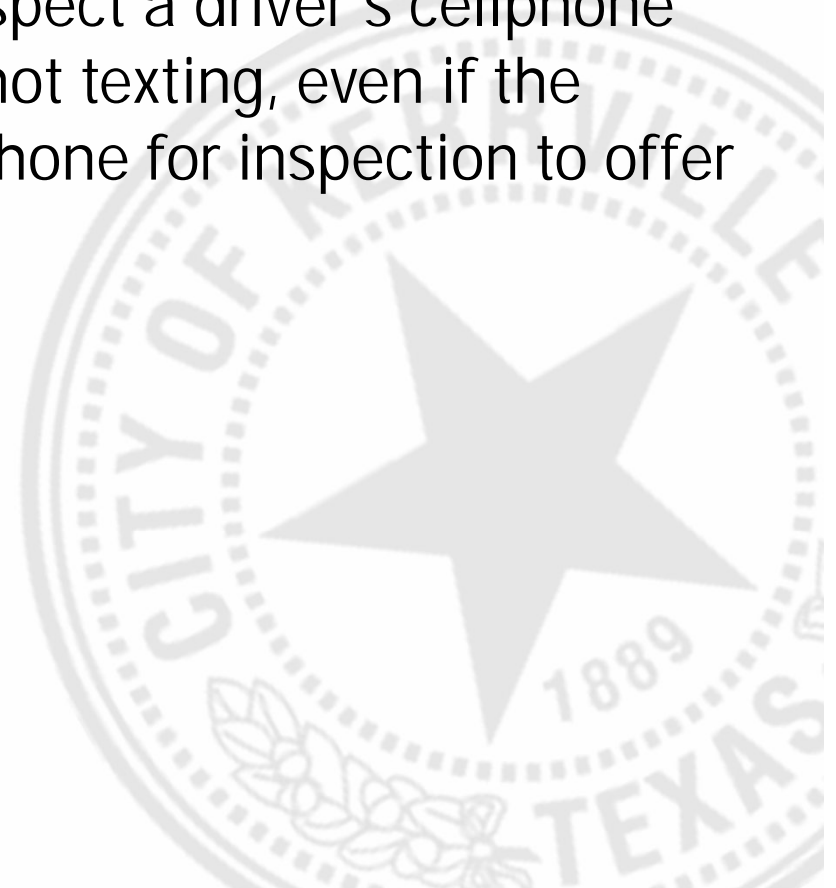
Punishments

- Graduated fine punishment of at least \$25 but not more than \$99 on first offense.
- At least \$100 but not more than \$200 for subsequent offenses.
- Class A misdemeanor enhancement if the defendant caused the death or serious bodily injury of another while committing this offense.

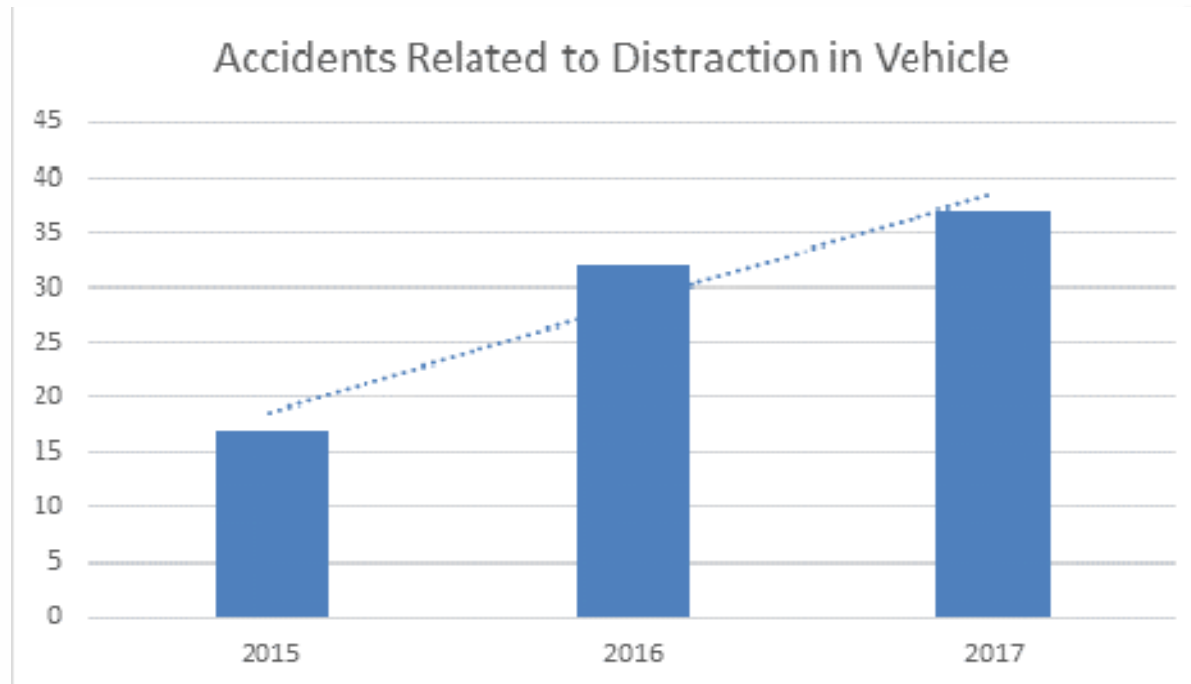


Challenges to Enforcement

- Current law prohibits an officer from inspecting a driver's cellphone to verify that the operator was texting
- Conversely an officer cannot inspect a driver's cellphone to verify that the operator was not texting, even if the driver consensually offers the phone for inspection to offer a defense



Local Impact – Crashes Involving Distracted Drivers



Distracted Driving Consequences

- Many forms of distracted driving take attention away from the immense responsibility of operating a motor vehicle
- In 2015, 3,477 people were killed and 391,000 injured in crashes involving distracted drivers nhtsa.gov
- To reduce this toll, prevention must focus on the top factors associated with these crashes
- Driver distractions have joined alcohol and speeding as leading factors in fatal and injury crashes
- **Using a cell phone while driving delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent.**
- Research shows that drivers who send and receive text messages take their eyes off the road for an average of 4.6 seconds out of every 6 seconds while texting
- At 55 mph this means that the driver is travelling the length of a football field including the end zones without looking at the road

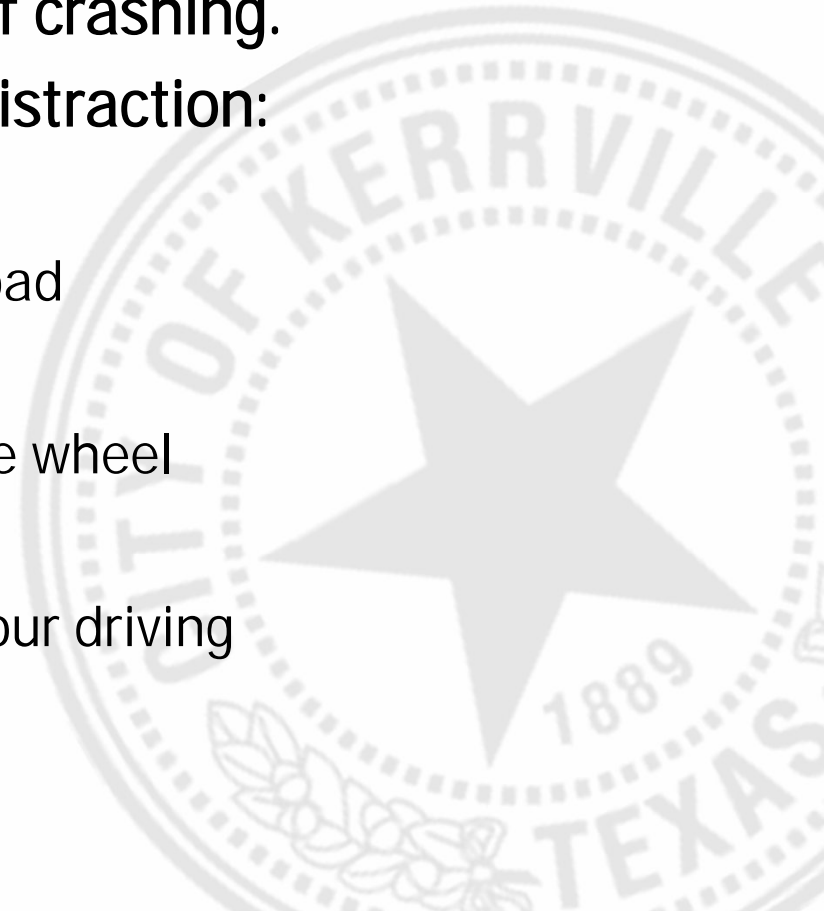
NTSB Recommendations

- In December 2011 the National Transportation Safety Board recommended that all 50 states and the District of Columbia enact complete bans of all portable electronic devices for all drivers, including banning use of hands-free devices.



Distracted Driving Impacts

- Distracted driving is any non-driving activity that takes the driver's attention from the primary task of operating the vehicle and increases the risk of crashing.
- There are three main types of distraction:
 - Visual—taking your eyes off the road
 - Manual—taking your hands off the wheel
 - Cognitive—taking your mind off your driving



Activities That Can Distract A Driver

- Using a cell phone
- Eating, drinking, or grooming
- Talking to passengers
- Reading, including map reading
- Using a PDA or navigation system
- Watching a video
- Changing the radio station, CD, or Mp3 player
- Texting



Current Cell Phone Use Prohibitions in Texas

- Drivers cannot send or receive electronic messages in Texas.
- Drivers with learner's permits are prohibited from using handheld cell phones in the first six months of driving.
- Drivers under the age of 18 are prohibited from using wireless communications devices.
- School bus operators are prohibited from using cell phones while driving if children are present.
- In school zones, all drivers are prohibited from texting and using handheld devices while driving.
- Local restrictions: Since 2009, more than 102 cities have adopted one or more of the three types of cell phone ordinances.

102 Cities with ordinances pertaining to cell phone regulation while driving

Alamo	Denton	Edinburg	Lockhart	San Antonio
Alice	Edinburg	El Paso	Magnolia	San Benito
Amarillo	El Paso	Farmers Branch	Maypearl	San Juan
Angleton	Farmers Branch	Floresville	McAllen	San Marcos
Anthony	Floresville	Fredericksburg	Meadowlakes	Schertz
Aransas Pass	Fredericksburg	Galveston	Midland	Seagoville
Argyle	Galveston	Garden Ridge	Midlothian	Seguin
Arlington	Garden Ridge	Grand Prairie	Mission	Selma
Austin	Grand Prairie	Groesbeck	Missouri City	Shoreacres
Balcones Heights	Groesbeck	Harlingen	Mount Belvieu	Sinton
Bedford	Harlingen	Helotes	Mount Pleasant	Snyder
Bee Cave	Helotes	Hereford	Mount Vernon	Socorro
Bellaire	Hereford	Hill Country Village	Nacogdoches	Stephenville
Big Lake	Hill Country Village	Hurst	New Braunfels	Sunnyvale
Boerne	Hurst	Jacksonville	Overton	Sunset Valley
Brazoria	Jacksonville	Kingsville	Palmview	Lockhart
Brownsville	Kingsville	Kyle	Pampa	Tomball
Buda	Kyle	Laguna Vista	Pecos	Universal City
Canyon	Laguna Vista	Lake Dallas	Penitas	Watauga
Carrizo Springs	Lake Dallas	Lake Tanglewood	Pharr	Westlake Hills
Castle Hills	Lake Tanglewood	Lakeway	Port Aransas	West University Place
Conroe	Lakeway	La Porte	Richwood	White Settlement
Converse	La Porte	Laredo	Rollingwood	Wichita Falls
Corpus Christi	Laredo	Liberty Hill	Rowlett	Wimberly
Deer Park	Liberty Hill	Little Elm	San Angelo	Windcrest

43 Cities with ordinances restricting the use of hand held electronic devices

Alice	Deer Park	Lakeway	San Marcos
Amarillo	Denton	Laredo	Schertz
Anthony	El Paso	Liberty Hill	Sinton
Aransas Pass	Floresville	Little Elm	Socorro
Argyle	Garden Ridge	Midlothian	Sunset Valley
Austin	Hill Country Village	Mount Belvieu	Universal City
Bedford	Hurst	New Braunfels	Watauga
Bee Cave	Kingsville	Port Aransas	Westlake Hills
Boerne	Kyle	Rollingwood	Wichita Falls
Buda	Lake Dallas	San Antonio	Wimberly
Corpus Christi	Lake Tanglewood	San Juan	

Possible Provisions of Ordinance

- Prohibition of the use of hand held mobile telephones and other portable electronic devices
- While operating a motor vehicle, motorcycle, quadricycle or bicycle
- On a public roadway
- While the vehicle is in motion

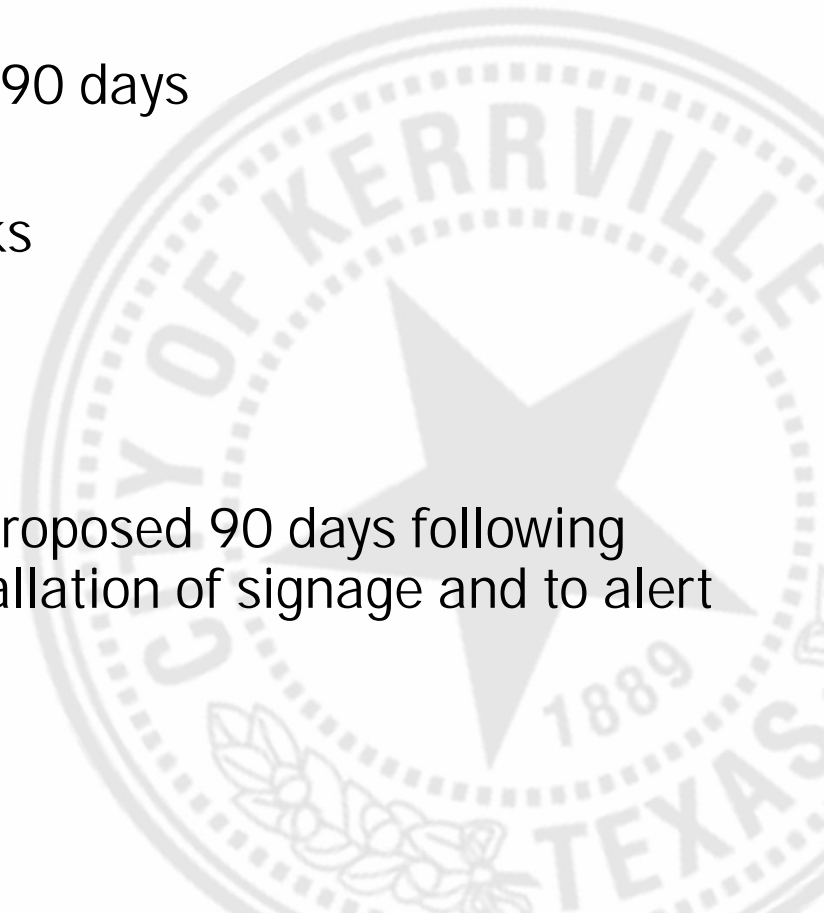


Possible Affirmative Defenses

- The vehicle is at a complete stop
- The device is used in a hands free mode of operation as a mobile communication telephone or other device
- The device is used as a global positioning or navigation system and is affixed to the vehicle
- The device is used for obtaining emergency assistance to report a crime, traffic accident, medical emergency or to prevent a crime about to be committed

Implementation Considerations

- Approximately 9 entry and notification signs for the City of Kerrville
 - Timeline to implementation: 60 - 90 days
 - Installation of signage: 3 - 4 weeks
 - Public Education Campaign
 - Grace Period for Enforcement – proposed 90 days following adoption of an ordinance for installation of signage and to alert the public of the ordinance



Next Steps

- Provide policy direction regarding desire to implement any regulations or an ordinance that goes beyond state law
- If desired, staff return with an ordinance regulating the use of portable electronic devices while driving for first and second reading





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

SUBJECT: Regulating the escort of oversized loads, including a fee structure for providing police escorts for commercial vehicles through the city.

AGENDA DATE OF: 1/23/2018

DATE SUBMITTED: 1/12/2018

SUBMITTED BY: Chief David Knight

EXHIBITS: Oversized Load Escort Data

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

As an element of our Service Delivery Plan the Kerrville Police Department Field Operations Division conducts oversized load escorts for commercial vehicles moving large cargo through the City. The historical data of manpower and staffing reflects that the trend line for escorts of oversized loads the Police Department conducts is increasing with numbers of escorts performed during 2017 at 508. These are calls for service that officers are assigned to work while on duty.

The service delivery impact is that two or three officers and vehicles are needed to safely complete most escorts, are out of their assigned sectors during these times and generally unavailable or delayed in responding to other calls for service that may be generated during the escort.

RECOMMENDED ACTION:

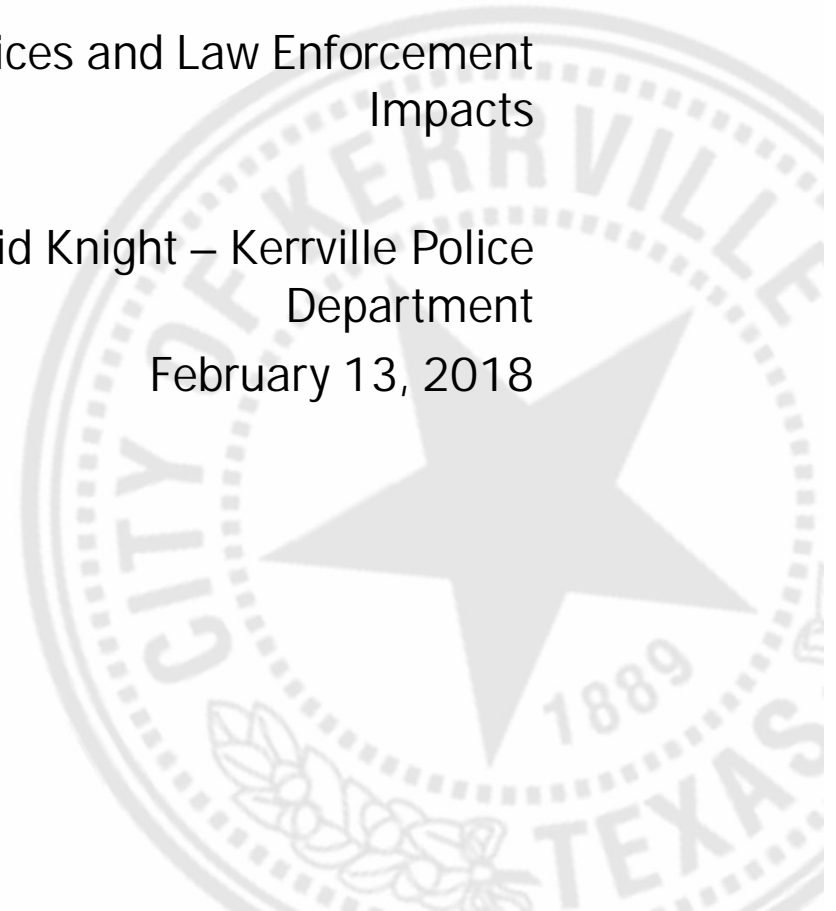
Provide direction to staff.



OVERSIZED LOAD ESCORTS

Current Practices and Law Enforcement
Impacts

Chief David Knight – Kerrville Police
Department
February 13, 2018

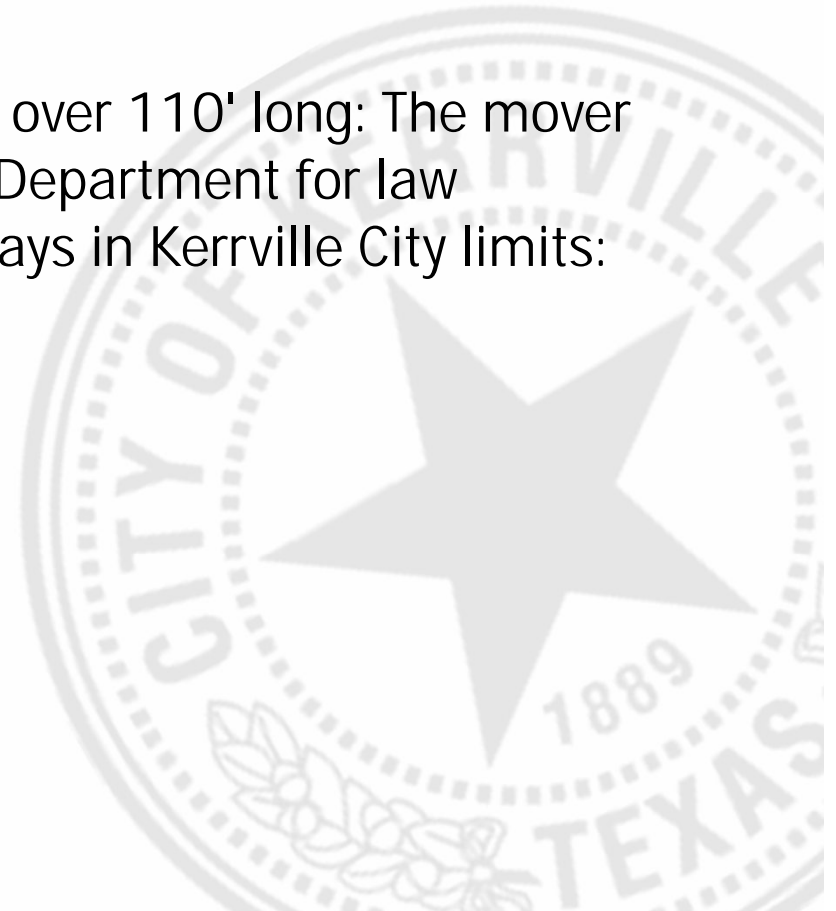


Vehicles and Loads / Permit Not Required

- Vehicles and loads that exceed legal size or weight limits need an oversize/overweight (OS/OW) permit and route from the TxDMV to travel on Texas roads.
- The following maximum dimensions may be operated on Texas' highways without a permit:
- Width:
 - Passenger vehicle (and its load) - 8'
 - All other vehicles (and loads) - 8'6"
- Height: 14'
- Length: Up to 65' – Dependent on vehicle type
- Weight: Gross maximum 80,000 pounds

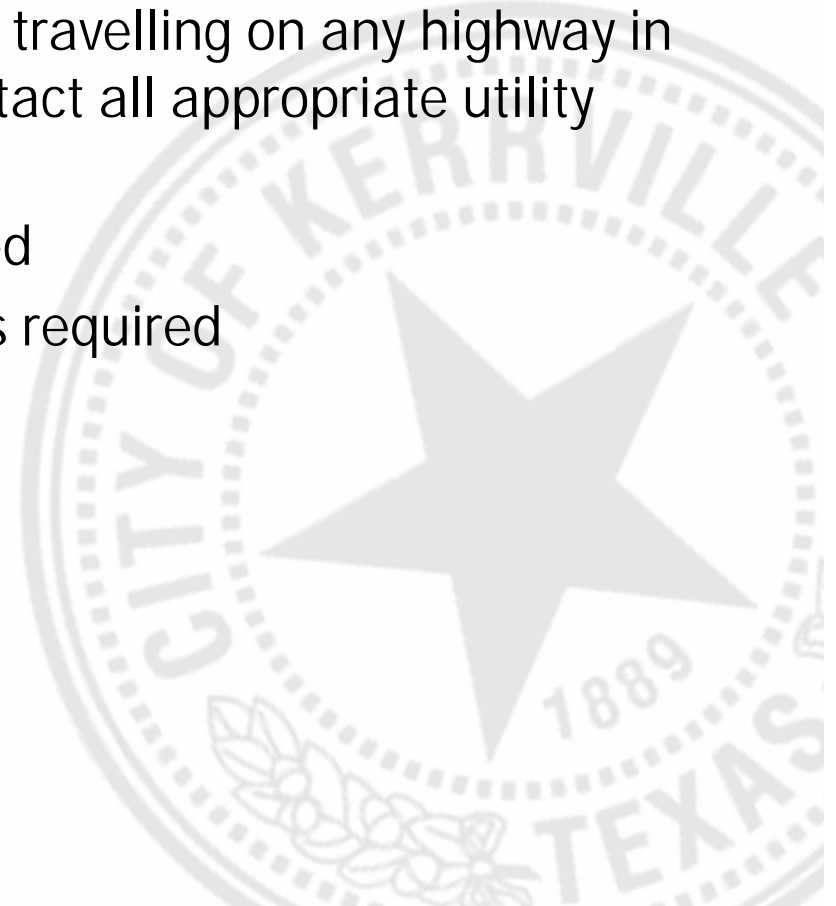
TxDMV Movement Restrictions -Notification Prior to Movement / City of Kerrville

- San Antonio District, Kerr County, City of Kerrville 01-22-18
 - Over 10' wide, 16'6" high, and/or over 110' long: The mover must contact the Kerrville Police Department for law enforcement escorts on all highways in Kerrville City limits: (830) 257-8181
- This is a permanent restriction.



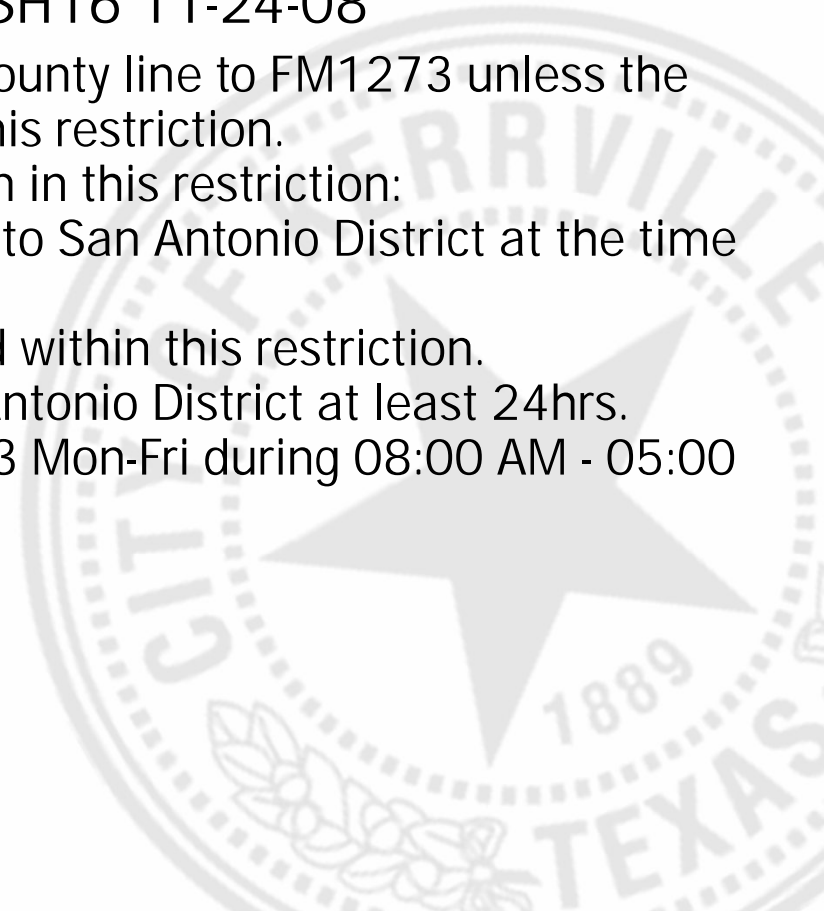
TxDMV Movement Restrictions - Notification Prior to Movement / Kerr County

- San Antonio District, Kerr County, All Highways 02-05-18
 - Over 16'6" high: 24 hours prior to travelling on any highway in Kerr County, The mover must contact all appropriate utility companies
 - Front and rear escorts are required
 - A TXDOT approved bucket truck is required
- This is a permanent restriction.



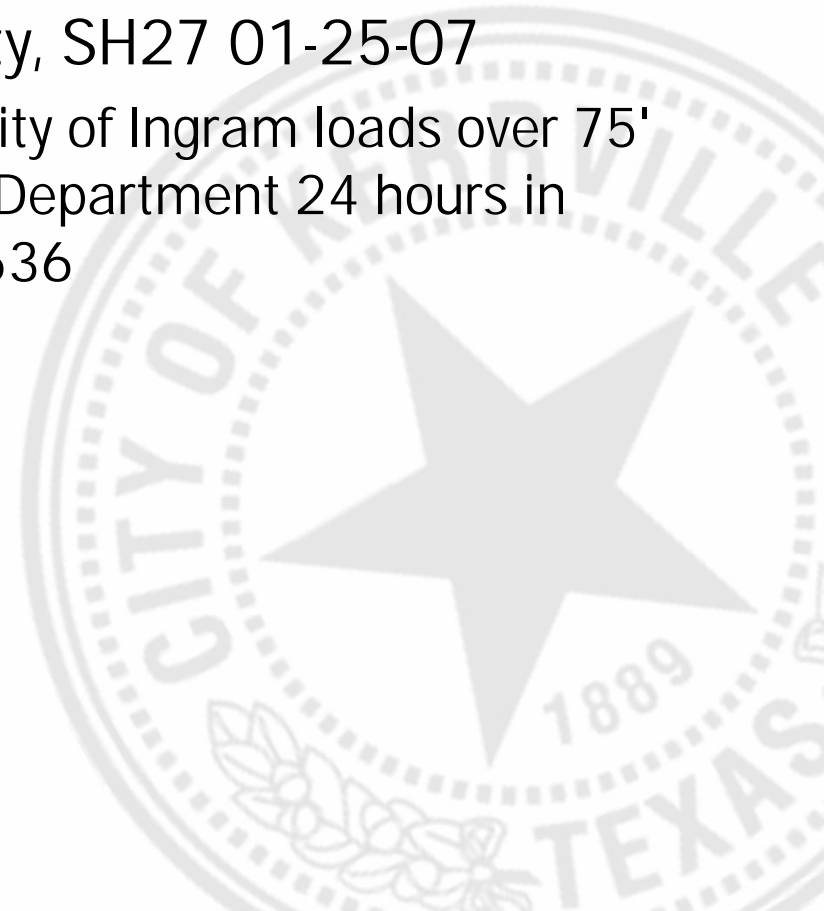
TxDMV Movement Restrictions – Notification Prior to Movement / Kerr County (cont.)

- San Antonio District, Kerr County, SH16 11-24-08
 - No permits from the Bandera/Kerr County line to FM1273 unless the load has an origin or destination in this restriction.
For loads with an origin or destination in this restriction:
 1. A copy of the permit must be sent to San Antonio District at the time it is issued.;
 2. Front and rear escorts are required within this restriction.
 3. The mover must contact the San Antonio District at least 24hrs. prior to movement at (210) 615-5873 Mon-Fri during 08:00 AM - 05:00 PM.
 - This is a permanent restriction.



TxDMV Movement Restrictions – Notification Prior to Movement / City of Ingram

- San Antonio District, Kerr County, SH27 01-25-07
 - When traveling anywhere in the city of Ingram loads over 75' long must contact Ingram Police Department 24 hours in advance to move at (830) 367-2636



Route Inspections For Oversized Loads Required

- If a vehicle or load exceeds one of the following dimensions, the hauler must apply for and certify a Route Inspection prior to a permit being issued.
- Width – 20'
- Height – 18'11"
- Length – 125'
- A representative of the company must physically inspect the proposed route to ensure the safety of the load, traveling public and the state infrastructure. A company representative must certify the route inspection proposal after the route has been physically inspected.
- Law enforcement assistance may be required by TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city, or at such times when law enforcement assistance would provide for the safe movement of the permitted vehicle and for the traveling public's safety.

Current Practice – Oversized Load Escorts

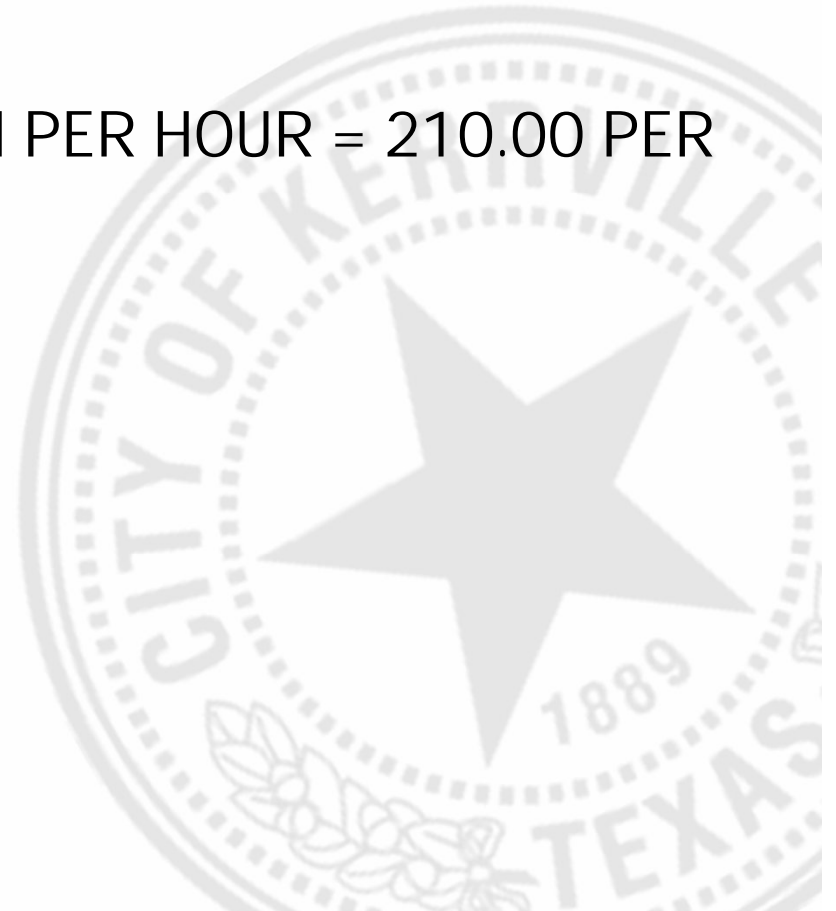
- Currently the Kerrville Police Department provides escorts for oversize loads permitted by Texas Department of Motor Vehicles on approved TXDOT routes.
- Oversize loads that are permitted at height higher than 16'6" requires a minimum of 2 TXDOT approved bucket trucks to lift utility lines and TXDOT traffic signal lines.

Stakeholders Involved in the Line Lift Process

- **KPUB-** KPUB Utility Lines area currently at 20'-21'
- If lines need to be lifted (rare) KPUB will provide the assets free of charge.
- **Hill Country Telephone (HCTC)**
- HCTC line lifts are contracted with Cowboy Communications.
- HCTC will provide additional assets to Cowboy Communications upon request from Cowboy Communication. An hourly fee is charged for these assets.
- **Cowboy Communication**
- Cowboy Communication is currently contracted with TXDOT, HCTC and Windstream to lift their lines.
- Cowboy Communication provides this service for a fee.

HCTC Charge Rate

- 70.00 PER HOUR PER TRUCK
- 70.00 PER HOUR PER MAN
- IT TAKES 2 MEN PER TRUCK
- EXAMPLE: 1 TRUCK AND 2 MEN PER HOUR = 210.00 PER HOUR

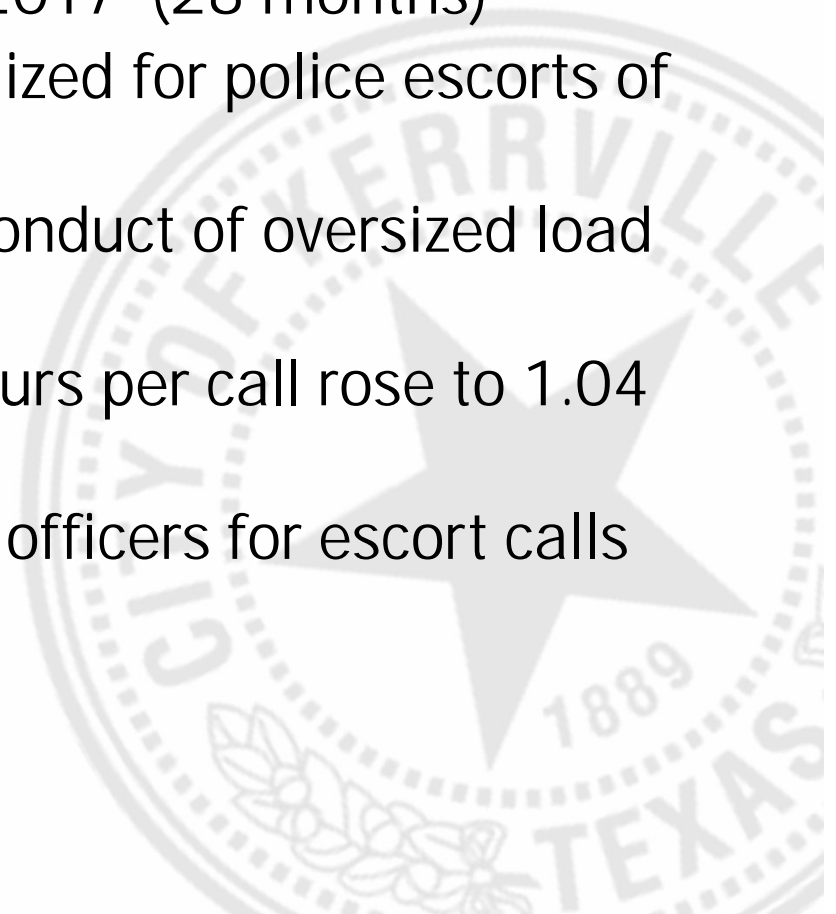


Cowboy Communications Oversized Load Fee Structure

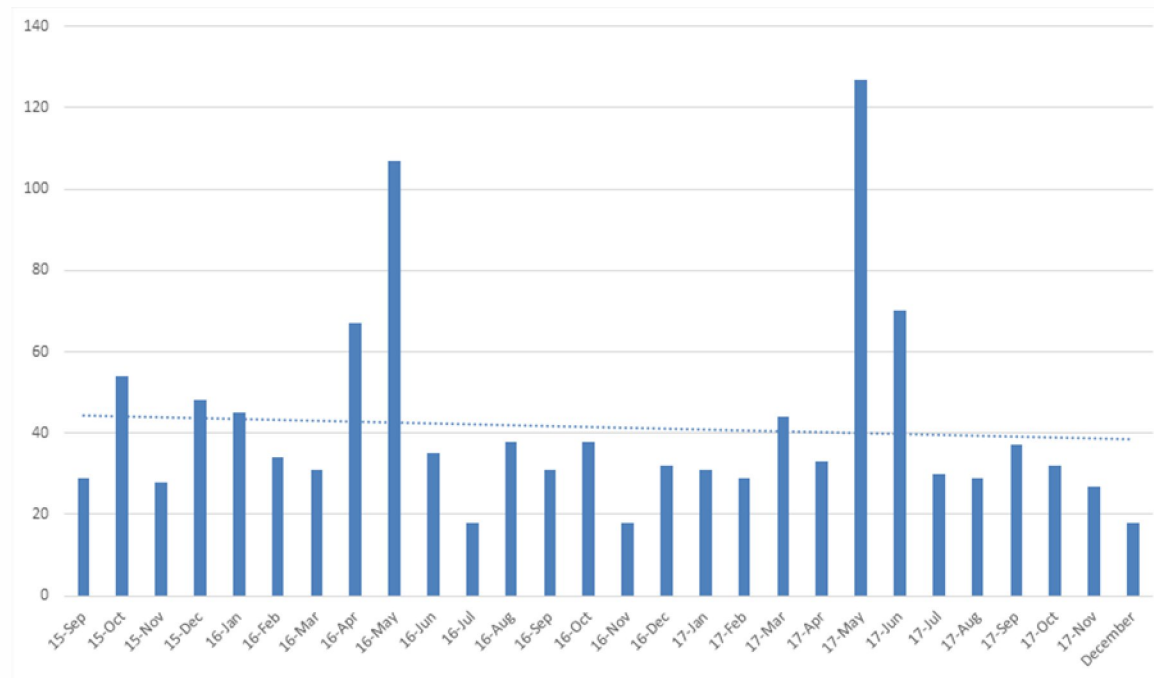
<u>Loads up to 17'5"</u>				
1 load from Kerrville East City Limits to Ingram				\$800.00
2 loads from Kerrville East City Limits to Ingram				\$1,250.00
1 load from I10 & 27 to Ingram				\$1,250.00
2 loads from I10 & 27 to Ingram				\$1,700.00
<u>Loads 17'6" to 21'</u>				
1 load from Kerrville East City Limits to Ingram				\$950.00
2 loads from Kerrville East City Limits to Ingram				\$1,400.00
1 load from I10 & 27 to Ingram				\$1,400.00
2 loads from I10 & 27 to Ingram				\$1,850.00
Standby time \$200/hr				
Loads caught in town by KPD will have additional charges				
Weekends & Holidays will have additional charges.				
No 24 hr notice will have additional charges				

Historical Perspective

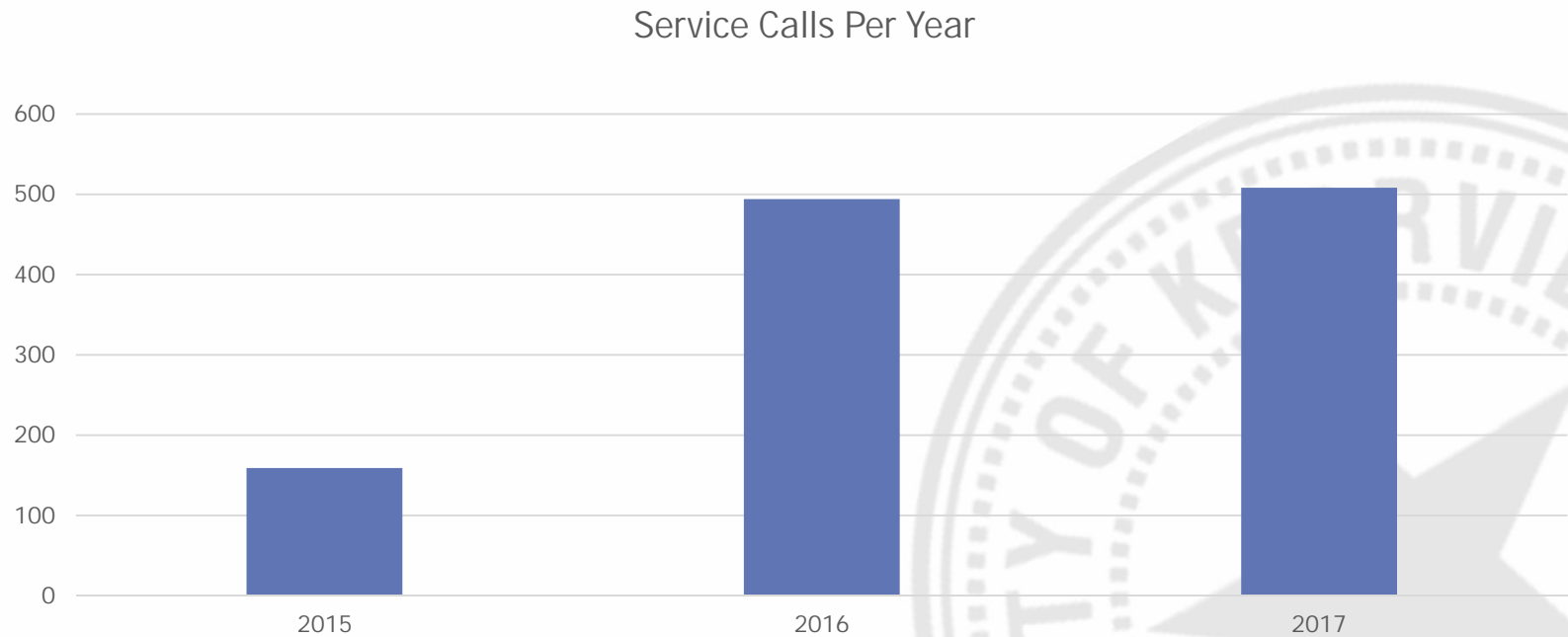
- There have been a total of 1,161 oversized load escorts conducted by the Kerrville Police Department from September 2016 – December 2017 (28 months)
- 1,113.5 staffing hours were utilized for police escorts of oversized loads
- Staffing costs accrued for the conduct of oversized load escorts was \$29,238
- In 2017 the average staffing hours per call rose to 1.04 hours
- In 2017 the average number of officers for escort calls rose to 1.92 officers



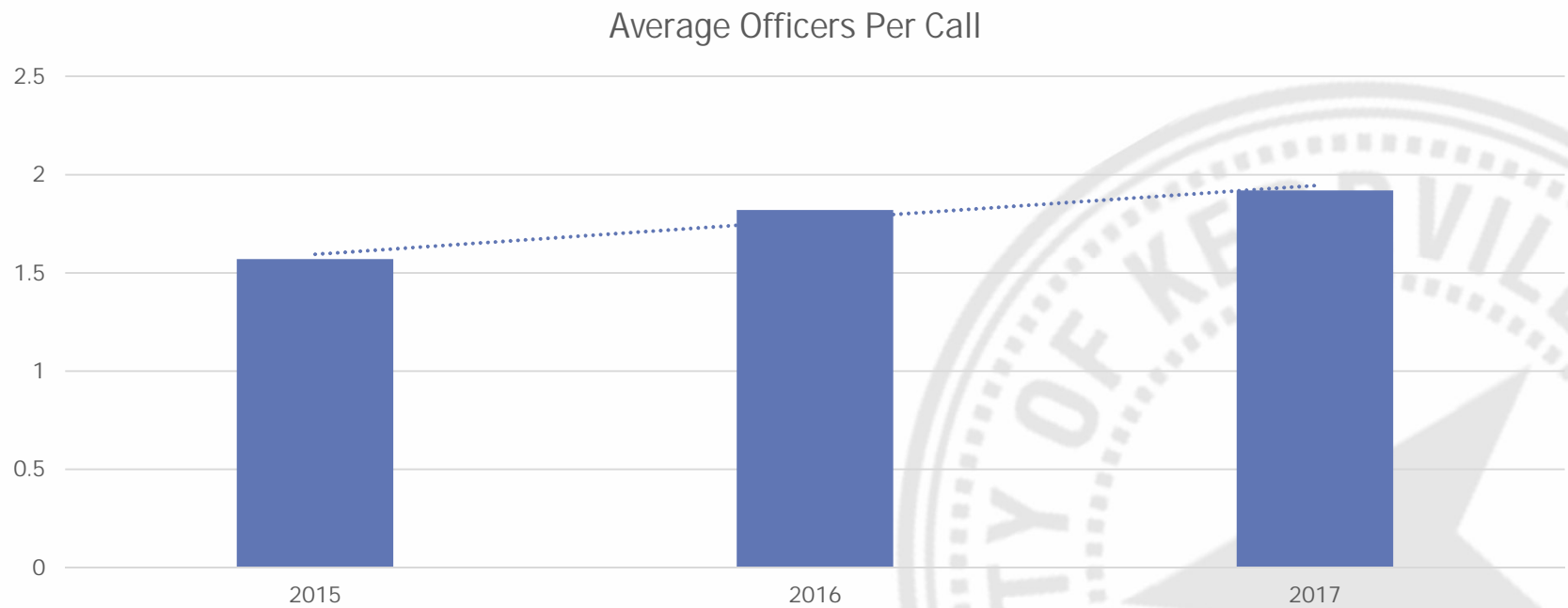
Oversized Load Escort Calls / Monthly



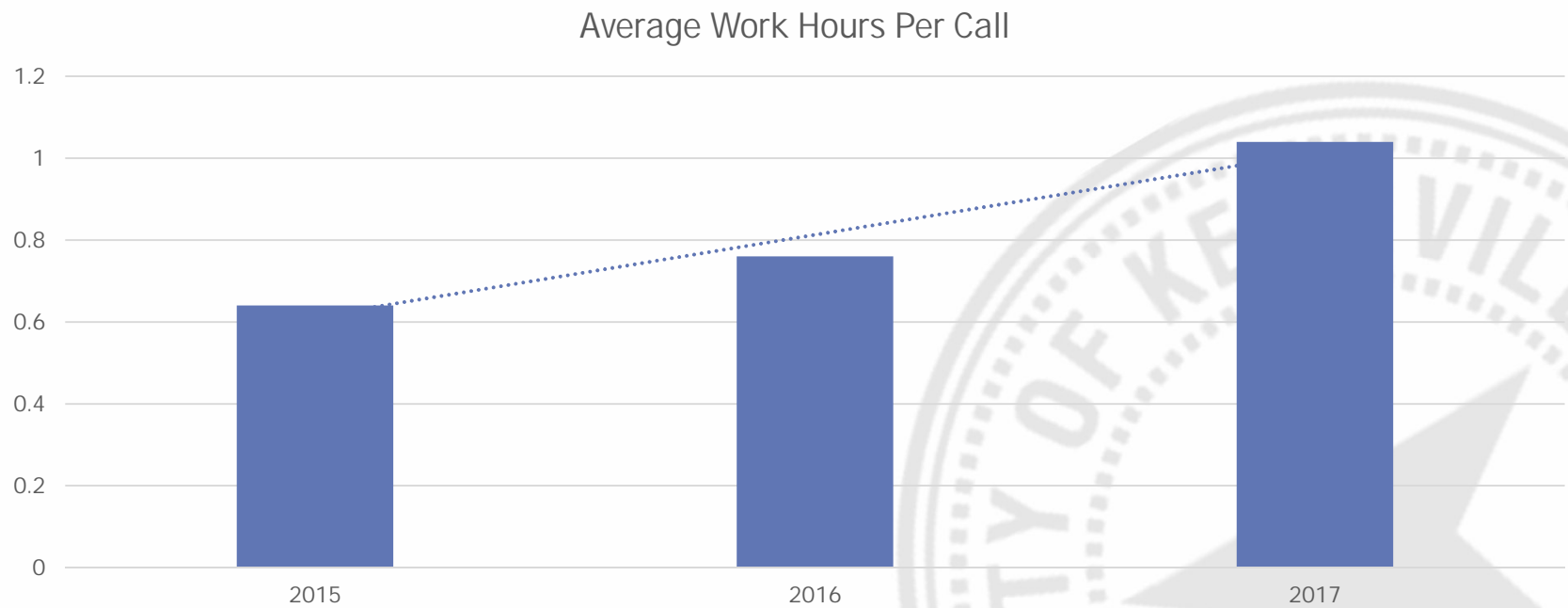
Oversized Load Escort Calls / Per Year



Average Officers/Units per Escort

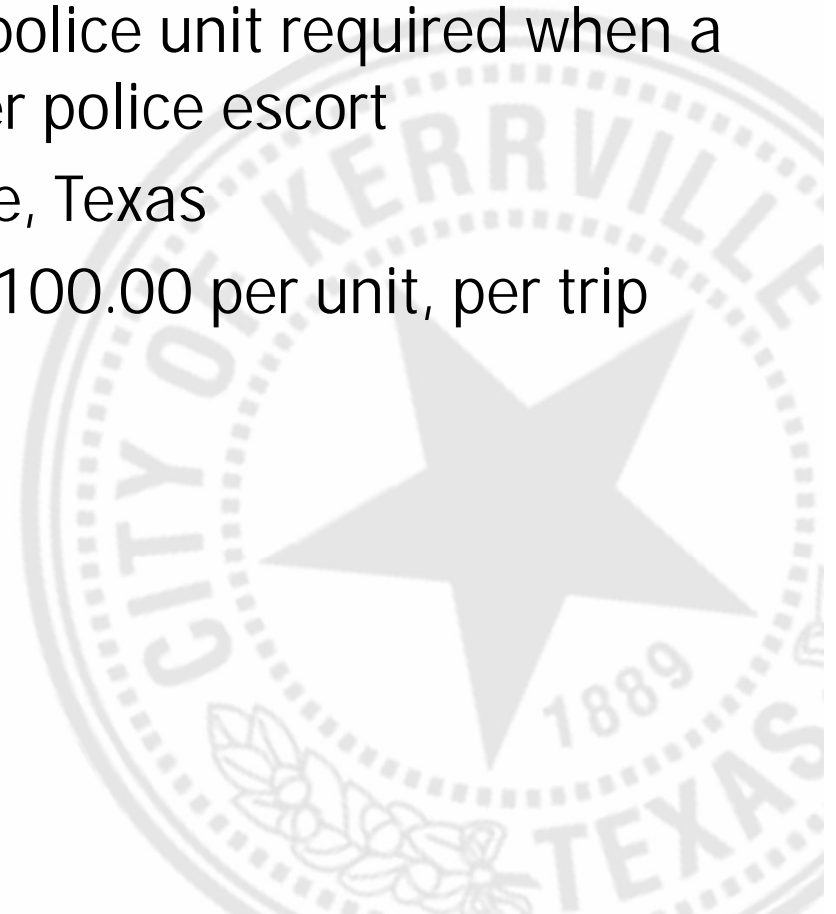


Average Staffing Hours per Escort



Proposed Provisions of Ordinance

- Provide for the addition of police escort permit fees to the Kerrville Municipal Code of Ordinances
- Permit fee applicable for each police unit required when a structure or load is moved under police escort
- In or through the City of Kerrville, Texas
- Recommended Fee Amount : \$100.00 per unit, per trip





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

SUBJECT: Code Enforcement Update

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/8/2018

SUBMITTED BY: Drew Paxton

EXHIBITS: none

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	n/a	n/a	n/a

PAYMENT TO BE MADE TO: n/a

SUMMARY STATEMENT:

In August 2017, staff gave a presentation to City Council regarding proactive and reactive code enforcement. Council requested a follow up report regarding the application of proactive enforcement, its benefits, staff time spent towards proactive cases, and reports on voluntary compliance.

Data will be provided concerning reactive cases versus proactive cases, variation in case types month by month, and a high percentage of voluntary compliance.

Code Enforcement staff will be working to increase public education and awareness of code violations, preventative measures, and community involvement.

RECOMMENDED ACTION:

Discuss proactive code enforcement throughout Kerrville and public outreach opportunities.

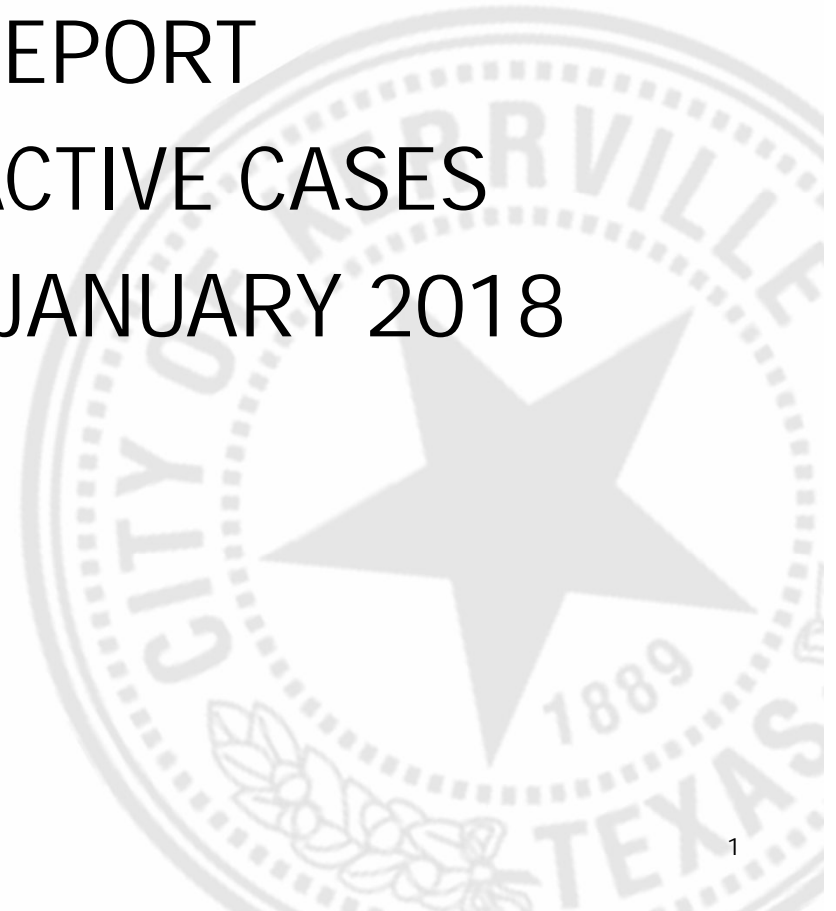


DEVELOPMENT SERVICES CODE ENFORCEMENT

6 MONTH REPORT

REACTIVE / PROACTIVE CASES

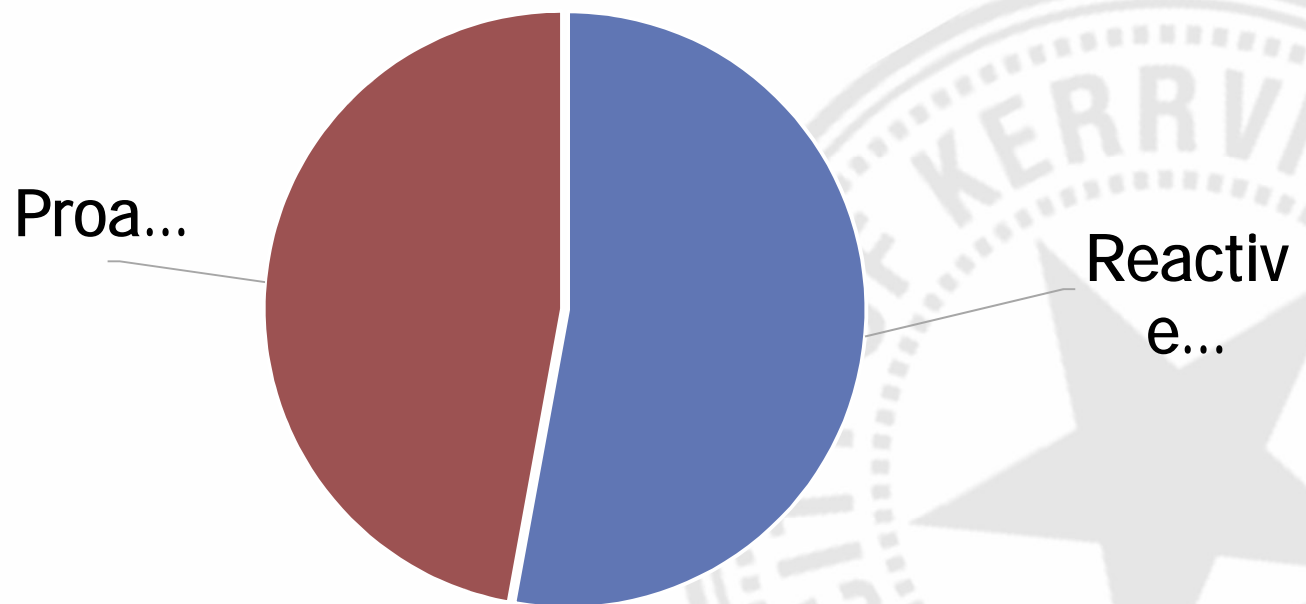
FROM JULY 2017 – JANUARY 2018



TOTAL FOR REACTIVE & PROACTIVE: 280

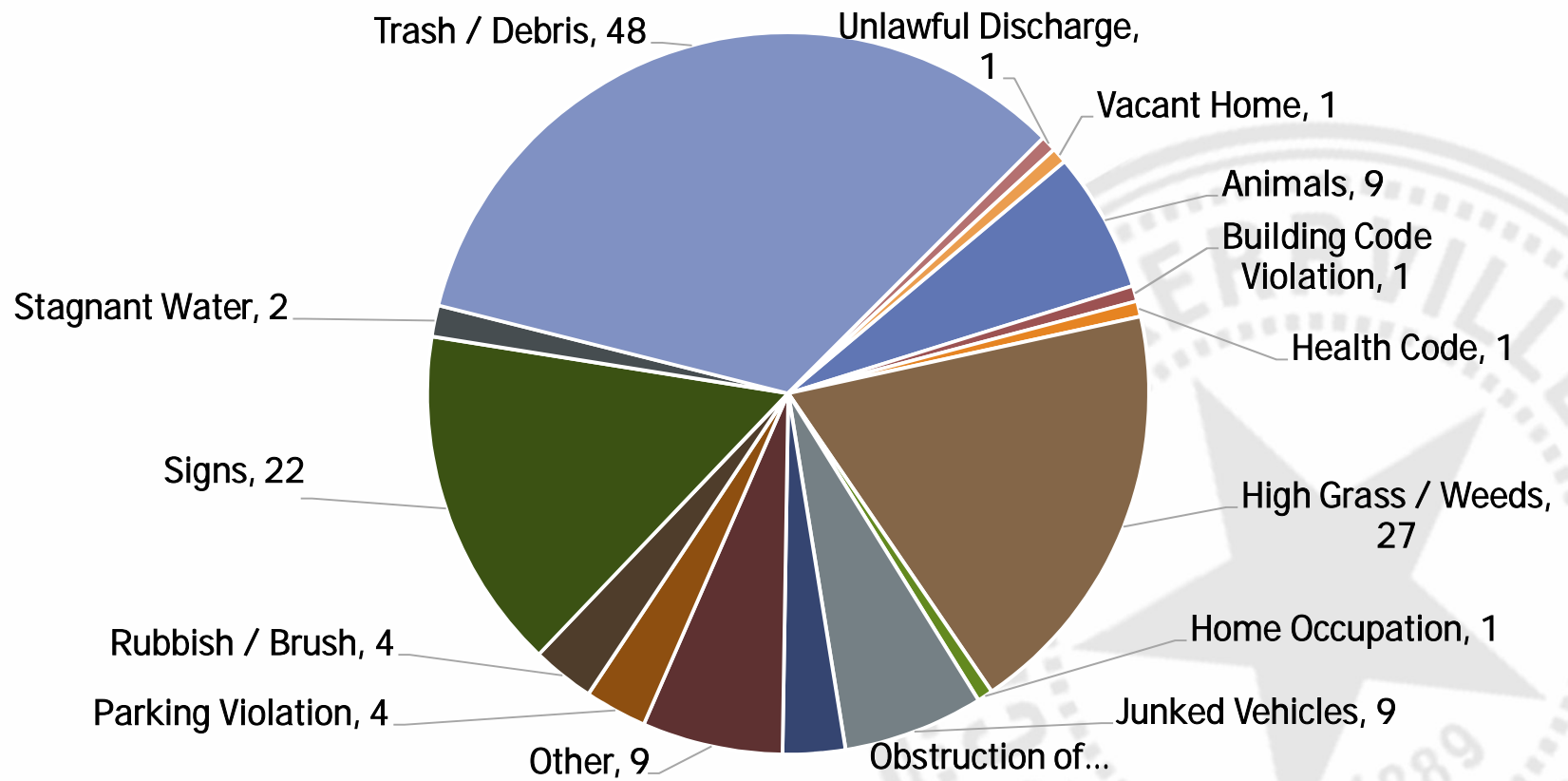
REACTIVE	INSPECTIONS
JULY – DECEMBER 2017	137
JANUARY 2018	12
TOTAL:	149
PROACTIVE	INSPECTIONS
JULY – DECEMBER 2017	108
JANUARY 2018	23
TOTAL:	131

REACTIVE AND PROACTIVE



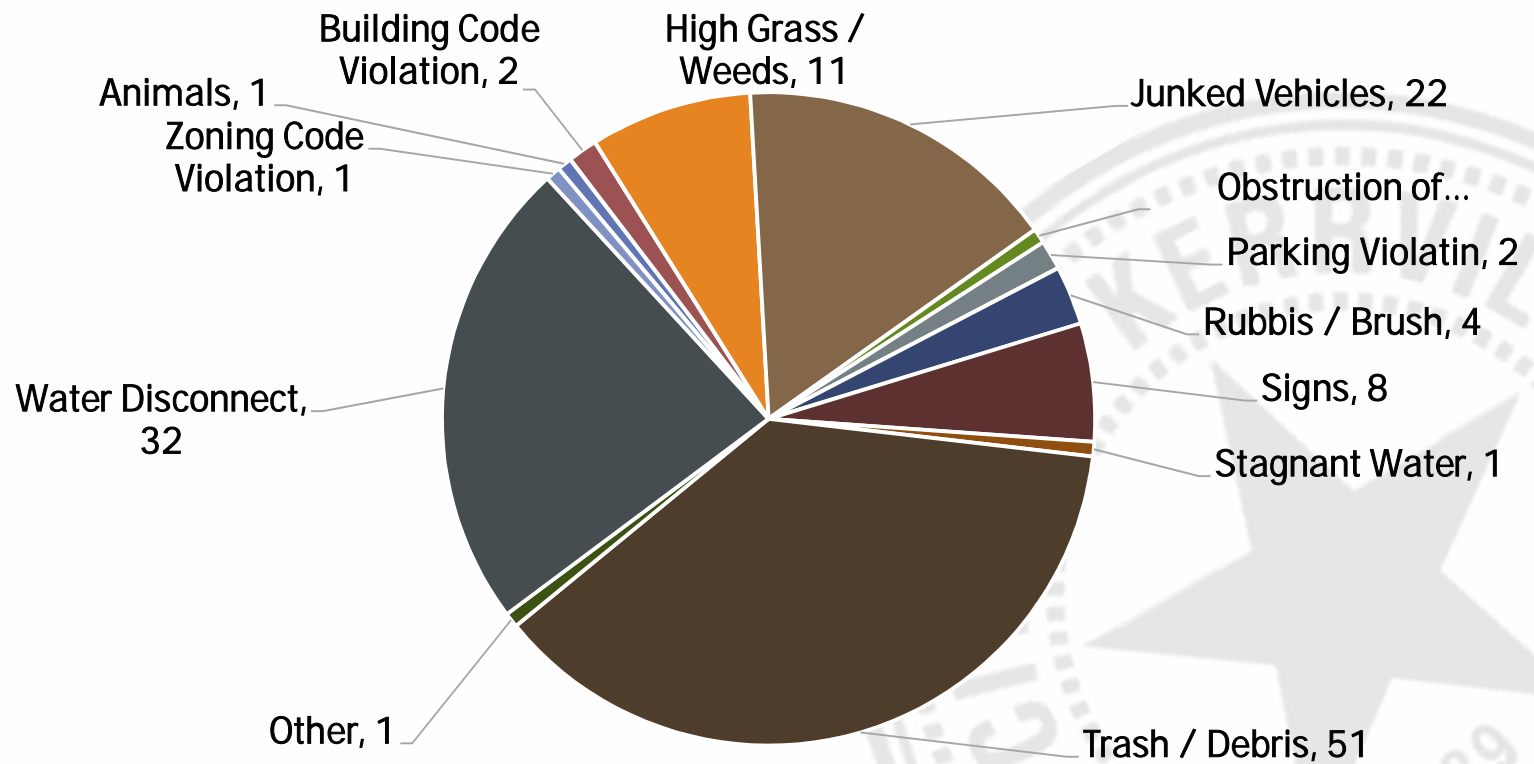
REACTIVE CHART

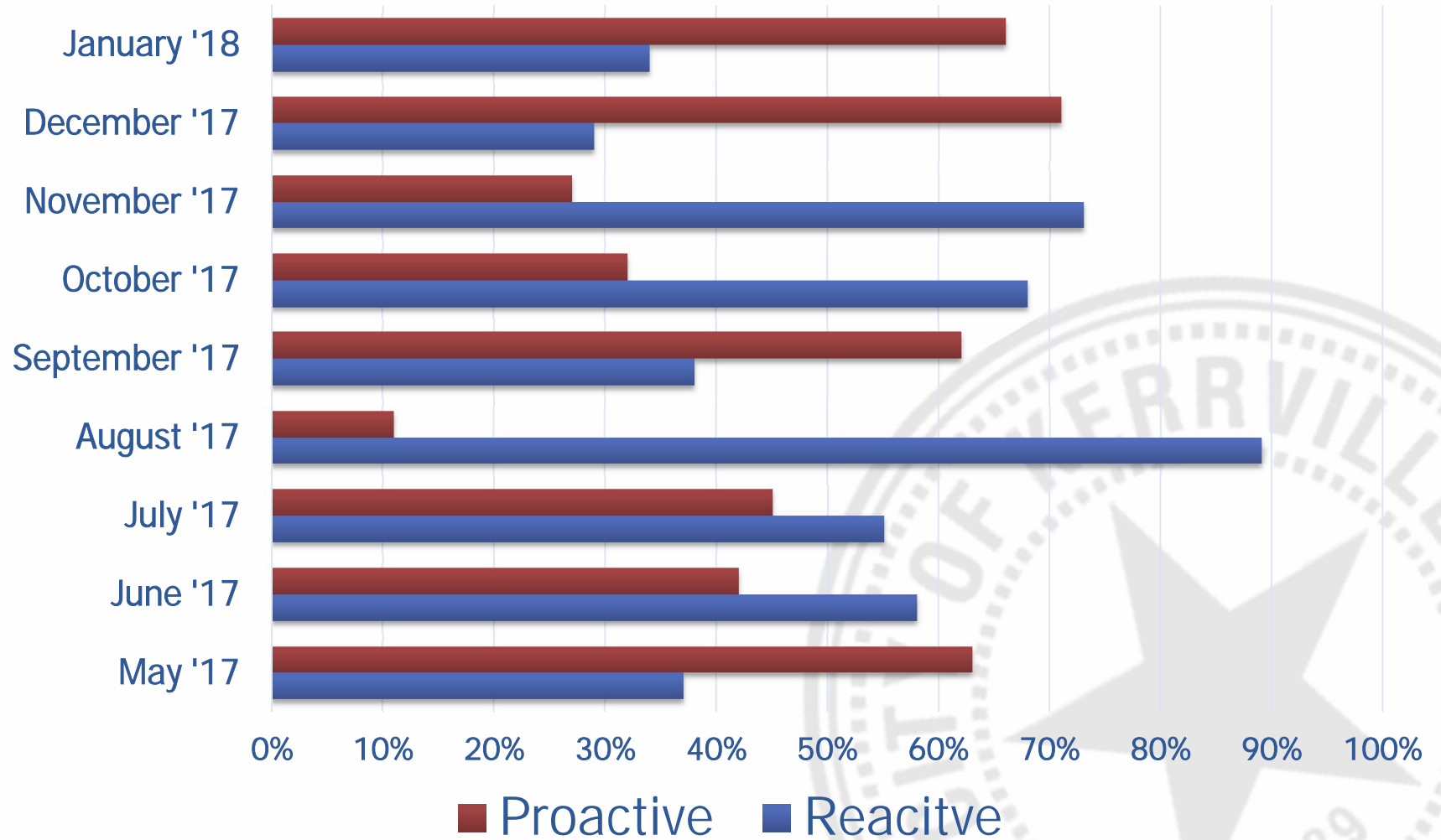
Aug 2017- Jan 2018

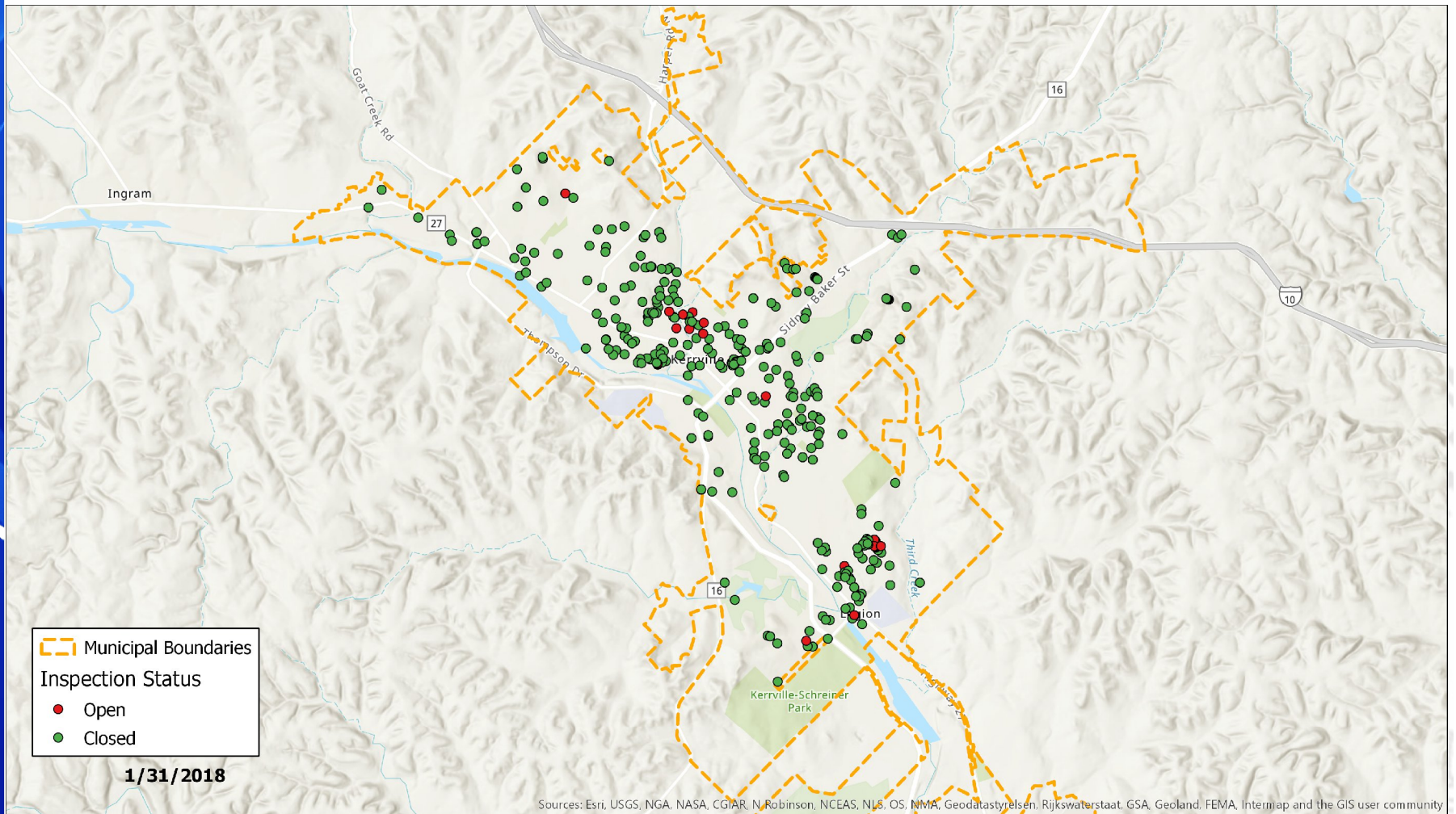


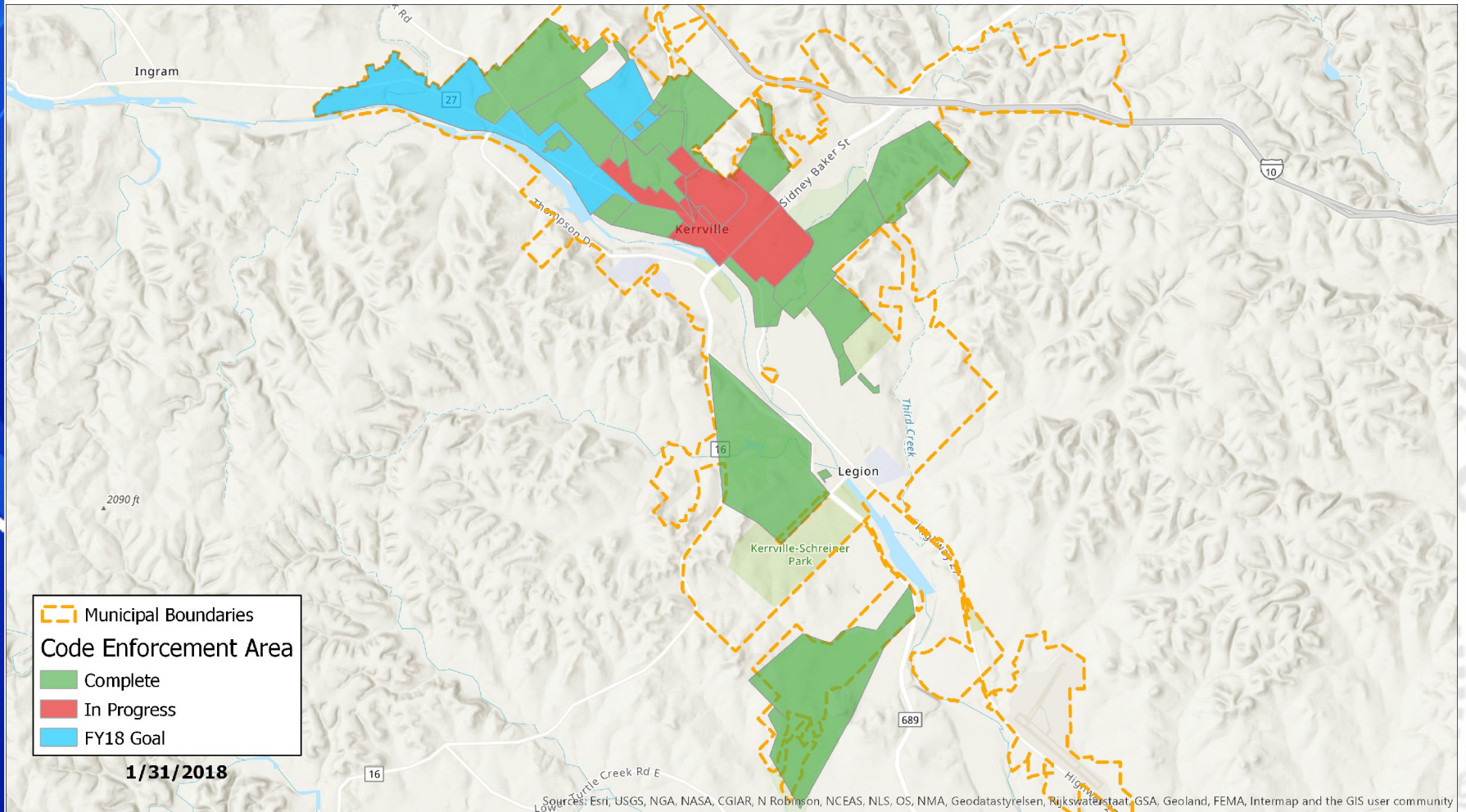
PROACTIVE CHART

Aug 2017- Jan 2018









Code Enforcement

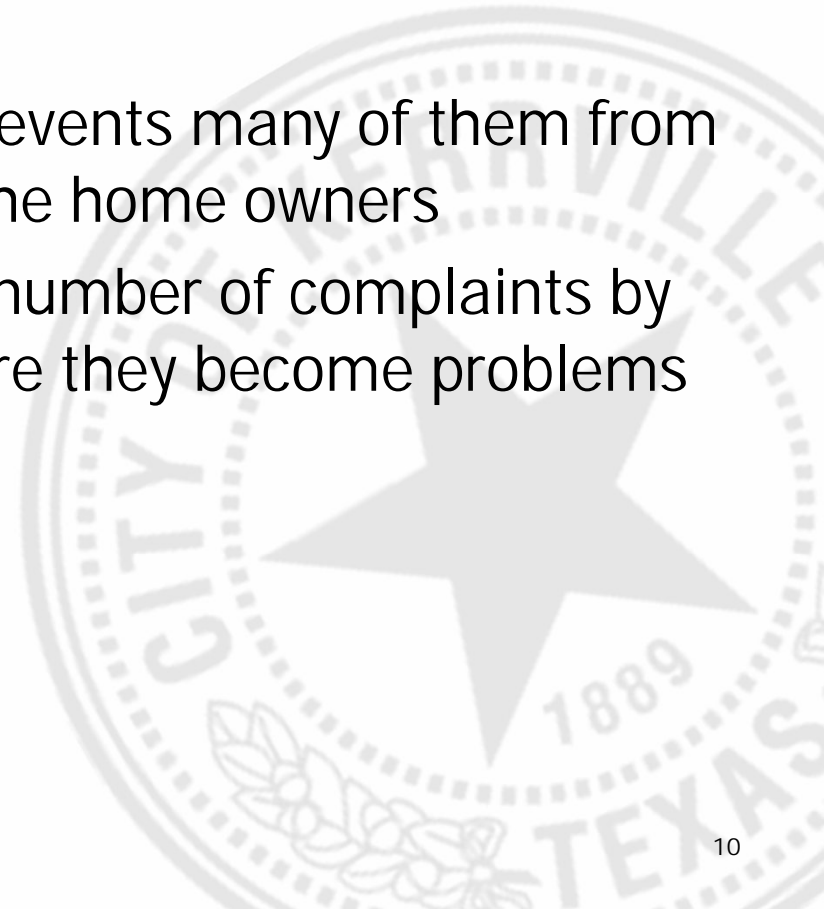
Aug 2017- Jan 2018

- Voluntary Compliance = 247
- In Progress = 31
- Going to Court = 2



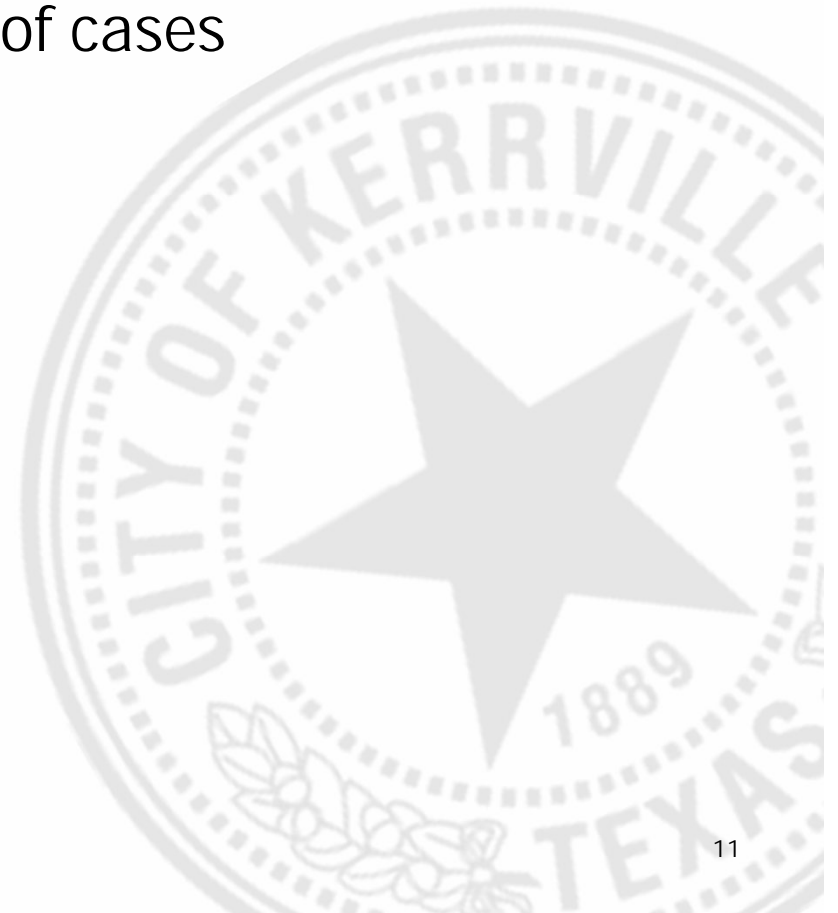
Proactive Enforcement

- Helps to build consistency of enforcement and equitable standards across all of Kerrville
- By addressing issues early, it prevents many of them from becoming insurmountable for the home owners
- Has the potential to lessen the number of complaints by some issues being abated before they become problems



Next Steps

- Continue to work both reactive and proactive enforcement cases
- Continue to monitor both types of cases





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

SUBJECT: Appointments to the Recovery Community Coalition.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/5/2018

SUBMITTED BY: Brenda Craig

EXHIBITS: Board List

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

Consider three appointments to the following board:

Recovery Community Coalition:

- One term to expire December 31, 2019, due to the resignation of Dana Cardwell, Position 5, representative of mental health support organizations such as Kerrville State Hospital.
- One term to expire December 31, 2019, due to the resignation of Pamela Peter, currently holding Position 4, citizen of Kerrville with interest in these issues.

RECOMMENDED ACTION:

Consider appointments.

RECOVERY COMMUNITY COALITION

	<u>Telephone</u>	<u>Appt. Date</u>	<u>Exp. Date</u>
(8) TREES, DALE Chairperson 115 Plaza Dr. #2007	928-5420 (H) 238-4222 (W) Ext. 510	1-10-17	12-31-2018
(3) WOOD, JULIE Vice-Chairperson 404 Meadowview Ln.	936-615-7844 (H) 792-5775 (W)	1-10-17	12-31-2018
(5) CARDWELL, DANA 1223 Virginia Dr.	285-5095	9-12-17	12-31-2019
(4) DRIGGERS, SHAWN 613 Wheless Ave.	285-4536 (H) 895-5969 (W)	1-10-17	12-31-2019
(3) GEISLER, BLAIR 381 A Guadalupe St.	713-972-5001 (C)	1-10-17	12-31-2019
(2) GODWIN, LAURA 312 Lytle St.	214-293-7353 (H)	1-10-17	12-31-2018
(1) LEICHT, CECIL CODY 134 Loop 13	377-4451 (H)	9-12-17	12-31-2018
(8) McCARRICK, CAROL 119 Fawn Ridge Trail	257-9487 (H) 238-4222 Ext. 363	9-12-17	12-31-2019
(6) PAUTLER, STEVE 113 Los Cedros Loop	258-7054 (W)	1-10-17	12-31-2019
(4) PETER, PAMELA 1036 Creek Run	257-6423	1-10-17	12-31-2019
(4) RICHNER, CLAUDIA 3864 Rock Barn Dr.	816-532-0078 (H)	1-10-17	12-31-2019
(7) ROBINSON, ROSS 3144 Double Eagle Cr.	896-1752 (H) 512-983-7834 (C) 792-3300 (W) Ext. 2025	1-10-17	12-31-2018
(3) STOLPMAN, RICHARD 115 Plaza Dr. #205	777-9153 (H) 320-304-0736 (C)	1-10-17	12-31-2019
(9) SUMMERLIN, MARY ELLEN 105 Turnberry Circle	459-8551 (C) 895-7982 (H)	5-23-17	05-31-2018

(9) VOELKEL, VINCENT
212 Clay Street

257-3313 (W)
370-4874 (C)

05-23-2017

05-31-2018

Purpose:	The purpose of the Coalition is to enhance the opportunities for the recovery community to become fully integrated into the fabric of Kerrville. The Coalition shall work toward considering and identifying strategies and techniques for reducing barriers for the recovery community to be fully integrated into the local community as well as to identify and advocate goals and ideas for enhancing positive relationships by and amongst the recovery community.
Qualifications:	<p>At least one member from each of the following, but any of which may include more than one member:</p> <ul style="list-style-type: none"> (1) owner of a male boarding home facility with a valid permit issued by the City; (2) owner of a female boarding home facility with a valid permit issued by the City; (3) member of the recovering community; (4) citizen of Kerrville with interest in these issues; (5) representative of mental health support organizations such as Kerrville State Hospital; (6) representative of Peterson Health; (7) representative of Hill Country MHDD Centers; (8) representative from a residential addiction treatment facility located within Kerr County; and (9) two Councilmembers
Powers and Duties:	On an annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition should attend and report its conclusions, achievements, ideas, desires, and plans to the City Council. It is recommended that the initial issue with which the Coalition is charged to review is Ordinance No. 2013-06 (Chapter 30, Article I, Code of Ordinances), which addresses the operation of group homes and boarding home facilities operating within the City.
Term of Office:	Each member shall be subject to two-year terms; provided, however, that at the Coalition's organizational meeting, the members shall draw lots to establish the duration of the initial terms, with an exact majority of the members serving an initial term of two years and the remaining members serving a one-year term. The expiration date of all terms shall be December 31 of the year corresponding with the results of the drawing of lots.
Quorum:	Eight members
Number of Members:	Fifteen
Absences:	Any member who misses 25% of the regular meetings or three consecutive regular meetings may be replaced by City Council.
Meeting Time & Place:	Meetings are to be held every other Monday at 4:00 p.m., but at least once each calendar quarter in the upstairs conference room at City Hall.
Established by:	Resolution No. 26-2016
Revised Date:	September 13, 2017



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

SUBJECT: Appointments to the Zoning Board of Adjustment and Appeals.

AGENDA DATE OF: 2/13/2018

DATE SUBMITTED: 2/5/2018

SUBMITTED BY: Brenda Craig

EXHIBITS: Board List

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

Consider appointments to the following board:

Zoning Board of Adjustment: Two regular member positions that expired on September 30, 2017, and one alternate member position that expired on September 30, 2017.

RECOMMENDED ACTION:

Consider appointments.

ZONING BOARD OF ADJUSTMENT

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
STILWELL, LINDA Chair 415 Timber Ridge Dr.	329-6456 (C)	01-10-12** 10-11-11*	10-13-15	09-30-17
LEWIS, PETER Vice-Chair 334 West Water St.	896-1707 (H) 896-4220 (W)	12-09-14	10-25-16	09-30-18
ALMOND, DANNY 3540 Trail Head Dr.	214-202-4819 (C)	04-11-17** 10-25-16*		09-30-18
EYCHNER, JUDY 604 Cardinal	370-1587 (C) 257-5010 (O)	10-22-13** 01-08-13*	10-25-16	09-30-18
LIGON, SAM 431 Valley Drive	895-4431 (H) 895-5111 (W)	10-22-13	10-13-15	09-30-17
<u>ALTERNATES:</u>				
PARKS, ROBERT 2515 Rogers Circle	896-5861 (H) 928-1616 (C)	12-09-14	10-25-16	09-30-18
VACANT				09-30-17
<u>CITY STAFF:</u>				
Sabine Kuenzel Chief Planning Officer	258-1184 (O)			

Qualifications: The board shall be composed of five members all of whom shall be residents and qualified voters of the city of Kerrville.

Alternate Members: Two alternate members will be appointed who shall be qualified voters of the city to serve concurrent terms as the regular members. The alternate members will serve on the board in place of an absent member when requested to do so by the chairperson of the board so that all cases to be heard by the board shall always be heard by a minimum of four members.

Powers and Duties: 1. The board shall hear and decide an appeal that alleges an error in any order, decision, or determination made by an administrative official of the city in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or the zoning code.

2. The board shall grant, upon written request, variances from the height, yard, area, coverage, floor-to-area, and buffering regulations and required number of parking and loading spaces prescribed by the zoning code, which variances are not contrary to the public interest, and which, because of special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

Term of Office: Two years. The members shall be appointed by a majority vote of the members of the city council. No member or alternate member shall serve more than three consecutive full terms on the board without having at least one full year off of the board between terms.

Quorum: Three members

Number of Members: Five with two alternates

Meeting Time & Place: At the call of the chairperson and at such other times as the members of the board shall determine.

Absences: Cause for removal of a member of the board by the city council shall be deemed to exist if during any period of twelve consecutive months for any reason other than a medical reason which prevents the member's attendance, the member is absent from the greater of three called meetings of the board or 25 percent of the called meetings of the board.

Established by: Ordinance No. 1997-07

Revised: July 27, 2017

* Appointed as alternate

** Appointed as full member